

**SENATE BILL No. 81**

By Committee on Federal and State Affairs

2-3

1 AN ACT concerning children and minors; relating to adoption; amending  
2 K.S.A. 2010 Supp. 38-2270 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2010 Supp. 38-2270 is hereby amended to read as  
6 follows: 38-2270. (a) When parental rights have been terminated and it  
7 appears that adoption is a viable alternative, the court shall enter one of  
8 the following orders:

9 (1) An order granting custody of the child, for adoption proceedings,  
10 to the secretary or a corporation organized under the laws of the state of  
11 Kansas authorized to care for and surrender children for adoption as  
12 provided in K.S.A. 38-112 et seq., and amendments thereto. The person,  
13 secretary or corporation shall have authority to place the child in a family  
14 home, and give consent for the legal adoption of the child which shall be  
15 the only consent required to authorize the entry of an order or decree of  
16 adoption.

17 (2) An order granting custody of the child to proposed adoptive  
18 parents and consenting to the adoption of the child by the proposed  
19 adoptive parents.

20 (b) In making an order under subsection (a), the court shall give  
21 preference, to the extent that the court finds it is in the best interests of the  
22 child, first to granting such custody for adoption to a relative of the child.  
23 ~~and second to granting such~~ *If the court determines that no viable relative*  
24 *exists, then the court shall grant* custody to a person with whom the child  
25 has close emotional ties.

26 (c) *Discharge upon adoption.* When an adoption decree has been  
27 filed with the court in the child in need of care case, the secretary's  
28 custody shall cease, the court's jurisdiction over the child shall cease and  
29 the court shall enter an order to that effect.

30 Sec. 2. K.S.A. 2010 Supp. 38-2270 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its  
32 publication in the statute book.

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