

SESSION OF 2011

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2105**

As Amended by Senate Committee on  
Judiciary

**Brief\***

HB 2105 would prohibit a court from ordering that a child be removed from the parents' custody solely because the parent is homeless.

**Background**

In the House Committee on Children and Families, United Methodist Youthville and the Kansas Department of Social and Rehabilitation Services (SRS) testified in support of the bill. A representative from United Methodist Youthville stated that the organization supported the change because sometimes families are still able to care for a child, although circumstances may have rendered them homeless. Testimony from SRS supported this statement.

One adoptive parent and one grandparent testified against the bill citing broader concerns about child placement with SRS as well as with the law.

The House Committee of the Whole amended the bill by changing from 14 to 10, the number of days for notice in two instances:

- Before the court ordered custodian places the child back in the care of the parent, and

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- After the court issues an order designating the custodian.

2010 HB 2656 changed the number of days for notice in these circumstances from 10 to 14 as part of a much larger amendment to the Kansas Code of Civil Procedure. 2010 HB 2656 adopted a new method of computation of time that includes intermediate weekends; weekends were previously excluded, giving essentially 10 “business” days to act. With weekends now included, most periods of less than 30 days were amended to multiples of 7 such that the deadline will fall on a weekday. These amendments took effect July 1, 2010.

In the Senate Judiciary Committee, representatives of SRS and United Methodist Youthville appeared as proponents of the bill. No opponents offered testimony. The Senate Judiciary Committee amended the bill by changing from 10 to 14, the number of days for notice in the circumstances outlined above (returned to current law).

According to the fiscal note on the original bill, SRS indicates that the bill would not increase or decrease the number of children in its custody, and would have no fiscal impact on its operations. The Office of Judicial Administration indicated no fiscal impact on court operations.