

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 262

As Amended by House Committee on Judiciary

Brief*

SB 262, as amended, would require consideration of a grandparent when evaluating what custody, visitation, or residency arrangements are in the best interest of the child who has been removed from custody of a parent. The court would have to consider the wishes of the parents, child, and grandparent, the extent that the grandparent has cared for the child, the intent and circumstances under which the child is placed with the grandparent, and the physical and mental health of all involved individuals. Consideration of a grandparent would not be subject to actions filed under the Kansas Adoption and Relinquishment Act.

If the court does not give custody to a grandparent but places the child in the custody of the Secretary of Social and Rehabilitation Services for placement, then a grandparent who requests placement shall receive preference in the evaluation for placement, using the factors listed in the bill. If the grandparents are not selected for placement, the Secretary shall prepare and maintain a written report with specific reasons for the placement.

Background

Before the Senate Committee on Federal and State Affairs, Senator Faust-Goudeau testified in support of the bill. Other proponents included representatives of the Kansas Silver Haired Legislature, Kansas Family Rights Coalition, United Methodist Youthville Child Welfare Services, and the

*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>

Kansas Children's Service League. Written testimony in support of the bill was submitted by representatives of the American Association of Retired Persons, the Children and Family Services, and the Department of Social and Rehabilitation Services.

The Senate Committee amended the bill by inserting the word "consideration" in the place of "preference." In addition, the Committee amended the bill so that consideration of a grandparent would not be subject to actions filed under the Kansas Adoption and Relinquishment Act.

The Senate Committee of the Whole amended the bill by replacing "may" with "shall," so the grandparent "shall" receive consideration instead of "may" receive consideration by the court.

In the House Committee on Judiciary, Senator Faust-Goudeau and representatives of the Kansas Silver Haired Legislature, Kansas Children's Service League, and United Methodist Youthville Child Welfare Services testified in support of the bill, as did a private citizen. A Kansas attorney testified in opposition.

The House Committee amended the bill to return "consideration" to "preference," apply the preference to a grandparent "who requests custody" of a child "not placed with the child's other parent," and add requirements related to placement by the Secretary of Social and Rehabilitation Services. The Committee recommended the bill be passed as amended.

According to the fiscal note, the enactment of SB 262 would not have a fiscal impact. No fiscal note was available for the bill as amended.