



House Judiciary Committee

February 13, 2013

House Bill 2205

Presented by:

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Written Neutral Testimony of:

Brian Dempsey, Deputy Director of Prevention & Protection Services
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Presented to:

The Honorable Chair and Honorable Members
of the House Judiciary Committee:

DCF testimony on House Bill 2205

Chairman Lance Kinzer, Vice-Chair Rob Bruchman, Ranking Member Janice Pauls and Honored Members:

Under current law, courts are required to schedule adoption hearings between 30 and 60 days subsequent to the filing of an adoption petition. In independent and stepparent adoptions, notice of the final adoption hearing must be provided to the parents or presumed parents, unless their parental rights have been terminated, and any other person the court directs. In independent adoptions, notice also must be provided to the child's legal guardian or the person possessing parental rights.

House Bill 2205 changes the timeframe for adoption hearings by requiring it be held within 60 days subsequent to the filing of the adoption petition. Additionally, the bill authorizes the court to forgo notices of adoption hearings if the notice is waived.

When the Secretary of the Department for Children and Families executes the consent to adoption, legal barriers are removed and adoption of the child may proceed. The ability to set a hearing sooner, after the adoption petition is filed, would allow children in the Secretary's custody to achieve permanency more quickly. In this context, DCF supports the intent of the bill.

With respect to allowing a waiver of notice of hearing, the bill is unclear as to whether the Court or the individual entitled to notice may waive notice. Federal law requires notice to the legal guardian of a child. The bill's waiver-of-notice provision, if applied to legal guardians, may place Department for Children and Families out of compliance with federal requirements. Allowing only the individuals entitled to notice to waive notice alleviates this concern.

Suggested language regarding the waiver of notice in 59-2133 (b): “In independent adoptions notice of the hearing on the petition shall be given to the parents or presumed parents, unless parental rights have been previously terminated, and any other persons as the court may direct *unless waived by the parents or presumed parents*. Notice also shall be given in an independent adoption to a legal guardian of the child or individual *in loco parentis unless waived by the legal guardian or individual in loco parentis*.” If bill is amended to include such language, the Department for Children and Families supports the bill.

We will be available to answer questions should the committee have any.