

SENATE BILL No. 368

By Committee on Ways and Means

2-10

1 AN ACT concerning children; relating to custody, visitation and residency
2 with certain relatives; amending K.S.A. 2013 Supp. 38-2286 and
3 repealing the existing section.

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

6 Section 1. K.S.A. 2013 Supp. 38-2286 is hereby amended to read as
7 follows: 38-2286. (a) Notwithstanding the provisions of other statutes,
8 when a child is removed from the custody of a parent and not placed with
9 the child's other parent, a ~~grandparent~~ *relative* who requests custody shall
10 receive substantial consideration when evaluating what custody, visitation
11 or residency arrangements are in the best interests of the child. Such
12 evaluation of custody, visitation or residency arrangements shall be stated
13 on the record.

14 (b) In deciding whether to give custody to a ~~grandparent~~ *relative*, the
15 court should be guided by the best interests of the child and should
16 consider all relevant factors including, but not limited to, the following:

17 (1) The wishes of the parents, child and ~~grandparent~~ *the relative*
18 *requesting custody of the child;*

19 (2) the extent to which the ~~grandparent~~ *relative requesting custody of*
20 *the child* has cared for, nurtured and supported the child;

21 (3) the intent and circumstances under which the child is placed with
22 the ~~grandparent~~ *relative requesting custody of the child*, including whether
23 domestic violence is a factor and whether the child is placed to allow the
24 parent to seek work or attend school; and

25 (4) the physical and mental health of all individuals involved.

26 (c) If the court does not give custody of a child to a ~~grandparent~~
27 *relative* pursuant to subsection (b) and the child is placed in the custody of
28 the secretary of ~~social and rehabilitation services, a grandparent~~ *for*
29 *children and families, a relative* who requests placement of the child in
30 such ~~grandparent's~~ *relative's* home shall receive substantial consideration
31 in the evaluation of the secretary's placement of the child. The secretary
32 shall consider all relevant factors, including, but not limited to, all factors
33 listed in subsection (b) in deciding whether to place the child in the home
34 of such ~~grandparent~~ *relative*. If the secretary decides that the child is not to
35 be placed in the home of such ~~grandparent~~ *relative*, the secretary shall
36 prepare and maintain a written report providing the specific reasons for

1 such finding.

2 (d) *If more than one relative requests custody of a child pursuant to*
3 *this section, the court in its considerations shall give priority to the*
4 *relatives requesting custody of the child in the following order:*

5 (1) *First, to any grandparent of the child;*

6 (2) *then to any great-grandparents of the child;*

7 (3) *then to any adult siblings of the child; and*

8 (4) *then to any uncle or aunt of the child.*

9 (e) *If more than one relative requests placement of a child pursuant*
10 *to this section, the secretary, in considering placement of the child, shall*
11 *give priority to the relatives requesting placement of the child in the same*
12 *order as provided in subsection (d).*

13 ~~(f)~~ (f) *The provisions of this section shall not apply to actions filed*
14 *under the Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq.,*
15 *and amendments thereto.*

16 (g) *For the purposes of this section, the term "relative" means any*
17 *grandparent, great-grandparent, adult sibling, uncle or aunt, whether of*
18 *the whole or half blood, or by adoption, of the child for whom custody is*
19 *being determined.*

20 ~~(h)~~ (h) *This section shall be part of and supplemental to the revised*
21 *Kansas code for care of children.*

22 Sec. 2. K.S.A. 2013 Supp. 38-2286 is hereby repealed.

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