

Proposed Amendments to Kansas Safe Families Legislation

- 1) **Section 3** - A delegation of powers under this section shall not operate to change or modify any parental or legal rights, obligations, or authority established by an existing court order, or deprive the parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child.
- 2) **New Section 4** - If a delegation of powers to an attorney-in-fact under paragraph A is facilitated by an entity that assists parents and legal guardians with the process of delegating powers regarding the care and custody of children, including assistance with identifying appropriate placements for children, providing services and resources to support children, parents and legal custodians, and persons to whom parental or legal custodial powers are delegated pursuant to this Chapter, the entity shall perform a Kansas Bureau of Investigation and Child Abuse/Neglect background check on any employee or volunteer who may have unsupervised contact with children. Any prospective employee or volunteer whose background check reveals a violation enumerated in Sec. 65-516(a) shall not be permitted to have unsupervised contact with a child.
- 3) **New Section 5** - A delegation of powers pursuant to a power of attorney authorized by this Chapter shall not operate to prevent law enforcement or the Kansas Department of Children and Families from investigating a report of suspected abuse or neglect, nor shall it prevent a court from exercising jurisdiction over a child in need of care pursuant to Sec. 38-2203, et seq. If a representative of the Kansas Department of Children and Families, pursuant to an investigation into a report of abuse or neglect, has reasonable cause to believe that a child suffered abuse or neglect, he or she may, in his or her clinical judgment, refer the child's family to an organization that assists in identifying an appropriate placement for a child pursuant to a power of attorney authorized by this Chapter. In cases where a court has exercised jurisdiction over the child pursuant to Sec. 38-2203, et seq., the approval of the court for the placement of the child pursuant to a power of attorney authorized by this Chapter shall be required.
- 4) **New Section 6** - On an annual basis, organizations assisting parents or legal guardians with the process of delegating parental and legal custodial powers of their children pursuant to this chapter, including assistance with identifying appropriate placements for children, providing services and resources to support children, parents, and legal guardians, and persons to whom parental or legal custodial powers are delegated pursuant to this chapter, shall report to the Department on placements and outcomes. The Department shall, on an annual basis, report to the legislature on the status of such placements and outcomes.
- 5) **New Section 7** - Except as may be permitted by the federal No Child Left Behind Act, 20 U.S.C.A. Section 6301, et seq. and Section 7801, et seq., a power of attorney executed pursuant to this Chapter shall be invalid if executed for the primary purpose of enrolling the child in a school for the sole purpose of participating in the academic or interscholastic athletics programs provided by that school or for any other unlawful purpose. Violation of this subsection shall be punishable in accordance with Kansas law and may require, in addition to any other remedies, repayment by such parent of all costs incurred by the school as a result of the violation.