

Following is my summary of existing law K.S.A. 2014 Supp. 38-2269 with changes from SB 160:

Language deleted from existing statute

Language added to statute

All **may**'s and **shall**'s accentuated in red.

- (a) When adjudicated CINC,
the court **may** terminate parental rights or appoint a permanent custodian
shall take action pursuant to subsection (h) within six months
finds by **clear and convincing evidence**
parent is unfit,
unable to care for a child,
and is **unlikely to change.**
- (b) **Determination of unfitness - shall** consider,
- (1) **parent unable to care for child** – parent disability; emotional, mental, physical illness or disability
 - (2) **cruel or abusive conduct** toward a child - physical, emotional, or sexual nature;
 - (3) parent unable to care for child because of - use of **intoxicating liquors or drugs**
 - (4) **abuse or neglect** - physical, mental, emotional or sexual
 - (5) **conviction** of a felony and **imprisonment**;
 - (6) unexplained **injury or death of another child**
 - (7) **failure to rehabilitate** the family by appropriate public or private agencies;
 - (8) **lack of effort** on the part of the parent to meet the needs of the child
 - (9) **extended out of home placement**
- (c)
 - (1) **Failure to assure care** of the child in the parental home
 - (2) **failure to maintain regular visitation**, contact or communication
 - (3) **failure to carry out a reasonable plan**; and
 - (4) **failure to pay** a reasonable portion of the cost.
- In making the above determination, the court **may** disregard incidental visitations, contacts, communications or contributions.
- (d) A **finding of unfitness may** be made
parents have **abandoned the child**,
custody of the child was **surrendered**
child was left under such circumstances that the **identity of the parents is unknown**
cannot be ascertained
parents have **not come forward to claim** the child **within three months.**
- (e) **convicted of a felony in which sexual intercourse occurred**,
a child is conceived, a finding of unfitness **may** be made.
- (f) The existence of any one of the above factors standing alone **may**, but does not necessarily, establish grounds for termination of parental rights.

*(g) A finding of unfitness **shall** be made as provided in this section if, after a reasonable plan approved by the court directed toward the integration of the child into a parental home has been in place for six months, the court finds that a parent has failed to carry out such plan on two occasions after such plan has been in place for six months*

(h)(g) (1) If the court makes a finding of unfitness, within six months after making such finding.

the court **shall** consider whether termination of parental rights
is in the **best interests of the child.**

shall give primary consideration to the physical, mental and emotional health
of the child. If child would best be served by termination of parental rights,

shall so order *terminate parental rights and take action in accordance
with subsection (h)(2). If the physical, mental or emotional needs of the child would
best be served by not terminating parental rights, the court **shall** not terminate
parental rights and **shall** take action in accordance with subsection (h)(3).*

(2) court terminates parental rights, the court **may shall**
Authorize adoption
Authorize appointment of a permanent custodian,
OR authorize continued permanency planning.

(3) court does **not terminate** parental rights, the court **may shall** authorize
Authorize appointment of a permanent custodian
OR authorize continued permanency planning.

*(k) (j) When adoption, proceedings to appoint a permanent custodian or continued permanency
planning has been authorized, the person or agency awarded custody of the child **shall** within 30
days submit a written plan for permanent placement which **shall** include measurable objectives and
time schedules. Such written plan **shall** include a permanency goal that will be accomplished within
one year and the court **shall** insure that such permanency goal is met.*