

**SENATE BILL No. 157**

By Committee on Judiciary

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1 AN ACT concerning the revised Kansas code for care of children; relating  
2 to medicating a child; amending K.S.A. 2014 Supp. 38-2201 and  
3 repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 38-2201 is hereby amended to read as  
7 follows: 38-2201. K.S.A. 2014 Supp. 38-2201 through 38-2283, and  
8 amendments thereto, shall be known as and may be cited as the revised  
9 Kansas code for care of children.

10 (a) Proceedings pursuant to this code shall be civil in nature and all  
11 proceedings, orders, judgments and decrees shall be deemed to be pursuant  
12 to the parental power of the state. Any orders pursuant to this code shall  
13 take precedence over any similar order under chapter 23 of the Kansas  
14 Statutes Annotated, and amendments thereto, the Kansas family law code,  
15 article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments  
16 thereto, determination of parentage, article 21 of chapter 59 of the Kansas  
17 Statutes Annotated, and amendments thereto, adoption and relinquishment  
18 act, article 30 of chapter 59 of the Kansas Statutes Annotated, and  
19 amendments thereto, guardians and conservators, or article 31 of chapter  
20 60 of the Kansas Statutes Annotated, and amendments thereto, protection  
21 from abuse act, until jurisdiction under this code is terminated.

22 (b) The code shall be liberally construed to carry out the policies of  
23 the state which are to:

24 (1) Consider the safety and welfare of a child to be paramount in all  
25 proceedings under the code;

26 (2) provide that each child who comes within the provisions of the  
27 code shall receive the care, custody, guidance control and discipline that  
28 will best serve the child's welfare and the interests of the state, preferably  
29 in the child's home and recognizing that the child's relationship with such  
30 child's family is important to the child's well being;

31 (3) make the ongoing physical, mental and emotional needs of the  
32 child decisive considerations in proceedings under this code;

33 (4) acknowledge that the time perception of a child differs from that  
34 of an adult and to dispose of all proceedings under this code without  
35 unnecessary delay;

36 (5) encourage the reporting of suspected child abuse and neglect;

1 (6) investigate reports of suspected child abuse and neglect  
2 thoroughly and promptly;

3 (7) provide for the protection of children who have been subject to  
4 physical, mental or emotional abuse or neglect or sexual abuse;

5 (8) provide preventative and rehabilitative services, when appropriate,  
6 to abused and neglected children and their families so, if possible, the  
7 families can remain together without further threat to the children;

8 (9) provide stability in the life of a child who must be removed from  
9 the home of a parent; and

10 (10) place children in permanent family settings, in absence of  
11 compelling reasons to the contrary.

12 (c) Nothing in this code shall be construed to permit discrimination  
13 on the basis of disability.

14 (1) The disability of a parent shall not constitute a basis for a  
15 determination that a child is a child in need of care, for the removal of  
16 custody of a child from the parent, or for the termination of parental rights  
17 without a specific showing that there is a causal relation between the  
18 disability and harm to the child.

19 (2) In cases involving a parent with a disability, determinations made  
20 under this code shall consider the availability and use of accommodations  
21 for the disability, including adaptive equipment and support services.

22 *(d) Nothing in this code shall be construed to permit any person to*  
23 *compel a parent to medicate a child if the parent is acting in accordance*  
24 *with medical advice from a physician. The actions of a parent in such*  
25 *circumstances shall not constitute a basis for a determination that a child*  
26 *is a child in need of care, for the removal of custody of a child from the*  
27 *parent, or for the termination of parental rights without a specific showing*  
28 *that there is a causal relation between the actions and harm to the child.*

29 Sec. 2. K.S.A. 2014 Supp. 38-2201 is hereby repealed.

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