

SENATE BILL No. 315

By Senator Faust-Goudeau

1-7

1 AN ACT concerning foster care; relating to the number of children
2 authorized by a foster care license; amending K.S.A. 2015 Supp. 65-
3 504 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2015 Supp. 65-504 is hereby amended to read as
7 follows: 65-504. (a) (1) The secretary of health and environment shall have
8 the power to grant a license to a person to maintain a maternity center or
9 child care facility for children under 16 years of age. A license granted to
10 maintain a maternity center or child care facility shall state the name of the
11 licensee, describe the particular premises in or at which the business shall
12 be carried on, whether it shall receive and care for women or children, and
13 the number of women or children that may be treated, maintained, boarded
14 or cared for at any one time. No greater number of women or children than
15 is authorized in the license shall be kept on those premises and the
16 business shall not be carried on in a building or place not designated in the
17 license. The license shall be kept posted in a conspicuous place on the
18 premises where the business is conducted. A license granted to maintain a
19 day care facility shall have on its face an expiration sticker stating the date
20 of expiration of the license.

21 The secretary of health and environment shall grant no license in any
22 case until careful inspection of the maternity center or child care facility
23 shall have been made according to the terms of this act and until such
24 maternity center or child care facility has complied with all the
25 requirements of this act. Except as provided by this subsection, no license
26 shall be granted without the approval of the secretary for children and
27 families. The secretary of health and environment may issue, without the
28 approval of the secretary for children and families, a temporary permit to
29 operate for a period not to exceed 90 days upon receipt of an initial
30 application for license. The secretary of health and environment may
31 extend, without the approval of the secretary for children and families, the
32 temporary permit to operate for an additional period not to exceed 90 days
33 if an applicant is not in full compliance with the requirements of this act
34 but has made efforts towards full compliance.

35 (2) *No license or temporary permit shall be granted to operate a*
36 *family foster home that authorizes the applicant or licensee to care for*

1 *more than six children in total within the home, including the applicant's*
2 *or licensee's own biological or adopted children under 16 years of age, or*
3 *more than four children in foster care. The limits set forth in this*
4 *paragraph may be temporarily waived in order to place a foster child in*
5 *emergency foster care not to exceed 30 days in the care of an applicant or*
6 *licensee. As used in this paragraph, "family foster home" means a child*
7 *care facility that is a private residence, including any adjacent grounds, in*
8 *which a licensee or temporary permit holder provides care for 24 hours a*
9 *day for one or more children in foster care.*

10 (b) (1) In all cases where the secretary for children and families
11 deems it necessary, an investigation of the maternity center or child care
12 facility shall be made under the supervision of the secretary for children
13 and families or other designated qualified agents. For that purpose and for
14 any subsequent investigations they shall have the right of entry and access
15 to the premises of the center or facility and to any information deemed
16 necessary to the completion of the investigation. In all cases where an
17 investigation is made, a report of the investigation of such center or facility
18 shall be filed with the secretary of health and environment.

19 (2) In cases where neither approval or disapproval can be given
20 within a period of 30 days following formal request for such a study, the
21 secretary of health and environment may issue a temporary license without
22 fee pending final approval or disapproval of the center or facility.

23 (c) Whenever the secretary of health and environment refuses to grant
24 a license to an applicant, the secretary shall issue an order to that effect
25 stating the reasons for such denial and within five days after the issuance
26 of such order shall notify the applicant of the refusal. Upon application not
27 more than 15 days after the date of its issuance a hearing on the order shall
28 be held in accordance with the provisions of the Kansas administrative
29 procedure act.

30 (d) When the secretary of health and environment finds upon
31 investigation or is advised by the secretary for children and families that
32 any of the provisions of this act or the provisions of K.S.A. 59-2123, and
33 amendments thereto, are being violated, or that the maternity center or
34 child care facility is maintained without due regard to the health, safety or
35 welfare of any woman or child, the secretary of health and environment
36 may issue an order revoking such license after giving notice and
37 conducting a hearing in accordance with the provisions of the Kansas
38 administrative procedure act. The order shall clearly state the reason for
39 the revocation.

40 (e) If the secretary revokes or refuses to renew a license, the licensee
41 who had a license revoked or not renewed shall not be eligible to apply for
42 a license for a period of one year subsequent to the date such revocation or
43 refusal to renew becomes final. If the secretary revokes or refuses to renew

1 a license of a licensee who is a repeat, three or more times, violator of
2 statutory requirements or rules and regulations or is found to have
3 contributed to the death or serious bodily harm of a child under such
4 licensee's care, such licensee shall be permanently prohibited from
5 applying for a new license to provide child care or from seeking
6 employment under another licensee.

7 (f) Any applicant or licensee aggrieved by a final order of the
8 secretary of health and environment denying or revoking a license under
9 this act may appeal the order in accordance with the Kansas judicial
10 review act.

11 Sec. 2. K.S.A. 2015 Supp. 65-504 is hereby repealed.

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