

## SENATE BILL No. 394

By Committee on Public Health and Welfare

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1 AN ACT concerning children and families; enacting the supporting  
2 families act; relating to temporary care for children.

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

5 Section 1. Sections 1 through 5, and amendments thereto, shall be  
6 known and may be cited as the supporting families act.

7 Sec. 2. As used in the supporting families act:

8 (a) "Charitable organization" has the same meaning as defined in  
9 K.S.A. 17-1760, and amendments thereto.

10 (b) "Child placement agency" means a business or service conducted,  
11 maintained or operated by a person engaged in finding homes for children  
12 by placing or arranging for the placement of such children for adoption or  
13 foster care, licensed by the state of Kansas pursuant to K.S.A. 65-501, and  
14 amendments thereto.

15 (c) "Host family" means an individual or family to whom powers are  
16 delegated for the temporary care of a child under this act.

17 (d) "Parent," when used in relation to a child or children, includes a  
18 guardian and every person who is by law liable to maintain, care for or  
19 support the child.

20 (e) "Serving parent" means a parent who is a member of the reserves  
21 of the army, navy, air force, marine corps or coast guard of the United  
22 States or the commissioned corps of the national oceanic and atmospheric  
23 administration or the public health service of the United States department  
24 of health and human services detailed by proper authority for duty with the  
25 army or navy of the United States, or who is required to enter or serve in  
26 the active military service of the United States under a call or order of the  
27 president of the United States or to serve on state active duty.

28 Sec. 3. (a) (1) A parent or legal custodian of a child may by a properly  
29 executed power of attorney provided in section 5, and amendments  
30 thereto, delegate to another person known as the host family, for a period  
31 not to exceed one year, except as provided in subsection (f), any of the  
32 powers regarding the care and custody of the child, except the power to  
33 consent to marriage or adoption of the child, the performance or  
34 inducement of an abortion on or for the child, or the termination of  
35 parental rights to the child. A power of attorney executed under this act  
36 may be extended for one additional year following the expiration of the

1 original one-year term.

2 (2) A delegation of powers under this section shall not deprive any  
3 parent or legal custodian of any parental or legal authority regarding the  
4 care and custody of the child nor supersede any court order regarding the  
5 care and custody of the child.

6 (b) The parent or legal custodian of the child shall have the authority  
7 to revoke or withdraw the power of attorney authorized by subsection (a)  
8 at any time. Except as provided in subsection (f), if there is a need for the  
9 delegation of authority to last longer than one year, the parent or legal  
10 custodian of the child may execute a new power of attorney for one  
11 additional year. If a parent withdraws or revokes the power of attorney, the  
12 child shall be returned to the custody of the parents as soon as reasonably  
13 possible.

14 (c) Unless the authority is revoked or withdrawn by the parent, the  
15 host family shall exercise parental or legal authority on a continuous basis  
16 without compensation, except as provided in section 4(b)(2), and  
17 amendments thereto, for the duration of the power of attorney authorized  
18 by subsection (a) and shall not be subject to any laws or rules or  
19 regulations dealing with the licensing or regulation of foster care homes.

20 (d) (1) Except as otherwise provided by law, the execution of a power  
21 of attorney by a parent or legal custodian, as authorized in subsection (a),  
22 shall not constitute abandonment, abuse or neglect as defined in K.S.A.  
23 2015 Supp. 38-2202, and amendments thereto, unless the parent or legal  
24 custodian fails to take custody of the child or execute a new power of  
25 attorney after the one-year time limit has elapsed.

26 (2) A parent shall not execute a power of attorney authorized under  
27 this act with the intention of permanently avoiding or divesting parental or  
28 legal responsibility for the care of the child.

29 (3) Nothing in this section shall be interpreted to preclude any  
30 investigation of suspected abuse or neglect by the Kansas department for  
31 children and families or law enforcement.

32 (e) Under a delegation of powers as authorized by subsection (a), the  
33 child or children subject to the power of attorney shall not be considered as  
34 placed in foster care or other out-of-home placement and the parties shall  
35 not be subject to any of the requirements or licensing laws, rules and  
36 regulations for foster care or other rules and regulations relating to  
37 community care for children.

38 (f) A serving parent may delegate the power designated in subsection  
39 (a) for a period longer than one year if on active duty service. The term of  
40 delegation, however, may not exceed the term of active duty service plus  
41 30 days.

42 Sec. 4. (a) A child placement agency, or other Kansas charitable  
43 organization working under an agreement with a child placement agency,

1 may establish a program in which it assists parents with providing  
2 temporary care for children as provided under this act. Such program shall  
3 not be subject to the requirements of any other child care facility licensing  
4 statutes, rules and regulations or foster care licensing laws or rules and  
5 regulations, except as provided under this act.

6 (b) (1) Prior to the placement of a child, a child placement agency or  
7 other Kansas charitable organization establishing a program pursuant to  
8 subsection (a) shall conduct a child abuse and neglect screening and a  
9 Kansas bureau of investigation criminal history record search on: (A) The  
10 person or persons to whom powers regarding the care and custody of the  
11 child are delegated through a power of attorney executed under this act;  
12 and (B) any employee or volunteer of the child placement agency or  
13 charitable organization having contact with children hosted through the  
14 program.

15 (2) A host family shall not receive payment other than reimbursement  
16 for actual expenses of providing temporary care for the child. Such  
17 reimbursement shall not come from the state, but may come from  
18 individuals, religious communities or other charitable organizations who  
19 voluntarily wish to support the host family.

20 Sec. 5. (a) The Kansas judicial council shall create a form of power of  
21 attorney to delegate parental or legal authority consistent with the  
22 requirements of section 3, and amendments thereto.

23 (b) The power of attorney is legally sufficient under the supporting  
24 families act if the wording of the form complies substantially with the  
25 power of attorney form created by the Kansas judicial council pursuant to  
26 subsection (a), the form is properly completed and the signatures of the  
27 parties are acknowledged.

28 Sec. 6. During any child protective investigation by the Kansas  
29 department for children and families that does not result in an out-of-home  
30 placement resulting from abuse of a child, a child protective investigator  
31 shall provide information to the parent or custodians who are under  
32 financial distress, unemployed, homeless or experiencing other family  
33 crises about community service programs that provide respite care,  
34 voluntary guardianship, other support services for families in crisis,  
35 including child placement agencies and other charitable organizations that  
36 operate programs authorized under section 4, and amendments thereto.

37 Sec. 7. Any host family delegated authority under the supporting  
38 families act by a parent or legal custodian is not subject to the  
39 requirements of any other child care facility licensing statutes, rules and  
40 regulations or foster care licensing laws or rules and regulations, and will  
41 not constitute an out-of-home child placement under the child in need of  
42 care code, K.S.A. 2015 Supp. 38-2201 et seq., and amendments thereto.

43 Sec. 8. The Kansas department for children and families is hereby

1 authorized to work with families who are in financial distress,  
2 unemployed, homeless or experiencing other family crises by detailing  
3 community resources available to such families in the community,  
4 including, but not limited to, respite care, voluntary guardianship under the  
5 supporting families act and information regarding child placement  
6 agencies and other charitable organizations that operate programs  
7 authorized under section 4, and amendments thereto.

8 Sec. 9. This act shall take effect and be in force from and after its  
9 publication in the statute book.