

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

Session of 2016

SENATE BILL No. 418

By Committee on Corrections and Juvenile Justice

2-8

1 AN ACT concerning children and minors; relating to children in need of
2 care and juvenile offenders; amending K.S.A. 2015 Supp. 38-2202, 38-
3 2210, 38-2231, 38-2263, 38-2264, 38-2265, 38-2287, 38-2302, 38-
4 2310, 38-2365, 65-535 and 75-7023 and repealing the existing sections;
5 also repealing K.S.A. 2015 Supp. 38-2310a.
6

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

8 New Section 1. (a) Immediately after receiving information that a
9 child has been identified as a victim of human trafficking, aggravated
10 human trafficking or commercial sexual exploitation of a child, and in no
11 case later than 24 hours after receiving such information, the secretary
12 shall report such information to law enforcement agencies of jurisdiction.

13 (b) Immediately after receiving information that a child in the custody
14 of the secretary is missing, and in no case later than 24 hours after
15 receiving such information, the secretary shall report such information to
16 the national center for missing and exploited children and the law
17 enforcement agency in the jurisdiction from which the child is missing.
18 The law enforcement agency shall ~~report~~ **enter** such information ~~as soon~~
19 ~~as practical to~~ **into** the missing person system of the national crime
20 information center and the missing and unidentified person system of the
21 Kansas bureau of investigation, in accordance with K.S.A. 75-712c, and
22 amendments thereto.

23 (c) This section shall be part of and supplemental to the revised
24 Kansas code for care of children.

25 Sec. 2. K.S.A. 2015 Supp. 38-2202 is hereby amended to read as
26 follows: 38-2202. As used in the revised Kansas code for care of children,
27 unless the context otherwise indicates:

28 (a) "Abandon" or "abandonment" means to forsake, desert or, without
29 making appropriate provision for substitute care, cease providing care for
30 the child.

31 (b) "Adult correction facility" means any public or private facility,
32 secure or nonsecure, which is used for the lawful custody of accused or
33 convicted adult criminal offenders.

34 (c) "Aggravated circumstances" means the abandonment, torture,

1 chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

2 (d) "Child in need of care" means a person less than 18 years of age
3 at the time of filing of the petition or issuance of an ex parte protective
4 custody order pursuant to K.S.A. 2015 Supp. 38-2242, and amendments
5 thereto, who:

6 (1) Is without adequate parental care, control or subsistence and the
7 condition is not due solely to the lack of financial means of the child's
8 parents or other custodian;

9 (2) is without the care or control necessary for the child's physical,
10 mental or emotional health;

11 (3) has been physically, mentally or emotionally abused or neglected
12 or sexually abused;

13 (4) has been placed for care or adoption in violation of law;

14 (5) has been abandoned or does not have a known living parent;

15 (6) is not attending school as required by K.S.A. 72-977 or 72-1111,
16 and amendments thereto;

17 (7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-
18 8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2015 Supp. 21-6301(a)(14),
19 and amendments thereto, or, except as provided in paragraph (12), does an
20 act which, when committed by a person under 18 years of age, is
21 prohibited by state law, city ordinance or county resolution but which is
22 not prohibited when done by an adult;

23 (8) while less than 10 years of age, commits any act which if done by
24 an adult would constitute the commission of a felony or misdemeanor as
25 defined by K.S.A. 2015 Supp. 21-5102, and amendments thereto;

26 (9) is willfully and voluntarily absent from the child's home without
27 the consent of the child's parent or other custodian;

28 (10) is willfully and voluntarily absent at least a second time from a
29 court ordered or designated placement, or a placement pursuant to court
30 order, if the absence is without the consent of the person with whom the
31 child is placed or, if the child is placed in a facility, without the consent of
32 the person in charge of such facility or such person's designee;

33 (11) has been residing in the same residence with a sibling or another
34 person under 18 years of age, who has been physically, mentally or
35 emotionally abused or neglected, or sexually abused;

36 (12) while less than 10 years of age commits the offense defined in
37 K.S.A. 2015 Supp. 21-6301(a)(14), and amendments thereto; ~~or~~

38 (13) has had a permanent custodian appointed and the permanent
39 custodian is no longer able or willing to serve; *or*

40 (14) *has been subjected to an act which would constitute human*
41 *trafficking or aggravated human trafficking, as defined by K.S.A. 2015*
42 *Supp. 21-5426, and amendments thereto, or commercial sexual*
43 *exploitation of a child, as defined by K.S.A. 2015 Supp. 21-6422, and*

1 *amendments thereto, or has committed an act which, if committed by an*
2 *adult, would constitute selling sexual relations, as defined by K.S.A. 2015*
3 *Supp. 21-6419, and amendments thereto.*

4 (e) "Citizen review board" is a group of community volunteers
5 appointed by the court and whose duties are prescribed by K.S.A. 2015
6 Supp. 38-2207 and 38-2208, and amendments thereto.

7 (f) "Civil custody case" includes any case filed under chapter 23 of
8 the Kansas Statutes Annotated, and amendments thereto, the Kansas
9 family law code, article 11, of chapter 38 of the Kansas Statutes
10 Annotated, and amendments thereto, determination of parentage, article 21
11 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
12 adoption and relinquishment act, or article 30 of chapter 59 of the Kansas
13 Statutes Annotated, and amendments thereto, guardians and conservators.

14 (g) "Court-appointed special advocate" means a responsible adult
15 other than an attorney guardian ad litem who is appointed by the court to
16 represent the best interests of a child, as provided in K.S.A. 2015 Supp.
17 38-2206, and amendments thereto, in a proceeding pursuant to this code.

18 (h) "Custody" whether temporary, protective or legal, means the
19 status created by court order or statute which vests in a custodian, whether
20 an individual or an agency, the right to physical possession of the child and
21 the right to determine placement of the child, subject to restrictions placed
22 by the court.

23 (i) "Extended out of home placement" means a child has been in the
24 custody of the secretary and placed with neither parent for 15 of the most
25 recent 22 months beginning 60 days after the date at which a child in the
26 custody of the secretary was removed from the home.

27 (j) "Educational institution" means all schools at the elementary and
28 secondary levels.

29 (k) "Educator" means any administrator, teacher or other professional
30 or paraprofessional employee of an educational institution who has
31 exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments
32 thereto.

33 (l) "Harm" means physical or psychological injury or damage.

34 (m) "Interested party" means the grandparent of the child, a person
35 with whom the child has been living for a significant period of time when
36 the child in need of care petition is filed, and any person made an
37 interested party by the court pursuant to K.S.A. 2015 Supp. 38-2241, and
38 amendments thereto, or Indian tribe seeking to intervene that is not a party.

39 (n) "Jail" means:

40 (1) An adult jail or lockup; or

41 (2) a facility in the same building or on the same grounds as an adult
42 jail or lockup, unless the facility meets all applicable standards and
43 licensure requirements under law and there is: (A) Total separation of the

1 juvenile and adult facility spatial areas such that there could be no
2 haphazard or accidental contact between juvenile and adult residents in the
3 respective facilities; (B) total separation in all juvenile and adult program
4 activities within the facilities, including recreation, education, counseling,
5 health care, dining, sleeping and general living activities; and (C) separate
6 juvenile and adult staff, including management, security staff and direct
7 care staff such as recreational, educational and counseling.

8 (o) "Juvenile detention facility" means any secure public or private
9 facility used for the lawful custody of accused or adjudicated juvenile
10 offenders which must not be a jail.

11 (p) "Juvenile intake and assessment worker" means a responsible
12 adult authorized to perform intake and assessment services as part of the
13 intake and assessment system established pursuant to K.S.A. 75-7023, and
14 amendments thereto.

15 (q) "Kinship care" means the placement of a child in the home of the
16 child's relative or in the home of another adult with whom the child or the
17 child's parent already has a close emotional attachment.

18 (r) "Law enforcement officer" means any person who by virtue of
19 office or public employment is vested by law with a duty to maintain
20 public order or to make arrests for crimes, whether that duty extends to all
21 crimes or is limited to specific crimes.

22 (s) "Multidisciplinary team" means a group of persons, appointed by
23 the court under K.S.A. 2015 Supp. 38-2228, and amendments thereto,
24 which has knowledge of the circumstances of a child in need of care.

25 (t) "Neglect" means acts or omissions by a parent, guardian or person
26 responsible for the care of a child resulting in harm to a child, or
27 presenting a likelihood of harm, and the acts or omissions are not due
28 solely to the lack of financial means of the child's parents or other
29 custodian. Neglect may include, but shall not be limited to:

30 (1) Failure to provide the child with food, clothing or shelter
31 necessary to sustain the life or health of the child;

32 (2) failure to provide adequate supervision of a child or to remove a
33 child from a situation which requires judgment or actions beyond the
34 child's level of maturity, physical condition or mental abilities and that
35 results in bodily injury or a likelihood of harm to the child; or

36 (3) failure to use resources available to treat a diagnosed medical
37 condition if such treatment will make a child substantially more
38 comfortable, reduce pain and suffering, or correct or substantially diminish
39 a crippling condition from worsening. A parent legitimately practicing
40 religious beliefs who does not provide specified medical treatment for a
41 child because of religious beliefs shall not for that reason be considered a
42 negligent parent; however, this exception shall not preclude a court from
43 entering an order pursuant to K.S.A. 2015 Supp. 38-2217(a)(2), and

1 amendments thereto.

2 (u) "Parent" when used in relation to a child or children, includes a
3 guardian and every person who is by law liable to maintain, care for or
4 support the child.

5 (v) "Party" means the state, the petitioner, the child, any parent of the
6 child and an Indian child's tribe intervening pursuant to the Indian child
7 welfare act.

8 (w) "Permanency goal" means the outcome of the permanency
9 planning process which may be reintegration, adoption, appointment of a
10 permanent custodian or another planned permanent living arrangement.

11 (x) "Permanent custodian" means a judicially approved permanent
12 guardian of a child pursuant to K.S.A. 2015 Supp. 38-2272, and
13 amendments thereto.

14 (y) "Physical, mental or emotional abuse" means the infliction of
15 physical, mental or emotional harm or the causing of a deterioration of a
16 child and may include, but shall not be limited to, maltreatment or
17 exploiting a child to the extent that the child's health or emotional well-
18 being is endangered.

19 (z) "Placement" means the designation by the individual or agency
20 having custody of where and with whom the child will live.

21 *(aa) "Reasonable and prudent parenting standard" means the*
22 *standard characterized by careful and sensible parental decisions that*
23 *maintain the health, safety and best interests of a child while at the same*
24 *time encouraging the emotional and developmental growth of the child,*
25 *that a caregiver shall use when determining whether to allow a child in*
26 *foster care under the responsibility of the state to participate in*
27 *extracurricular, enrichment, cultural and social activities.*

28 ~~(aa)~~ (bb) "Relative" means a person related by blood, marriage or
29 adoption but, when referring to a relative of a child's parent, does not
30 include the child's other parent.

31 (cc) *"Runaway" means a child who is willfully and voluntarily absent*
32 *from the child's home without the consent of the child's parent or other*
33 *custodian.*

34 ~~(bb)~~ (dd) "Secretary" means the secretary ~~of the department~~ for
35 children and families or the secretary's designee.

36 ~~(ee)~~ (ee) "Secure facility" means a facility, other than a staff secure
37 facility which is operated or structured so as to ensure that all entrances
38 and exits from the facility are under the exclusive control of the staff of the
39 facility, whether or not the person being detained has freedom of
40 movement within the perimeters of the facility, or which relies on locked
41 rooms and buildings, fences or physical restraint in order to control
42 behavior of its residents. No secure facility shall be in a city or county jail.

43 ~~(dd)~~ (ff) "Sexual abuse" means any contact or interaction with a child

1 in which the child is being used for the sexual stimulation of the
2 perpetrator, the child or another person. Sexual abuse shall include, *but is*
3 *not limited to*, allowing, permitting or encouraging a child to ~~engage in the~~
4 ~~sale of sexual relations or commercial sexual exploitation of a child, or to:~~

5 (1) Be photographed, filmed or depicted in pornographic material.
6 ~~Sexual abuse also shall include allowing, permitting or encouraging a child~~
7 ~~to engage in; or~~

8 (2) *be subjected to* aggravated human trafficking, as defined in
9 K.S.A. 2015 Supp. 21-5426(b), and amendments thereto, if committed in
10 whole or in part for the purpose of the sexual gratification of the offender
11 or another, *or be subjected to an act which would constitute conduct*
12 *proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or*
13 *K.S.A. 2015 Supp. 21-6419 or 21-6422, and amendments thereto.*

14 (ee) (gg) "Shelter facility" means any public or private facility or
15 home, other than a juvenile detention facility or staff secure facility, that
16 may be used in accordance with this code for the purpose of providing
17 either temporary placement for children in need of care prior to the
18 issuance of a dispositional order or longer term care under a dispositional
19 order.

20 (ff) (hh) "Staff secure facility" means a facility described in K.S.A.
21 2015 Supp. 65-535, and amendments thereto: (1) That does not include
22 construction features designed to physically restrict the movements and
23 activities of juvenile residents who are placed therein; (2) that may
24 establish reasonable rules restricting entrance to and egress from the
25 facility; and (3) in which the movements and activities of individual
26 juvenile residents may, for treatment purposes, be restricted or subject to
27 control through the use of intensive staff supervision. No staff secure
28 facility shall be in a city or county jail.

29 (gg) (ii) "Transition plan" means, when used in relation to a youth in
30 the custody of the secretary, an individualized strategy for the provision of
31 medical, mental health, education, employment and housing supports as
32 needed for the adult and, if applicable, for any minor child of the adult, to
33 live independently and specifically provides for the supports and any
34 services for which an adult with a disability is eligible including, but not
35 limited to, funding for home and community based services waivers.

36 (hh) (jj) "Youth residential facility" means any home, foster home or
37 structure which provides 24-hour-a-day care for children and which is
38 licensed pursuant to article 5 of chapter 65 of the Kansas Statutes
39 Annotated, and amendments thereto.

40 Sec. 3. K.S.A. 2015 Supp. 38-2210 is hereby amended to read as
41 follows: 38-2210. To facilitate investigation and ensure the provision of
42 necessary services to children who may be in need of care and such
43 children's families, the following persons and entities with responsibilities

1 concerning a child who is alleged or adjudicated to be in need of care shall
2 freely exchange information:

3 (a) The secretary.
4 (b) ~~The commissioner of juvenile justice~~ *secretary of corrections*.
5 (c) The law enforcement agency receiving such report.
6 (d) Members of a court appointed multidisciplinary team.
7 (e) An entity mandated by federal law or an agency of any state
8 authorized to receive and investigate reports of a child known or suspected
9 to be in need of care.

10 (f) A military enclave or Indian tribal organization authorized to
11 receive and investigate reports of a child known or suspected to be in need
12 of care.

13 (g) A county or district attorney with responsibility for filing a
14 petition pursuant to K.S.A. 2015 Supp. 38-2214, and amendments thereto.

15 (h) A court services officer who has taken a child into custody
16 pursuant to K.S.A. 2015 Supp. 38-2231, and amendments thereto.

17 (i) An intake and assessment worker.

18 (j) Any community corrections program which has the child under
19 court ordered supervision.

20 (k) The department of health and environment or persons authorized
21 by the department of health and environment pursuant to K.S.A. 65-512,
22 and amendments thereto, for the purpose of carrying out responsibilities
23 relating to licensure or registration of child care providers as required by
24 article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments
25 thereto.

26 (l) *The interstate compact for juveniles compact administrator for the*
27 *purpose of carrying out the responsibilities related to the interstate*
28 *compact for juveniles.*

29 Sec. 4. K.S.A. 2015 Supp. 38-2231 is hereby amended to read as
30 follows: 38-2231. (a) A law enforcement officer or court services officer
31 shall take a child under 18 years of age into custody when:

32 (1) The law enforcement officer or court services officer has a court
33 order commanding that the child be taken into custody as a child in need
34 of care; or

35 (2) the law enforcement officer or court services officer has probable
36 cause to believe that a court order commanding that the child be taken into
37 custody as a child in need of care has been issued in this state or in another
38 jurisdiction.

39 (b) A law enforcement officer shall take a child under 18 years of age
40 into custody when the officer:

41 (1) Reasonably believes the child will be harmed if not immediately
42 removed from the place or residence where the child has been found;

43 (2) has probable cause to believe that the child is *a runaway or a*

1 missing person ~~and~~ or a verified missing person entry for the child can be
2 found in the national crime information center missing person system; or

3 (3) reasonably believes the child is a victim of human trafficking,
4 aggravated human trafficking or commercial sexual exploitation of a child.

5 (c) (1) If a person provides shelter to a child whom the person knows
6 is a runaway, such person shall promptly report the child's location either
7 to a law enforcement agency or to the child's parent or other custodian.

8 (2) If a person reports a runaway's location to a law enforcement
9 agency pursuant to this section and a law enforcement officer of the
10 agency has reasonable grounds to believe that it is in the child's best
11 interests, the child may be allowed to remain in the place where shelter is
12 being provided, subject to subsection (b), in the absence of a court order to
13 the contrary. If the child is allowed to so remain, the law enforcement
14 agency shall promptly notify the secretary of the child's location and
15 circumstances.

16 (d) Except as provided in subsections (a) and (b), a law enforcement
17 officer may temporarily detain and assume temporary custody of any child
18 subject to compulsory school attendance, pursuant to K.S.A. 72-1111, and
19 amendments thereto, during the hours school is actually in session and
20 shall deliver the child pursuant to ~~subsection (g)~~ of K.S.A. 2015 Supp. 38-
21 2232(g), and amendments thereto.

22 Sec. 5. K.S.A. 2015 Supp. 38-2263 is hereby amended to read as
23 follows: 38-2263. (a) The goal of permanency planning is to assure, in so
24 far as is possible, that children have permanency and stability in their
25 living situations and that the continuity of family relationships and
26 connections is preserved. In planning for permanency, the safety and well
27 being of children shall be paramount.

28 (b) Whenever a child is subject to the jurisdiction of the court
29 pursuant to the code, an initial permanency plan shall be developed for the
30 child and submitted to the court within 30 days of the initial order of the
31 court. If the child is in the custody of the secretary, or the secretary is
32 providing services to the child, the secretary shall prepare the plan.
33 Otherwise, the plan shall be prepared by the person who has custody or, if
34 directed by the court, by a court services officer.

35 (c) A permanency plan is a written document prepared *in*
36 *consultation with the child, if the child is 14 years of age or older and the*
37 *child is able, and*, where possible, in consultation with the child's parents,
38 and which:

39 (1) Describes the permanency goal which, if achieved, will most
40 likely give the child a permanent and safe living arrangement;

41 (2) describes the child's level of physical health, mental and
42 emotional health, and educational functioning;

43 (3) provides an assessment of the needs of the child and family;

1 (4) describes the services to be provided the child, the child's parents
2 and the child's foster parents, if appropriate;

3 (5) includes a description of the tasks and responsibilities designed to
4 achieve the plan and to whom assigned; and

5 (6) includes measurable objectives and time schedules for achieving
6 the plan.

7 (d) In addition to the requirements of subsection (c), if the child is in
8 an out of home placement, the permanency plan shall include:

9 (1) A plan for reintegration of the child's parent or parents or if
10 reintegration is determined not to be a viable alternative, a statement for
11 the basis of that conclusion and a plan for another permanent living
12 arrangement;

13 (2) a description of the available placement alternatives;

14 (3) a justification for the placement selected, including a description
15 of the safety and appropriateness of the placement; and

16 (4) a description of the programs and services which will help the
17 child prepare to live independently as an adult.

18 (e) If there is a lack of agreement among persons necessary for the
19 success of the permanency plan, the person or entity having custody of the
20 child shall notify the court which shall set a hearing on the plan.

21 (f) A permanency plan may be amended at any time upon agreement
22 of the plan participants. If a permanency plan requires amendment which
23 changes the permanency goal, the person or entity having custody of the
24 child shall notify the court which shall set a permanency hearing pursuant
25 to K.S.A. 2015 Supp. 38-2264 and 38-2265, and amendments thereto.

26 Sec. 6. K.S.A. 2015 Supp. 38-2264 is hereby amended to read as
27 follows: 38-2264. (a) A permanency hearing is a proceeding conducted by
28 the court or by a citizen review board for the purpose of determining
29 progress toward accomplishment of a permanency plan as established by
30 K.S.A. 2015 Supp. 38-2263, and amendments thereto.

31 (b) The court or a citizen review board shall hear and the court shall
32 determine whether and, if applicable, when the child will be:

33 (1) Reintegrated with the child's parents;

34 (2) placed for adoption;

35 (3) placed with a permanent custodian; or

36 (4) if *the child is 16 years of age or older and* the secretary has
37 documented compelling reasons why it would not be in the child's best
38 interests for a placement in one of the placements pursuant to paragraphs
39 (1), (2) or (3), placed in another planned permanent arrangement.

40 (c) *At each permanency hearing*, the court shall:

41 (1) Enter a finding as to whether reasonable efforts have been made
42 by appropriate public or private agencies to rehabilitate the family and
43 achieve the permanency goal in place at the time of the hearing;

1 (2) *enter a finding as to whether the reasonable and prudent*
2 *parenting standard has been met and whether the child has regular,*
3 *ongoing opportunities to engage in age or developmentally appropriate*
4 *activities. The secretary shall report to the court the steps the secretary is*
5 *taking to ensure that the child's foster family home or child care institution*
6 *is following the reasonable and prudent parenting standard and that the*
7 *child has regular, ongoing opportunities to engage in age or*
8 *developmentally appropriate activities, including consultation with the*
9 *child in an age-appropriate manner about the opportunities of the child to*
10 *participate in the activities;*

11 (3) *if the child is 14 years of age or older, document the efforts made*
12 *by the secretary to help the child prepare for the transition from custody to*
13 *a successful adulthood. The secretary shall report to the court the*
14 *programs and services that are being provided to the child which will help*
15 *the child prepare for the transition from custody to a successful adulthood.*

16 (d) *The requirements of this subsection shall apply only if the*
17 *permanency goal in place at the time of the hearing is another planned*
18 *permanent arrangement as described in subsection (b)(4). At each*
19 *permanency hearing held with respect to the child, in addition to the*
20 *requirements of subsection (c), the court shall:*

21 (1) *Ask the child, if the child is able, by attendance at the hearing or*
22 *by report to the court, about the desired permanency outcome for the*
23 *child;*

24 (2) *document the intensive, ongoing and, as of the date of the*
25 *hearing, unsuccessful permanency efforts made by the secretary to return*
26 *the child home or secure a placement for the child with a fit and willing*
27 *relative, a legal guardian or an adoptive parent. The secretary shall report*
28 *to the court the intensive, ongoing and, as of the date of the hearing,*
29 *unsuccessful efforts made by the secretary to return the child home or*
30 *secure a placement for the child with a fit and willing relative, a legal*
31 *guardian or an adoptive parent, including efforts that utilize search*
32 *technology, including social media, to find biological family members of*
33 *the children; and*

34 (3) *make a judicial determination explaining why, as of the date of*
35 *the hearing, another planned permanent living arrangement is the best*
36 *permanency plan for the child and provide compelling reasons why it*
37 *continues to not be in the best interests of the child to return home, be*
38 *placed for adoption, be placed with a legal guardian or be placed with a*
39 *fit and willing relative.*

40 ~~(d)~~ (e) *A permanency hearing shall be held within 12 months of the*
41 *date the court authorized the child's removal from the home and not less*
42 *frequently than every 12 months thereafter.*

43 ~~(e)~~ (f) *If the court determines at any time other than during a*

1 permanency hearing that reintegration may not be a viable alternative for
2 the child, a permanency hearing shall be held no later than 30 days
3 following that determination.

4 ~~(f)~~ (g) When the court finds that reintegration continues to be a viable
5 alternative, the court shall determine whether and, if applicable, when the
6 child will be returned to the parent. The court may rescind any of its prior
7 dispositional orders and enter any dispositional order authorized by this
8 code or may order that a new plan for the reintegration be prepared and
9 submitted to the court. If reintegration cannot be accomplished as
10 approved by the court, the court shall be informed and shall schedule a
11 hearing pursuant to this section. No such hearing is required when the
12 parents voluntarily relinquish parental rights or consent to appointment of
13 a permanent custodian.

14 ~~(g)~~ (h) If the court finds reintegration is no longer a viable alternative,
15 the court shall consider whether: (1) The child is in a stable placement
16 with a relative; (2) services set out in the case plan necessary for the safe
17 return of the child have been made available to the parent with whom
18 reintegration is planned; or (3) compelling reasons are documented in the
19 case plan to support a finding that neither adoption nor appointment of a
20 permanent custodian are in the child's best interest. If reintegration is not a
21 viable alternative and either adoption or appointment of a permanent
22 custodian might be in the best interests of the child, the county or district
23 attorney or the county or district attorney's designee shall file a motion to
24 terminate parental rights or a motion to appoint a permanent custodian
25 within 30 days and the court shall set a hearing on such motion within 90
26 days of the filing of such motion.

27 ~~(h)~~ (i) If the court enters an order terminating parental rights to a
28 child, or an agency has accepted a relinquishment pursuant to K.S.A. 59-
29 2124, and amendments thereto, the requirements for permanency hearings
30 shall continue until an adoption or appointment of a permanent custodian
31 has been accomplished. If the court determines that reasonable efforts or
32 progress have not been made toward finding an adoptive placement or
33 appointment of a permanent custodian or placement with a fit and willing
34 relative, the court may rescind its prior orders and make others regarding
35 custody and adoption that are appropriate under the circumstances.
36 Reports of a proposed adoptive placement need not contain the identity of
37 the proposed adoptive parents.

38 ~~(i)~~ (j) If permanency with one parent has been achieved without the
39 termination of the other parent's rights, the court may, prior to dismissing
40 the case, enter child custody orders, including residency and parenting
41 time that the court determines to be in the best interests of the child. The
42 court shall complete a parenting plan pursuant to K.S.A. 2015 Supp. 23-
43 3213, and amendments thereto.

1 (1) Before entering a custody order under this subsection, the court
2 shall inquire whether a custody order has been entered or is pending in a
3 civil custody case by a court of competent jurisdiction within the state of
4 Kansas.

5 (2) If a civil custody case has been filed or is pending, a certified
6 copy of the custody, residency and parenting time orders shall be filed in
7 the civil custody case. The court in the civil custody case may, after
8 consultation with the court in the child in need of care case, enter an order
9 declaring that the custody order in the child in need of care case shall
10 become the custody order in the civil custody case.

11 (3) A district court, on its own motion or upon the motion of any
12 party, may order the consolidation of the child in need of care case with
13 any open civil custody case involving the child and both of the child's
14 parents. Custody, residency and parenting time orders entered in
15 consolidated child in need of care and civil custody cases take precedence
16 over any previous orders affecting both parents and the child that were
17 entered in the civil custody case regarding the same or related issues.
18 Following entry of a custody order in a consolidated case, the court shall
19 dismiss the child in need of care case and, if necessary, return the civil
20 custody case to the original court having jurisdiction over it.

21 (4) If no civil custody case has been filed, the court may direct the
22 parties to file a civil custody case and to file the custody orders from the
23 child in need of care case in that case. Costs of the civil custody case may
24 be assessed to the parties.

25 (5) Nothing in this subsection shall operate to expand access to
26 information that is confidential under K.S.A. 38-2209, and amendments
27 thereto, and the confidentiality of such information shall be preserved in
28 all filings in a civil custody case.

29 ~~(j)~~ (k) When permanency has been achieved to the satisfaction of the
30 court, the court shall enter an order closing the case.

31 Sec. 7. K.S.A. 2015 Supp. 38-2265 is hereby amended to read as
32 follows: 38-2265. (a) (1) The court shall require notice of the time and
33 place of the permanency hearing be given to the parties and interested
34 parties. The notice shall state that the person receiving the notice shall
35 have the right to be heard at the hearing.

36 (2) *If the child is 14 years of age or older, the court shall require*
37 *notice of the time and place of the permanency hearing be given to the*
38 *child. Such notice shall request the child's participation in the hearing by*
39 *attendance or by report to the court.*

40 (b) The court shall require notice and the right to be heard to the
41 following:

42 (1) The child's foster parent or parents or permanent custodian
43 providing care for the child;

1 (2) preadoptive parents for the child, if any;

2 (3) the child's grandparents at their last known addresses or, if no
3 grandparent is living or if no living grandparent's address is known, to the
4 closest relative of each of the child's parents whose address is known;

5 (4) the person having custody of the child; and

6 (5) upon request, by any person having close emotional ties with the
7 child and who is deemed by the court to be essential to the deliberations
8 before the court.

9 (c) The notices required by ~~this~~ subsection (b) shall be given by first
10 class mail, not less than 10 business days before the hearing.

11 (d) Individuals receiving notice pursuant to subsection (b) shall not
12 be made a party or interested party to the action solely on the basis of this
13 notice and the right to be heard. The right to be heard shall be at a time and
14 in a manner determined by the court and does not confer an entitlement to
15 appear in person at government expense.

16 (e) The provisions of this section shall not require additional notice to
17 any person otherwise receiving notice of the hearing pursuant to K.S.A.
18 2015 Supp. 38-2239, and amendments thereto.

19 Sec. 8. K.S.A. 2015 Supp. 38-2287 is hereby amended to read as
20 follows: 38-2287. (a) Whenever a child is in custody, as defined in K.S.A.
21 2015 Supp. 38-2202, and amendments thereto, and *there is reason to*
22 *believe* such child has been subjected to *an act which would constitute*
23 *human trafficking or aggravated human trafficking*, as defined by K.S.A.
24 2015 Supp. 21-5426, and amendments thereto, or commercial sexual
25 exploitation of a child, as defined by K.S.A. 2015 Supp. 21-6422, and
26 amendments thereto, or the child committed an act which, if committed by
27 an adult, would constitute ~~a violation of~~ *selling sexual relations, as defined*
28 *by* K.S.A. 2015 Supp. 21-6419, and amendments thereto, the court shall
29 refer the child to the secretary ~~of the department~~ for children and families
30 for an assessment to determine safety, placement ~~and~~, treatment *and*
31 *service* needs for the child. The secretary shall use a ~~research-based~~
32 *validated, evidence-based* assessment tool or instrument to assess such
33 needs and shall make appropriate recommendations to the court. *The*
34 *secretary shall provide only a summary of the results from the assessment*
35 *tool or instrument, not the complete assessment tool or instrument.*

36 (b) When any law enforcement officer takes into custody any child as
37 provided in ~~subsection (b)(3) of~~ K.S.A. 2015 Supp. 38-2231~~(b)(3)~~, and
38 amendments thereto, the law enforcement officer shall contact the
39 department for children and families to begin an assessment to determine
40 safety, *appropriate and timely* placement and ~~treatment needs for~~
41 *appropriate services to meet the immediate needs of* the child. ~~The~~
42 ~~secretary of the department for children and families shall use a rapid~~
43 ~~response team to begin such assessment for appropriate and timely~~

1 placement:

2 (c) This section shall be part of and supplemental to the revised
3 Kansas code for care of children.

4 ~~(d) This section shall take effect on and after January 1, 2014.~~

5 Sec. 9. K.S.A. 2015 Supp. 38-2302 is hereby amended to read as
6 follows: 38-2302. As used in this code, unless the context otherwise
7 requires:

8 (a) "Commissioner" means the ~~commissioner of juvenile justice~~
9 *secretary of corrections* or the ~~commissioner's secretary's~~ *designee*.

10 (b) "Conditional release" means release from a term of commitment
11 in a juvenile correctional facility for an aftercare term pursuant to K.S.A.
12 2015 Supp. 38-2369, and amendments thereto, under conditions
13 established by the ~~commissioner~~ *secretary*.

14 (c) "Court-appointed special advocate" means a responsible adult,
15 other than an attorney appointed pursuant to K.S.A. 2015 Supp. 38-2306,
16 and amendments thereto, who is appointed by the court to represent the
17 best interests of a child, as provided in K.S.A. 2015 Supp. 38-2307, and
18 amendments thereto, in a proceeding pursuant to this code.

19 (d) "Educational institution" means all schools at the elementary and
20 secondary levels.

21 (e) "Educator" means any administrator, teacher or other professional
22 or paraprofessional employee of an educational institution who has
23 exposure to a pupil specified in ~~subsections (a)(1) through (5) of K.S.A.~~
24 *72-89b03(a)(1) through (a)(5)*, and amendments thereto.

25 (f) "Institution" means the following institutions: The Atchison
26 juvenile correctional facility, the Larned juvenile correctional facility and
27 the Kansas juvenile correctional complex.

28 (g) "Investigator" means an employee of the ~~juvenile justice authority~~
29 *department of corrections* assigned by the ~~commissioner~~ *secretary* with the
30 responsibility for investigations concerning employees at the juvenile
31 correctional facilities and juveniles in the custody of the ~~commissioner~~
32 *secretary* at a juvenile correctional facility.

33 (h) "Jail" means: (1) An adult jail or lockup; or

34 (2) a facility in the same building as an adult jail or lockup, unless the
35 facility meets all applicable licensure requirements under law and there is:

36 (A) Total separation of the juvenile and adult facility spatial areas such that
37 there could be no haphazard or accidental contact between juvenile and
38 adult residents in the respective facilities; (B) total separation in all
39 juvenile and adult program activities within the facilities, including
40 recreation, education, counseling, health care, dining, sleeping and general
41 living activities; and (C) separate juvenile and adult staff, including
42 management, security staff and direct care staff such as recreational,
43 educational and counseling.

1 (i) "Juvenile" means a person to whom one or more of the following
2 applies, the person: (1) Is 10 or more years of age but less than 18 years of
3 age; (2) is alleged to be a juvenile offender; or (3) has been adjudicated as
4 a juvenile offender and continues to be subject to the jurisdiction of the
5 court.

6 (j) "Juvenile correctional facility" means a facility operated by the
7 ~~commissioner~~ *secretary* for the commitment of juvenile offenders.

8 (k) "Juvenile corrections officer" means a certified employee of the
9 ~~juvenile justice authority~~ *department of corrections* working at a juvenile
10 correctional facility assigned by the ~~commissioner~~ *secretary* with
11 responsibility for maintaining custody, security and control of juveniles in
12 the custody of the ~~commissioner~~ *secretary* at a juvenile correctional
13 facility.

14 (l) "Juvenile detention facility" means a public or private facility
15 licensed pursuant to article 5 of chapter 65 of the Kansas Statutes
16 Annotated, and amendments thereto, which is used for the lawful custody
17 of alleged or adjudicated juvenile offenders.

18 (m) "Juvenile intake and assessment worker" means a responsible
19 adult authorized to perform intake and assessment services as part of the
20 intake and assessment system established pursuant to K.S.A. 75-7023, and
21 amendments thereto.

22 (n) "Juvenile offender" means a person who commits an offense
23 while 10 or more years of age but less than 18 years of age which if
24 committed by an adult would constitute the commission of a felony or
25 misdemeanor as defined by K.S.A. 2015 Supp. 21-5102, and amendments
26 thereto, or who violates the provisions of K.S.A. 41-727, ~~subsection (j) of~~
27 K.S.A. 74-8810(j) or ~~subsection (a)(14) of~~ K.S.A. 2015 Supp. 21-6301(a)
28 (14), and amendments thereto, but does not include: (1) A person 14 or
29 more years of age who commits a traffic offense, as defined in ~~subsection~~
30 ~~(d) of~~ K.S.A. 8-2117(d), and amendments thereto;

31 (2) a person 16 years of age or over who commits an offense defined
32 in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

33 (3) a person under 18 years of age who previously has been:

34 (A) Convicted as an adult under the Kansas criminal code;

35 (B) sentenced as an adult under the Kansas criminal code following
36 termination of status as an extended jurisdiction juvenile pursuant to
37 K.S.A. 2015 Supp. 38-2364, and amendments thereto; or

38 (C) convicted or sentenced as an adult in another state or foreign
39 jurisdiction under substantially similar procedures described in K.S.A.
40 2015 Supp. 38-2347, and amendments thereto, or because of attaining the
41 age of majority designated in that state or jurisdiction.

42 (o) "Law enforcement officer" means any person who by virtue of
43 that person's office or public employment is vested by law with a duty to

1 maintain public order or to make arrests for crimes, whether that duty
2 extends to all crimes or is limited to specific crimes.

3 (p) "Parent" when used in relation to a juvenile, includes a guardian
4 and every person who is, by law, liable to maintain, care for or support the
5 juvenile.

6 (q) *"Reasonable and prudent parenting standard" means the standard*
7 *characterized by careful and sensible parental decisions that maintain the*
8 *health, safety and best interests of a child while at the same time*
9 *encouraging the emotional and developmental growth of the child, that a*
10 *caregiver shall use when determining whether to allow a child in foster*
11 *care under the responsibility of the state to participate in extracurricular,*
12 *enrichment, cultural and social activities.*

13 (†) (r) "Risk assessment tool" means an instrument administered to
14 juveniles which delivers a score, or group of scores, describing, but not
15 limited to describing, the juvenile's potential risk to the community.

16 (†) (s) "Sanctions house" means a facility which is operated or
17 structured so as to ensure that all entrances and exits from the facility are
18 under the exclusive control of the staff of the facility, whether or not the
19 person being detained has freedom of movement within the perimeters of
20 the facility, or which relies on locked rooms and buildings, fences or
21 physical restraint in order to control the behavior of its residents. Upon an
22 order from the court, a licensed juvenile detention facility may serve as a
23 sanctions house.

24 (t) *"Secretary" means the secretary of corrections or the secretary's*
25 *designee.*

26 (†) (u) "Warrant" means a written order by a judge of the court
27 directed to any law enforcement officer commanding the officer to take
28 into custody the juvenile named or described therein.

29 (†) (v) "Youth residential facility" means any home, foster home or
30 structure which provides 24-hour-a-day care for juveniles and which is
31 licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of
32 the Kansas Statutes Annotated, and amendments thereto.

33 Sec. 10. K.S.A. 2015 Supp. 38-2310 is hereby amended to read as
34 follows: 38-2310. (a) All records of law enforcement officers and agencies
35 and municipal courts concerning an offense committed or alleged to have
36 been committed by a juvenile under 14 years of age shall be kept readily
37 distinguishable from criminal and other records and shall not be disclosed
38 to anyone except:

39 (1) The judge of the district court and members of the staff of the
40 court designated by the judge;

41 (2) parties to the proceedings and their attorneys;

42 (3) the Kansas department for children and families;

43 (4) the juvenile's court appointed special advocate, any officer of a

1 public or private agency or institution or any individual having custody of
2 a juvenile under court order or providing educational, medical or mental
3 health services to a juvenile;

4 (5) any educational institution, to the extent necessary to enable the
5 educational institution to provide the safest possible environment for its
6 pupils and employees;

7 (6) any educator, to the extent necessary to enable the educator to
8 protect the personal safety of the educator and the educator's pupils;

9 (7) law enforcement officers or county or district attorneys, or their
10 staff, when necessary for the discharge of their official duties;

11 (8) the central repository, as defined by K.S.A. 22-4701, and
12 amendments thereto, for use only as a part of the juvenile offender
13 information system established under K.S.A. 2015 Supp. 38-2326, and
14 amendments thereto;

15 (9) juvenile intake and assessment workers;

16 (10) the department of corrections;

17 (11) juvenile community corrections officers;

18 (12) *the interstate compact for juveniles compact administrator for*
19 *the purpose of carrying out the responsibilities related to the interstate*
20 *compact for juveniles;*

21 ~~(13)~~ (13) any other person when authorized by a court order, subject
22 to any conditions imposed by the order; and

23 ~~(14)~~ (14) as provided in subsection (c).

24 (b) The provisions of this section shall not apply to records
25 concerning:

26 (1) A violation, by a person 14 or more years of age, of any provision
27 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or
28 of any city ordinance or county resolution which relates to the regulation
29 of traffic on the roads, highways or streets or the operation of self-
30 propelled or nonself-propelled vehicles of any kind;

31 (2) a violation, by a person 16 or more years of age, of any provision
32 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;
33 or

34 (3) an offense for which the juvenile is prosecuted as an adult.

35 (c) All records of law enforcement officers and agencies and
36 municipal courts concerning an offense committed or alleged to have been
37 committed by a juvenile 14 or more years of age shall be subject to the
38 same disclosure restrictions as the records of adults. Information
39 identifying victims and alleged victims of sex offenses, as defined in
40 article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their
41 repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and
42 amendments thereto, K.S.A. 2015 Supp. 21-6419 through 21-6422, and
43 amendments thereto, or human trafficking or aggravated human

1 trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal,
2 or K.S.A. 2015 Supp. 21-5426, and amendments thereto, shall not be
3 disclosed or open to public inspection under any circumstances. Nothing in
4 this section shall prohibit the victim or any alleged victim of any sex
5 offense from voluntarily disclosing such victim's identity.

6 (d) Relevant information, reports and records, shall be made available
7 to the department of corrections upon request and a showing that the
8 former juvenile has been convicted of a crime and placed in the custody of
9 the secretary of corrections.

10 (e) All records, reports and information obtained as a part of the
11 juvenile intake and assessment process for juveniles shall be confidential,
12 and shall not be disclosed except as provided by statutory law and rules
13 and regulations promulgated by the ~~commissioner~~ *secretary*.

14 (1) Any court of record may order the disclosure of such records,
15 reports and other information to any person or entity.

16 (2) The head of any juvenile intake and assessment program, certified
17 by the ~~commissioner of juvenile justice~~ *secretary*, may authorize
18 disclosure of such records, reports and other information to:

19 (A) A person licensed to practice the healing arts who has before that
20 person a juvenile whom the person reasonably suspects may be abused or
21 neglected;

22 (B) a court-appointed special advocate for a juvenile or an agency
23 having the legal responsibility or authorization to care for, treat or
24 supervise a juvenile;

25 (C) a parent or other person responsible for the welfare of a juvenile,
26 or such person's legal representative, with protection for the identity of
27 persons reporting and other appropriate persons;

28 (D) the juvenile, the attorney and a guardian ad litem, if any, for such
29 juvenile;

30 (E) the police or other law enforcement agency;

31 (F) an agency charged with the responsibility of preventing or
32 treating physical, mental or emotional abuse or neglect or sexual abuse of
33 children, if the agency requesting the information has standards of
34 confidentiality as strict or stricter than the requirements of the Kansas code
35 for care of children or the revised Kansas juvenile justice code, whichever
36 is applicable;

37 (G) members of a multidisciplinary team under this code;

38 (H) an agency authorized by a properly constituted authority to
39 diagnose, care for, treat or supervise a child who is the subject of a report
40 or record of child abuse or neglect;

41 (I) any individual, or public or private agency authorized by a
42 properly constituted authority to diagnose, care for, treat or supervise a
43 juvenile who is the subject of a report or record of child abuse or neglect,

1 specifically including the following: Physicians, psychiatrists, nurses,
2 nurse practitioners, psychologists, licensed social workers, child
3 development specialists, physician assistants, community mental health
4 workers, addiction counselors and licensed or registered child care
5 providers;

6 (J) a citizen review board pursuant to K.S.A. 2015 Supp. 38-2207,
7 and amendments thereto;

8 (K) an educational institution to the extent necessary to enable such
9 institution to provide the safest possible environment for pupils and
10 employees of the institution;

11 (L) any educator to the extent necessary for the protection of the
12 educator and pupils; ~~and~~

13 (M) any juvenile intake and assessment worker of another certified
14 juvenile intake and assessment program; *and*

15 (N) *the interstate compact for juveniles compact administrator for*
16 *the purpose of carrying out the responsibilities related to the interstate*
17 *compact for juveniles.*

18 Sec. 11. K.S.A. 2015 Supp. 38-2365 is hereby amended to read as
19 follows: 38-2365. (a) When a juvenile offender has been placed in the
20 custody of the ~~commissioner~~ *secretary*, the ~~commissioner~~ *secretary* shall
21 have a reasonable time to make a placement. If the juvenile offender has
22 not been placed, any party who believes that the amount of time elapsed
23 without placement has exceeded a reasonable time may file a motion for
24 review with the court. In determining what is a reasonable amount of time,
25 matters considered by the court shall include, but not be limited to, the
26 nature of the underlying offense, efforts made for placement of the
27 juvenile offender and the availability of a suitable placement. The
28 ~~commissioner~~ *secretary* shall notify the court, the juvenile's attorney of
29 record and the juvenile's parent, in writing, of the initial placement and any
30 subsequent change of placement as soon as the placement has been
31 accomplished. The notice to the juvenile offender's parent shall be sent to
32 such parent's last known address or addresses. The court shall have no
33 power to direct a specific placement by the ~~commissioner~~ *secretary*, but
34 may make recommendations to the ~~commissioner~~ *secretary*. The
35 ~~commissioner~~ *secretary* may place the juvenile offender in an institution
36 operated by the ~~commissioner~~ *secretary*, a youth residential facility or any
37 other appropriate placement. If the court has recommended an out-of-
38 home placement, the ~~commissioner~~ *secretary* may not return the juvenile
39 offender to the home from which removed without first notifying the court
40 of the plan.

41 (b) If a juvenile is in the custody of the ~~commissioner~~ *secretary*, the
42 ~~commissioner~~ *secretary* shall prepare and present a permanency plan at
43 sentencing or within 30 days thereafter. *If the juvenile is 14 years of age or*

1 *older and the juvenile is able, the secretary shall prepare the permanency*
2 *plan in consultation with the juvenile.* If a permanency plan is already in
3 place under a child in need of care proceeding, the court may adopt the
4 plan under the present proceeding. The written permanency plan shall
5 provide for reintegration of the juvenile into such juvenile's family or, if
6 reintegration is not a viable alternative, for other permanent placement of
7 the juvenile. Reintegration may not be a viable alternative when: (1) The
8 parent has been found by a court to have committed murder in the first
9 degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2015 Supp. 21-5402,
10 and amendments thereto, murder in the second degree, K.S.A. 21-3402,
11 prior to its repeal, or K.S.A. 2015 Supp. 21-5403, and amendments
12 thereto, capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 2015
13 Supp. 21-5401, and amendments thereto, voluntary manslaughter, K.S.A.
14 21-3403, prior to its repeal, or K.S.A. 2015 Supp. 21-5404, and
15 amendments thereto, of a child or violated a law of another state which
16 prohibits such murder or manslaughter of a child;

17 (2) the parent aided or abetted, attempted, conspired or solicited to
18 commit such murder or voluntary manslaughter of a child;

19 (3) the parent committed a felony battery that resulted in bodily
20 injury to the juvenile who is the subject of this proceeding or another
21 child;

22 (4) the parent has subjected the juvenile who is the subject of this
23 proceeding or another child to aggravated circumstances as defined in
24 K.S.A. 38-1502, and amendments thereto;

25 (5) the parental rights of the parent to another child have been
26 terminated involuntarily; or

27 (6) the juvenile has been in extended out-of-home placement as
28 defined in K.S.A. 2015 Supp. 38-2202, and amendments thereto.

29 (c) If the juvenile is placed in the custody of the ~~commissioner~~
30 *secretary*, the plan shall be prepared and submitted by the ~~commissioner~~
31 *secretary*. If the juvenile is placed in the custody of a facility or person
32 other than the ~~commissioner~~ *secretary*, the plan shall be prepared and
33 submitted by a court services officer. If the permanency goal is
34 reintegration into the family, the permanency plan shall include
35 measurable objectives and time schedules for reintegration.

36 (d) During the time a juvenile remains in the custody of the
37 ~~commissioner~~ *secretary*, the ~~commissioner~~ *secretary* shall submit to the
38 court, at least every six months, a written report of the progress being
39 made toward the goals of the permanency plan submitted pursuant to
40 subsections (b) and (c) and the specific actions taken to achieve the goals
41 of the permanency plan. If the juvenile is placed in foster care, the court
42 may request the foster parent to submit to the court, at least every six
43 months, a report in regard to the juvenile's adjustment, progress and

1 condition. Such report shall be made a part of the juvenile's court social
2 file. The court shall review the plan submitted by the ~~commissioner~~
3 *secretary* and the report, if any, submitted by the foster parent and
4 determine whether reasonable efforts and progress have been made to
5 achieve the goals of the permanency plan. If the court determines that
6 progress is inadequate or that the permanency plan is no longer viable, the
7 court shall hold a hearing pursuant to subsection (e).

8 (e) When the ~~commissioner~~ *secretary* has custody of the juvenile, a
9 permanency hearing shall be held no more than 12 months after the
10 juvenile is first placed outside such juvenile's home and at least every 12
11 months thereafter. Juvenile offenders who have been in extended out-of-
12 home placement shall be provided a permanency hearing within 30 days of
13 a request from the ~~commissioner~~ *secretary*. The court may appoint a
14 guardian ad litem to represent the juvenile offender at the permanency
15 hearing. *At the permanency hearing, the court shall determine whether*
16 *and, if applicable, when the juvenile will be:*

17 (1) *Reintegrated with the juvenile's parents;*

18 (2) *placed for adoption;*

19 (3) *placed with a permanent custodian; or*

20 (4) *if the juvenile is 16 years of age or older and the secretary has*
21 *documented compelling reasons why it would not be in the juvenile's best*
22 *interests for a placement in one of the placements pursuant to paragraphs*
23 *(1), (2) or (3), placed in another planned permanent arrangement.*

24 (f) *At each permanency hearing, the court shall:*

25 (1) *Make a written finding as to whether reasonable efforts have been*
26 *made to accomplish the permanency goal and whether continued out-of-*
27 *home placement is necessary for the juvenile's safety;*

28 (2) *make a written finding as to whether the reasonable and prudent*
29 *parenting standard has been met and whether the juvenile has regular,*
30 *ongoing opportunities to engage in age or developmentally appropriate*
31 *activities. The secretary shall report to the court the steps the secretary is*
32 *taking to ensure that the reasonable and prudent parenting standard is*
33 *being met and that the juvenile has regular, ongoing opportunities to*
34 *engage in age or developmentally appropriate activities, including*
35 *consultation with the juvenile in an age-appropriate manner about the*
36 *opportunities of the juvenile to participate in the activities; and*

37 (3) *if the juvenile is 14 years of age or older, document the efforts*
38 *made by the secretary to help the juvenile prepare for the transition from*
39 *custody to a successful adulthood. The secretary shall report to the court*
40 *the programs and services that are being provided to the juvenile which*
41 *will help the juvenile prepare for the transition from custody to a*
42 *successful adulthood.*

43 (g) *The requirements of this subsection shall apply only if the*

1 *permanency goal in place at the time of the hearing is another planned*
2 *permanent arrangement as described in subsection (e)(4). At each*
3 *permanency hearing held with respect to the juvenile, in addition to the*
4 *requirements of subsection (f), the court shall:*

5 *(1) Ask the juvenile, if the juvenile is able, by attendance at the*
6 *hearing or by report to the court, about the desired permanency outcome*
7 *for the juvenile;*

8 *(2) document the intensive, ongoing and, as of the date of the*
9 *hearing, unsuccessful permanency efforts made by the secretary to return*
10 *the juvenile home or secure a placement for the juvenile with a fit and*
11 *willing relative, a legal guardian or an adoptive parent. The secretary*
12 *shall report to the court the intensive, ongoing and, as of the date of the*
13 *hearing, unsuccessful efforts made by the secretary to return the juvenile*
14 *home or secure a placement for the juvenile with a fit and willing relative,*
15 *a legal guardian or an adoptive parent, including efforts that utilize search*
16 *technology, including social media, to find biological family members of*
17 *the children; and*

18 *(3) make a judicial determination explaining why, as of the date of*
19 *the hearing, another planned permanent living arrangement is the best*
20 *permanency plan for the juvenile and provide compelling reasons why it*
21 *continues to not be in the best interests of the juvenile to return home, be*
22 *placed for adoption, be placed with a legal guardian or be placed with a*
23 *fit and willing relative.*

24 ~~(h)~~ *(h) Whenever a hearing is required under subsection (e), the court*
25 *shall notify all interested parties of the hearing date, the*~~commissioner~~
26 *secretary, foster parent and preadoptive parent or relatives providing care*
27 *for the juvenile and hold a hearing. If the juvenile is 14 years of age or*
28 *older, the court shall require notice of the time and place of the*
29 *permanency hearing be given to the juvenile. Such notice shall request the*
30 *juvenile's participation in the hearing by attendance or by report to the*
31 *court. Individuals receiving notice pursuant to this subsection shall not be*
32 *made a party to the action solely on the basis of this notice and opportunity*
33 *to be heard. After providing the persons receiving notice an opportunity to*
34 *be heard, the court shall determine whether the juvenile's needs are being*
35 *adequately met; whether services set out in the permanency plan necessary*
36 *for the safe return of the juvenile have been made available to the parent*
37 *with whom reintegration is planned; and whether reasonable efforts and*
38 *progress have been made to achieve the goals of the permanency plan.*

39 ~~(g)~~ *(i) If the court finds reintegration continues to be a viable*
40 *alternative, the court shall determine whether and, if applicable, when the*
41 *juvenile will be returned to the parent. The court may rescind any of its*
42 *prior dispositional orders and enter any dispositional order authorized by*
43 *this code or may order that a new plan for the reintegration be prepared*

1 and submitted to the court. If reintegration cannot be accomplished as
2 approved by the court, the court shall be informed and shall schedule a
3 hearing pursuant to subsection ~~(h)~~ (j). No such hearing is required when
4 the parent voluntarily relinquishes parental rights or agrees to appointment
5 of a permanent guardian.

6 ~~(h)~~ (j) When the court finds any of the following conditions exist, the
7 county or district attorney or the county or district attorney's designee shall
8 file a petition alleging the juvenile to be a child in need of care and
9 requesting termination of parental rights pursuant to the Kansas code for
10 care of children: (1) The court determines that reintegration is not a viable
11 alternative and either adoption or permanent guardianship might be in the
12 best interests of the juvenile;

13 (2) the goal of the permanency plan is reintegration into the family
14 and the court determines after 12 months from the time such plan is first
15 submitted that progress is inadequate; or

16 (3) the juvenile has been in out-of-home placement for a cumulative
17 total of 15 of the last 22 months, excluding trial home visits and juvenile in
18 runaway status.

19 Nothing in this subsection shall be interpreted to prohibit termination of
20 parental rights prior to the expiration of 12 months.

21 ~~(h)~~ (k) A petition to terminate parental rights is not required to be filed
22 if one of the following exceptions is documented to exist: (1) The juvenile
23 is in a stable placement with relatives;

24 (2) services set out in the case plan necessary for the safe return of
25 the juvenile have not been made available to the parent with whom
26 reintegration is planned; or

27 (3) there are one or more documented reasons why such filing would
28 not be in the best interests of the juvenile. Documented reasons may
29 include, but are not limited to: The juvenile has close emotional bonds
30 with a parent which should not be broken; the juvenile is 14 years of age
31 or older and, after advice and counsel, refuses to be adopted; insufficient
32 grounds exist for termination of parental rights; the juvenile is an
33 unaccompanied refugee minor; or there are international legal or
34 compelling foreign policy reasons precluding termination of parental
35 rights.

36 Sec. 12. K.S.A. 2015 Supp. 65-535 is hereby amended to read as
37 follows: 65-535. (a) A staff secure facility shall:

38 (1) Not include construction features designed to physically restrict
39 the movements and activities of residents, but shall have a design,
40 structure, interior and exterior environment, and furnishings to promote a
41 safe, comfortable and therapeutic environment for the residents;

42 (2) implement written policies and procedures that include the use of
43 a combination of supervision, inspection and accountability to promote

1 safe and orderly operations;

2 (3) rely on locked entrances and delayed-exit mechanisms to secure
3 the facility, and implement reasonable rules restricting entrance to and
4 egress from the facility;

5 (4) implement written policies and procedures for ~~24-hour-a-day staff~~
6 ~~observation~~ *staff monitoring* of all facility entrances and exits;

7 (5) implement written policies and procedures for the screening and
8 searching of both residents and visitors;

9 (6) implement written policies and procedures for knowing the
10 whereabouts of all residents at all times and for handling runaways and
11 unauthorized absences; and

12 (7) implement written policies and procedures for determining when
13 the movements and activities of individual residents may, for treatment
14 purposes, be restricted or subject to control through the use of intensive
15 staff supervision.

16 (b) A staff secure facility shall provide the following services to
17 children placed in such facility, *as appropriate, for the duration of the*
18 *placement*:

19 (1) Case management;

20 (2) life skills training;

21 (3) health care;

22 (4) mental health counseling;

23 (5) substance abuse screening and treatment; and

24 (6) any other appropriate services.

25 (c) Service providers in a staff secure facility shall be trained to
26 counsel and assist victims of human trafficking and sexual exploitation.

27 (d) *A staff secure facility may be on the same premises as that of*
28 *another licensed facility*. If the staff secure facility is on the same premises
29 as that of another licensed facility, the living unit of the staff secure facility
30 shall be maintained in a separate, self-contained unit. No staff secure
31 facility shall be in a city or county jail.

32 (e) The secretary ~~of health and environment~~ *for children and families*,
33 in consultation with the attorney general, shall promulgate rules and
34 regulations to implement the provisions of this section on or before
35 January 1, ~~2014~~ 2017.

36 (f) This section shall be part of and supplemental to article 5 of
37 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

38 Sec. 13. K.S.A. 2015 Supp. 75-7023 is hereby amended to read as
39 follows: 75-7023. (a) The supreme court through administrative orders
40 shall provide for the establishment of a juvenile intake and assessment
41 system and for the establishment and operation of juvenile intake and
42 assessment programs in each judicial district. On and after July 1, 1997,
43 the secretary for children and families may contract with the ~~commissioner~~

1 of juvenile justice secretary of corrections to provide for the juvenile
2 intake and assessment system and programs for children in need of care.
3 Except as provided further, on and after July 1, 1997, the ~~commissioner of~~
4 juvenile justice secretary of corrections shall promulgate rules and
5 regulations for the juvenile intake and assessment system and programs
6 concerning juvenile offenders. If the ~~commissioner~~ secretary of
7 corrections contracts with the office of judicial administration to
8 administer the juvenile intake and assessment system and programs
9 concerning juvenile offenders, the supreme court administrative orders
10 shall be in force until such contract ends and the rules and regulations
11 concerning juvenile intake and assessment system and programs
12 concerning juvenile offenders have been adopted.

13 (b) ~~No~~ Except as otherwise provided in this subsection, records,
14 reports and information obtained as a part of the juvenile intake and
15 assessment process ~~may~~ shall not be admitted into evidence in any
16 proceeding and ~~may~~ shall not be used in a child in need of care proceeding
17 ~~except or a juvenile offender proceeding.~~

18 (1) Such records, reports and information may be used in a child in
19 need of care proceeding for diagnostic and referral purposes and by the
20 court in considering dispositional alternatives. ~~However,~~ If the records,
21 reports or information are in regard to abuse or neglect, which is required
22 to be reported under K.S.A. 2015 Supp. 38-2223, and amendments thereto,
23 such records, reports or information may then be used for any purpose in
24 a child in need of care proceeding pursuant to the revised Kansas code for
25 care of children.

26 (2) Such records, reports and information may be used in a juvenile
27 offender proceeding only if such records, reports and information are in
28 regard to the possible trafficking of a runaway. Such records, reports and
29 information in regard to the possible trafficking of a runaway shall be
30 made available to the appropriate county or district attorney and the
31 court, and shall be used only for diagnostic and referral purposes.

32 (c) Upon a juvenile being taken into custody pursuant to K.S.A. 2015
33 Supp. 38-2330, and amendments thereto, a juvenile intake and assessment
34 worker shall complete the intake and assessment process as required by
35 supreme court administrative order or district court rule prior to July 1,
36 1997, or except as provided above rules and regulations established by the
37 ~~commissioner of juvenile justice~~ secretary of corrections on and after July
38 1, 1997.

39 (d) Except as provided in subsection (g) and in addition to any other
40 information required by the supreme court administrative order, the
41 secretary for children and families, the ~~commissioner~~ secretary of
42 corrections or by the district court of such district, the juvenile intake and
43 assessment worker shall collect the following information:

- 1 (1) A standardized risk assessment tool, such as the problem oriented
- 2 screening instrument for teens;
- 3 (2) criminal history, including indications of criminal gang
- 4 involvement;
- 5 (3) abuse history;
- 6 (4) substance abuse history;
- 7 (5) history of prior community services used or treatments provided;
- 8 (6) educational history;
- 9 (7) medical history; and
- 10 (8) family history.
- 11 (e) After completion of the intake and assessment process for such
- 12 child, the intake and assessment worker may:
 - 13 (1) Release the child to the custody of the child's parent, other legal
 - 14 guardian or another appropriate adult if the intake and assessment worker
 - 15 believes that it would be in the best interest of the child and it would not
 - 16 be harmful to the child to do so.
 - 17 (2) Conditionally release the child to the child's parent, other legal
 - 18 guardian or another appropriate adult if the intake and assessment worker
 - 19 believes that if the conditions are met, it would be in the child's best
 - 20 interest to release the child to such child's parent, other legal guardian or
 - 21 another appropriate adult; and the intake and assessment worker has
 - 22 reason to believe that it might be harmful to the child to release the child to
 - 23 such child's parents, other legal guardian or another appropriate adult
 - 24 without imposing the conditions. The conditions may include, but not be
 - 25 limited to:
 - 26 (A) Participation of the child in counseling;
 - 27 (B) participation of members of the child's family in counseling;
 - 28 (C) participation by the child, members of the child's family and other
 - 29 relevant persons in mediation;
 - 30 (D) provision of inpatient treatment for the child;
 - 31 (E) referral of the child and the child's family to the secretary for
 - 32 children and families for services and the agreement of the child and
 - 33 family to accept and participate in the services offered;
 - 34 (F) referral of the child and the child's family to available community
 - 35 resources or services and the agreement of the child and family to accept
 - 36 and participate in the services offered;
 - 37 (G) requiring the child and members of the child's family to enter into
 - 38 a behavioral contract which may provide for regular school attendance
 - 39 among other requirements; or
 - 40 (H) any special conditions necessary to protect the child from future
 - 41 abuse or neglect.
 - 42 (3) Deliver the child to a shelter facility or a licensed attendant care
 - 43 center along with the law enforcement officer's written application. The

1 shelter facility or licensed attendant care facility shall then have custody as
2 if the child had been directly delivered to the facility by the law
3 enforcement officer pursuant to K.S.A. 2015 Supp. 38-2232, and
4 amendments thereto.

5 (4) Refer the child to the county or district attorney for appropriate
6 proceedings to be filed or refer the child and family to the secretary for
7 children and families for investigations in regard to the allegations.

8 (5) Make recommendations to the county or district attorney
9 concerning immediate intervention programs which may be beneficial to
10 the juvenile.

11 (f) ~~The commissioner~~ *secretary of corrections* may adopt rules and
12 regulations which allow local juvenile intake and assessment programs to
13 create a risk assessment tool, as long as such tool meets the mandatory
14 reporting requirements established by the ~~commissioner~~ *secretary of*
15 *corrections*.

16 (g) Parents, guardians and juveniles may access the juvenile intake
17 and assessment programs on a voluntary basis. The parent or guardian
18 shall be responsible for the costs of any such program utilized.

19 ~~*fNew Sec. 14. (a) There is hereby established in the state treasury:*~~
20 ~~*the juvenile out-of-home placement education fund to be administered*~~
21 ~~*by the secretary for the department of children and families. All*~~
22 ~~*expenditures from such fund shall be made in accordance with*~~
23 ~~*appropriation acts upon warrants of the director of accounts and reports*~~
24 ~~*issued pursuant to vouchers approved by the secretary or the secretary's*~~
25 ~~*designee. All moneys credited to the juvenile out-of-home placement*~~
26 ~~*education fund shall be expended for the purposes of providing for the*~~
27 ~~*education of children placed pursuant to the revised Kansas code for*~~
28 ~~*care of children or the revised Kansas juvenile justice code.*~~

29 ~~*(b) The court shall notify any school district when a child has been*~~
30 ~~*placed pursuant to the revised Kansas code for care of children or the*~~
31 ~~*revised Kansas juvenile justice code and is no longer attending a school*~~
32 ~~*in such school district. Upon receipt of such notification, for any month*~~
33 ~~*during the current school year in which such child is not enrolled in*~~
34 ~~*such school district as of the first day of such month, such school district*~~
35 ~~*shall remit to the secretary an amount equal to the general fund budget*~~
36 ~~*of such school district, excluding moneys held in the special education*~~
37 ~~*and related services fund, the special retirement contributions fund, the*~~
38 ~~*capital outlay fund or the bond and interest fund of the school district,*~~
39 ~~*the proceeds of any tax levied by such school district that are directly*~~
40 ~~*deposited in any fund of such school district and any moneys received by*~~
41 ~~*the school district pursuant to federal law, for the current school year*~~
42 ~~*divided by the total enrollment of such school district for the current*~~
43 ~~*school year divided by 12. Such remittance shall be made on the first*~~

1 ~~business day of such month. The secretary shall remit any moneys so~~
2 ~~received to the state treasurer in accordance with the provisions of~~
3 ~~K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~
4 ~~remittance, the state treasurer shall deposit the entire amount in the~~
5 ~~state treasury to the credit of the juvenile out-of-home placement~~
6 ~~education fund.~~

7 ~~(c) For purposes of this section and for calculating enrollment, a~~
8 ~~resident school district shall not count any student placed pursuant to~~
9 ~~the revised Kansas code for care of children or the revised Kansas~~
10 ~~juvenile justice code and not enrolled in a school district as a pupil of~~
11 ~~such resident school district. As used in this subsection, the term~~
12 ~~"resident school district" means the school district in which the student~~
13 ~~resides and would otherwise be enrolled.~~

14 ~~New Sec. 15. (a) If a child is enrolled by the licensed person or~~
15 ~~entity in a school district that is different than the school district in~~
16 ~~which the child was enrolled at the commencement of the current school~~
17 ~~year, then the school district in which the child is enrolled by such~~
18 ~~licensee shall be paid by the secretary from the juvenile out-of-home~~
19 ~~placement education fund a monthly amount that is equal to the general~~
20 ~~fund budget of such school district, excluding moneys held in the special~~
21 ~~education and related services fund, the special retirement contributions~~
22 ~~fund, the capital outlay fund or the bond and interest fund of the school~~
23 ~~district, the proceeds of any tax levied by such school district that are~~
24 ~~directly deposited in any fund of such school district and any moneys~~
25 ~~received by the school district pursuant to federal law, for the current~~
26 ~~school year divided by the total enrollment of such school district for the~~
27 ~~current school year divided by 12. The school district shall only be paid~~
28 ~~for those months in which the child is enrolled in the school district as of~~
29 ~~the first day of the month. Payments shall be made by the secretary to~~
30 ~~the school district on the first day of the month or as soon thereafter as~~
31 ~~sufficient moneys are available in the juvenile out-of-home placement~~
32 ~~education fund.~~

33 ~~(b) This section shall be part of and supplemental to the revised~~
34 ~~Kansas code for care of children.~~

35 ~~New Sec. 16. (a) If a child is enrolled by the licensed person or~~
36 ~~entity in a school district that is different than the school district in~~
37 ~~which the child was enrolled at the commencement of the current school~~
38 ~~year, then the school district in which the child is enrolled by such~~
39 ~~licensee shall be paid by the secretary of the department for children and~~
40 ~~families from the juvenile out-of-home placement education fund a~~
41 ~~monthly amount that is equal to the general fund budget of such school~~
42 ~~district, excluding moneys held in the special education and related~~
43 ~~services fund, the special retirement contributions fund, the capital~~

1 ~~outlay fund or the bond and interest fund of the school district, the~~
2 ~~proceeds of any tax levied by such school district that are directly~~
3 ~~deposited in any fund of such school district and any moneys received by~~
4 ~~the school district pursuant to federal law, for the current school year~~
5 ~~divided by the total enrollment of such school district for the current~~
6 ~~school year divided by 12. The school district shall only be paid for those~~
7 ~~months in which the child is enrolled in the school district as of the first~~
8 ~~day of the month. Payments shall be made by the secretary to the school~~
9 ~~district on the first day of the month or as soon thereafter as sufficient~~
10 ~~moneys are available in the juvenile out-of-home placement education~~
11 ~~fund.~~

12 ~~(b) This section shall be part of and supplemental to the revised~~
13 ~~Kansas juvenile justice code.~~

14 Sec. ~~14.~~ ~~17.~~ 14. K.S.A. 2015 Supp. 38-2202, 38-2210, 38-2231, 38-
15 2263, 38-2264, 38-2265, 38-2287, 38-2302, 38-2310, 38-2310a, 38-2365,
16 65-535 and 75-7023 are hereby repealed.

17 Sec. ~~15.~~ ~~18.~~ 15. This act shall take effect and be in force from and
18 after its publication in the statute book.