

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2244

As Amended by House Committee on Health
and Human Services

Brief*

HB 2244, as amended, would create the Supporting Families Act. The Act would allow a parent or legal custodian (parent) of a child to voluntarily delegate, through execution of power of attorney, to another person powers regarding the care and custody of the child. The parent would retain legal authority regarding the child and could revoke or withdraw the power of attorney at any time. When a parent executes a power of attorney, it would not be considered abandonment, abuse, or neglect, or an out-of-home placement pursuant to KSA 2014 Supp. 38-2201 *et seq.*

The attorney-in-fact parent would exercise parental or legal authority on a continuous basis, would not receive compensation, and would not be subject to laws, licensing, or rules and regulations relating to foster care or foster care homes. Except that prior to execution of a power of attorney, the Department for Children and Families (DCF) would be required to verify in writing that a background check similar to that of a prospective foster parent was conducted by DCF and DCF found no reason to object to the execution of the power of attorney. The required background check would not apply to an attorney-in-fact parent who is a grandparent, aunt, uncle, or adult sibling of the child. An attorney-in-fact parent would be a mandated reporter of abuse or neglect in accordance with KSA 2014 Supp. 38-2223. The attorney-in-fact parent would not have the authority to consent to marriage or adoption of the child, the performance of an

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

abortion on the child, or the termination of parental rights to the child.

The attorney-in-fact would be valid for a period not to exceed one year; however, execution of a subsequent attorney-in-fact would be allowable. The bill would make exceptions to this rule for parents serving in the military.

The bill would require the Kansas Judicial Council to create a power of attorney form to delegate parental authority in accordance with the Act.

During a child protective investigation resulting from abuse of a child that does not lead to out of home placement, DCF would be required to provide information to the parent about the Act as well as other community service programs including programs that provide respite care, voluntary guardianship, and other support services for families in crisis. The bill also would authorize DCF to work with families who are in financial distress, unemployed, homeless, or experiencing other family crises by detailing community resources available to the families including voluntary guardianship under the Act.

Background

In the House Committee on Health and Human Services, Representative Rhoades, the founder of Safe Families for Children, a senior fellow with the Foundation for Government Accountability, a licensed social worker, safe family host parents, and a placing parent testified as proponents of the bill. The proponents stated the Safe Families program is an opportunity for hosting families to help placing families in crisis with concern and compassion as motivation not monetary compensation, as the hosting families are volunteers. Senator Pilcher-Cook and the Secretary for Children and Families provided written only proponent testimony.

No opponent or neutral testimony was presented.

The House Committee amended the bill to require an attorney-in-fact parent to be a mandated reporter of abuse or neglect pursuant to KSA 2014 Supp. 38-2223. The House Committee also amended the bill to require an attorney-in-fact parent to undergo a similar background check required of a potential foster parent. DCF would be required to verify in writing that DCF did conduct the background check on the attorney-in-fact parent and found no reason to object to the execution of the power of attorney. The background check would not be required if the attorney-in-fact parent is a grandparent, aunt, uncle, or adult sibling of the child. The House Committee further amended the bill to change the name of the Act from Safe Families Act to Supporting Families Act, deleted the attorney-in-fact form provided in the bill and required the Kansas Judicial Council to create a power of attorney form, and inserted "DCF" and deleted "a child protective investigator" as it relates to providing information about the Supporting Families Act in certain circumstances.

The fiscal note prepared by the Division of the Budget on the bill, as introduced, indicates DCF estimates two FTEs would be required costing \$117,785 in FY 2016 and states an increase may be experienced in the workload of investigative staff; however, the increased time demand on workers cannot be estimated.

The fiscal note also indicates the Office of Judicial Administration states the bill would have a fiscal impact on Judicial Branch expenditures or revenues. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.