

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 148

As Recommended by Senate Committee on
Judiciary

Brief*

SB 148 would enact the Safe Families Act. Under the Act, a parent or legal custodian of a child would be allowed to execute a power of attorney, in a form designated by and included in the Act, to delegate to another person (the attorney-in-fact) any powers regarding the care and custody of the child for up to one year. A new power of attorney would have to be executed for each additional year the delegation is to exist.

A "serving parent," defined by the Act to include a parent under one of several specified military service obligations, would be allowed to delegate powers for a period longer than one year if on active duty service, but the term of delegation could not exceed the term of active duty service plus 30 days.

The powers to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child could not be delegated, and a delegation pursuant to the Act would not deprive the parent or legal custodian of any parental or legal authority regarding the care and custody of the child.

The parent or legal custodian could revoke the power of attorney at any time, at which point the child would be returned to the custody of the parents as soon as reasonably possible.

*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>

The attorney-in-fact would exercise parental or legal authority on a continuous basis, without compensation, for the duration of the power of attorney. The Act would specify that the parties would not be subject to laws, rules, or regulations regarding foster care, foster care homes, or child care facilities. The delegation would not constitute an out-of-home placement. The execution of a power of attorney would not constitute abandonment, abuse, or neglect unless the parent or legal custodian failed to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed.

A power of attorney would be legally sufficient if the wording complied substantially with the form provided in the statute, the form was properly completed, and the signatures of the parties were acknowledged.

During any child protective investigation by the Kansas Department for Children and Families (DCF) that does not result in an out-of-home placement resulting from abuse of a child, the child protective investigator would be required to provide information to parents in certain situations about respite care, voluntary guardianship, other support services for families in crisis (including churches and other organizations that work with Safe Families for Children), and the Act.

The DCF would be authorized to work with families in financial distress, unemployed, homeless, or experiencing other family crises by detailing available community resources, including respite care, voluntary guardianship under the Act, and information regarding churches and other organizations that provide host families for Safe Families for Children.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Pilcher-Cook. In the

Senate Committee, Senator Pilcher-Cook, Representative Rhoades, and representatives of Safe Families for Children and the Foundation for Government Accountability, as well as a licensed master social worker and citizens, testified in support of the bill. The Secretary for Children and Families submitted written proponent testimony. There was no neutral or opponent testimony.

According to the fiscal note prepared by the Division of the Budget, DCF estimates the bill would require an additional 0.50 Social Worker Specialist position in each of DCF's four regions to identify available services, at a total cost of \$117,785, including \$113,862 from the State General Fund. Salary and benefits for these positions would be \$109,925 and operating expenses would be \$7,860. The DCF also indicates the bill could increase the workload of investigative staff to determine needed services and make necessary referrals, but the potential increased demand cannot be estimated.

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