

HOUSE BILL No. 2333

By Committee on Judiciary

2-14

Proposed Amendments to HB 2333 - Humphries
House Judiciary Committee
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February 24, 2020

1 AN ACT concerning children and minors; relating to adoption; date of
2 final decree; amending K.S.A. 2018 Supp. 59-2134 and repealing the
3 existing section.

2019

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

6 Section 1. K.S.A. 2018 Supp. 59-2134 is hereby amended to read as
7 follows: 59-2134. (a) (1) Upon the hearing of the petition, the court shall
8 consider the assessment and all evidence, including evidence relating to
9 determination of whether or not the court should exercise its jurisdiction,
10 offered by any party in interest. If the adoption is granted, the court shall
11 enter a final decree of adoption, which terminates parental rights if not
12 previously terminated.

(A) Except as provided in subparagraph (B),

13 (2) A final decree of adoption shall take effect upon the filing of the
14 judgment, unless the court makes a specific finding of fact that it is in the
15 best interests of the child that the decree shall take effect at an earlier date
16 as the court shall direct. In no case shall such decree take effect before a
17 bona fide relationship was established between the child to be adopted
18 and the prospective adoptive parent. In considering the date that a decree
19 shall take effect, the court may consider a prospective adoptive parent's
20 deployment or mobilization and the interest of siblings being adopted
21 together.

(B) If the child being adopted is 16 or 17 years of age, the
court may order a final decree of adoption to take effect
at an earlier date.

more than two years earlier than the filing of
the judgment or

22 (3) If an adoption has had the final decree of adoption entered by the
23 court prior to July 1, 2019, the court may modify such final decree of
24 adoption pursuant to the provisions of paragraph (2), at the request of an
25 adoptive parent within 180 days after the enactment of this section.

2020

26 (4) The provisions of paragraph (2) shall not apply to an adoption
27 when the person to be adopted has attained the age of majority before the
28 petition for adoption is filed.

29 (b) If the adoption is denied, the court shall enter appropriate orders.
30 Such orders may include an order giving temporary custody of the child to
31 another person or agency for a period not to exceed 30 days pending
32 termination of the instant case or a new case being filed.

33 (c) The costs of the adoption proceedings shall be paid by the
34 petitioner or as assessed by the court.

35 Sec. 2. K.S.A. 2018 Supp. 59-2134 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.