

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2333

As Amended by House Committee on Judiciary

Brief*

HB 2333, as amended, would amend the Kansas Adoption and Relinquishment Act to provide that a final decree of adoption shall take effect upon the filing of the judgment, except that, 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. In no case could such decree take effect more than two years earlier than the filing of the judgment or before a *bona fide* relationship was established between the child to be adopted and the prospective adoptive parent. In considering the date that a decree shall take effect, the court could consider a prospective adoptive parent's deployment or mobilization and the interest of siblings being adopted together.

The bill would specify the above provisions would not apply to an adoption when the person to be adopted has attained the age of majority before the petition for adoption is filed.

The bill would authorize the court to modify, pursuant to the above provisions, a final decree of adoption entered by the court prior to July 1, 2020, if requested by an adoptive parent within 180 days after the enactment of the bill.

*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>

Background

The bill was introduced in 2019 by the House Committee on Judiciary at the request of Representative Highberger on behalf of Sharma-Crawford Attorneys at Law, LLC.

In the 2020 House Committee hearing, a Washburn University law professor, a representative of Sharma-Crawford Attorneys at Law, LLC, and another attorney testified in support of the bill, stating the bill would allow Kansas judges to protect the rights and best interests of a small group of children who might otherwise be denied such rights due to an arbitrary filing date controlled by scheduling vagaries. Two attorneys, two private citizens, and a representative of the Adoptee Rights Campaign provided written-only proponent testimony.

No neutral or opponent testimony was provided.

The House Committee amended the bill to limit the ability to order an earlier effective date to no more than two years earlier than the filing of the judgment and only when the child being adopted is 16 or 17 years of age, and to change the date of the modification provision from July 1, 2019, to July 1, 2020.

According to the fiscal note prepared in 2019 by the Division of the Budget on the bill as introduced, the Department for Children and Families indicates enactment of the bill could affect the Adoption Subsidy Program in rare cases, but the fiscal effect on expenditures would be negligible. The Office of Judicial Administration indicates enactment of the bill could increase time spent by judicial personnel in researching and hearing adoption cases, but it is not possible to predict the number or complexity of additional court cases, so a precise fiscal effect cannot be determined. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.