

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Child Welfare and Foster Care** recommends **HB 2024** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 38-2203 is hereby amended to read as follows: 38-2203. (a) Proceedings concerning any child who may be a child in need of care shall be governed by this code, except in those instances when the court knows or has reason to know that an Indian child is involved in the proceeding, in which case, the Indian child welfare act of 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may apply to: The filing to initiate a child in need of care proceeding, K.S.A. 38-2234, and amendments thereto; ex parte custody orders, K.S.A. 38-2242, and amendments thereto; temporary custody hearing, K.S.A. 38-2243, and amendments thereto; adjudication, K.S.A. 38-2247, and amendments thereto; burden of proof, K.S.A. 38-2250, and amendments thereto; disposition, K.S.A. 38-2255, and amendments thereto; permanency hearings, K.S.A. 38-2264, and amendments thereto; termination of parental rights, K.S.A. 38-2267, 38-2268 and 38-2269, and amendments thereto; establishment of permanent custodianship, K.S.A. 38-2268 and 38-2272, and amendments thereto; the newborn infant protection act, K.S.A. 38-2282, and amendments thereto; the placement of a child in any foster, pre-adoptive and adoptive home and the placement of a child in a guardianship arrangement under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(b) Subject to the uniform child custody jurisdiction and enforcement act, K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments thereto, the district court shall have original jurisdiction of proceedings pursuant to this code.

(c) The court acquires jurisdiction over a child by the filing of a petition pursuant to this code or upon issuance of an ex parte order pursuant to K.S.A. 38-2242, and amendments thereto. When the court acquires jurisdiction over a child in need of care, jurisdiction may continue until the child has: (1) Become 18 years of age, or until June 1 of the school year during which the child became 18 years of age if the child is still attending high school unless there is no court approved transition plan, in which event jurisdiction may continue until a transition plan is approved by the court or until the child reaches the age of 21; (2) been adopted; or (3) been discharged by the court. Any child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested parties and 30 days after receipt of the request, jurisdiction will cease.

(d) When it is no longer appropriate for the court to exercise jurisdiction over a child, the court, upon its own motion or the motion of a party or interested party at a hearing or upon agreement of all parties or interested parties, shall enter an order discharging the child. Except upon request of the child pursuant to subsection (c), the court shall not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement, is still attending high school and has not completed the child's high school education.

(e) When a petition is filed under this code, a person who is alleged to be under 18 years of age shall be presumed to be under that age for the purposes of this code, unless the contrary is proved.

(f) A court's order issued in a proceeding pursuant to this code, shall take precedence over such orders in a civil custody case, a proceeding under article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, protection from abuse act, or a comparable case in another jurisdiction, except as provided by K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments thereto, uniform child custody jurisdiction and enforcement act.";

Also on page 1, in line 11, after the period by inserting "This section shall not abridge the rights or obligations created by the Indian child welfare act of 1978, 25 U.S.C. § 1901 et seq."; in line 13, after "(1)" by inserting "'Newborn safety device' means a container designed to safely accept delivery of an infant and that is:

(A) Voluntarily installed in a facility described in subsection (c)(1)(A) that is staffed 24 hours per day by an employee of such facility or has a dual alarm system that will dispatch first responders when all employees of the facility are unavailable;

(B) located on a structural wall in an area that is conspicuous and visible to employees of the facility described in subsection (c)(1)(A);

(C) equipped with an automatic lock that would restrict access to the device from the outside of the facility described in subsection (c)(1)(A) when an infant is placed inside the device;

(D) equipped with a temperature control; and

(E) equipped with an alarm system described in subsection (c)(3) that is triggered by an infant being placed inside the device;

(2)";

Also on page 1, by striking all in lines 19 through 30;

On page 2, in line 4, by striking "an infant refuge bassinet" and inserting "a newborn safety device"; in line 11, after "history" by inserting "or information described in subsection (k)"; in line 12, by striking all after "installs"; in line 13, by striking "bassinet" and inserting "a newborn safety device"; in line 14, by striking "bassinet" and inserting "device"; in line 21, after "neglected" by inserting "or such information is required pursuant to subsection (k)";

On page 3, in line 13, by striking "an infant refuge bassinet" and inserting "a newborn safety device"; in line 33, after the period by inserting "When such person is seeking to establish parental rights, the court shall require the person, at the person's expense, to submit to a genetic

test to verify that the person is the biological parent of the child.";

On page 4, following line 14, by inserting:

"(k) An employee of a facility described in subsection (c)(1)(A) shall ask the person surrendering an infant whether such infant or either biological parent is a member of or eligible for membership in a federally recognized Indian tribe and the identity of any such tribe or tribes. Any facility maintaining a newborn safety device shall provide the means for the person surrendering an infant to indicate whether such infant or either biological parent is a member of or eligible for membership in a federally recognized tribe or tribes. An employee of a facility taking custody of an infant pursuant to section (c)(1) shall provide to the secretary all information received pursuant to this subsection. The secretary shall provide such information to the court with jurisdiction over the infant.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

Also on page 4, in line 15, after "K.S.A." by inserting "38-2203 and"; also in line 15, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking "an infant refuge bassinet" and inserting "a newborn safety device; requiring inquiries and reporting of Indian child status"; also in line 3, after "K.S.A." by inserting "38-2203 and"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Chairperson