

**HOUSE BILL No. 2299**

By Committee on Child Welfare and Foster Care

2-6

1 AN ACT concerning children and minors; relating to children in need of  
2 care; directing the secretary for children and families to consider foster  
3 parents as prospective adoptive parents under certain circumstances;  
4 requiring the secretary to report on certain data on adoptions; amending  
5 K.S.A. 38-2270 and repealing the existing section.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 38-2270 is hereby amended to read as follows: 38-  
9 2270. (a) When parental rights have been terminated and it appears that  
10 adoption is a viable alternative, the court shall enter one of the following  
11 orders:

12 (1) An order granting custody of the child, for adoption proceedings,  
13 to the secretary or a corporation organized under the laws of the state of  
14 Kansas authorized to care for and surrender children for adoption as  
15 provided in K.S.A. 38-112 et seq., and amendments thereto. ~~The person,~~  
16 secretary or corporation shall have authority to place the child in a family  
17 home; and give consent for the legal adoption of the child which shall be  
18 the only consent required to authorize the entry of an order or decree of  
19 adoption. *When deciding who will adopt the child, the secretary or*  
20 *corporation shall be guided by the best interests of the child.*

21 (2) An order granting custody of the child to proposed adoptive  
22 parents and consenting to the adoption of the child by the proposed  
23 adoptive parents. *Any prior custody order, including, but not limited to,*  
24 *custody of the secretary or corporation, shall cease upon the court*  
25 *granting custody of the child to the proposed adoptive parents under this*  
26 *subsection.*

27 ~~(b) In making an order under subsection (a), the court shall give~~  
28 ~~preference, to the extent that the court finds it is in the best interests of the~~  
29 ~~child, first to granting such custody for adoption to a relative of the child~~  
30 ~~and second to granting such custody to a person with whom the child has~~  
31 ~~close emotional ties. *When a child is placed in the custody of the*~~  
32 ~~*secretary for purposes of adoption under subsection (a)(1), the secretary*~~  
33 ~~*shall give preference, subject to the best interests of the child, to a*~~  
34 ~~*placement that maintains the child's close and healthy attachments. The*~~  
35 ~~*secretary shall consider the foster parent as a prospective adoptive parent*~~  
36 ~~*when:*~~

- 1       (1) *The child has lived more than half of the child's lifetime with the*
- 2 *foster parent;*
- 3       (2) *the child has lived more than two years with the foster parent; or*
- 4       (3) *the secretary otherwise determines it is in the best interests of the*
- 5 *child.*
- 6       (c) *If a foster parent considered by the secretary under subsection (b)*
- 7 *(1) or (b)(2) is not selected by the secretary, the foster parent may request*
- 8 *direct placement of the child by the court under subsection (a)(2) and may*
- 9 *appeal that decision to the court of appeals.*
- 10       (d) *To implement the provisions of this section, the secretary shall:*
- 11       (1) *Develop and enforce adoption selection policies that comply with*
- 12 *subsection (b) and ensure caregiver and sibling attachments are*
- 13 *appropriately considered;*
- 14       (2) *review policies and update to reduce time to adoption*
- 15 *permanency;*
- 16       (3) *apply adoption selection policies consistently;*
- 17       (4) *develop and provide training for contractors and employees;*
- 18       (5) *collect data regarding best interest staffing conducted under this*
- 19 *section, including, but not limited to, data on:*
- 20       (A) *How many best interest staffing decisions are appealed;*
- 21       (B) *how many best interest staffing decisions are overturned; and*
- 22       (C) *how many best interest staffing appeals go to court; and*
- 23       (6) *on or before the first day of the regular legislative session of*
- 24 *2024, and every year thereafter, prepare and submit a report to the*
- 25 *legislature on compliance with this subsection.*
- 26       (e) ~~*Discharge upon adoption.*~~ *When an adoption decree has been filed*
- 27 *with the court in the child in need of care case, the secretary's custody shall*
- 28 *cease, the court's jurisdiction over the child shall cease and the court shall*
- 29 *enter an order to that effect.*
- 30       Sec. 2. K.S.A. 38-2270 is hereby repealed.
- 31       Sec. 3. This act shall take effect and be in force from and after its
- 32 publication in the statute book.