

Termination of Parental Rights; Adoption Notice; HB 2549

HB 2549 amends law in the Kansas Adoption and Relinquishment Act (Act) governing petitions to terminate parental rights (TPR) and notice required to be given in a hearing on a petition for adoption.

Termination of Parental Rights Petitions

The bill specifies a TPR petition may be filed only as part of a petition for adoption or as a separate action in connection with the petition for adoption. Prior law provided a TPR petition could be filed as an independent action.

For TPR petitions that are filed separately from petitions for adoption, the bill specifies venue for TPR petitions must be in the county where the child or a parent resides or is found, and the order granting the petition must:

- Be in substantial compliance with the Kansas Judicial Council (Judicial Council) form;
- Be a final judgment that is appealable as a matter of right;
- Satisfy the Act requirement that the necessity for consent or relinquishment is eliminated (if the order is not appealed); and
- Be effective only upon the filing of an adoption decree.

Notice of Hearing on Adoption Petitions

The bill reorganizes and clarifies provisions related to the notice of hearing required to be given after a petition for adoption has been filed in various types of adoptions, as follows.

Independent and Stepparent Adoptions

The bill requires notice in an independent and stepparent adoption to be given to:

- The parents, presumed parents, or possible parents;
- Any person who has physical custody of the child; and
- Any legal guardian of the child.

Private Agency Adoptions

The bill requires notice in a private agency adoption to be given to:

- The consenting agency;

- The parents, the presumed parents, or possible parents;
- Any relinquishing person;
- Any person who has physical custody of the child; and
- Any legal guardian of the child.

Public Agency Adoptions

The bill requires notice in a public agency adoption to be given only to the consenting agency.

Other Amendments

The bill clarifies that a person who receives notice of a hearing on an adoption petition is not made a party or granted standing based solely on the fact that the person received such notice. The bill further specifies that notice is not required to be given to a person whose parental rights have been terminated or to a person who or agency that has waived the right to receive notice in writing.