

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2361

As Recommended by House Committee on
Child Welfare and Foster Care

Brief*

HB 2361 would amend the Revised Kansas Code for Care of Children regarding the requirement that the court give preference as to the custody for adoption of a child in need of care (CINC) first to a relative and second to a person with whom the child has close emotional ties, to the extent the court finds such custody is in the best interest of a child. The bill would not apply the requirement that the court give first preference to a relative when a child has been in the custody of the Secretary for Children and Families for one or more cumulative years.

Background

The bill was introduced by the House Committee on Child Welfare and Foster Care at the request of Representative Concannon.

House Committee on Child Welfare and Foster Care

In the House Committee hearing on February 15, 2023, **proponent** testimony was provided by a representative of the Sisters of Charity of Leavenworth who stated the bill could prevent a child from experiencing trauma by being removed from those with whom a child has emotional ties.

*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>

Neutral testimony was provided by the Secretary for Children and Families who stated, in 2022, the House Committee on Children and Seniors requested the Judicial Council review attachment in child placement decisions and adoption proceedings in CINC cases. The Secretary noted the Judicial Council Juvenile Offender/CINC Advisory Committee (Advisory Committee) completed an in-depth study of the current process from termination or relinquishment of parental rights to the selection of adoptive parents and published a report on the consideration of attachment when selecting an adoptive resource in CINC cases. The Secretary noted the Advisory Committee recommended, when making permanency decisions, that attachment be considered in determining the best interest of the child. The Secretary noted the Advisory Committee recommendations would be an effective path forward.

No other testimony was provided.

The bill was withdrawn from the House Committee on Child Welfare and Foster Care and referred to the House Committee on Appropriations (Appropriations) on February 23, 2023. On March 1, 2023, the bill was withdrawn from Appropriations and rereferred to the House Committee on Child Welfare and Foster Care.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration and the Department for Children and Families indicate enactment of the bill would have no fiscal effect on the Judicial Branch or agency.

Revised Kansas Code for Care of Children; child in need of care; adoption; preference to relative; attachment