

## HOUSE BILL No. 2361

By Committee on Child Welfare and Foster Care

2-8

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1 AN ACT concerning children in need of care; relating to the courts;  
2 limiting when the court is required to give preference to a relative for  
3 the custody for adoption of a child in need of care; amending K.S.A.  
4 38-2270 and repealing the existing section.

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

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

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

19 (2) An order granting custody of the child to proposed adoptive  
20 parents and consenting to the adoption of the child by the proposed  
21 adoptive parents.

22 (b) In making an order under subsection (a), the court shall give  
23 preference, to the extent that the court finds it is in the best interests of the  
24 child, first to granting such custody for adoption to a relative of the child  
25 and second to granting such custody to a person with whom the child has  
26 close emotional ties. *This subsection shall not apply when the child has*  
27 *been in the custody of the secretary for one cumulative year or more.*

28 (c) *Discharge upon adoption.* When an adoption decree has been filed  
29 with the court in the child in need of care case, the secretary's custody shall  
30 cease, the court's jurisdiction over the child shall cease and the court shall  
31 enter an order to that effect.

32 Sec. 2. K.S.A. 38-2270 is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its  
34 publication in the statute book.