

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2700

As Amended by House Committee on Children
and Seniors

Brief*

HB 2700, as amended, would amend law governing custody in adoption procedures in the Revised Kansas Code for Care of Children (Code) when parental rights have been terminated.

The bill would require the court, when making an order granting custody for adoption proceedings when parental rights have been terminated and when there is more than one prospective adoptive family, to make a finding that the person, Secretary for Children and Families (Secretary), or corporation organized to care for and surrender children for adoption pursuant to state law has conducted an individualized assessment of such child's needs and attachments. The bill would require such assessment include:

- The child's current relationships with caregivers, relatives, and others;
- Whether a family can best meet the child's medical, physical, emotional, cultural, and other specifics needs; and
- The child's need to maintain and strengthen current healthy attachments.

When a child is in the custody of a person, the Secretary, or a corporation described above, such person, Secretary or corporation would be required to conduct the

*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>

individualized assessment described in the bill and provide the court with a report of such assessment prior to giving consent for a legal adoption of the child when there is more than one prospective adoptive family.

The bill also would amend the definition of “kinship care placement” in the Code to include a foster placement with whom the child has lived for more than six months.

Continuing law requires a court to give preference, to the extent the court finds it is in the best interests of the child, to granting adoptive custody, first, to a relative of the child and, second, to a person with whom the child has close emotional ties.

Background

The bill was introduced by the House Committee on Children and Seniors at the request of Representative Concannon on behalf of Representative Humphries.

House Committee on Children and Seniors

In the House Committee hearing on February 16, 2022, Representative Humphries and a representative of the Children’s Alliance of Kansas provided **proponent** testimony. Proponents stated taking attachment into consideration when making adoption decisions is in the best interest of the child.

Written-only proponent testimony was provided by three private citizens and representatives of the Hinkle Law Firm and MKC Services.

No **opponent** testimony was provided.

Written-only neutral testimony was provided by a representative of the Department for Children and Families.

On March 15, 2022, the House Committee amended the bill to:

- Specify the Secretary would be required to conduct an individualized assessment of the child's needs and attachments prior to giving consent for a legal adoption of a child, and the court would be required to find such assessment has occurred, only when there is more than one prospective adoptive family;
- Remove siblings from the list of relationships the assessment must address; and
- Amend the definition of "kinship care placement" to include a foster placement with whom the child lived for more than six months.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (OJA) indicates enactment of the bill would not have a significant fiscal effect on expenditures of the Judicial Branch. OJA states enactment of the bill could create more work for judges and possibly increase the length of Child in Need of Care and adoption cases because it requires multiple findings, but OJA does not anticipate this to be significant. OJA notes that, until the courts have had an opportunity to operate under the provisions of the bill, an accurate estimate of the fiscal effect on expenditures cannot be given.

The Department for Children and Families (DCF) currently conducts Best Interest Staffing (BIS) assessments, which include assessments on medical, physical, emotional, and cultural needs of children, as well as grief, loss, trauma, attachment, and bonding. DCF states if there is only one adoptive resource, the BIS assessment can be waived. This occurs in approximately 50.0 percent of DCF adoptions.

DCF assumes all components of the assessment that would be required by enactment of the bill are addressed in current BIS assessments. DCF estimates the bill would result in 429 additional assessments at a cost of \$686,400 from all funding sources, including \$609,019 from the State General Fund for case manager costs. DCF notes the impact is based on an estimate of the additional cases that meet conditions to have a BIS assessment. The BIS assessments are completed by the child welfare case management providers in the DCF foster care budget. The foster care budget is part of the consensus caseload process, so any increase would be addressed in that process. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Revised Kansas Code for Care of Children; adoption; foster care; kinship care