

SESSION OF 2011

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2105**

As Agreed to March 31, 2011

Brief*

HB 2105 would prohibit a court from ordering that a child be removed from the parents' custody solely because the parent is homeless. It also would require court designated custodians to notify the court at least 10 days before planned placement with a parent and require courts to give notice within 10 days of entering an order to the designated custodian.

Conference Committee Action

The Conference Committee agreed to the House position requiring court designated custodians to notify the court at least 10 days before planned placement with a parent and requiring courts to give notice within 10 days of entering an order to the designated custodian.

Background

In the House Committee on Children and Families, United Methodist Youthville and the Kansas Department of Social and Rehabilitation Services (SRS) testified in support of the bill. A representative from United Methodist Youthville stated that the organization supported the change because sometimes families are still able to care for a child, although

* Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

circumstances may have rendered them homeless. Testimony from SRS supported this statement.

One adoptive parent and one grandparent testified against the bill citing broader concerns about child placement with SRS as well as with the law.

The House Committee of the Whole amended the bill by changing from 14 to 10, the number of days for notice in two instances:

- Before any planned placement with a parent; and
- After the court issues an order to the designated custodian.

2010 HB 2656 changed the number of days for notice in these circumstances from 10 to 14 as part of a much larger amendment to the Kansas Code of Civil Procedure. 2010 HB 2656 adopted a new method of computation of time that includes intermediate weekends; weekends were previously excluded, giving essentially 10 “business” days to act. With weekends now included, most periods of less than 30 days were amended to multiples of 7 such that the deadline will fall on a weekday. These amendments took effect July 1, 2010.

In the Senate Judiciary Committee, representatives of SRS and United Methodist Youthville appeared as proponents of the bill. No opponents offered testimony. The Senate Judiciary Committee amended the bill by changing from 10 to 14, the number of days for notice in the circumstances outlined above (returned to current law).

According to the fiscal note for HB 2105 as introduced, SRS indicates that the bill would not increase or decrease the number of children in its custody, and would have no fiscal impact on its operations. The Office of Judicial Administration indicated no fiscal impact on court operations.