

SENATE BILL No. 52

By Committee on Federal and State Affairs

1-25

1 AN ACT concerning children and minors; relating to grandparent's
2 custody of children; amending K.S.A. 2010 Supp. 38-2241 and
3 repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 38-2241 is hereby amended to read as
7 follows: 38-2241. (a) *Jurisdiction of the court.* Parties and interested
8 parties in a child in need of care proceedings are subject to the
9 jurisdiction of the court.

10 (b) *Rights of parties.* Subject to the authority of the court to rule on
11 the admissibility of evidence and provide for the orderly conduct of the
12 proceedings, the rights of parties to participate in a child in need of care
13 proceeding include, but are not limited to:

14 (1) Notice in accordance with K.S.A. 2010 Supp. 38-2236 and 38-
15 2239, and amendments thereto;

16 (2) present oral or written evidence and argument, to call and cross-
17 examine witnesses; and

18 (3) representation by an attorney in accordance with K.S.A. 2010
19 Supp. 38-2205, and amendments thereto.

20 (c) *Grandparents as interested parties.* (1) A grandparent of the
21 child shall be ~~made~~ an interested party to a child in need of care
22 proceeding, ~~if the grandparent notifies the court of such grandparent's~~
23 ~~desire to become an interested party. Notification may be made in~~
24 ~~writing, orally or by appearance at the initial or a subsequent hearing on~~
25 ~~the child in need of care petition.~~

26 (2) Grandparents ~~with interested party status~~ shall have the
27 participatory rights of parties pursuant to subsection (b), except that the
28 court may restrict those rights if the court finds that it would be in the
29 best interests of the child. A grandparent may not be prevented under this
30 paragraph from attending the proceedings, having access to the child's
31 official file in the court records or making a statement to the court.

32 (d) *Persons with whom the child has been residing as interested*
33 *parties.* (1) Any person with whom the child has resided for a significant
34 period of time within six months of the date the child in need of care
35 petition is filed shall be made an interested party, if such person notifies
36 the court of such person's desire to become an interested party.

1 Notification may be made in writing, orally or by appearance at the initial
2 or a subsequent hearing on the child in need of care petition.

3 (2) Persons with interested party status under this subsection shall
4 have the participatory rights of parties pursuant to subsection (b), except
5 that the court may restrict those rights if the court finds that it would be in
6 the best interests of the child.

7 (e) *Other interested parties.* (1) Any person with whom the child has
8 resided at any time, who is within the fourth degree of relationship to the
9 child, or to whom the child has close emotional ties may, upon motion, be
10 made an interested party if the court determines that it is in the best
11 interests of the child.

12 (2) Any other person or Indian tribe seeking to intervene that is not a
13 party may, upon motion, be made an interested party if the court
14 determines that the person or tribe has a sufficient relationship with the
15 child to warrant interested party status or that the person's or tribe's
16 participation would be beneficial to the proceedings.

17 (3) The court may, upon its own motion, make any person an
18 interested party if the court determines that interested party status would
19 be in the best interests of the child.

20 (f) *Procedure for determining, denying or terminating interested*
21 *party status.* (1) Upon the request of the court, the secretary shall
22 investigate the advisability of granting interested party status under this
23 section and report findings and recommendations to the court.

24 (2) The court may deny or terminate interested party status under
25 this subsection if the court determines, after notice and a hearing, that a
26 person does not qualify for interested party status or that there is good
27 cause to deny or terminate interested party status.

28 (3) A person who is denied interested party status or whose status as
29 an interested party has been terminated may petition for review of the
30 denial or termination by the chief judge of the district in which the court
31 having jurisdiction over the child in need of care proceeding is located, or
32 a judge designated by the chief judge. The chief judge or the chief judge's
33 designee shall review the denial or termination within 30 days of
34 receiving the petition. The child in need of care proceeding shall not be
35 stayed pending resolution of the petition for review.

36 Sec. 2. K.S.A. 2010 Supp. 38-2241 is hereby repealed.

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