

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 262

As Amended by Senate Committee of the Whole

Brief*

SB 262, as amended, would require consideration of a grandparent when evaluating what custody, visitation, or residency arrangements are in the best interest of the child who has been removed from custody of a parent. The court would have to consider the wishes of the parents, child, and grandparent, the extent that the grandparent has cared for the child, the intent and circumstances under which the child is placed with the grandparent, and the physical and mental health of all involved individuals. Consideration of a grandparent would not be subject to actions filed under the Kansas Adoption and Relinquishment Act.

Background

Senator Faust-Goudeau testified in support of the bill. Other proponents included representatives of the Kansas Silver Haired Legislature, Kansas Family Rights Coalition, United Methodist Youthville Child Welfare Services, and the Kansas Children's Service League. Written testimony in support of the bill was submitted by representatives of the American Association of Retired Persons, the Children and Family Services, and the Department of Social and Rehabilitation Services.

The Senate Committee on Federal and State Affairs amended the bill by inserting the word "consideration" in the place of "preference." In addition, the Committee amended the bill so that consideration of a grandparent would not be

*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>

subject to actions filed under the Kansas Adoption and Relinquishment Act.

The Senate Committee of the Whole amended the bill by replacing "may" with "shall," so the grandparent "shall" receive consideration instead of "may" receive consideration by the court.

According to the fiscal note, the enactment of SB 262 would not have a fiscal impact. No fiscal note was available for the bill as amended either by the standing committee or the Senate Committee of the Whole.