

SESSION OF 2011

**SUPPLEMENTAL NOTE ON  
SUBSTITUTE FOR SENATE BILL NO. 81**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

Sub. for SB 81 would amend the Revised Kansas Code for Care of Children (Code) as follows:

- Clarify that a court considering adoption following the termination of parental rights may only consider placement with a non-relative for adoption if the court has determined that no viable relative placement exists;
- Require that a permanency plan for out-of-home placement include the names of all relatives with whom placement was considered and, if placement with a relative is not selected, the reason that such placement was not selected;
- Require that reasonable efforts be made to provide notice of a temporary custody hearing to any known first degree relatives of the child or any known person with close emotional ties to the child; and
- Require the judge at the temporary custody hearing to order the parent or guardian of the child to provide the names and contact information for any known family members of the child and any persons with close emotional ties to the child. The parent or guardian also must state if he or she, or any other family member, has American Indian affiliation.

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\*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>

## **Background**

Senator Oletha Faust-Goudeau requested the Senate Committee on Federal and State Affairs introduce SB 81. As introduced, SB 81 only contained the clarification that a court must determine no viable relative placement exists before considering placement with a non-relative.

In the Senate Committee on Judiciary, Senator Faust-Goudeau, representatives of SRS, the Kansas Silver Haired Legislature, and United Methodist Youthville Child Welfare Services appeared in support of SB 81. The proponents stated the bill would help ensure full consideration of relative adoption before non-relative adoption is considered. No opponents provided testimony.

At the same hearing, the Senate Committee heard testimony from the same conferees regarding SB 84 and SB 94, which, like SB 81, were introduced by the Senate Committee on Federal and State Affairs at Senator Faust-Goudeau's request. SB 84 contains the permanency plan requirement and SB 94 contains the temporary custody notice and relative information requirements. The Senate Committee recommended a substitute bill for SB 81 incorporating the provisions of SB 84 and SB 94. The Committee also made technical changes to the language drawn from SB 81 and SB 84 to provide clarity and ensure consistency with other provisions of the Code.

The fiscal note on SB 81 and SB 84, as introduced, stated the Office of Judicial Administration and SRS indicated the bills would have no fiscal effect.

The fiscal note on SB 94, regarding the temporary custody notice and relative information requirements, stated the SRS' current policy is to send letters within 30 days of receiving custody of a minor to each relative or other person with close emotional ties to the child, as identified by the parents, and this policy would continue if the bill was enacted. The bill could increase the number of letters sent, but SRS

estimates any increase would be negligible and could be absorbed within its existing budget. The Office of Judicial Administration stated the bill could add duties, but any fiscal effect would be negligible and absorbed within the current budget.