

STATE OF KANSAS

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SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **SB 159**, as amended by Senate Committee, on page 1, following line 6, by inserting:

"New Section 1. Sections 1 through 6, and amendments thereto, shall be known and may be cited as the safe families act.

New Sec. 2. As used in the safe families act:

(a) "Attorney in fact" shall have the same meaning as defined in K.S.A. 58-651, and amendments thereto.

(b) "Serving parent" means a parent who is a member of the reserves of the army, navy, air force, marine corps or coast guard of the United States or the commissioned corps of the national oceanic and atmospheric administration or the public health service of the United States department of health and human services detailed by proper authority for duty with the army or navy of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the president of the United States or to serve on state active duty.

New Sec. 3. (a) A parent or legal custodian of a child may by a properly executed power of attorney provided in section 4, and amendments thereto, delegate to another person known as the attorney in fact, for a period not to exceed one year, except as provided in subsection (f), any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not deprive the parent or legal custodian of any parental or legal authority regarding the care and custody of the child.

(b) The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized by subsection (a) at any time. Except as provided in subsection (f), if the delegation of authority lasts longer than one year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists. If a parent withdraws or revokes the power of attorney the child shall be returned to the custody of the parents as soon as reasonably possible.

(c) Unless the authority is revoked or withdrawn by the parent the attorney in fact shall exercise parental or legal authority on a continuous basis without compensation for the duration of the power of attorney authorized by subsection (a) and shall not be subject to any laws or rules or regulations dealing with the licensing or regulation of foster care homes.

(d) Except as otherwise provided by law, the execution of a power of attorney by a parent or legal custodian, as authorized in subsection (a), shall not constitute abandonment, abuse or neglect as defined in K.S.A. 38-2202, and amendments thereto, unless the parent or legal custodian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed.

(e) Under a delegation of powers as authorized by subsection (a), the child or children subject to the power of attorney shall not be considered as placed in foster care and the parties shall not be subject to any of the requirements or licensing laws, rules or regulations for foster care or other regulations relating to community care for children.

(f) A serving parent may delegate the power designated in subsection (a) for a period longer than one year if on active duty service. The term of delegation, however, may not exceed the term of active duty service plus 30 days.

New Sec. 4. (a) The following statutory form of power of attorney to delegate parental or legal authority as authorized by section 3, and amendments thereto, is legally sufficient:

Statutory Form for Power of Attorney to Delegate Parental or Legal Custodian Powers

1. "I certify that I am the parent or legal custodian of:

\_\_\_\_\_

(Full name of minor child)

(Date of birth)

\_\_\_\_\_

(Full name of minor child)

(Date of birth)

\_\_\_\_\_

(Full name of minor child)

(Date of birth)"

2. "I designate \_\_\_\_\_

(Full name of Attorney in fact),

\_\_\_\_\_

(Street address, city, state and zip code of Attorney in fact)

\_\_\_\_\_

(Home phone of Attorney in fact) (Work phone of Attorney in fact)

as the attorney in fact of each minor child named above."

3. "I delegate to the attorney in fact all of my power and authority regarding the care, custody and property of each minor child named above, including, but not limited to, the right to enroll the child in school, inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function or treatment that may concern the child. This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child." or

4. "I delegate to the attorney in fact the following specific powers and responsibilities (write in): \_\_\_\_\_

(In the event paragraph 4 is completed paragraph 3 does not apply).

This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child."

5. "This power of attorney is effective for a period not to exceed one year, beginning \_\_\_\_\_, 20\_\_, and ending \_\_\_\_\_, 20\_\_. I reserve the right to revoke this authority at any time."

6." I am a serving parent as defined in the safe families act. My active duty is estimated to be completed on \_\_\_\_\_. I acknowledge that in no event may this delegation of power last more than one year or the term on my active duty plus 30 days, whichever is longer.

By: \_\_\_\_\_

(Parent/Legal Custodian signature)"

7. "I hereby accept my designation as attorney in fact for

\_\_\_\_\_

(Minor child(ren)) as specified in this power of attorney.

\_\_\_\_\_

(Attorney in fact signature)

State of \_\_\_\_\_

County of \_\_\_\_\_

ACKNOWLEDGMENT

Before me, the undersigned, a Notary Public, in and for \_\_\_\_\_ County and this State on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared \_\_\_\_\_ (Name of Parent/Legal Custodian) and \_\_\_\_\_ (Name of Attorney in fact), to me known to be the identical persons who executed this instrument and

acknowledged to me that each executed the same of such person's free and voluntary act and deed for the uses and purposes set forth in the instrument.

Witness my hand and official seal the day and year above written.

\_\_\_\_\_

(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_

(Title and Rank)

My commission expires: \_\_\_\_\_"

(b) The power of attorney is legally sufficient under the safe families act, if the wording of the form complies substantially with subsection (a), the form is properly completed and the signatures of the parties are acknowledged.

New Sec. 5. During any child protective investigation by the Kansas department for children and families that does not result in an out-of-home placement resulting from abuse of a child, a child protective investigator shall provide information to the parent or custodians who are under financial distress, unemployed, homeless or experiencing other family crises about community service programs that provide respite care, voluntary guardianship, other support services for families in crisis, including churches and other organizations that work with safe families for children, and the safe families act.

New Sec. 6. Any attorney in fact delegated authority under the safe families act by a parent or legal custodian is not subject to the requirements of any other child care facility licensing statutes, rules or regulations or foster care licensing laws or rules or regulations, and will not constitute an out-of-home child placement under the child in need of care code, K.S.A. 38-2201 et seq., and amendments thereto.

New Sec. 7. The Kansas department for children and families is hereby authorized to work

with families who are in financial distress, unemployed, homeless or experiencing other family crises by detailing community resources available to such families in the community, including, but not limited to, respite care, voluntary guardianship under the safe families act and information regarding churches and other organizations that work as host families for safe families for children in the state.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the revised Kansas code for care of"; also in line 1, after "children;" by inserting "enacting the safe families act;"

Senator \_\_\_\_\_