

5
6 HOUSE BILL No. 2907

7 By Representative Sharp

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9 2-13

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11
12 AN ACT concerning **[the support and care of children; relating to]**
13 children in need of care; relating to the definition of an interested
14 party; **[emergency change of placement;]** amending K.S.A. 38-
15 1541[, **38-1552 and 38-1567**] and repealing the existing ~~section~~
16 **[sections]**.

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18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. K.S.A. 38-1541 is hereby amended to read as follows: 38-
20 1541. (a) Upon motion of any person with whom the child has been
21 residing or who is within the fourth degree of relationship to the child
22 and who desires to have standing to participate in the proceedings re-
23 garding the child, the court may order that the person may participate in
24 the proceedings. Upon the filing of the motion, the court may send to
25 the department of social and rehabilitation services a copy of the motion.
26 Upon its receipt, the department shall make an investigation of the ad-
27 visability of the matter and report its findings and recommendations to
28 the court. In determining whether to enter the order, the court shall take
29 into consideration the length of time the child has resided with the per-
30 son, the nature of the custody, the relationship between the child and the
31 person and the degree to which the person has been standing in the place
32 of or assumed the obligations of the child's parent. The status as an in-
33 terested party granted pursuant to this ~~section subsection~~ may be termi-
34 nated at any time by order of the court.

35 (b) *A foster parent or foster parents of the child shall be considered*
36 *interested parties. The status as an interested party pursuant to this sub-*
37 *section may not be terminated at any time by the court **shall remain in***
38 **effect while the child is in placement in the foster parent's home**
39 **and shall not terminate until: (1) The child is successfully placed**
40 **in another foster home; (2) the child is successfully adopted; or (3)**
41 **the child is successfully reintegrated into the natural home, after**
42 **care services are completed and the case is terminated [only upon**
43 **written findings by the court of just cause for such termination].**

1 [Sec. 2. K.S.A. 38-1552 is hereby amended to read as follows:
2 38-1552. The court may exclude from any hearing all persons ex-
3 cept the guardian *ad litem*, interested parties and their attorneys,
4 officers of the court ~~and~~, the witness testifying *and up to two people*
5 *designated by the parent of the child*. Upon agreement of all interested
6 parties, the court shall allow other persons to attend the proceed-
7 ings, unless the court finds the presence of the persons would be
8 disruptive to the proceedings. *The court shall not remove the parent's*
9 *designee or designees from any proceeding unless such designee becomes*
10 *disruptive in such proceeding*.

11 [Sec. 3. K.S.A. 38-1567 is hereby amended to read as follows:
12 38-1567. (a) (1) When an emergency exists requiring immediate
13 action to assure the safety and protection of the child, or (2) the
14 secretary is notified that the *parent, relative, foster parents or shel-*
15 *ter facility* refuse to allow the child to remain, the secretary may
16 transfer the child to another foster home or shelter facility without
17 prior court approval, but the secretary shall notify the court of the
18 action at the earliest practical time. When the child is removed
19 from the home of a parent after having been placed in the home
20 ~~or facility~~ for a period of six months or longer, the secretary shall
21 present to the court in writing the specific nature of the emergency
22 and request a finding by the court whether remaining in the home
23 was contrary to the welfare or not in the best interests of the child.
24 In making the finding, the court may rely on documentation sub-
25 mitted by the secretary or may set the date for a hearing on the
26 matter. If the secretary requests such a finding, the court shall
27 provide the secretary with a written copy of the finding by the
28 court not more than 45 days from the date of the request.

29 [(b) *When a child in the custody of the secretary is removed from the*
30 *home of a parent or relative or from a foster home after having lived in*
31 *the home for six months or longer based on a determination by the sec-*
32 *retary that an emergency exists which required immediate action to assure*
33 *the safety and protection of the child: (1) The parent, relative or foster*
34 *parent may request a hearing within 24 hours excluding Saturdays, Sun-*
35 *days and legal holidays. (2) Upon receipt of a request for hearing, the*
36 *court shall schedule a hearing to be held within 72 hours excluding Sat-*
37 *urdays, Sundays and legal holidays. The court shall give notice of the*
38 *hearing to each parent whose address is available, the relative or foster*
39 *parent who requested the hearing, any interested party, the child, if 12*
40 *or more years of age, and the child's guardian ad litem. (3) At the hearing*
41 *the court shall determine whether an emergency existed which threatened*
42 *the safety of the child and required immediate removal for the child's*
43 *protection, and the court shall determine whether it is in the child's best*

1 *interest to be immediately returned.]*

2 [New Sec. 4. (a) In any proceeding concerning the amount of
3 child support to be ordered in any action in this state including,
4 but not limited to K.S.A. 38-1121, 39-755 and 60-1610, and amend-
5 ments thereto, or under guidelines for determining the amount of
6 child support as determined by child support guidelines estab-
7 lished pursuant to K.S.A. 20-165, and amendments thereto, the
8 income of parties to such proceeding will not be subject to a cost
9 of living adjustment if the parties are residing in the same met-
10 ropolitan statistical area (MSA) for the purpose of determining
11 child support.

12 [(b) For the purposes of this section, metropolitan statistical
13 area shall have the same meaning as defined by the United States
14 department of commerce or its successor agency.]

15 Sec. ~~2~~ [5.] K.S.A. 38-1541 is[, 38-1552 and 38-1567 are] hereby
16 repealed.

17 Sec. ~~3~~ [6.] This act shall take effect and be in force from and after
18 its publication in the statute book.

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