

Session of 2024

SENATE BILL No. 489

By Committee on Public Health and Welfare

2-8

1 AN ACT concerning children and families; relating to incarcerated
2 expectant mothers; directing the department of corrections to establish
3 a correctional center nursery; requiring the secretary of corrections to
4 establish correctional nursery center policies and procedures; relating to
5 the Kansas family law code; amending the factors considered in
6 determination of legal custody, residency or parenting time; relating to
7 the revised Kansas code for care of children; amending K.S.A. 23-3203
8 and 38-2276 and K.S.A. 2023 Supp. 38-2202 and repealing the existing
9 sections; also repealing K.S.A. 2023 Supp. 38-2202a.

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

12 New Section 1. (a) Subject to appropriations, the department of
13 corrections shall establish a women's correctional center nursery on the
14 grounds of the Topeka correctional facility ~~not later than January 1, 2026.~~
15 The correctional center nursery shall house the nursery program for
16 incarcerated moms, where an eligible offender and a child born to such
17 offender while in the custody of the secretary may reside together in the
18 nursery ~~for up to 36 months following the birth of such a child.~~ An
19 offender's participation in the program shall not affect, modify or interfere
20 with such offender's custodial rights to the child or establish legal custody
21 with the department or the secretary.

22 (b) Except as provided in subsection (i), an offender is eligible to
23 participate in the program if such offender:

24 (1) Is expected to give birth or gives birth to the child after sentencing
25 or while in the custody of the secretary;

26 (2) has 36 months or less remaining on such offender's sentence;

27 (3) meets any other criteria established by the secretary or the
28 secretary's designee; and

29 (4) has a child that meets any other criteria established by the
30 secretary or the secretary's designee.

31 (c) (1) Placement of an offender into the program shall be at the
32 discretion of the Topeka correctional facility nursery team and the
33 secretary or the secretary's designee. Placement of an offender into the
34 program shall not be ordered by a sentencing court.

35 (2) Prior to placing an offender into the program, the secretary or the
36 secretary's designee shall:

for an amount of time to be determined by the
secretary of corrections based on best practices.