

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Child Welfare and Foster Care** recommends **HB 2299** be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 38-2203 is hereby amended to read as follows: 38-2203. (a) Proceedings concerning any child who may be a child in need of care shall be governed by this code, except in those instances when the court knows or has reason to know that an Indian child is involved in the proceeding, in which case, the Indian child welfare act of 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may apply to: The filing to initiate a child in need of care proceeding, K.S.A. 38-2234, and amendments thereto; ex parte custody orders, K.S.A. 38-2242, and amendments thereto; temporary custody hearing, K.S.A. 38-2243, and amendments thereto; adjudication, K.S.A. 38-2247, and amendments thereto; burden of proof, K.S.A. 38-2250, and amendments thereto; disposition, K.S.A. 38-2255, and amendments thereto; permanency hearings, K.S.A. 38-2264, and amendments thereto; termination of parental rights, K.S.A. 38-2267, 38-2268 and 38-2269, and amendments thereto; establishment of permanent custodianship, K.S.A. 38-2268 and 38-2272, and amendments thereto; orders granting custody for adoption, K.S.A. 38-2270, and amendments thereto; the placement of a child in any foster, pre-adoptive and adoptive home and the placement of a child in a guardianship arrangement under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(b) Subject to the uniform child custody jurisdiction and enforcement act, K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments thereto, the district court shall have original jurisdiction of proceedings pursuant to this code.

(c) The court acquires jurisdiction over a child by the filing of a petition pursuant to this code or upon issuance of an ex parte order pursuant to K.S.A. 38-2242, and amendments thereto. When the court acquires jurisdiction over a child in need of care, jurisdiction may continue until the child has: (1) Become 18 years of age, or until June 1 of the school year during which the child became 18 years of age if the child is still attending high school unless there is no court approved transition plan, in which event jurisdiction may continue until a transition plan is approved by the court or until the child reaches the age of 21; (2) been adopted; or (3) been discharged by the court. Any child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested parties and 30 days after receipt of the request, jurisdiction will cease.

(d) When it is no longer appropriate for the court to exercise jurisdiction over a child, the court, upon its own motion or the motion of a party or interested party at a hearing or upon agreement of all parties or interested parties, shall enter an order discharging the child. Except upon request of the child pursuant to subsection (c), the court shall not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement, is still attending high school and has not completed the child's high school education.

(e) When a petition is filed under this code, a person who is alleged to be under 18 years of age shall be presumed to be under that age for the purposes of this code, unless the contrary is proved.

(f) A court's order issued in a proceeding pursuant to this code, shall take precedence over such orders in a civil custody case, a proceeding under article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, protection from abuse act, or a comparable case in another jurisdiction, except as provided by K.S.A. 2022 Supp. 23-37,101 through 23-

37,405, and amendments thereto, uniform child custody jurisdiction and enforcement act.";

Also on page 1, in line 23, after the period by inserting "The court shall be guided by the best interests of the child."; in line 31, before "When" by inserting "(1)"; in line 32, after "(1)" by inserting "or when a parent has relinquished their rights to the secretary for adoption purposes"; in line 33, after the second comma by inserting "according to paragraphs (2) and (3).

(2) If a child has been in the custody of the secretary for less than one cumulative year, the secretary shall give preference, first, to granting such custody for adoption to a relative of the child and second, to granting such custody to a person with whom the child has close and healthy attachments.

(3) If a child has been in the custody of the secretary for one cumulative year or more, the secretary shall give preference";

On page 2, in line 1, by striking "(1)" and inserting "(A)"; in line 3, by striking "(2)" and inserting "(B)"; in line 4, by striking "(3)" and inserting "(C)"; in line 7, by striking all before "is"; in line 19, after "on" by inserting "the number of"; in line 20, by striking "How many best interest staffing decisions are appealed" and inserting "Prospective adoptive parents who request the secretary to reconsider an initial adoptive placement decision"; in line 21, by striking "how many best interest staffing decisions are overturned" and inserting "initial adoptive placement decisions that the secretary overturns after reconsidering the initial adoptive placement decision"; in line 22, by striking "how many best interest staffing appeals go to court" and inserting "prospective parents who request the court to review the secretary's adoptive placement decision"; following line 29, by inserting:

"(f) The amendments made to this section by this act shall be construed and applied retroactively to all proceedings pending before a court on the effective date of this act.";

Also on page 2, in line 30, after "K.S.A." by inserting "38-2203 and"; also in line 30, by

striking "is" and inserting "are"; in line 32, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after the semicolon by inserting "providing for retroactivity; making orders granting custody for adoption subject to the federal Indian child welfare act;"; in line 5, after "K.S.A." by inserting "38-2203 and"; also in line 5, by striking "section" and inserting "sections"; and the bill be passed as amended.

\_\_\_\_\_Chairperson