

As Amended by House Committee

Session of 2023

SENATE BILL No. 115

By Committee on Judiciary

1-27

1 AN ACT concerning adoption; relating to the Kansas adoption and
2 relinquishment act; required notice of hearing on a petition for
3 adoption; amending K.S.A. 2022 Supp. 59-2133 and repealing the
4 existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2022 Supp. 59-2133 is hereby amended to read as
8 follows: 59-2133. (a) Upon filing the petition, the court shall fix the time
9 and place for the hearing. The time fixed for the hearing ~~may be any time~~
10 ~~not more than~~ shall be within 60 days from the date the petition is filed.
11 The time fixed for the hearing may be extended by the court for good
12 cause.

13 (b) ~~In independent and stepparent adoptions,~~ Notice of the hearing on
14 the petition shall be given to the ~~parents or possible parents~~ persons
15 entitled to notice at least 10 calendar days before the hearing, ~~unless~~
16 ~~waived by the party entitled to notice or unless parental rights have been~~
17 ~~previously terminated, and to any person who has physical custody of the~~
18 ~~child, unless waived by the person entitled to notice. Notice also shall be~~
19 ~~given in an independent adoption to a legal guardian of the child, unless~~
20 ~~waived by the party entitled to notice. Persons who receive notice~~
21 ~~pursuant to this section shall not be made a party or granted standing~~
22 ~~based solely on the provision of such notice.~~

23 (c) ~~In an agency adoption~~ Except as provided in subsection (d), notice
24 of the hearing on the petition shall be given:

25 (1) *In an independent or stepparent adoption, to:*

26 (A) ~~to the consenting agency,~~ The parents, *presumed parents* or
27 possible parents;

28 (B) ~~, any relinquishing party and any person who has physical~~
29 ~~custody of the child at least 10 calendar days before the hearing, unless~~
30 ~~waived by the person entitled to notice; and~~

31 (C) *any legal guardian of the child;*

32 (2) *in a private agency adoption, to:*

33 (A) *The consenting agency;*

34 (B) *the parents, presumed parents or possible parents;*

35 (C) *any relinquishing person;*

36 (D) *any person who has physical custody of the child; and*

1 (E) *any legal guardian of the child; and*
2 (3) *in a public agency adoption, to the consenting agency.*
3 (d) *Notice of the hearing on the petition is not required to be given*
4 *to:*

5 (1) *A person whose parental rights have been terminated by an order*
6 *of a court of competent jurisdiction; or*

7 (2) *a person or agency that has waived in writing the right to receive*
8 *notice.*

9 (e) Notice of the hearing shall be by personal service, certified mail
10 return receipt requested or in any other manner the court may direct.
11 Notice given pursuant to this section shall not include a copy of the
12 petition.

13 Sec. 2. K.S.A. 2022 Supp. 59-2133 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the ~~statute book~~ **Kansas register**.