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MEMORANDUM

To: House Committee on Child Welfare and Foster Care

From: Office of Revisor of Statutes

Date: February 7, 2024

Subject: HB 2554: Directing the secretary for children and families to identify relatives and persons with whom a child in custody of the secretary has close emotional ties for placement and send notice of custody to the persons when identified.

House Bill 2554 proposes a new section directing the secretary to complete an extensive search for relatives or persons with whom a child has close emotional ties when the court orders a temporary custody order of a child.

New section 1 outlines requirements for the secretary to search, identify and notify relatives or persons with whom a child has close emotional ties. The secretary shall interview multiple people close to the child, search certain databases and, by any other means, identify such relatives or persons.

Within 30 days of a order of temporary custody and each following hearing, the secretary report to the court on such secretary's efforts to comply with these search requirements, whether identified persons have accepted or rejected consideration for the child's placement, the secretary's efforts to consider such persons as a placement for the child and unresponsiveness from persons who received notice that such child is being or has been removed from parental custody.

The section also includes requirements for notice to be given to relatives and persons with whom the child has close emotional ties. Such notice shall include information on becoming a licensed foster family, financial assistance and the process of being a placement for a child. The notice shall include information that a failure to respond within 30 days to such notice may lead to the secretary not considering the notice recipient for placement. The section requires that the secretary continue these search efforts for six months after the order of temporary custody is ordered or until the child is placed.

Subsection (f) requires the secretary to report to the court on the date of a permanency hearing unsuccessful efforts made by the secretary to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian or an adoptive parent.

The bill amends K.S.A. 38-2243, the statute that currently authorizes temporary orders for custody. The section is amended to include that the court shall order the secretary to conduct a search, identify and notify adult relatives or persons with whom the child has close emotional ties for a future placement. The secretary shall follow such requirements in new section 1.

The bill amends K.S.A. 38-2264, the statute that governs permanency hearings and authorizes permanency orders. The bill amends subsection (d) by striking current requirements for the secretary to report unsuccessful attempts to place the child but such language can be found in subsection (f) of new section 1. The section will require the court to document unsuccessful permanency efforts made and reported by the secretary to place a child and conduct a search pursuant to new section 1.