

2021 Kansas Statutes

59-2124. Relinquishment of child to agency. (a) Any parent or parents or person in loco parentis may relinquish a child to an agency, and if the agency accepts the relinquishment in writing, the agency shall stand in loco parentis to the child and shall have and possess over the child all rights of a parent or legal guardian, including the power to place the child for adoption and give consent thereto.

(b) All relinquishments to an agency under K.S.A. 59-2111 through 59-2143, and amendments thereto, shall be deemed sufficient if in substantial compliance with the form for relinquishment set forth by the judicial council, and shall be executed by: (1) Both parents of the child; (2) one parent, if the other parent is deceased or the other parent's relinquishment is found unnecessary under K.S.A. 59-2136, and amendments thereto; or (3) a person in loco parentis.

(c) The relinquishment shall be in writing and shall be acknowledged before a judge of a court of record or before an officer authorized by law to take acknowledgments. If the relinquishment is acknowledged before a judge of a court of record, it shall be the duty of the court to inform the relinquishing person of the legal consequences of the relinquishment.

(d) A relinquishment shall be final when executed, unless the relinquishing party, prior to the entry of a final order terminating parental rights, alleges and proves by clear and convincing evidence that the relinquishment was not freely and voluntarily given. The burden of proving that the relinquishment was not freely and voluntarily given shall rest with the relinquishing party.

(e) Except as otherwise provided, in all cases where a parent or person in loco parentis has relinquished a child to an agency pursuant to K.S.A. 59-2111 through 59-2143, and amendments thereto, all the rights of the parent or person in loco parentis shall be terminated. If a parent has relinquished a child to the agency pursuant to K.S.A. 59-2111 through 59-2143, and amendments thereto, and the other parent does not relinquish such child to the agency and the other parent's rights are not terminated by a final court order, the rights of the parent who has relinquished a child to the agency shall not be terminated and the full rights of the parent are restored.

(f) A parent's relinquishment of a child shall not terminate the right of the child to inherit from or through such parent.

History: L. 1990, ch. 145, § 14; L. 1993, ch. 195, § 2; L. 2005, ch. 101, § 3; L. 2018, ch. 118, § 11; July 1.