

HOUSE BILL No. 2189

By Representative Thomas

1-26

1 AN ACT concerning children and minors; relating to children in the
2 custody of the secretary for children and families; providing for an
3 extension or re-entry of custody for persons up to 21 years of age;
4 amending K.S.A. 38-2202 and 38-2203 and repealing the existing
5 sections.

6

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

8 Section 1. K.S.A. 38-2202 is hereby amended to read as follows: 38-
9 2202. As used in the revised Kansas code for care of children, unless the
10 context otherwise indicates:

11 (a) "Abandon" or "abandonment" means to forsake, desert or, without
12 making appropriate provision for substitute care, cease providing care for
13 the child.

14 (b) "Adult correction facility" means any public or private facility,
15 secure or nonsecure, that is used for the lawful custody of accused or
16 convicted adult criminal offenders.

17 (c) "Aggravated circumstances" means the abandonment, torture,
18 chronic abuse, sexual abuse or chronic, ~~life-threatening~~ *life-threatening*
19 neglect of a child.

20 (d) "Child in need of care" means a person less than 18 years of age
21 at the time of filing of the petition or issuance of an ex parte protective
22 custody order pursuant to K.S.A. 38-2242, and amendments thereto, who:

23 (1) Is without adequate parental care, control or subsistence and the
24 condition is not due solely to the lack of financial means of the child's
25 parents or other custodian;

26 (2) is without the care or control necessary for the child's physical,
27 mental or emotional health;

28 (3) has been physically, mentally or emotionally abused or neglected
29 or sexually abused;

30 (4) has been placed for care or adoption in violation of law;

31 (5) has been abandoned or does not have a known living parent;

32 (6) is not attending school as required by K.S.A. 72-3421 or 72-3120,
33 and amendments thereto;

34 (7) except in the case of a violation of K.S.A. 41-727, ~~K.S.A. 74-~~
35 ~~8810(j), K.S.A. or 79-3321(m) or (n), and amendments thereto,~~ or K.S.A.
36 2022 Supp. 21-6301(a)(14), and amendments thereto, or, except as

1 act, K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments
2 thereto, the district court shall have original jurisdiction of proceedings
3 pursuant to this code.

4 (c) (1) The court acquires jurisdiction over a child by the filing of a
5 petition pursuant to this code or upon issuance of an ex parte order
6 pursuant to K.S.A. 38-2242, and amendments thereto. *Except as provided*
7 *in paragraphs (3) and (4), when the court acquires jurisdiction over a child*
8 *in need of care, jurisdiction may continue until the child has:*

9 ~~(1)(A)~~ Become 18 years of age, or until June 1 of the school year
10 during which the child became 18 years of age if the child is still attending
11 high school unless there is no court approved transition plan, in which
12 event jurisdiction may continue until a transition plan is approved by the
13 court or until the child reaches the age of 21;

14 ~~(2)(B)~~ been adopted; or

15 ~~(3)(C)~~ been discharged by the court.

16 (2) Any child 18 years of age or over may request, in writing to the
17 court, that the jurisdiction of the court cease. The court shall give notice of
18 the request to all parties and interested parties and 30 days after receipt of
19 the request, jurisdiction will cease.

20 (3) ~~Upon written request by the child to the court, the court shall not~~
21 ~~issue an order terminating jurisdiction over such child:~~

22 ~~(A) Before June 1 of the school year during which the child becomes~~
23 ~~18 years of age if the child is in an out-of-home placement, is still~~
24 ~~attending high school and has not completed a high school education; or~~

25 ~~(B) who is a non-minor dependent in the custody of the secretary~~
26 ~~while in out-of-home placement and is transitioning to adulthood.~~

27 ~~(4) (A) Such non-minor dependent shall participate in case planning,~~
28 ~~attend school or work and make efforts toward independence as~~
29 ~~determined by the secretary and receive independent living services from~~
30 ~~the independent living program administered by the secretary. If such non-~~
31 ~~minor dependent fails to comply with the provisions of this paragraph, the~~
32 ~~secretary may petition the court to terminate jurisdiction.~~

33 ~~(B) The court shall not have jurisdiction over such non-minor~~
34 ~~dependent after such non-minor dependent either been absent from~~
35 ~~placement for 30 calendar days or attains 21 years of age.~~

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

secretary

provide additional services to