



Kansas Children's Service League

Giving Kids Our Best. For Over 100 Years.

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**Testimony to the Senate Federal and State Affairs Committee  
on Senate Bill 262**

**February 7, 2012**

Chairperson Brungardt and Members of the Committee:

I am Gail Cozadd, North Central Region Director of Program Services for the Kansas Children's Service League. I appreciate this opportunity to provide testimony in support of Senate Bill 262. The mission of the Kansas Children's Service League (KCSL) is "to protect and promote the well-being of children." We are the Kansas chapter of Prevent Child Abuse America and a licensed child placing agency. We provide resource family homes and private adoption services, and contract with SRS to operate the Adopt Kansas Kids web site. We also provide Grandparent and Kinship Support Groups in six cities across Kansas and have a Kinship Navigator case management program in Wichita. We strongly support kinship care as a child protection alternative that has enormous value in helping to ensure stability and protection for children within their extended family.

Although we support the concept and intent of SB 262, we do have concern that it could result in unintended negative consequences in some private adoptions, and we are offering a friendly amendment that would address that concern. Section 1 of the bill would give SB 262 primacy over existing statutes. Presumably that would include HB 2482, if passed. HB 2482, which was heard in House Judiciary Committee last week, was drafted to address a lack of clarity in current adoption law that has recently resulted in the disruption of several private adoptions. In one of those cases, a belated statement of interest on the part of a grandparent contributed to the confusion that led to the disruption. Part of what HB 2482 intends to clarify is the level of responsibility and commitment that a parent must demonstrate in order to retain their rights.

Our concern with SB 262 is that by holding the wishes of the parents, child, and grandparent out to be equal in Section 1 (b)(1), passage of this legislation in its current form could inadvertently contribute to the type of confusion that HB 2482 attempts to address. We believe that concern could be addressed by inserting a new item (c) and renumbering the current (c) as (d). Because we also believe that SB 262 is primarily intended to strengthen grandparents' rights when children are within, or at risk of being within the child welfare system, we do not believe this amendment would undermine the bill's effectiveness for its intended purpose.

Thank you for the opportunity to provide testimony related to SB 262. We would be happy to provide additional details as requested.

*Session of 2012*  
**SENATE BILL No. 262**  
By Committee on Federal and State Affairs  
1-10

AN ACT concerning children; relating to grandparent custody, visitation and residency.

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

Section 1. (a) Notwithstanding the provisions of other statutes, when a child is removed from the custody of a parent, any grandparent shall receive preference when evaluating what custody, visitation or residency arrangements are in the best interests of the child.

(b) In deciding whether to give custody to a grandparent, the court should be guided by the best interests of the child and should consider all relevant factors including, but not limited to, the following:

- (1) The wishes of the parents, child and grandparent;
- (2) the extent to which the grandparent has cared for, nurtured and supported the child;
- (3) the intent and circumstances under which the child is placed with the grandparent, including whether domestic violence is a factor and whether the child is placed to allow the parent to seek work or attend school; and
- (4) the physical and mental health of all individuals involved.

(c) The grandparent's preference shall not apply to actions filed under the Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq.

(d) This section shall be part of and supplemental to the revised Kansas code for care of children.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

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