

Comparison of Kansas Safe Families Act / Supporting Families Act With Similar Legislation in Other States

Kansas 2015 SB 148 (Safe Families Act)	Kansas 2015 HB 2244 (Supporting Families Act [name changed by committee amendment])	Oklahoma 2014 HB 2536	Wisconsin 2011 AB 30	Oregon 2010 SB 991 [This bill bears very little structural similarity to the Kansas legislation.]
<p>Parent or legal custodian may, by power of attorney (POA), delegate no longer than one year to attorney in fact (AIF), any powers regarding care and custody of child, except marriage, adoption, abortion, or termination of parental rights (TPR).</p> <p>Delegation does not deprive parent of any parental or legal authority. [Sec. 3(a)]</p>	<p>Same as SB 148.</p>	<p>Almost same as SB 148; no use of term “attorney in fact” in this section (but used later).</p>	<p>Similar to SB 148; parent must have legal custody and POA must be executed by all parents who have legal custody; additional excluded power (enlistment of child in armed forces). Parent may not use to place child in foster care, group home, or inpatient treatment facility. Parent of child subject to jurisdiction of juvenile court may not delegate powers unless court approves.</p>	<p>Not included. Oregon law since 1973 allows parent or guardian, by a properly executed power of attorney, to delegate to another person, for a period not exceeding six months, any of powers except consent to marriage or adoption. Bill defines “respite services” to mean the “voluntary assumption of short-term care and control of a minor child without compensation or reimbursement of expenses for the purpose of providing a parent in crisis with relief from the demands of ongoing care of the parent’s child.”</p>
<p>May revoke or withdraw at any time; must execute new POA for additional years. If revoked, child to be returned ASAP. [Sec. 3(b)]</p>	<p>Same as SB 148.</p>	<p>Same as SB 148, except no language regarding child’s return if revoked.</p>	<p>Similar; specifies written revocation and notice to agent, does not invalidate acts already taken in reliance.</p>	<p>Not included.</p>
<p>Unless revoked, AIF exercises authority in continuous basis w/o compensation and is not subject to foster care home law, rules, or regs. [Sec. 3(c)]</p>	<p>Same as SB 148, except DCF required to perform background check on AIF similar to prospective foster parents. Not required for grandparent, aunt, uncle, or adult sibling.</p>	<p>Similar to SB 148; sets 24-hour minimum for exercise of authority by AIF.</p>	<p>SB 148 language not included; specific foster care statutes are amended to exempt delegation of powers under this act. Entity facilitating delegation required to collect background info regarding agent and other residents and prohibits facilitation under certain conditions.</p>	<p>SB 148 language not included. Bill exempts respite services from foster care statutes and regulation. Respite service providers must be enrolled in Child Care Division (CCD) Central Background Registry, and organization must have reciprocal agreement with CCD.</p>

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Execution of POA is not abandonment, abuse, or neglect, unless parent fails to take custody or execute new POA after year. [Sec. 3(d)]	Same as SB 148.	Similar to SB 148; parent must “make contact” after year rather than “take custody.”	Not included.	Not included.
Children not considered to be in foster care and parties not subject to foster care/community care for children laws. [Sec. 3(e)]	Same, but changed to reflect amendment to 3(c).	Same.	Specific foster care statutes are amended to exempt delegation of powers under this act.	Bill exempts respite services from foster care statutes and regulation.
Serving parent may delegate for longer than one year if on active duty. [Sec. 3(f)]	Same.	No separate provisions for serving parents.	No separate provisions for serving parents.	No separate provisions for serving parents.
Statutory POA form provided. [Sec. 4]	Statutory form removed; Kansas Judicial Council directed to create form.	Similar form provided.	Form provided; includes more detail regarding powers delegated and some other different wording.	No form provided.
During child protective investigation by Department for Children and Families (DCF) not resulting in out-of-home (OOH) placement, investigator shall provide info regarding respite care & Safe Families Act. [Sec. 5]	Same, except DCF to provide info instead of investigator.	Not included.	Not included.	Not included.
AIF is not subject to child care licensing or foster care licensing laws, rules, or regs; does not constitute OOH placement under Code for Care of Children. [Sec. 6]	Same, but changed to reflect amendment to 3(c).	Specific child care facilities and foster care statutes are amended to exempt AIF / POA under this act.	Specific foster care statutes are amended to exempt delegation of powers under this act.	Bill exempts respite services from foster care statutes and regulation.

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DCF authorized to work with families in specified distress by detailing community resources, including respite care and Safe Families Act. [Sec. 7]	Same.	Not included.	Not included.	Not included.
No mandatory reporter provisions included.	Mandatory reporter statute [KSA 38-2223] amended to add AIF as mandatory reporter. [Sec. 8]	Not included.	Person delegated power is exempted from mandatory reporting but may report.	Employees of organizations providing respite services are mandatory reporters but volunteers are not.
No Indian Child Welfare Act provisions included.	Not included.	Not included.	Includes provisions related to Indian Child Welfare Act.	Not included.
No rules and reg authority included.	Not included.	Not included.	Wisconsin Department of Children and Families (DCF) given rules and reg authority to implement procedure for delegation of rights under act. Rules on certain topics required if DCF promulgates any rules.	Not included.
No superseding exclusion language included.	Not included.	Not included.	Specifies that delegation does not supersede: receiving and investigating report of abuse or neglect; statutory provisions allowing child or juvenile to be taken into custody; intake inquiry; or court exercising jurisdiction over child.	Not included.