

United Methodist Youthville Child Welfare Services

Testimony in Support of SB 262



Youthville

Giving Children Back Their Childhood

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Chairman and Committee Members, thank you for the opportunity today to testify on SB 262. While statute currently addresses the rights of relatives in child in need of care (CINC) proceedings this bill would further clarify grandparent's rights to be considered when determining custody, residency arrangements, or visitation decisions relating to their grandchildren. There are currently provisions in statute as it relates to relative preference and other procedures that are to be taken into consideration when determining the custody and care of a child who is in SRS custody. In KSA 38-2252 a process is currently outlined to be used, when requested by the court, that creates a pre-dispositional conference where the child's parents, state officials or contract staff, and court personnel make recommendations about what is in the best interest of the child and where that child should be placed. The only way this group's recommendation for placement would not be followed is if a court believed the group's recommendation would not be in the child's best interest. This process allows the parents to have input on what they believe would be best for their child and where they would like to see the children placed.

Currently, KSA 38-2255 also requires if the child is found to be a child in need of care the court shall enter an order awarding custody to a relative of the child or to a person with whom the child has close emotional ties. KSA 38-2270 and 38-2272 also outline the procedures for determining adoptive or permanent custodian resources for the child once parental rights have been terminated by the court. The court is required to give preference, to the extent that the court finds it is in the best interests of the child, first to granting such custody for adoption or permanent custodianship to a relative of the child and second to granting such custody to a person with whom the child has close emotional ties.

Therefore, while relatives currently receive preference from the court when determining what is in the best interest of the child, SB 262 as amended would strengthen these requirements as it relates to grandparents and require them to specifically receive consideration as a placement alternative and resource when determining custody, residency, and visitation for their grandchildren. Nothing in the bill would prohibit the court from not placing the child with the grandparents or not allowing visitation if it is not in the best interest of the child. Other relatives would also still receive preference if they have close emotional ties with the child.

This bill will not prevent situations in which a court may determine that another relative may be a better placement for the child even if the grandparents may be an appropriate resource. For a variety of reasons the court may determine that another relative is a better alternative. These situations will still exist even if this bill is passed. It is clearly preferential for children to be placed with relatives and others with whom they have close emotional ties. We believe that all relatives including grandparents should be examined as the first resources when determining what is in the best interest of the children we serve. Thanks you for the opportunity to address SB 262. I would be happy to stand for any questions.