

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2012

SENATE BILL No. 262

By Committee on Federal and State Affairs

1-10

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

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Notwithstanding the provisions of other statutes, when
6 a child is removed from the custody of a parent **and not placed with the**
7 **child's other parent, any a grandparent who requests custody shall ~~may~~**
8 **{shall} receive preference ~~consideration~~ preference** when evaluating what
9 custody, visitation or residency arrangements are in the best interests of the
10 child.

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

14 (1) The wishes of the parents, child and grandparent;

15 (2) the extent to which the grandparent has cared for, nurtured and
16 supported the child;

17 (3) the intent and circumstances under which the child is placed with
18 the grandparent, including whether domestic violence is a factor and
19 whether the child is placed to allow the parent to seek work or attend
20 school; and

21 (4) the physical and mental health of all individuals involved.

22 (c) **If the court does not give custody of a child to a grandparent**
23 **pursuant to subsection (b) and the child is placed in the custody of the**
24 **secretary of social and rehabilitation services, a grandparent who**
25 **requests placement of the child in such grandparent's home shall**
26 **receive preference in the evaluation of the secretary's placement of the**
27 **child. The secretary shall consider all relevant factors, including, but**
28 **not limited to, all factors listed in subsection (b) in deciding whether to**
29 **place the child in the home of such grandparent. If the secretary**
30 **decides that the child is not to be placed in the home of such**
31 **grandparent, the secretary shall prepare and maintain a written**
32 **report providing the specific reasons for such placement.**

1 ~~(d)~~ **(d)** *The provisions of this section shall not apply to actions filed*
2 *under the Kansas adoption and relinquishment act, K.S.A. 59-2111, et*
3 *seq., and amendments thereto.*

4 ~~(e)~~ **(e)** This section shall be part of and supplemental to the revised
5 Kansas code for care of children.

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

8