



**KANSAS BAR
ASSOCIATION**

TO: The Honorable Bud Estes, Chair
And Members of the Senate Federal and State Affairs Committee

FROM: Joseph Molina
On behalf of the Kansas Bar Association

RE: SB 401 – Creating the adoption protection act

DATE: March 21, 2018

Chairman Estes and Members of the House Federal and State Affairs Committee,

My name is Joseph Molina and on behalf of the Kansas Bar Association (KBA) I provide this written testimony regarding SB 401, creating the adoption protection act. The KBA does not consider this bill to be in the best interest of children, as such the KBA **OPPOSES** SB 401.

It is well-established public policy in Kansas that the best interest of the child should be the most critical priority in any placement. KSA 38-2201 considers “the safety and welfare of a child to be paramount in all proceedings under this code.” The Legislature has recognized that the “best interest of the child” is crucial when evaluating child placement. SB 401 fails to meet this basic standard.

Unfortunately, SB 401 focuses more on the interest of the placement agency than on children in adoptive and/or foster settings. SB 401 would allow a child in a foster care setting to remain in limbo when a safe caring home is available for placement. We cannot allow this scenario to play out in Kansas.

Furthermore, throughout Kansas, hundreds of children desperately need adoption/foster placement services. Last year it was reported that children stayed overnight in foster care contractor’s offices more than 100 times due to the lack of placement opportunities. SB 401 could compound this issue by closing the door to otherwise safe and secure homes.

Our goal for these children is to find placement in safe, nurturing environments. These adoptive and/or foster homes should provide a stable and permanent setting to ensure the child receives proper care and attention. Stability and permanency should be

paramount in adoptive and foster children's lives. The opportunity to serve, nurture and comfort these children should be open to all.

On behalf of the Kansas Bar Association, thank you for this opportunity to express the KBA's opposition to SB 401.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 7,200 members include lawyers, judges, law students, and paralegals. www.ksbar.org