

SENATE BILL No. 221

By Committee on Federal and State Affairs

3-7

1 AN ACT concerning children and minors; relating to the revised Kansas
2 code for care of children; newborn infant protection act; powers and
3 duties of the secretary for children and families; amending K.S.A. 39-
4 713c and K.S.A. 2016 Supp. 38-2202, 38-2254, 38-2255, 38-2268, 38-
5 2269, 38-2282 and 39-708c and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2016 Supp. 38-2202 is hereby amended to read as
9 follows: 38-2202. As used in the revised Kansas code for care of children,
10 unless the context otherwise indicates:

11 (a) "Abandon" or "abandonment" means to forsake, desert or, without
12 making appropriate provision for substitute care, cease providing care for
13 the child.

14 (b) "Adult correction facility" means any public or private facility,
15 secure or nonsecure, which is used for the lawful custody of accused or
16 convicted adult criminal offenders.

17 (c) "Aggravated circumstances" means the abandonment, torture,
18 chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

19 (d) "Child in need of care" means a person less than 18 years of age
20 at the time of filing of the petition or issuance of an ex parte protective
21 custody order pursuant to K.S.A. 2016 Supp. 38-2242, and amendments
22 thereto, who:

23 (1) Is without adequate parental care, control or subsistence and the
24 condition is not due solely to the lack of financial means of the child's
25 parents or other custodian;

26 (2) is without the care or control necessary for the child's physical,
27 mental or emotional health;

28 (3) has been physically, mentally or emotionally abused or neglected
29 or sexually abused;

30 (4) has been placed for care or adoption in violation of law;

31 (5) has been abandoned or does not have a known living parent;

32 (6) is not attending school as required by K.S.A. 72-977 or 72-1111,
33 and amendments thereto;

34 (7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-
35 8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2016 Supp. 21-6301(a)(14),
36 and amendments thereto, or, except as provided in paragraph (12), does an

1 act which, when committed by a person under 18 years of age, is
2 prohibited by state law, city ordinance or county resolution but which is
3 not prohibited when done by an adult;

4 (8) while less than 10 years of age, commits any act which if done by
5 an adult would constitute the commission of a felony or misdemeanor as
6 defined by K.S.A. 2016 Supp. 21-5102, and amendments thereto;

7 (9) is willfully and voluntarily absent from the child's home without
8 the consent of the child's parent or other custodian;

9 (10) is willfully and voluntarily absent at least a second time from a
10 court ordered or designated placement, or a placement pursuant to court
11 order, if the absence is without the consent of the person with whom the
12 child is placed or, if the child is placed in a facility, without the consent of
13 the person in charge of such facility or such person's designee;

14 (11) has been residing in the same residence with a sibling or another
15 person under 18 years of age, who has been physically, mentally or
16 emotionally abused or neglected, or sexually abused;

17 (12) while less than 10 years of age commits the offense defined in
18 K.S.A. 2016 Supp. 21-6301(a)(14), and amendments thereto;

19 (13) has had a permanent custodian appointed and the permanent
20 custodian is no longer able or willing to serve; or

21 (14) has been subjected to an act which would constitute human
22 trafficking or aggravated human trafficking, as defined by K.S.A. 2016
23 Supp. 21-5426, and amendments thereto, or commercial sexual
24 exploitation of a child, as defined by K.S.A. 2016 Supp. 21-6422, and
25 amendments thereto, or has committed an act which, if committed by an
26 adult, would constitute selling sexual relations, as defined by K.S.A. 2016
27 Supp. 21-6419, and amendments thereto.

28 (e) "Citizen review board" is a group of community volunteers
29 appointed by the court and whose duties are prescribed by K.S.A. 2016
30 Supp. 38-2207 and 38-2208, and amendments thereto.

31 (f) "Civil custody case" includes any case filed under chapter 23 of
32 the Kansas Statutes Annotated, and amendments thereto, the Kansas
33 family law code, article 11; of chapter 38 of the Kansas Statutes
34 Annotated, and amendments thereto, determination of parentage, article 21
35 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto,
36 adoption and relinquishment act, or article 30 of chapter 59 of the Kansas
37 Statutes Annotated, and amendments thereto, guardians and conservators.

38 (g) "Court-appointed special advocate" means a responsible adult
39 other than an attorney guardian ad litem who is appointed by the court to
40 represent the best interests of a child, as provided in K.S.A. 2016 Supp.
41 38-2206, and amendments thereto, in a proceeding pursuant to this code.

42 (h) "Custody" whether temporary, protective or legal, means the
43 status created by court order or statute which vests in a custodian, whether

1 an individual or an agency, the right to physical possession of the child and
2 the right to determine placement of the child, subject to restrictions placed
3 by the court.

4 (i) "Extended out of home placement" means a child has been in the
5 custody of the secretary and placed with neither parent for 15 of the most
6 recent 22 months beginning 60 days after the date at which a child in the
7 custody of the secretary was removed from the *child's* home.

8 (j) "Educational institution" means all schools at the elementary and
9 secondary levels.

10 (k) "Educator" means any administrator, teacher or other professional
11 or paraprofessional employee of an educational institution who has
12 exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments
13 thereto.

14 (l) "Harm" means physical or psychological injury or damage.

15 (m) "Interested party" means the grandparent of the child, a person
16 with whom the child has been living for a significant period of time when
17 the child in need of care petition is filed, and any person made an
18 interested party by the court pursuant to K.S.A. 2016 Supp. 38-2241, and
19 amendments thereto, or Indian tribe seeking to intervene that is not a party.

20 (n) "Jail" means:

21 (1) An adult jail or lockup; or

22 (2) a facility in the same building or on the same grounds as an adult
23 jail or lockup, unless the facility meets all applicable standards and
24 licensure requirements under law and there is: (A) Total separation of the
25 juvenile and adult facility spatial areas such that there could be no
26 haphazard or accidental contact between juvenile and adult residents in the
27 respective facilities; (B) total separation in all juvenile and adult program
28 activities within the facilities, including recreation, education, counseling,
29 health care, dining, sleeping and general living activities; and (C) separate
30 juvenile and adult staff, including management, security staff and direct
31 care staff such as recreational, educational and counseling.

32 (o) "Juvenile detention facility" means any secure public or private
33 facility used for the lawful custody of accused or adjudicated juvenile
34 offenders which must not be a jail.

35 (p) "Juvenile intake and assessment worker" means a responsible
36 adult authorized to perform intake and assessment services as part of the
37 intake and assessment system established pursuant to K.S.A. 75-7023, and
38 amendments thereto.

39 (q) "Kinship care *placement*" means the placement of a child in the
40 home of ~~the child's relative or in the home of another~~ *an* adult with whom
41 the child or the child's parent already has ~~a close emotional attachment~~
42 *ties*.

43 (r) "Law enforcement officer" means any person who by virtue of

1 office or public employment is vested by law with a duty to maintain
2 public order or to make arrests for crimes, whether that duty extends to all
3 crimes or is limited to specific crimes.

4 (s) "Multidisciplinary team" means a group of persons, appointed by
5 the court under K.S.A. 2016 Supp. 38-2228, and amendments thereto,
6 which has knowledge of the circumstances of a child in need of care.

7 (t) "Neglect" means acts or omissions by a parent, guardian or person
8 responsible for the care of a child resulting in harm to a child, or
9 presenting a likelihood of harm, and the acts or omissions are not due
10 solely to the lack of financial means of the child's parents or other
11 custodian. Neglect may include, but shall not be limited to:

12 (1) Failure to provide the child with food, clothing or shelter
13 necessary to sustain the life or health of the child;

14 (2) failure to provide adequate supervision of a child or to remove a
15 child from a situation which requires judgment or actions beyond the
16 child's level of maturity, physical condition or mental abilities and that
17 results in bodily injury or a likelihood of harm to the child; or

18 (3) failure to use resources available to treat a diagnosed medical
19 condition if such treatment will make a child substantially more
20 comfortable, reduce pain and suffering, or correct or substantially diminish
21 a crippling condition from worsening. A parent legitimately practicing
22 religious beliefs who does not provide specified medical treatment for a
23 child because of religious beliefs shall not for that reason be considered a
24 negligent parent; however, this exception shall not preclude a court from
25 entering an order pursuant to K.S.A. 2016 Supp. 38-2217(a)(2), and
26 amendments thereto.

27 (u) "Parent" when used in relation to a child or children, includes a
28 guardian and every person who is by law liable to maintain, care for or
29 support the child.

30 (v) "Party" means the state, the petitioner, the child, any parent of the
31 child and an Indian child's tribe intervening pursuant to the Indian child
32 welfare act.

33 (w) "Permanency goal" means the outcome of the permanency
34 planning process which may be reintegration, adoption, appointment of a
35 permanent custodian or another planned permanent living arrangement.

36 (x) "Permanent custodian" means a judicially approved permanent
37 guardian of a child pursuant to K.S.A. 2016 Supp. 38-2272, and
38 amendments thereto.

39 (y) "Physical, mental or emotional abuse" means the infliction of
40 physical, mental or emotional harm or the causing of a deterioration of a
41 child and may include, but shall not be limited to, maltreatment or
42 exploiting a child to the extent that the child's health or emotional well-
43 being is endangered.

1 (z) "Placement" means the designation by the individual or agency
2 having custody of where and with whom the child will live.

3 (aa) "Reasonable and prudent parenting standard" means the standard
4 characterized by careful and sensible parental decisions that maintain the
5 health, safety and best interests of a child while at the same time
6 encouraging the emotional and developmental growth of the child, that a
7 caregiver shall use when determining whether to allow a child in foster
8 care under the responsibility of the state to participate in extracurricular,
9 enrichment, cultural and social activities.

10 (bb) "Relative" means a person related by blood, marriage or
11 adoption ~~but, when referring to a relative of a child's parent, does not~~
12 ~~include the child's other parent.~~

13 (cc) "Runaway" means a child who is willfully and voluntarily absent
14 from the child's home without the consent of the child's parent or other
15 custodian.

16 (dd) "Secretary" means the secretary for children and families or the
17 secretary's designee.

18 (ee) "Secure facility" means a facility, other than a staff secure
19 facility which is operated or structured so as to ensure that all entrances
20 and exits from the facility are under the exclusive control of the staff of the
21 facility, whether or not the person being detained has freedom of
22 movement within the perimeters of the facility, or which relies on locked
23 rooms and buildings, fences or physical restraint in order to control
24 behavior of its residents. No secure facility shall be in a city or county jail.

25 (ff) "Sexual abuse" means any contact or interaction with a child in
26 which the child is being used for the sexual stimulation of the perpetrator,
27 the child or another person. Sexual abuse shall include, but is not limited
28 to, allowing, permitting or encouraging a child to:

29 (1) Be photographed, filmed or depicted in pornographic material; or

30 (2) be subjected to aggravated human trafficking, as defined in
31 K.S.A. 2016 Supp. 21-5426(b), and amendments thereto, if committed in
32 whole or in part for the purpose of the sexual gratification of the offender
33 or another, or be subjected to an act which would constitute conduct
34 proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or
35 K.S.A. 2016 Supp. 21-6419 or 21-6422, and amendments thereto.

36 (gg) "Shelter facility" means any public or private facility or home,
37 other than a juvenile detention facility or staff secure facility, that may be
38 used in accordance with this code for the purpose of providing either
39 temporary placement for children in need of care prior to the issuance of a
40 dispositional order or longer term care under a dispositional order.

41 (hh) "Staff secure facility" means a facility described in K.S.A. 2016
42 Supp. 65-535, and amendments thereto: (1) That does not include
43 construction features designed to physically restrict the movements and

1 activities of juvenile residents who are placed therein; (2) that may
2 establish reasonable rules restricting entrance to and egress from the
3 facility; and (3) in which the movements and activities of individual
4 juvenile residents may, for treatment purposes, be restricted or subject to
5 control through the use of intensive staff supervision. No staff secure
6 facility shall be in a city or county jail.

7 (ii) "Transition plan" means, when used in relation to a youth in the
8 custody of the secretary, an individualized strategy for the provision of
9 medical, mental health, education, employment and housing supports as
10 needed for the adult and, if applicable, for any minor child of the adult, to
11 live independently and specifically provides for the supports and any
12 services for which an adult with a disability is eligible including, but not
13 limited to, funding for home and community based services waivers.

14 (jj) "Youth residential facility" means any home, foster home or
15 structure which provides 24-hour-a-day care for children and which is
16 licensed pursuant to article 5 of chapter 65 of the Kansas Statutes
17 Annotated, and amendments thereto.

18 Sec. 2. K.S.A. 2016 Supp. 38-2254 is hereby amended to read as
19 follows: 38-2254. (a) Unless waived by the persons entitled to notice, the
20 court shall require notice of the time and place of the dispositional hearing
21 be given to the parties *and interested parties*.

22 (b) The court shall require notice and the right to be heard as to
23 proposals for living arrangements for the child, the services to be provided
24 the child and the child's family, and the proposed permanency goal for the
25 child to the following:

26 (1) The child's foster parent or parents or permanent custodian
27 providing care for the child;

28 (2) preadoptive parents for the child, if any;

29 (3) the child's grandparents at their last known addresses or if no
30 grandparent is living or if no living grandparent's address is known, to the
31 closest relative of each of the child's parents whose address is known;

32 (4) the person having custody of the child; and

33 (5) upon request, by any person having close emotional ties with the
34 child and who is deemed by the court to be essential to the deliberations
35 before the court.

36 (c) The notice required by this subsection shall be given by first class
37 mail, not less than 10 business days before the hearing.

38 (d) Individuals receiving notice pursuant to subsection (b) shall not
39 be made a party or interested party to the action solely on the basis of this
40 notice and the right to be heard. The right to be heard shall be at a time and
41 in a manner determined by the court and does not confer an entitlement to
42 appear in person at government expense.

43 (e) The provisions of this subsection shall not require additional

1 notice to any person otherwise receiving notice of the hearing pursuant to
2 K.S.A. 2016 Supp. 38-2239, and amendments thereto.

3 Sec. 3. K.S.A. 2016 Supp. 38-2255 is hereby amended to read as
4 follows: 38-2255. (a) *Considerations*. Prior to entering an order of
5 disposition, the court shall give consideration to:

- 6 (1) The child's physical, mental and emotional condition;
- 7 (2) the child's need for assistance;
- 8 (3) the manner in which the parent participated in the abuse, neglect
9 or abandonment of the child;
- 10 (4) any relevant information from the intake and assessment process;
11 and
- 12 (5) the evidence received at the dispositional hearing.

13 (b) *Custody with a parent*. The court may place the child in the
14 custody of either of the child's parents subject to terms and conditions
15 which the court prescribes to assure the proper care and protection of the
16 child, including, but not limited to:

- 17 (1) Supervision of the child and the parent by a court services officer;
- 18 (2) participation by the child and the parent in available programs
19 operated by an appropriate individual or agency; and
- 20 (3) any special treatment or care which the child needs for the child's
21 physical, mental or emotional health and safety.

22 (c) *Removal of a child from custody of a parent*. The court shall not
23 enter the initial order removing a child from the custody of a parent
24 pursuant to this section unless the court first finds probable cause that: (1)
25 (A) The child is likely to sustain harm if not immediately removed from
26 the home;

27 (B) allowing the child to remain in home is contrary to the welfare of
28 the child; or

29 (C) immediate placement of the child is in the best interest of the
30 child; and

31 (2) reasonable efforts have been made to maintain the family unit and
32 prevent the unnecessary removal of the child from the child's home or that
33 an emergency exists which threatens the safety to the child.

34 The court shall not enter an order removing a child from the custody of
35 a parent pursuant to this section based solely on the finding that the parent
36 is homeless.

37 (d) *Custody of a child removed from the custody of a parent*. If the
38 court has made the findings required by subsection (c), the court shall
39 enter an order awarding custody to: A relative of the child or to a person
40 with whom the child has close emotional ties who shall not be required to
41 be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated,
42 and amendments thereto; any other suitable person; a shelter facility; a
43 youth residential facility; a staff secure facility, notwithstanding any other

1 provision of law, if the child has been subjected to human trafficking or
2 aggravated human trafficking, as defined by K.S.A. 2016 Supp. 21-5426,
3 and amendments thereto, or commercial sexual exploitation of a child, as
4 defined by K.S.A. 2016 Supp. 21-6422, and amendments thereto, or the
5 child committed an act which, if committed by an adult, would constitute a
6 violation of K.S.A. 2016 Supp. 21-6419, and amendments thereto; or, if
7 the child is 15 years of age or younger, or 16 or 17 years of age if the child
8 has no identifiable parental or family resources or shows signs of physical,
9 mental, emotional or sexual abuse, to the secretary. Custody awarded
10 under this subsection shall continue until further order of the court.

11 (1) When custody is awarded to the secretary, the secretary shall
12 consider any placement recommendation by the court and notify the court
13 of the placement or proposed placement of the child within 10 days of the
14 order awarding custody. After providing the parties or interested parties
15 notice and opportunity to be heard, the court may determine whether the
16 secretary's placement or proposed placement is contrary to the welfare or
17 in the best interests of the child. In making that determination the court
18 shall consider the health and safety needs of the child and the resources
19 available to meet the needs of children in the custody of the secretary. If
20 the court determines that the placement or proposed placement is contrary
21 to the welfare or not in the best interests of the child, the court shall notify
22 the secretary, who shall then make an alternative placement.

23 (2) The custodian designated under this subsection shall notify the
24 court in writing at least 10 days prior to any planned placement with a
25 parent. The written notice shall state the basis for the custodian's belief that
26 placement with a parent is no longer contrary to the welfare or best interest
27 of the child. Upon reviewing the notice, the court may allow the custodian
28 to proceed with the planned placement or may set the date for a hearing to
29 determine if the child shall be allowed to return home. If the court sets a
30 hearing on the matter, the custodian shall not return the child home without
31 written consent of the court.

32 (3) The court may grant any person reasonable rights to visit the child
33 upon motion of the person and a finding that the visitation rights would be
34 in the best interests of the child.

35 (4) The court may enter an order restraining any alleged perpetrator
36 of physical, mental or emotional abuse or sexual abuse of the child from
37 residing in the child's home; visiting, contacting, harassing or intimidating
38 the child, other family member or witness; or attempting to visit, contact,
39 harass or intimidate the child, other family member or witness. Such
40 restraining order shall be served by personal service pursuant to ~~subsection~~
41 ~~(a)~~ of K.S.A. 2016 Supp. 38-2237(a), and amendments thereto, on any
42 alleged perpetrator to whom the order is directed.

43 (5) The court shall provide a copy of any orders entered within 10

1 days of entering the order to the custodian designated under this
2 subsection.

3 (e) *Further determinations regarding a child removed from the home.*
4 If custody has been awarded under subsection (d) to a person other than a
5 parent, a permanency plan shall be provided or prepared pursuant to
6 K.S.A. 2016 Supp. 38-2264, and amendments thereto. If a permanency
7 plan is provided at the dispositional hearing, the court may determine
8 whether reintegration is a viable alternative or, if reintegration is not a
9 viable alternative, whether the child should be placed for adoption or a
10 permanent custodian appointed. In determining whether reintegration is a
11 viable alternative, the court shall consider:

12 (1) Whether a parent has been found by a court to have committed
13 one of the following crimes or to have violated the law of another state
14 prohibiting such crimes or to have aided and abetted, attempted, conspired
15 or solicited the commission of one of these crimes: (A) Murder in the first
16 degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2016 Supp. 21-5402,
17 and amendments thereto; (B) murder in the second degree, K.S.A. 21-
18 3402, prior to its repeal, or K.S.A. 2016 Supp. 21-5403, and amendments
19 thereto; (C) capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A.
20 2016 Supp. 21-5401, and amendments thereto; (D) voluntary
21 manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 2016 Supp.
22 21-5404, and amendments thereto; or (E) a felony battery that resulted in
23 bodily injury;

24 (2) whether a parent has subjected the child or another child to
25 aggravated circumstances;

26 (3) whether a parent has previously been found to be an unfit parent
27 in proceedings under this code or in comparable proceedings under the
28 laws of another state or the federal government;

29 (4) whether the child has been in ~~extended out of home placement~~ *the*
30 *custody of the secretary and placed with neither parent for 15 of the most*
31 *recent 22 months beginning 60 days after the date on which a child in the*
32 *secretary's custody was removed from the child's home;*

33 (5) whether the parents have failed to work diligently toward
34 reintegration;

35 (6) whether the secretary has provided the family with services
36 necessary for the safe return of the child to the home; and

37 (7) whether it is reasonable to expect reintegration to occur within a
38 time frame consistent with the child's developmental needs.

39 (f) *Proceedings if reintegration is not a viable alternative.* If the court
40 determines that reintegration is not a viable alternative, proceedings to
41 terminate parental rights and permit placement of the child for adoption or
42 appointment of a permanent custodian shall be initiated unless the court
43 finds that compelling reasons have been documented in the case plan why

1 adoption or appointment of a permanent custodian would not be in the best
2 interests of the child. If compelling reasons have not been documented, the
3 county or district attorney shall file a motion within 30 days to terminate
4 parental rights or a motion to appoint a permanent custodian within 30
5 days and the court shall hold a hearing on the motion within 90 days of its
6 filing. No hearing is required when the parents voluntarily relinquish
7 parental rights or consent to the appointment of a permanent custodian.

8 (g) *Additional Orders*. In addition to or in lieu of any other order
9 authorized by this section:

10 (1) The court may order the child and the parents of any child who
11 has been adjudicated a child in need of care to attend counseling sessions
12 as the court directs. The expense of the counseling may be assessed as an
13 expense in the case. No mental health provider shall charge a greater fee
14 for court-ordered counseling than the provider would have charged to the
15 person receiving counseling if the person had requested counseling on the
16 person's own initiative.

17 (2) If the court has reason to believe that a child is before the court
18 due, in whole or in part, to the use or misuse of alcohol or a violation of
19 K.S.A. 2016 Supp. 21-5701 through 21-5717, and amendments thereto, by
20 the child, a parent of the child, or another person responsible for the care
21 of the child, the court may order the child, parent of the child or other
22 person responsible for the care of the child to submit to and complete an
23 alcohol and drug evaluation by a qualified person or agency and comply
24 with any recommendations. If the evaluation is performed by a
25 community-based alcohol and drug safety program certified pursuant to
26 K.S.A. 8-1008, and amendments thereto, the child, parent of the child or
27 other person responsible for the care of the child shall pay a fee not to
28 exceed the fee established by that statute. If the court finds that the child
29 and those legally liable for the child's support are indigent, the fee may be
30 waived. In no event shall the fee be assessed against the secretary.

31 (3) If child support has been requested and the parent or parents have
32 a duty to support the child, the court may order one or both parents to pay
33 child support and, when custody is awarded to the secretary, the court shall
34 order one or both parents to pay child support. The court shall determine,
35 for each parent separately, whether the parent is already subject to an order
36 to pay support for the child. If the parent is not presently ordered to pay
37 support for any child who is subject to the jurisdiction of the court and the
38 court has personal jurisdiction over the parent, the court shall order the
39 parent to pay child support in an amount determined under K.S.A. 2016
40 Supp. 38-2277, and amendments thereto. Except for good cause shown,
41 the court shall issue an immediate income withholding order pursuant to
42 K.S.A. 2016 Supp. 23-3101 et seq., and amendments thereto, for each
43 parent ordered to pay support under this subsection, regardless of whether

1 a payor has been identified for the parent. A parent ordered to pay child
2 support under this subsection shall be notified, at the hearing or otherwise,
3 that the child support order may be registered pursuant to K.S.A. 2016
4 Supp. 38-2279, and amendments thereto. The parent shall also be informed
5 that, after registration, the income withholding order may be served on the
6 parent's employer without further notice to the parent and the child support
7 order may be enforced by any method allowed by law. Failure to provide
8 this notice shall not affect the validity of the child support order.

9 Sec. 4. K.S.A. 2016 Supp. 38-2268 is hereby amended to read as
10 follows: 38-2268. (a) Prior to a hearing to consider the termination of
11 parental rights, if the child's permanency plan is either adoption or
12 appointment of a custodian, with the ~~consent~~ *approval* of the guardian ad
13 litem and *acceptance and approval* of the secretary, either or both parents
14 may: Relinquish parental rights to the child; *to the secretary*; consent to an
15 adoption; or consent to appointment of a permanent custodian.

16 (b) *Relinquishment of child to secretary.* (1) Any parent or parents
17 may relinquish a child to the secretary, and if the secretary accepts the
18 relinquishment in writing, the secretary shall stand in loco parentis to the
19 child and shall have and possess over the child all rights of a parent,
20 including the power to place the child for adoption and give consent
21 thereto.

22 (2) All relinquishments to the secretary shall be in writing, in
23 substantial conformity with the form for relinquishment contained in the
24 appendix of forms following K.S.A. 59-2143, and amendments thereto,
25 and shall be executed by either parent of the child.

26 (3) The relinquishment shall be in writing and shall be acknowledged
27 before a judge of a court of record or before an officer authorized by law
28 to take acknowledgments. If the relinquishment is acknowledged before a
29 judge of a court of record, it shall be the duty of the court to advise the
30 relinquishing parent of the consequences of the relinquishment.

31 (4) Except as otherwise provided, in all cases where a parent has
32 relinquished a child to the agency pursuant to K.S.A. 59-2111 through 59-
33 2143, and amendments thereto, all the rights of the parent shall be
34 terminated, including the right to receive notice in a subsequent adoption
35 proceeding involving the child. Upon such relinquishment, all the rights of
36 the parents to such child, including such parent's right to inherit from or
37 through such child, shall cease.

38 (5) If a parent has relinquished a child to the secretary based on a
39 belief that the child's other parent would relinquish the child to the
40 secretary or would be found unfit, and this does not occur, the rights of the
41 parent who has relinquished a child to the secretary shall not be
42 terminated.

43 (6) A parent's relinquishment of a child shall not terminate the right

1 of the child to inherit from or through the parent.

2 (c) *Permanent custody.* (1) A parent may consent to appointment of
3 an individual as permanent custodian and if the individual accepts the
4 consent, such individual shall stand in loco parentis to the child and shall
5 have and possess over the child all the rights of a legal guardian.

6 (2) All consents to appointment of a permanent custodian shall be in
7 writing and shall be executed by either parent of the child.

8 (3) The consent shall be in writing and shall be acknowledged before
9 a judge of a court of record or before an officer authorized by law to take
10 acknowledgments. If the consent is acknowledged before a judge of a
11 court of record, it shall be the duty of the court to advise the consenting
12 parent of the consequences of the consent.

13 (4) If a parent has consented to appointment of a permanent custodian
14 based upon a belief that the child's other parent would so consent or would
15 be found unfit, and this does not occur, the consent shall be null and void.

16 (d) *Adoption.* ~~If the child is in the custody of the secretary and the~~
17 ~~parental rights of both parents have been terminated or the parental rights~~
18 ~~of one parent have been terminated or that parent has relinquished parental~~
19 ~~rights to the secretary, the other parent may consent to the adoption of the~~
20 ~~child may be adopted by persons approved by the secretary or approved by~~
21 ~~and the court. If the child is no longer in the custody of the secretary, the~~
22 ~~court may approve adoption of the child by persons who: (1) Both parents~~
23 ~~consent to adopt; or (2) one parent consents to adopt, if the parental rights~~
24 ~~of the other parent have been terminated.~~ The consent shall follow the
25 form contained in the appendix of forms following K.S.A. 59-2143, and
26 amendments thereto.

27 Sec. 5. K.S.A. 2016 Supp. 38-2269 is hereby amended to read as
28 follows: 38-2269. (a) When the child has been adjudicated to be a child in
29 need of care, the court may terminate parental rights or appoint a
30 permanent custodian when the court finds by clear and convincing
31 evidence that the parent is unfit by reason of conduct or condition which
32 renders the parent unable to care properly for a child and the conduct or
33 condition is unlikely to change in the foreseeable future.

34 (b) In making a determination of unfitness the court shall consider,
35 but is not limited to, the following, if applicable:

36 (1) Emotional illness, mental illness, mental deficiency or physical
37 disability of the parent, of such duration or nature as to render the parent
38 unable to care for the ongoing physical, mental and emotional needs of the
39 child;

40 (2) conduct toward a child of a physically, emotionally or sexually
41 cruel or abusive nature;

42 (3) the use of intoxicating liquors or narcotic or dangerous drugs of
43 such duration or nature as to render the parent unable to care for the

1 ongoing physical, mental or emotional needs of the child;

2 (4) physical, mental or emotional abuse or neglect or sexual abuse of
3 a child;

4 (5) conviction of a felony and imprisonment;

5 (6) unexplained injury or death of another child or stepchild of the
6 parent or any child in the care of the parent at the time of injury or death;

7 (7) failure of reasonable efforts made by appropriate public or private
8 agencies to rehabilitate the family;

9 (8) lack of effort on the part of the parent to adjust the parent's
10 circumstances, conduct or conditions to meet the needs of the child; and

11 (9) whether ~~the child has been in extended out of home placement,~~ as
12 a result of *the* actions or inactions attributable to the parent and one or
13 more of the factors listed in subsection (c) apply, *the child has been in the*
14 *custody of the secretary and placed with neither parent for 15 of the most*
15 *recent 22 months beginning 60 days after the date on which a child in the*
16 *secretary's custody was removed from the child's home.*

17 (c) In addition to the foregoing, when a child is not in the physical
18 custody of a parent, the court, shall consider, but is not limited to, the
19 following:

20 (1) Failure to assure care of the child in the parental home when able
21 to do so;

22 (2) failure to maintain regular visitation, contact or communication
23 with the child or with the custodian of the child;

24 (3) failure to carry out a reasonable plan approved by the court
25 directed toward the integration of the child into a parental home; and

26 (4) failure to pay a reasonable portion of the cost of substitute
27 physical care and maintenance based on ability to pay.

28 In making the above determination, the court may disregard incidental
29 visitations, contacts, communications or contributions.

30 (d) A finding of unfitness may be made as provided in this section if
31 the court finds that the parents have abandoned the child, the custody of
32 the child was surrendered pursuant to K.S.A. 2016 Supp. 38-2282, and
33 amendments thereto, or the child was left under such circumstances that
34 the identity of the parents is unknown and cannot be ascertained, despite
35 diligent searching, and the parents have not come forward to claim the
36 child within three months after the child is found.

37 (e) If a person is convicted of a felony in which sexual intercourse
38 occurred, or if a juvenile is adjudicated a juvenile offender because of an
39 act which, if committed by an adult, would be a felony in which sexual
40 intercourse occurred, and as a result of the sexual intercourse, a child is
41 conceived, a finding of unfitness may be made.

42 (f) The existence of any one of the above factors standing alone may,
43 but does not necessarily, establish grounds for termination of parental

1 rights.

2 (g) (1) If the court makes a finding of unfitness, the court shall
3 consider whether termination of parental rights as requested in the petition
4 or motion is in the best interests of the child. In making the determination,
5 the court shall give primary consideration to the physical, mental and
6 emotional health of the child. If the physical, mental or emotional needs of
7 the child would best be served by termination of parental rights, the court
8 shall so order. A termination of parental rights under the code shall not
9 terminate the right of a child to inherit from or through a parent. Upon
10 such termination all rights of the parent to such child, including, such
11 parent's right to inherit from or through such child, shall cease.

12 (2) If the court terminates parental rights, the court may authorize
13 adoption pursuant to K.S.A. 2016 Supp. 38-2270, and amendments
14 thereto, appointment of a permanent custodian pursuant to K.S.A. 2016
15 Supp. 38-2272, and amendments thereto, or continued permanency
16 planning.

17 (3) If the court does not terminate parental rights, the court may
18 authorize appointment of a permanent custodian pursuant to K.S.A. 2016
19 Supp. 38-2272, and amendments thereto, or continued permanency
20 planning.

21 (h) If a parent is convicted of an offense as provided in ~~subsection (a)~~
22 ~~(7)~~ of K.S.A. 2016 Supp. 38-2271(a)(7), and amendments thereto, or is
23 adjudicated a juvenile offender because of an act which if committed by an
24 adult would be an offense as provided in ~~subsection (a)(7)~~ of K.S.A. 2016
25 Supp. 38-2271(a)(7), and amendments thereto, and if the victim was the
26 other parent of a child, the court may disregard such convicted or
27 adjudicated parent's opinions or wishes in regard to the placement of such
28 child.

29 (i) A record shall be made of the proceedings.

30 (j) When adoption, proceedings to appoint a permanent custodian or
31 continued permanency planning has been authorized, the person or agency
32 awarded custody of the child shall within 30 days submit a written plan for
33 permanent placement which shall include measurable objectives and time
34 schedules.

35 Sec. 6. K.S.A. 2016 Supp. 38-2282 is hereby amended to read as
36 follows: 38-2282. (a) This section shall be known and may be cited as the
37 newborn infant protection act. *The purpose of this section is to protect*
38 *newborn children from injury and death caused by abandonment by a*
39 *parent, and to provide safe and secure alternatives to such abandonment.*

40 (b) *As used in this section:*

41 (1) *"Non-relinquishing parent" means the biological parent of an*
42 *infant who does not leave the infant with any person listed in subsection*
43 *(c) in accordance with this section; and*

1 (2) *"relinquishing parent" means the biological parent or person*
2 *having legal custody of an infant who leaves the infant with any person*
3 *listed in subsection (c) in accordance with this section.*

4 (c) *A person purporting to be an infant's parent or other person*
5 *having lawful custody of an infant—~~which is 45~~ who is 60 days old or*
6 *younger and—~~which~~ who has not suffered bodily harm may surrender*
7 *physical custody of the infant to any employee who is on duty at a police*
8 *station, sheriff's office, law enforcement center, fire station, city or county*
9 *health department or medical care facility as defined by K.S.A. 65-425,*
10 *and amendments thereto. Such employee shall, without a court order, take*
11 *physical custody of an infant surrendered pursuant to this section. A*
12 *relinquishing parent or other person voluntarily surrendering an infant*
13 *under this subsection shall not be required to reveal personally identifiable*
14 *information, but may be offered the opportunity to provide information*
15 *concerning the infant's familial or medical history.*

16 ~~(e)~~(d) *A person or Any employee of a facility described in subsection*
17 *(c) to whom an infant is delivered pursuant to this—~~subsection~~ section shall*
18 *not reveal the name or other personally identifiable information of the*
19 *person who delivered the infant unless there is a reasonable suspicion that*
20 *the infant has been abused or neglected, and such—~~person or~~ such facility*
21 *and its employees shall be immune from administrative, civil or criminal*
22 *liability for any action taken pursuant to this subsection. Such immunity*
23 *shall not extend to any acts or omissions, including negligent or*
24 *intentional acts or omissions, occurring after the acceptance of the infant.*

25 (e) *If an infant is delivered pursuant to this section to any facility*
26 *described in subsection (c) that is not a medical care facility, the employee*
27 *of such facility who takes physical custody of the infant shall arrange for*
28 *the immediate transportation of the infant to the nearest medical care*
29 *facility as defined by K.S.A. 65-425, and amendments thereto. The medical*
30 *care facility, its employees, agents and medical staff shall perform*
31 *treatment in accordance with the prevailing standard of care as necessary*
32 *to protect the physical health and safety of the infant and shall be immune*
33 *from administrative, civil and criminal liability for treatment performed*
34 *consistent with such standard.*

35 ~~(d)~~(f) *As soon as possible after—~~a person~~ an employee of any facility*
36 *described in subsection (c) takes physical custody of an infant—~~under~~*
37 *without a court order pursuant to this section, such person shall notify a*
38 *local law enforcement agency that the person has taken physical custody*
39 *of an infant pursuant to this section. Upon receipt of such notice a law*
40 *enforcement officer from such law enforcement agency shall take custody*
41 *of the infant as an abandoned infant. The law enforcement agency shall*
42 *deliver the infant to a facility or person designated by the secretary*
43 *pursuant to K.S.A. 2016 Supp. 38-2232, and amendments thereto.*

1 ~~(e)~~(g) Any person, city or county or agency thereof or medical care
2 facility taking physical custody of an infant surrendered pursuant to this
3 section shall perform any act necessary to protect the physical health or
4 safety of the infant, and shall be immune from liability for any injury to
5 the infant that may result therefrom.

6 (h) (1) *A relinquishing parent shall be immune from civil or criminal*
7 *liability for action taken pursuant to this section only if:*

8 (A) *The relinquishing parent voluntarily delivered the infant safely to*
9 *the physical custody of an employee at a facility described in subsection*
10 *(c);*

11 (B) *the infant was no more than 60 days old when delivered by the*
12 *relinquishing parent to the physical custody of an employee at a facility*
13 *described in subsection (c); and*

14 (C) *the infant was not abused or neglected by the relinquishing*
15 *parent prior to such delivery.*

16 (2) *The relinquishing parent's voluntary delivery of an infant in*
17 *accordance with this section shall constitute the parent's implied consent*
18 *to the adoption of such infant and a voluntary relinquishment of such*
19 *parent's parental rights.*

20 (i) (1) *In any termination of parental rights proceeding initiated after*
21 *the relinquishment of an infant pursuant to this section, the state shall*
22 *publish notice pursuant to chapter 60 of the Kansas Statutes Annotated,*
23 *and amendments thereto, that an infant has been relinquished, including*
24 *the sex of the infant and the date and location of such relinquishment.*
25 *Within 30 days after publication of such notice, a non-relinquishing parent*
26 *seeking to establish parental rights shall notify the court where the*
27 *termination of parental rights proceeding is filed and state such parent's*
28 *intentions regarding the infant. The court shall initiate proceedings to*
29 *establish parentage if no person notifies the court within 30 days. There*
30 *shall be an examination of the putative father registry to determine*
31 *whether attempts have previously been made to preserve parental rights to*
32 *the infant. If such attempts have been made, the state shall make*
33 *reasonable efforts to provide notice of the abandonment of the infant to*
34 *such putative father.*

35 (2) *If a relinquishing parent of an infant relinquishes custody of the*
36 *infant in accordance with this section, to preserve the parental rights of*
37 *the non-relinquishing parent, the non-relinquishing parent shall take the*
38 *steps necessary to establish parentage within 30 days after the published*
39 *notice or specific notice provided in paragraph (1).*

40 (3) *If a non-relinquishing parent fails to take the steps necessary to*
41 *establish parentage within the 30-day period specified in paragraph (2),*
42 *the non-relinquishing parent may have all of such parent's rights*
43 *terminated with respect to the child.*

1 (4) *If a non-relinquishing parent inquires at a facility described in*
2 *subsection (c) regarding an infant whose custody was relinquished*
3 *pursuant to this section, such facility shall refer the non-relinquishing*
4 *parent to the Kansas department for children and families and the court*
5 *exercising jurisdiction over the child.*

6 ~~(f)~~(j) Upon request, all medical records of the infant shall be made
7 available to the Kansas department for children and families and given to
8 the person awarded custody of such infant. The medical facility providing
9 such records shall be immune from liability for such records release.

10 Sec. 7. K.S.A. 2016 Supp. 39-708c is hereby amended to read as
11 follows: 39-708c. (a) The secretary for children and families shall develop
12 state plans, as provided under the federal social security act, whereby the
13 state cooperates with the federal government in its program of assisting the
14 states financially in furnishing assistance and services to eligible
15 individuals. The secretary shall undertake to cooperate with the federal
16 government on any other federal program providing federal financial
17 assistance and services in the field of social welfare not inconsistent with
18 this act. The secretary is not required to develop a state plan for
19 participation or cooperation in all federal social security act programs or
20 other federal programs that are available. The secretary shall also have the
21 power, but is not required, to develop a state plan in regard to assistance
22 and services in which the federal government does not participate.

23 (b) The secretary shall have the power and duty to determine the
24 general policies relating to all forms of social welfare which are
25 administered or supervised by the secretary and to adopt the rules and
26 regulations therefor.

27 (c) The secretary shall hire, in accordance with the provisions of the
28 Kansas civil service act, such employees as may be needed, in the
29 judgment of the secretary, to carry out the provisions of this act. The
30 secretary shall advise the governor and the legislature on all social welfare
31 matters covered in this act.

32 (d) The secretary shall establish and maintain intake offices
33 throughout the state. The secretary may establish and create area offices to
34 coordinate and supervise the administration of the intake offices located
35 within the area. The number and location of intake offices and area offices
36 shall be within the discretion of the secretary. Each intake office shall be
37 open at least 12 hours of each working week on a regularly scheduled
38 basis. The secretary shall supervise all social welfare activities of the
39 intake offices and area offices. The secretary may lease office or business
40 space, but no lease or rental contract shall be for a period to exceed 10
41 years. A person desiring public assistance, or if the person is incapable or
42 incapacitated, a relative, friend, personal representative or conservator of
43 the person shall make application at the intake office. When it is necessary,

1 employees may take applications elsewhere at any time. The applications
2 shall contain a statement of the amount of property, both personal and real,
3 in which the applicant has an interest and of all income which the
4 applicant may have at the time of the filing of the application and such
5 other information as may be required by the secretary. When a husband
6 and wife are living together the combined income or resources of both
7 shall be considered in determining the eligibility of either or both for
8 assistance unless otherwise prohibited by law. The form of application, the
9 procedure for the determination of eligibility and the amount and kind of
10 assistance or service shall be determined by the secretary.

11 (e) The secretary shall provide special inservice training for
12 employees of the secretary and may provide the training as a part of the
13 job or at accredited educational institutions.

14 (f) The secretary shall establish an adequate system of financial
15 records. The secretary shall make annual reports to the governor and shall
16 make any reports required by federal agencies.

17 (g) The secretary shall sponsor, operate or supervise community work
18 experience programs whereby recipients of assistance shall work out a part
19 or all of their assistance and conserve work skills and develop new skills.
20 The compensation credited to recipients for the programs shall be based
21 upon an hourly rate equal to or in excess of the federal minimum wage
22 hourly rate. The programs shall be administered by the secretary. In the
23 programs, the secretary shall provide protection to the recipient under the
24 workmen's compensation act or shall provide comparable protection and
25 may enter into cooperative arrangements with other public officials and
26 agencies or with private not-for-profit corporations providing assistance to
27 needy persons in developing, subject to the approval of the secretary, the
28 programs under this section.

29 (h) The secretary may receive, have custody of, protect, administer,
30 disburse, dispose of and account for federal or private commodities,
31 equipment, supplies and any kind of property, including food stamps or
32 coupons, which are given, granted, loaned or advanced to the state of
33 Kansas for social welfare works, and for any other purposes provided for
34 by federal laws or rules and regulations or by private devise, grant or loan,
35 or from corporations organized to act as federal agencies, and to do all
36 things and acts which are necessary or required to perform the functions
37 and carry out the provisions of federal laws, rules and regulations under
38 which such commodities, equipment, supplies and other property may be
39 given, granted, loaned or advanced to the state of Kansas, and to act as an
40 agent of the federal government when designated as an agent, and do and
41 perform all things and acts that may be required by the federal laws or
42 rules and regulations not inconsistent with the act.

43 (i) The secretary may assist other departments, agencies and

1 institutions of the state and federal government and of other states under
2 interstate agreements, when so requested, by performing services in
3 conformity with the purpose of this act.

4 (j) The secretary shall have authority to lease real and personal
5 property whenever the property is not available through the state or a
6 political subdivision of the state, for carrying on the functions of the
7 secretary.

8 (k) All contracts shall be made in the name of the secretary for
9 children and families and in that name the secretary may sue and be sued
10 on such contracts. The grant of authority under this subsection shall not be
11 construed to be a waiver of any rights retained by the state under the 11th
12 amendment to the United States constitution and shall be subject to and
13 shall not supersede the provisions of any appropriations act of this state.

14 (l) All moneys and property of any kind whatsoever received from
15 the Kansas emergency relief committee or from any other state department
16 or political subdivision of the state shall be used by the secretary in the
17 administration and promotion of social welfare in the state of Kansas. The
18 property may be given, loaned or placed at the disposal of any county, city
19 or state agency engaged in the promotion of social welfare.

20 (m) The secretary shall prepare annually, at the time and in the form
21 directed by the governor, a budget covering the estimated receipts and
22 expenditures of the secretary for the ensuing year.

23 (n) The secretary shall have authority to make grants of funds,
24 commodities or other needed property to local units of government under
25 rules and regulations adopted by the secretary for the promotion of social
26 welfare in local units of government.

27 (o) The secretary shall have authority to sell any property in the
28 secretary's possession received from any source whatsoever for which
29 there is no need or use in the administration or the promotion of social
30 welfare in the state of Kansas.

31 (p) The secretary shall adopt a seal.

32 (q) The secretary shall initiate or cooperate with other agencies in
33 developing programs for the prevention of blindness, the restoration of
34 eyesight and the vocational rehabilitation of blind persons and shall
35 establish a division of services for the blind. The secretary may initiate or
36 cooperate with other agencies in developing programs for the prevention
37 and rehabilitation of other handicapped persons.

38 (r) The secretary shall develop a children and youth service program
39 and shall administer or supervise program activities including the care and
40 protection of ~~children who are deprived, defective, wayward, miscreant,~~
41 ~~delinquent~~ or children in need of care, *as defined in K.S.A. 2016 Supp. 38-*
42 *2202, and amendments thereto.* The secretary shall cooperate with the
43 federal government through its appropriate agency or instrumentality in

1 establishing, extending and strengthening such services and undertake
2 other services to children authorized by law. Nothing in this act shall be
3 construed as authorizing any state official, agent or representative, in
4 carrying out any of the provisions of this act, to take charge of any child
5 over the objection of either of the parents of such child or of the person
6 standing in loco parentis to such child except pursuant to a proper court
7 order.

8 (s) The secretary shall develop plans financed by federal funds or
9 state funds or both for providing medical care for needy persons. The
10 secretary, in developing the plan, may enter into an agreement with an
11 agent or intermediary for the purpose of performing certain functions,
12 including the making of medical payment reviews, determining the
13 amount due the medical vendors from the state in accordance with
14 standards set by the secretary, preparing and certifying to the secretary lists
15 of medical vendors and the amounts due them and other related functions
16 determined by the secretary. The secretary may also provide medical,
17 remedial, preventive or rehabilitative care and services for needy persons
18 by the payment of premiums to the federal social security system for the
19 purchase of supplemental medical insurance benefits as provided by the
20 federal social security act and amendments thereto. Medicaid recipients
21 who were residents of a nursing facility on September 1, 1991, and who
22 subsequently lost eligibility in the period September 1, 1991, through June
23 30, 1992, due to an increase in income shall be considered to meet the
24 300% income cap eligibility test.

25 (t) The secretary shall carry on research and compile statistics relative
26 to the entire social welfare program throughout the state, ~~including all~~
27 ~~phases of dependency, defectiveness, delinquency and related problems;~~
28 develop plans in cooperation with other public and private agencies for the
29 prevention as well as treatment of conditions giving rise to social welfare
30 problems.

31 (u) The secretary may receive grants, gifts, bequests, money or aid of
32 any character whatsoever, for state welfare work. All moneys coming into
33 the hands of the secretary shall be deposited in the state social welfare
34 fund provided for in this act.

35 (v) The secretary may enter into agreements with other states or the
36 welfare department of other states, in regard to the manner of determining
37 the state of residence in disputed cases, the manner of returning persons to
38 the place of residence and the bearing or sharing of the costs.

39 (w) The secretary shall perform any other duties and services
40 necessary to carry out the purposes of this act and promote social welfare
41 in the state of Kansas, not inconsistent with the state law.

42 (x) The secretary shall establish payment schedules for each group of
43 health care providers. Any payment schedules which are a part of the state

1 medicaid plan shall conform to state and federal law. The secretary shall
2 not be required to make any payments under the state medicaid plan which
3 do not meet requirements for state and federal financial participation.

4 (1) The secretary shall consider budgetary constraints as a factor in
5 establishing payment schedules so long as the result complies with state
6 and federal law.

7 (2) The secretary shall establish payment schedules for providers of
8 hospital and adult care home services under the medicaid plan that are
9 reasonable and adequate to meet the costs which must be incurred by
10 efficiently and economically operated facilities in order to provide care
11 and services in conformity with applicable state and federal laws,
12 regulations, and quality and safety standards. The secretary shall not be
13 required to establish rates for any such facility that are in excess of the
14 minimum necessary to efficiently and economically meet those standards
15 regardless of any excess costs incurred by any such facility.

16 (y) The secretary shall maintain a system of centralized payment for
17 all welfare expenditures.

18 Sec. 8. K.S.A. 39-713c is hereby amended to read as follows: 39-
19 713c. The secretary shall find suitable homes for children who are
20 ~~deprived, wayward, miscreant, delinquent or~~ children in need of care, *as*
21 *defined in K.S.A. 2016 Supp. 38-2202, and amendments thereto*, referred to
22 the secretary by the district court, and place and supervise the children in
23 such homes. This shall not prevent the use of licensed private child-placing
24 agencies by the secretary or district court when desired.

25 Sec. 9. K.S.A. 39-713c and K.S.A. 2016 Supp. 38-2202, 38-2254, 38-
26 2255, 38-2268, 38-2269, 38-2282 and 39-708c are hereby repealed.

27 Sec. 10. This act shall take effect and be in force from and after its
28 publication in the statute book.