

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

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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.

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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.

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