AN ACT concerning children and families; enacting the safe families act.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Sections 1 through 6 shall be known and may be cited as the safe families act.

Sec. 2. As used in the safe families act:

(a) "Attorney in fact" shall have the same meaning as defined in K.S.A. 58-651, and amendments thereto.

(b) "Serving parent" means a parent who is a member of the reserves of the army, navy, air force, marine corps or coast guard of the United States or the commissioned corps of the national oceanic and atmospheric administration or the public health service of the United States department of health and human services detailed by proper authority for duty with the army or navy of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the president of the United States or to serve on state active duty.

Sec. 3. (a) A parent or legal custodian of a child may by a properly executed power of attorney provided in section 4, and amendments thereto, delegate to another person known as the attorney in fact, for a period not to exceed one year, except as provided in subsection (f), any of the powers regarding the care and custody of the child, except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. A delegation of powers under this section shall not deprive the parent or legal custodian of any parental or legal authority regarding the care and custody of the child.

(b) The parent or legal custodian of the child shall have the authority to revoke or withdraw the power of attorney authorized by subsection (a) at any time. Except as provided in subsection (f), if the delegation of authority lasts longer than one year, the parent or legal custodian of the child shall execute a new power of attorney for each additional year that the delegation exists. If a parent withdraws or revokes the power of attorney the child shall be returned to the custody of the parents as soon as reasonably possible.

(c) Unless the authority is revoked or withdrawn by the parent the attorney in fact shall exercise parental or legal authority on a continuous
basis without compensation for the duration of the power of attorney authorized by subsection (a) and shall not be subject to any laws or rules or regulations dealing with the licensing or regulation of foster care homes.

(d) Except as otherwise provided by law, the execution of a power of attorney by a parent or legal custodian, as authorized in subsection (a), shall not constitute abandonment, abuse or neglect as defined in K.S.A. 38-2202, and amendments thereto, unless the parent or legal custodian fails to take custody of the child or execute a new power of attorney after the one-year time limit has elapsed.

(e) Under a delegation of powers as authorized by subsection (a), the child or children subject to the power of attorney shall not be considered as placed in foster care and the parties shall not be subject to any of the requirements or licensing laws, rules or regulations for foster care or other regulations relating to community care for children.

(f) A serving parent may delegate the power designated in subsection (a) for a period longer than one year if on active duty service. The term of delegation, however, may not exceed the term of active duty service plus 30 days.

Sec. 4. (a) The following statutory form of power of attorney to delegate parental or legal authority as authorized by section 3, and amendments thereto, is legally sufficient:

Statutory Form for Power of Attorney to Delegate Parental or Legal Custodian Powers

1. "I certify that I am the parent or legal custodian of:

   ______________________   ______________________
   (Full name of minor child)    (Date of birth)

   ______________________   ______________________
   (Full name of minor child)    (Date of birth)

   ______________________   ______________________
   (Full name of minor child)    (Date of birth)"

2. "I designate ______________________________________

   ______________________   ______________________
   (Full name of Attorney in fact),    (Street address, city, state and zip code of Attorney in fact)

   ______________________   ______________________
   (Home phone of Attorney in fact)    (Work phone of Attorney in fact)

3. "I delegate to the attorney in fact all of my power and authority regarding the care, custody and property of each minor child named above, including, but not limited to, the right to enroll the child in school, inspect and obtain copies of education records and other records concerning the
child, the right to attend school activities and other functions concerning
the child, and the right to give or withhold any consent or waiver with
respect to school activities, medical and dental treatment, and any other
activity, function or treatment that may concern the child. This delegation
shall not include the power or authority to consent to marriage or adoption
of the child, the performance or inducement of an abortion on or for the
child, or the termination of parental rights to the child." or

4. I delegate to the attorney in fact the following specific powers and
responsibilities (write in): ______________________________________

(In the event paragraph 4 is completed paragraph 3 does not apply).

This delegation shall not include the power or authority to consent to
marriage or adoption of the child, the performance or inducement of an
abortion on or for the child, or the termination of parental rights to the
child."

5. "This power of attorney is effective for a period not to exceed one
year, beginning _____________, 20__, and ending _____________, 20__.
I reserve the right to revoke this authority at any time."

6. I am a serving parent as defined in the safe families act. My active
duty is estimated to be completed on ______________________. I
acknowledge that in no event may this delegation of power last more than
one year or the term on my active duty plus 30 days, whichever is longer.

By: ________________________________________________

(Parent/Legal Custodian signature)"

7. "I hereby accept my designation as attorney in fact for

________________________________________________________

(Minor child(ren)) as specified in this power of attorney.

________________________________________________________

(Attorney in fact signature)

State of ________________________________________________

County of _______________________________________________

ACKNOWLEDGMENT

Before me, the undersigned, a Notary Public, in and for
_____________ County and this State on this ___ day of
__________, 20__, personally appeared ______________________
(Name of Parent/Legal Custodian) and ______________________
(Name of Attorney in fact), to me known to be the identical persons who
executed this instrument and acknowledged to me that each executed the
same of such person’s free and voluntary act and deed for the uses and
purposes set forth in the instrument.

Witness my hand and official seal the day and year above written.

____________________________________________________

(Signature of notarial officer)

(Seal, if any)
(Title and Rank)
My commission expires: _______________________________

(b) The power of attorney is legally sufficient under the safe families act, if the wording of the form complies substantially with subsection (a), the form is properly completed and the signatures of the parties are acknowledged.

Sec. 5. During any child protective investigation by the Kansas department for children and families that does not result in an out of home placement resulting from abuse of a child, a child protective investigator shall provide information to the parent or custodians who are under financial distress, unemployed, homeless or experiencing other family crises about community service programs that provide respite care, voluntary guardianship, other support services for families in crisis, including churches and other organizations that work with safe families for children, and the safe families act.

Sec. 6. Any attorney in fact delegated authority under the safe families act by a parent or legal custodian is not subject to the requirements of any other child care facility licensing statutes, rules or regulations or foster care licensing laws or rules or regulations, and will not constitute an out-of-home child placement under the child in need of care code, K.S.A. 38-2201 et seq., and amendments thereto.

Sec. 7. The Kansas department for children and families is hereby authorized to work with families who are in financial distress, unemployed, homeless or experiencing other family crises by detailing community resources available to such families in the community, including, but not limited to, respite care, voluntary guardianship under the safe families act and information regarding churches and other organizations that work as host families for safe families for children in the state.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.