

SOUL Family Legal Permanency

KANSAS HB 2536

SIGNED INTO LAW BY GOVERNOR KELLY ON APRIL 16, 2024
EFFECTIVE DATE: JULY 1, 2024



Legal Summary of HB 2536

- Allows for establishment of SOUL Family Legal Permanency as a new permanency option for youth in foster care who are 16 years and older.
- Adds a fifth legal option to Kansas's existing continuum of permanency options: reintegration, legal custodianship, adoption and APPLA (another planned permanent living arrangement)
- New statutes will be set out in the Kansas Child in Need of Care ("CINC") Code (K.S.A. 38-2201 et seq)



SOUL Family

SUPPORT • OPPORTUNITY • UNITY • LEGAL RELATIONSHIPS

Basic Requirements of HB 2536

Establishing SOUL Family Legal

Permanency requires:

- Agreement and approval of the youth.
- Consent and approval of the parents if their parental rights are still intact (SOUL Family does not require a finding of parental unfitness or termination of parental rights, but court may still order SOUL Family if there has earlier been a finding of parental unfitness or the termination of parental rights by the court).
- Approval of the court.

Prior to asking the court to order SOUL Family Legal Permanency, Department for Children and Families (DCF) and DCF's case management providers shall:

- Observe youth in the home of the SOUL Family custodian with whom the child will reside and determine the "ability and suitability of the potential custodian to care for the child."
- Run criminal background and abuse and neglect registry checks on the potential SOUL Family custodian(s).
- Consider appointing a relative or person who has close emotional ties to the youth if it appears to be in the youth's best interest.
- Submit court report to the court with the required information set out above.
- The report should also include all relevant information about the benefits to which the youth will be entitled if SOUL Family is established.



SOUL Family Legal Permanency Benefits

- Prior to the court ordering SOUL Family Legal Permanency, the court shall review DCF’s court report referenced in the bullet on page 1 to ensure “maximum allowable benefits available under other permanency options” (benefits mentioned in the statute include financial support, medical coverage and educational support).
- Once SOUL Family Legal Permanency is established by the court, DCF custody of the youth ceases and the youth’s DCF’s case is closed, but court jurisdiction continues until youth turns 18 or graduates from high school (if youth turns 18 during their final year of high school).
- Permanency hearings held every 12 months will likely involve only a limited review (e.g., check in on how things are going and to address unresolved disputes, if any, which may exist within the SOUL Family).
- One primary custodian is to be designated in the event any disputes arise.
- With the court’s approval, the young person may designate one or more SOUL Family legal permanency custodians. These SOUL Family legal permanency custodians do not have to be related to each other or related to the youth.
- SOUL Family legal permanency custodians shall stand “in loco parentis” to make decisions on behalf of the youth, subject to limitations in statute (i.e. cannot consent to youth’s adoption) or as directed by the court.
- The Court may formally recognize “other individuals” in addition to the individuals appointed as the SOUL Family legal permanency custodians who, with approval by the youth, will provide support as agreed upon by the youth and SOUL Family custodians. These “other individuals” will have no legal rights or responsibilities with respect to the youth but will come before the court to pledge their ongoing support throughout the young person’s life.
- SOUL Family legal permanency custodian(s) is/are required to consider whether the custodian(s) will provide any rights of inheritance to the child and medical power of attorney for the child” with regard to the custodian(s).

Action Steps:

- ➔ “SOUL Family Legal Permanency” definition has been added to the CINC Code.
- ➔ Needed revisions to other multiple statutes in the CINC Code were enacted July 1, 2024 to reflect the new SOUL Family Legal Permanency option.
- ➔ A Kansas Judicial Council subcommittee worked on needed revisions to the Judicial Council forms used by the courts to reflect new SOUL Family Legal Permanency option.
- ➔ DCF worked on needed revisions to the DCF Prevention & Protection Services (PPS) policies in the PPS Policy & Procedures Manual (PPM) to support the implementation of SOUL Family Legal Permanency.

