

Rights of Birth Parents

(Pursuant to K.S.A. 38-2282 (1)(2)(C))



- K.S.A. 38-2282 (b)(2) “non-relinquishing parent” means the biological parent of an infant who does not surrender the infant in accordance with this section; and
 - (3) “relinquishing parent” means the biological parent or person having legal custody of an infant who surrenders the infant in accordance with this section.
- K.S.A. 38-2282 (c)(1) A person purporting to be an infant’s parent or other person having lawful custody of an infant who is not more than 60 days old and who has not suffered great bodily harm as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant may surrender physical custody of the infant to either:
 - (A) An employee who is on-duty at a police station, sheriff’s office, law enforcement center, fire station, city or county health department or medical care facility as defined by K.S.A. 65-425, and amendments thereto. Such employee shall, without a court order, take physical custody of an infant surrendered pursuant to this section; or
 - (B) a newborn safety device installed at a facility described in subparagraph (A). An employee of such facility shall, without a court order, take physical custody of an infant surrendered pursuant to this section.
- K.S.A. 38-2282(c)(2) A relinquishing parent voluntarily surrendering an infant under this subsection shall not be required to reveal personally identifiable information but may be offered the opportunity to provide information concerning the infant’s familial or medical history or information described in subsection (k).
- K.S.A. 38-2282 (h)(1) A relinquishing parent shall be immune from civil or criminal liability if:
 - (A) The relinquishing parent voluntarily delivered the infant safely to either:
 - (i) The physical custody of an employee at a facility described in subsection (c)(1)(A); or
 - (ii) a newborn safety device installed at a facility described in this subsection (c)(1)(B); and
 - (B) the infant was not more than 60 days old and has not suffered great bodily harm as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant.

(2) The relinquishing parent’s voluntary delivery of an infant in accordance with this section shall constitute the parent’s implied consent to the adoption of such infant and a voluntary relinquishment of such parent’s parental rights.
- K.S.A. 38-2282 (i)(1) In any termination of parental rights proceeding initiated after the relinquishment of an infant pursuant to this section, the state shall publish notice pursuant to chapter 60 of the Kansas Statutes Annotated, and amendments thereto, that an infant has been relinquished, including the sex of the infant and the date and location of such relinquishment. Within 30 days after publication of such notice, a non-relinquishing parent seeking to establish parental rights shall notify the court where the termination of parental rights proceeding is filed and state such parent’s intentions regarding the infant. The court shall initiate proceedings to establish parentage if no person notifies the court within 30 days. When such person is seeking to establish parental rights, the court shall require the person, at the person’s expense, to submit to a genetic test to verify that the person is the biological parent of the child. There shall be an examination of the putative father registry to determine whether attempts have previously been made to preserve parental rights to the infant. If such attempts have been made, the state shall make reasonable efforts to provide notice of the abandonment of the infant to such putative father.
 - (2) If a relinquishing parent of an infant relinquishes custody of the infant in accordance with this section, to preserve the parental rights of the non-relinquishing parent, the non-relinquishing parent shall take the steps necessary to establish parentage within 30 days after the published notice or specific notice provided in paragraph (1).
 - (3) If a non-relinquishing parent fails to take the steps necessary to establish parentage within the 30-day period specified in paragraph (2), the non-relinquishing parent may have all of such parent’s rights terminated with respect to the child.
 - (4) If a non-relinquishing parent inquires at a facility described in subsection (c)(1)(A) regarding an infant whose custody was relinquished pursuant to this section, such facility shall refer the non-relinquishing parent to the Kansas department for children and families and the court exercising jurisdiction over the child.
- K.S.A. 38-2282(l)(1) A facility described in subsection (c)(1)(A) that receives an infant surrendered under this section shall make available, if possible, information to the relinquishing parent, but such parent shall not be required to accept such information.