



# KANSAS LAWS AND REGULATIONS FOR LICENSING PRIVATE CHILD PLACING AGENCIES

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Foster Care and Residential Facility Licensing Division  
555 SW Kansas Avenue, 2nd Floor  
Topeka, KS 66603  
Fax: (785) 296-5937

[FosterLicensing.dcf.ks.gov](http://FosterLicensing.dcf.ks.gov)

# KANSAS CHILD CARE LICENSING LAWS

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# KANSAS CHILD CARE LICENSING LAWS

## Chapter 65. PUBLIC HEALTH

### Article 5. MATERNITY CENTERS AND CHILD CARE FACILITIES

#### **K.S.A. 65-501. License or temporary permit required; exemptions.**

It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity center or a child care facility for children under 16 years of age without having a license or temporary permit therefor from the secretary of health and environment. Nothing in this act shall apply to:

- (a) A residential facility or hospital that is operated and maintained by a state agency as defined in K.S.A. 75-3701 and amendments thereto; or
- (b) a summer instructional camp that:
  - (1) Is operated by a Kansas educational institution as defined in K.S.A. 74-32,120, and amendments thereto, or a postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto;
  - (2) is operated for not more than five weeks;
  - (3) provides instruction to children, all of whom are 10 years of age and older; and
  - (4) is accredited by an agency or organization acceptable to the secretary of health and environment.

**History:** L. 1919, ch. 210, § 1; R.S. 1923, 65-501; L. 1974, ch. 352, § 85; L. 1978, ch. 236, § 1; L. 1985, ch. 209, § 1; L. 1994, ch. 279, § 4; L. 2001, ch. 101, § 1; April 26.

#### **K.S.A. 65-503. Definitions.** As used in this act:

- (a) “Child placement agency” means a business or service conducted, maintained or operated by a person engaged in finding homes for children by placing or arranging for the placement of such children for adoption or foster care.
- (b) “Child care resource and referral agency” means a business or service conducted, maintained or operated by a person engaged in providing resource and referral services, including information of specific services provided by child care facilities, to assist parents to find child care.
- (c) “Child care facility” means:
  - (1) A facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food or lodging, or both, except children in the custody of the secretary for children and families who are placed with a prospective adoptive family pursuant to the provisions of an adoptive placement agreement or who are related to the person by blood, marriage or legal adoption;

- (2) a children's home, orphanage, maternity home, day care facility or other facility of a type determined by the secretary to require regulation under the provisions of this act;
  - (3) a child placement agency or child care resource and referral agency, or a facility maintained by such an agency for the purpose of caring for children under 16 years of age; or
  - (4) any receiving or detention home for children under 16 years of age provided or maintained by, or receiving aid from, any city or county or the state.
- (d) "Day care facility" means a child care facility that includes a day care home, preschool, child care center, school-age program or other facility of a type determined by the secretary to require regulation under the provisions of K.S.A. 65-501 et seq., and amendments thereto.
  - (e) "Person" means any individual, association, partnership, corporation, government, governmental subdivision or other entity.
  - (f) "Boarding school" means a facility which provides 24-hour care to school age children, provides education as its primary function, and is accredited by an accrediting agency acceptable to the secretary of health and environment.
  - (g) "Maternity center" means a facility which provides delivery services for normal, uncomplicated pregnancies but does not include a medical care facility as defined by K.S.A. 65-425, and amendments thereto.

**History:** L. 1919, ch. 210, § 3; R.S. 1923, 65-503; L. 1978, ch. 236, § 2; L. 1978, ch. 237, § 2; L. 1980, ch. 184, § 1; L. 1983, ch. 140, § 45; L. 1994, ch. 279, § 6; L. 1998, ch. 166, § 1; L. 2007, ch. 130, § 1; L. 2010, ch. 161, § 4; L. 2012, ch. 99, § 1; L. 2014, ch. 115, § 248; July 1.

**K.S.A. 65-504. Licenses; contents; limitations; posting; inspections; temporary permits; access to premises; temporary licenses; denial or revocation of license; procedure.**

- (a) The secretary of health and environment shall have the power to grant a license to a person to maintain a maternity center or child care facility for children under 16 years of age. A license granted to maintain a maternity center or child care facility shall state the name of the licensee, describe the particular premises in or at which the business shall be carried on, whether it shall receive and care for women or children, and the number of women or children that may be treated, maintained, boarded or cared for at any one time. No greater number of women or children than is authorized in the license shall be kept on those premises and the business shall not be carried on in a building or place not designated in the license. The license shall be kept posted in a conspicuous place on the premises where the business is conducted. A license granted to maintain a day care facility shall have on its face an expiration sticker stating the date of expiration of the license. The secretary of health and environment shall grant no license in any case until careful inspection of the maternity center or child care facility shall have been made according to the terms of this act and until such maternity center or child care facility has

complied with all the requirements of this act. Except as provided by this subsection, no license shall be granted without the approval of the secretary for children and families. The secretary of health and environment may issue, without the approval of the secretary for children and families, a temporary permit to operate for a period not to exceed 90 days upon receipt of an initial application for license. The secretary of health and environment may extend, without the approval of the secretary for children and families, the temporary permit to operate for an additional period not to exceed 90 days if an applicant is not in full compliance with the requirements of this act but has made efforts towards full compliance.

- (b)
  - (1) In all cases where the secretary for children and families deems it necessary, an investigation of the maternity center or child care facility shall be made under the supervision of the secretary for children and families or other designated qualified agents. For that purpose and for any subsequent investigations they shall have the right of entry and access to the premises of the center or facility and to any information deemed necessary to the completion of the investigation. In all cases where an investigation is made, a report of the investigation of such center or facility shall be filed with the secretary of health and environment.
  - (2) In cases where neither approval or disapproval can be given within a period of 30 days following formal request for such a study, the secretary of health and environment may issue a temporary license without fee pending final approval or disapproval of the center or facility.
- (c) Whenever the secretary of health and environment refuses to grant a license to an applicant, the secretary shall issue an order to that effect stating the reasons for such denial and within five days after the issuance of such order shall notify the applicant of the refusal. Upon application not more than 15 days after the date of its issuance a hearing on the order shall be held in accordance with the provisions of the Kansas administrative procedure act.
- (d) When the secretary of health and environment finds upon investigation or is advised by the secretary for children and families that any of the provisions of this act or the provisions of K.S.A. 59-2123, and amendments thereto, are being violated, or that the maternity center or child care facility is maintained without due regard to the health, safety or welfare of any woman or child, the secretary of health and environment may issue an order revoking such license after giving notice and conducting a hearing in accordance with the provisions of the Kansas administrative procedure act. The order shall clearly state the reason for the revocation.
- (e) If the secretary revokes or refuses to renew a license, the licensee who had a license revoked or not renewed shall not be eligible to apply for a license for a period of one year subsequent to the date such revocation or refusal to renew becomes final. If the secretary revokes or refuses to renew a license of a licensee who is a repeat, three or more times, violator of statutory requirements or rules and regulations or is found to have contributed to the death or serious bodily harm of a child under such licensee's care, such licensee shall be permanently prohibited from applying for a new license to provide child care or from seeking employment under another licensee.

- (f) Any applicant or licensee aggrieved by a final order of the secretary of health and environment denying or revoking a license under this act may appeal the order in accordance with the Kansas judicial review act.

**History:** L. 1919, ch. 210, § 4; R.S. 1923, 65-504; L. 1951, ch. 358, § 1; L. 1961, ch. 285, § 1; L. 1974, ch. 352, § 86; L. 1978, ch. 236, § 3; L. 1982, ch. 258, § 3; L. 1983, ch. 147, § 2; L. 1984, ch. 313, § 93; L. 1985, ch. 209, § 2; L. 1988, ch. 239, § 1; L. 1989, ch. 188, § 1; L. 1990, ch. 145, § 37; L. 1991, ch. 184, § 1; L. 1994, ch. 279, § 7; L. 2000, ch. 137, § 1; L. 2010, ch. 161, § 5; L. 2012, ch. 99, § 2; L. 2014, ch. 115, § 249; July 1.

**K.S.A. 65-505. License fees; maternity centers and child care licensing fee fund.**

- (a) The annual fee for a license to conduct a maternity center or child care facility shall be fixed by the secretary of health and environment by rules and regulations in an amount not exceeding the following:

- (1) For a maternity center, \$150;
- (2) for a child placement agency, \$150;
- (3) for a child care resource and referral agency, \$150; and
- (4) for any other child care facility, \$75 plus \$1 times the maximum number of children authorized under the license to be on the premises at any one time.

The license fee shall be paid to the secretary of health and environment when the license is applied for and annually thereafter. The fee shall not be refundable. No fee shall be charged for a license to conduct a home for children which is a family foster home as defined in K.A.R. 28-4-311, and amendments thereto. Fees in effect under this subsection (a) immediately prior to the effective date of this act shall continue in effect on and after the effective date of this act until a different fee is established by the secretary of health and environment by rules and regulations under this subsection.

- (b) Any licensee who fails to renew such license within 30 days after the expiration of the license shall pay to the secretary the renewal fee plus a late fee in an amount equal to the fee for the renewal of a license.
- (c) Any licensee applying for an amended license shall pay to the secretary of health and environment a fee established by rules and regulations of the secretary in an amount not exceeding \$35.
- (d) The secretary of health and environment shall remit all moneys received by the secretary from fees under the provisions of this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer, notwithstanding any other law to the contrary, shall deposit the entire amount in the state treasury to the credit of the maternity centers and child care licensing fee fund. All expenditures from the maternity centers and child care licensing fee fund shall be made only for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated in accordance with appropriation acts upon warrants of the director of

accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or by a person or persons designated by the secretary. Notwithstanding any other law to the contrary, no moneys shall be transferred or otherwise revert from this fund to the state general fund by appropriation act or other act of the legislature. Moneys available under this section by the creation of the maternity centers and child care licensing fee fund shall not be substituted for or used to reduce or eliminate moneys available to the department of health and environment to administer the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated. Nothing in this act shall be construed to authorize a reduction or elimination of moneys made available by the state to local units of government for the purposes of article 5 of chapter 65 of the Kansas Statutes Annotated.

**History:** L. 1919, ch. 210, § 5; R.S. 1923, 65-505; L. 1974, ch. 352, § 87; L. 1978, ch. 236, § 4; L. 1982, ch. 259, § 1; L. 1985, ch. 210, § 2; L. 1986, ch. 230, § 1; L. 1991, ch. 184, § 2; L. 1994, ch. 279, § 8; L. 2001, ch. 5, § 217; L. 2010, ch. 161, § 6; July 1.

**K.S.A. 65-506. Notice of issuance, limitation, modification, suspension or revocation of license; notice to parents or guardians of enrollees of limitation, modification, suspension, revocation or denial; unlicensed placements prohibited.**

The secretary of health and environment shall serve notice of the issuance, limitation, modification, suspension or revocation of a license to conduct a maternity center or child care facility to the secretary for children and families, juvenile justice authority, department of education, office of the state fire marshal, county, city-county or multi-county department of health, and to any licensed child placement agency or licensed child care resource and referral agency serving the area where the center or facility is located. A maternity center or child care facility that has had a license limited, modified, suspended, revoked or denied by the secretary of health and environment shall notify in writing the parents or guardians of the enrollees of the limitation, modification, suspension, revocation or denial. Neither the secretary for children and families nor any other person shall place or cause to be placed any woman or child under 16 years of age in any maternity center or child care facility not licensed by the secretary of health and environment.

**History:** L. 1919, ch. 210, § 6; R.S. 1923, 65-506; L. 1951, ch. 358, § 2; L. 1974, ch. 352, § 88; L. 1976, ch. 145, § 211; L. 1978, ch. 236, § 5; L. 1986, ch. 230, § 2; L. 1994, ch. 279, § 9; L. 2000, ch. 127, § 1; L. 2010, ch. 161, § 7; L. 2012, ch. 99, § 3; L. 2014, ch. 115, § 250; July 1.

**K.S.A. 65-507. Records of maternity centers and child care facilities; confidentiality.**

- (a) Each maternity center licensee shall keep a record upon forms prescribed and provided by the secretary of health and environment and the secretary for children and families which shall include the name of every patient, together with the patient's place of residence during the year preceding admission to the center and the name and address of the attending physician. Each child care facility licensee shall keep a record upon forms prescribed and provided by the secretary of health and environment which shall include the name and age of each child received and cared for in the facility; the name of the physician who attended any sick children in the facility, together with the names and addresses of the parents or guardians of such children; and such other information as the secretary of health and environment or secretary for children and families may require. Each maternity center licensee and each child care facility licensee shall apply to and

shall receive without charge from the secretary of health and environment and the secretary for children and families forms for such records as may be required, which forms shall contain a copy of this act.

- (b) Information obtained under this section shall be confidential and shall not be made public in a manner which would identify individuals.

**History:** L. 1919, ch. 210, § 7; R.S. 1923, 65-507; L. 1951, ch. 358, § 3; L. 1974, ch. 352, § 89; L. 1978, ch. 236, § 6; L. 1994, ch. 279, § 10; L. 2014, ch. 115, § 251; July 1.

**K.S.A. 65-508. Equipment, supplies, accommodations; competent supervision and care of children; rules and regulations; immunizations.**

- (a) Any maternity center or child care facility subject to the provisions of this act shall:
  - (1) Be properly heated, plumbed, lighted and ventilated;
  - (2) have plumbing, water and sewerage systems which conform to all applicable state and local laws; and
  - (3) be operated with strict regard to the health, safety and welfare of any woman or child.
- (b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, wash cloth, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.
- (c) (1) The secretary of health and environment with the cooperation of the secretary for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

- (2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in day care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices.
- (d) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.
- (e) The immunization requirement of subsection (d) shall not apply if one of the following is obtained:
  - (1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or
  - (2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

**History:** L. 1919, ch. 210, § 8; R.S. 1923, 65-508; L. 1951, ch. 358, § 4; L. 1974, ch. 352, § 90; L. 1978, ch. 236, § 7; L. 1992, ch. 55, § 2; L. 1994, ch. 279, § 11; L. 1995, ch. 183, § 9; L. 1998, ch. 166, § 2; L. 2010, ch. 161, § 8; L. 2012, ch. 99, § 4; L. 2014, ch. 115, § 252; July 1.

**K.S.A. 65-510. Unlawful for child care facility to care for adults; exceptions.**

It shall be unlawful for any child care facility to receive or care for any adult except as authorized by rules and regulations adopted by the secretary of health and environment.

**History:** L. 1919, ch. 210, § 10; R.S. 1923, 65-510; L. 1965, ch. 369, § 2; L. 1972, ch. 228, § 17; L. 1978, ch. 236, § 8; L. 1988, ch. 240, § 1; L. 1994, ch. 279, § 12; July 1.

**K.S.A. 65-512. Inspections.**

- (a) It is hereby made the duty of the secretary of health and environment to inspect or cause to be inspected at least once every 15 months prior to July 1, 2012, and once every 12 months thereafter, every maternity center or child care facility, unless otherwise provided in subsections (b) and (c). For the purpose of inspection the secretary or the secretary's authorized agent shall have the right of entry and access thereto in every department and

to every place in the premises, shall call for and examine the records which are required to be kept by the provisions of this act and shall make and preserve a record of every inspection. The licensee shall give all reasonable information to the authorized agent of the secretary of health and environment and shall afford every reasonable facility for viewing the premises and seeing the patients or children therein. No such patient or child without the consent of the patient or child shall be required to be interviewed by any agent unless the agent is an authorized person or a licensed physician.

- (b) (1) On or after the effective date of this act, the secretary of health and environment shall commence the inspection of registered family day care homes pursuant to K.S.A. 2012 Supp. 65-533, and amendments thereto.
- (2) The secretary of health and environment shall conduct an inspection of any child care facility upon receiving a complaint. Any new child care facility shall be inspected prior to issuance of a license. The secretary may conduct an inspection of any child care facility that has a record of repeated complaints or serious violations at any time. The secretary shall inspect any child care facility that provides services to military families receiving military assistance for child care every 12 months.
- (c) (1) Except as provided in subsection (b)(2), the following categories of child care facilities which were in compliance on the effective date of this act are not required to be inspected until July 1, 2011: Day care homes, as defined in K.A.R. 28-4-113; group day care homes, as defined in K.A.R. 28-4-113; child care centers, as defined in K.A.R. 28-4-420; preschools, as defined in K.A.R. 28-4-420; school-age programs, as defined in K.A.R. 28-4-576; and drop-in programs, as defined in K.A.R. 28-4-700.
- (2) The provisions of this subsection shall expire on July 1, 2011.

**History:** L. 1919, ch. 210, § 12; R.S. 1923, 65-512; L. 1974, ch. 352, § 91; L. 1975, ch. 52, § 22; L. 1978, ch. 236, § 9; L. 1986, ch. 230, § 5; L. 1994, ch. 279, § 13; L. 2010, ch. 161, § 9; July 1.

**K.S.A. 65-513. Changes or alterations required to comply with law; notice; duty of licensee.**

Whenever an authorized agent of the secretary of health and environment or secretary for children and families finds a maternity center or child care facility is not being conducted according to law, it shall be the duty of such agent to notify the licensee in writing of such changes or alterations as the agent determines necessary in order to comply with the requirements of the law, and the agent shall file a copy of such notice with the secretary of health and environment. It shall thereupon be the duty of the licensee to make such changes or alterations as are contained in the written notice within five days from the receipt of such notice. Notice shall be given in accordance with the provisions of the Kansas administrative procedure act.

**History:** L. 1919, ch. 210, § 13; R.S. 1923, 65-513; L. 1951, ch. 358, § 5; L. 1974, ch. 352, § 92; L. 1978, ch. 236, § 10; L. 1984, ch. 313, § 94; L. 1994, ch. 279, § 14; L. 2014, ch. 115, § 253; July 1.

**K.S.A. 65-514. Violations of article 5 of chapter 65; penalties; notice and hearing.**

Any person, firm, corporation or association who violates the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$5 nor more than \$50. Each and every day that the person fails or refuses to comply shall be deemed a separate offense under the provisions of article 5 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto. If for 30 days after any final conviction for such violation or revocation of license the person still fails or refuses to comply with the orders in the notice under K.S.A. 65-513 and amendments thereto, upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the building or premises where such home is conducted may be closed until all provisions of this act shall have been complied with.

**History:** L. 1919, ch. 210, § 14; R.S. 1923, 65-514; L. 1974, ch. 352, § 93; L. 1984, ch. 313, § 95; L. 1989, ch. 189, § 1; July 1.

**K.S.A. 65-515. Prosecutions.**

The county attorney of each county in this state is hereby authorized and required, upon complaint of any authorized agent of the secretary of health and environment, to file complaint and prosecute to the final determination all actions or proceedings against any person under the provisions of this act.

**History:** L. 1919, ch. 210, § 15; R.S. 1923, 65-515; L. 1974, ch. 352, § 94; July 1.

**K.S.A. 65-516. Restrictions on persons maintaining or residing, working or volunteering at child care facility; criminal history check by secretary of health and environment; information to be provided sponsoring child placement agency.**

- (a) No person shall knowingly maintain a child care facility if, there resides, works or regularly volunteers any person who in this state or in other states or the federal government:
  - (1) (A) Has a felony conviction for a crime against persons;
  - (B) has a felony conviction under K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009;
  - (C) has a conviction of any act which is described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or a conviction of an attempt under K.S.A. 21-3301, prior to its repeal, or K.S.A. 2013 Supp. 21-5301, and

amendments thereto, to commit any such act or a conviction of conspiracy under K.S.A. 21-3302, prior to its repeal, or K.S.A. 2013 Supp. 21-5302, and amendments thereto, to commit such act, or similar statutes of other states or the federal government; or

- (D) has been convicted of any act which is described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2013 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;
- (2) has been adjudicated a juvenile offender because of having committed an act which if done by an adult would constitute the commission of a felony and which is a crime against persons, is any act described in articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54, 55 or 56 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2013 Supp. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6421, and amendments thereto, or similar statutes of other states or the federal government, or is any act described in K.S.A. 21-4301 or 21-4301a, prior to their repeal, or K.S.A. 2013 Supp. 21-6401, and amendments thereto, or similar statutes of other states or the federal government;
- (3) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse and who is listed in the child abuse and neglect registry maintained by the Kansas department for children and families pursuant to K.S.A. 2013 Supp. 38-2226, and amendments thereto, and
  - (A) the person has failed to successfully complete a corrective action plan which had been deemed appropriate and approved by the Kansas department for children and families, or
  - (B) the record has not been expunged pursuant to rules and regulations adopted by the secretary for children and families;
- (4) has had a child removed from home based on a court order pursuant to K.S.A. 2013 Supp. 38-2251, and amendments thereto, in this state, or a court order in any other state based upon a similar statute that finds the child to be deprived or a child in need of care based on a finding of physical, mental or emotional abuse or neglect or sexual abuse and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the department of health and environment;
- (5) has had parental rights terminated pursuant to the Kansas juvenile code or K.S.A. 2013 Supp. 38-2266 through 38-2270, and amendments thereto, or a similar statute of other states;

- (6) has signed a diversion agreement pursuant to K.S.A. 22-2906 et seq., and amendments thereto, or an immediate intervention agreement pursuant to K.S.A. 2013 Supp. 38-2346, and amendments thereto, involving a charge of child abuse or a sexual offense; or
- (7) has an infectious or contagious disease.
- (b) No person shall maintain a child care facility if such person has been found to be a person in need of a guardian or a conservator, or both, as provided in K.S.A. 59-3050 through 59-3095, and amendments thereto.
- (c) Any person who resides in a child care facility and who has been found to be a person in need of a guardian or a conservator, or both, shall be counted in the total number of children allowed in care.
- (d) In accordance with the provisions of this subsection, the secretary of health and environment shall have access to any court orders or adjudications of any court of record, any records of such orders or adjudications, criminal history record information including, but not limited to, diversion agreements, in the possession of the Kansas bureau of investigation and any report of investigations as authorized by K.S.A. 2013 Supp. 38-2226, and amendments thereto, in the possession of the Kansas department for children and families or court of this state concerning persons working, regularly volunteering or residing in a child care facility. The secretary shall have access to these records for the purpose of determining whether or not the home meets the requirements of K.S.A. 59-2132, 65-503, 65-508 and 65-516, and amendments thereto.
- (e) In accordance with the provisions of this subsection, the secretary is authorized to conduct national criminal history record checks to determine criminal history on persons residing, working or regularly volunteering in a child care facility. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history. The secretary shall submit the fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the secretary to verify the identity of such person and whether such person has been convicted of any crime that would prohibit such person from residing, working or regularly volunteering in a child care facility. The secretary is authorized to use information obtained from the national criminal history record check to determine such person's fitness to reside, work or regularly volunteer in a child care facility.
- (f) The secretary shall notify the child care applicant or licensee, within seven days by certified mail with return receipt requested, when the result of the national criminal history record check or other appropriate review reveals unfitness specified in subsection (a)(1) through (7) with regard to the person who is the subject of the review.
- (g) No child care facility or the employees thereof, shall be liable for civil damages to any person refused employment or discharged from employment by reason of such facility's or home's compliance with the provisions of this section if such home acts in good faith to comply with this section.

- (h) For the purpose of subsection (a)(3), a person listed in the child abuse and neglect central registry shall not be prohibited from residing, working or volunteering in a child care facility unless such person has:
- (1) Had an opportunity to be interviewed and present information during the investigation of the alleged act of abuse or neglect; and
  - (2) been given notice of the agency decision and an opportunity to appeal such decision to the secretary and to the courts pursuant to the Kansas judicial review act.
- (i) In regard to Kansas issued criminal history records:
- (1) The secretary of health and environment shall provide in writing information available to the secretary to each child placement agency requesting information under this section, including the information provided by the Kansas bureau of investigation pursuant to this section, for the purpose of assessing the fitness of persons living, working or regularly volunteering in a family foster home under the child placement agency's sponsorship.
  - (2) The child placement agency is considered to be a governmental entity and the designee of the secretary of health and environment for the purposes of obtaining, using and disseminating information obtained under this section.
  - (3) The information shall be provided to the child placement agency regardless of whether the information discloses that the subject of the request has been convicted of any offense.
  - (4) Whenever the information available to the secretary reveals that the subject of the request has no criminal history or record, the secretary shall provide notice thereof in writing to each child placement agency requesting information under this section.
  - (5) Any staff person of a child placement agency who receives information under this subsection shall keep such information confidential, except that the staff person may disclose such information on a need-to-know basis to:
    - (A) The person who is the subject of the request for information;
    - (B) the applicant or operator of the family foster home in which the person lives, works or regularly volunteers;
    - (C) the department of health and environment;
    - (D) the Kansas department for children and families;
    - (E) the juvenile justice authority; and
    - (F) the courts.

- (6) A violation of the provisions of subsection (i)(5) shall be an unclassified misdemeanor punishable by a fine of \$100 for each violation.
- (j) No person shall maintain a day care facility unless such person is a high school graduate or the equivalent thereof, except where extraordinary circumstances exist, the secretary of health and environment may exercise discretion to make exceptions to this requirement. The provisions of this subsection shall not apply to any person who was maintaining a day care facility on the day immediately prior to July 1, 2010 or who had an application for an initial license or the renewal of an existing license pending on July 1, 2010.

**History:** L. 1980, ch. 184, § 2; L. 1982, ch. 259, § 2; L. 1983, ch. 140, § 46; L. 1984, ch. 225, § 1; L. 1985, ch. 210, § 1; L. 1987, ch. 233, § 1; L. 1988, ch. 232, § 10; L. 1991, ch. 185, § 1; L. 1994, ch. 279, § 15; L. 1996, ch. 229, § 117; L. 2002, ch. 114, § 74; L. 2006, ch. 169, § 116; L. 2007, ch. 147, § 1; L. 2009, ch. 32, § 53; L. 2010, ch. 74, § 13; L. 2010, ch. 155, § 18; L. 2011, ch. 30, § 235; L. 2012, ch. 99, § 5; L. 2012, ch. 166, § 10; L. 2014, ch. 115, § 254; July 1.

**K.S.A. 65-523. Grounds for limitation, modification or suspension of license or temporary permit.**

The secretary may limit, modify or suspend any license or temporary permit issued under the provisions of K.S.A. 65-501 through 65-516, and amendments thereto, upon any of the following grounds and in the manner provided in this act:

- (a) Violation by the licensee or holder of a temporary permit of any provision of this act or of the rules and regulations promulgated under this act;
- (b) aiding, abetting or permitting the violating of any provision of this act or of the rules and regulations promulgated under this act;
- (c) conduct in the operation or maintenance, or both the operation and maintenance, of a maternity center or child care facility which is inimical to the health, safety or welfare of any woman or child receiving services from such maternity center or child care facility, or the public;
- (d) the conviction of a licensee or holder of a temporary permit, at any time during licensure or during the time the temporary permit is in effect, of crimes as defined in K.S.A. 65-516, and amendments thereto; and
- (e) a third or subsequent violation by the licensee or holder of a temporary permit of subsection (b) of K.S.A. 65-530, and amendments thereto.

**History:** L. 1985, ch. 209, § 3; L. 1994, ch. 279, § 20; L. 2010, ch. 161, § 11; L. 2012, ch. 99, § 6; July 1.

**K.S.A. 65-524. Suspension, limitation or modification of license or temporary permit prior to hearing; procedure.**

The secretary may limit, modify or suspend any license or temporary permit issued under the provisions of K.S.A. 65-501 through 65-516, and amendments thereto, prior to any hearing when, in the opinion of the secretary, the action is necessary to protect any child in the child care facility from physical or mental abuse, abandonment or any other substantial threat to health, safety or welfare. Administrative proceedings under this section shall be conducted in accordance with the emergency adjudicative proceedings of the Kansas administrative procedure act and in accordance with other relevant provisions of the Kansas administrative procedure act.

**History:** L. 1985, ch. 209, § 4; L. 1994, ch. 279, § 21; L. 2010, ch. 161, § 12; L. 2012, ch. 99, § 7; July 1.

**K.S.A. 65-525. Disclosure of certain information prohibited, exceptions; consent to disseminate certain information required.**

- (a) Records in the possession of the department of health environment or its agents regarding child care facilities or maternity centers shall not be released publicly in a manner that would identify individuals, except individual names of licensees, applicants, facilities and maternity centers may be released. Nothing in this section prohibits release of any information as required by law.
- (b) Records in the possession of the department of health and environment or its agents regarding child care facilities or maternity centers may be released to:
  - (1) An agency or organization authorized to receive notice under K.S.A. 65-506, and amendments thereto;
  - (2) any local, state or federal government entity or subdivision thereof;
  - (3) any child and adult care food program sponsoring agency; or
  - (4) any disaster or emergency entity.
- (c) The secretary of health and environment shall prohibit the release of the name, address and telephone number of a maternity center or child care facility when the secretary determines that prohibition of the release of the information is necessary to protect the health, safety or welfare of the public or the patients or children enrolled in the maternity center or child care facility.
- (d) Any records under subsection (a), (b) or (c) shall be available to any member of the standing committee on appropriations of the house of representatives or the standing committee on ways and means of the senate carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by 2/3 of the members of such committee, records received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. Such records shall not identify individuals but shall include data and contract information concerning specific facilities.

- (e) In any hearings conducted under the licensing or regulation provisions of K.S.A. 65-501 et seq., and amendments thereto, the presiding officer may close the hearing to the public to prevent public disclosure of matters relating to persons restricted by other laws.

**History:** L. 1985, ch. 201, § 1; L. 1996, ch. 229, § 157; L. 2000, ch. 127, § 2; L. 2001, ch. 190, § 1; L. 2004, ch. 145, § 19; L. 2010, ch. 161, § 13; July 1, 2011.

**K.S.A. 65-526. Civil fine assessed against licensee; limitations.**

- (a) The secretary of health and environment, in addition to any other penalty prescribed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may assess a civil fine, after proper notice and an opportunity to be heard in accordance with the Kansas administrative procedure act, against a licensee for each violation of such provisions or rules and regulations adopted pursuant thereto which affect significantly and adversely the health, safety or sanitation of children in a child care facility. Each civil fine assessed under this section shall not exceed \$500. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.
- (b) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

**History:** L. 1988, ch. 239, § 3; L. 1994, ch. 279, § 22; L. 1999, ch. 19, § 1; L. 2001, ch. 5, § 219; L. 2004, ch. 145, § 20; L. 2010, ch. 161, § 14; July 1.

**K.S.A. 65-527. Child care programs in recreation centers and schools; licensing of.**

- (a) As used in this section:
  - (1) “Child care program” means a day care center, group day care home or day care home.
  - (2) “Recreation center” means any building used by a political or taxing subdivision of this state, or by an agency thereof, for recreation programs which serve children who are 16 years of age or younger.
  - (3) “School” means any building used by a unified school district or an accredited nonpublic school for student instruction or attendance of pupils enrolled in kindergarten or any of the grades 1 through 6.
- (b) No license for a child care program for school age children shall be denied on the basis that the building does not meet requirements for licensure if the building:
  - (1) Is a recreation center or school;
  - (2) complies, during all hours of operation of the child care program, with the Kansas fire prevention code or a building code compliance with which is by law deemed to be compliance with the Kansas fire prevention code;

- (3) subject to subsection (c), complies, during all hours of operation of the child care program, with all local building code provisions that apply to recreation centers, if the building is a recreation center, or schools, if the building is a school; and
  - (4) as a recreation center or school, is used by school age children and the same age children are cared for in the child care program.
- (c) In the case of an inconsistency in standards with which a building is required to comply pursuant to subsections (b)(2) and (b)(3), the standards provided by subsection (b)(2) shall control.

**History:** L. 1992, ch. 125, § 1; July 1.

**K.S.A. 65-528. Child care policy of state; desired outcome.**

- (a) The desired outcome of the child care policy of the state of Kansas is that families be able to fulfill their roles as primary child care givers and educators of young children by having access to high quality, affordable child care. The following principles shall guide development and implementation of state policy to achieve that outcome:
- (1) Family self-sufficiency. A stable source of child care is a critical ingredient to economic self-sufficiency. Child care policies and programs must facilitate a smooth transition into the work force for parents and a rich and stable environment for children.
  - (2) Investment in children. Child care is a critical investment that affects a child's readiness to learn. High quality child care programs recognize and implement good early childhood practices.
  - (3) Consumer orientation and education. Child care policies and programs must be responsive to the changing needs of families and educate families about available options, identifying quality programs and selecting appropriate care.
  - (4) Accessibility. High quality child care must be available to any family seeking care regardless of where the family lives or the special needs of the child. A centralized place in local communities must be available to facilitate parents' access to child care.
  - (5) Affordability. High quality child care must be available on a sliding scale basis, with families contributing based on ability to pay.
  - (6) Diversity. It is the goal of the state to strive wherever possible to provide child care in an integrated setting where children with various needs and of various income levels and cultures are cared for together.

(7) Efficient, coordinated administration and support for infrastructure. Child care programs must be coordinated to ensure the most effective use of federal, state, local and private funds. State child care agencies and policies must support the orderly development of a high quality child care system working with local and private providers.

(b) Any state agency involved in implementing any part of the state's child care policy shall develop appropriate measures of progress toward achievement of the stated outcome under the oversight of the joint committee on children and families in accordance with K.S.A. 46-2001 et seq. and amendments thereto.

**History:** L. 1994, ch. 279, § 1; July 1.

**K.S.A. 65-529. Continuation of effect of license, registration or permit.**

Any license, certificate of registration or temporary permit which was issued prior to the effective date of this act and which is in effect on the effective date of this act shall continue in effect until the expiration thereof, unless suspended or revoked prior to such time.

**History:** L. 1994, ch. 279, § 23; July 1.

**K.S.A. 65-530. Smoking prohibited in day care homes.**

(a) As used in this section:

(1) “Day care home” means a day care home as defined under Kansas administrative regulation 28-4-113 and a group day care home as defined under Kansas administrative regulation 28-4-113.

(2) “Smoking” means possession of a lighted cigarette, cigar, pipe or burning tobacco in any other form or device designed for the use of tobacco.

(b) Smoking within any room, enclosed area or other enclosed space of a facility or facilities of a day care home during a time when children who are not related by blood, marriage or legal adoption to the person who maintains the home are being cared for, as part of the operation of the day care home, within the facility or facilities is hereby prohibited. Nothing in this subsection shall be construed to prohibit smoking on the premises of the day care home outside the facility or facilities of a day care home, including but not limited to porches, yards or garages.

(c) Each child care license shall contain a statement in bold print that smoking is prohibited within a room, enclosed area or other enclosed space of the facility or facilities of the day care home under the conditions specified in subsection (b). The statement shall be phrased in substantially the same language as subsection (b). The license shall be posted in a conspicuous place in the facility or facilities.

(d) Each day care home shall be equipped with a fire extinguisher which shall be maintained in an operable condition in a readily accessible location.

- (e) The secretary of health and environment may levy a civil fine under K.S.A. 65-526, and amendments thereto, against any day care home for a first or second violation of this section. A third or subsequent violation shall be subject to the provisions of K.S.A. 65-523, and amendments thereto.
- (f) In addition to any civil fine which may be levied pursuant to subsection (d), any day care home that violates any provision of this section may also be subject to criminal punishment pursuant to K.S.A. 21-4012 and amendments thereto.

**History:** L. 1994, ch. 279, § 26; L. 2010, ch. 8, § 7; L. 2011, ch. 91, § 28; July 1.

**K.S.A. 65-531. Immunization information and records; disclosure.** On and after July 1, 1996:

- (a) Except as provided further, information and records which pertain to the immunization status of persons against childhood diseases as required by K.S.A. 65-508, and amendments thereto, may be disclosed and exchanged without a parent or guardian's written release authorizing such disclosure, to the following, who need to know such information to assure compliance with state statutes or to achieve age appropriate immunization status for children:
  - (1) Employees of public agencies or departments;
  - (2) health records staff of child care facilities, including, but not limited to, facilities licensed by the secretary of health and environment;
  - (3) persons other than public employees who are entrusted with the regular care of those under the care and custody of a state agency including, but not limited to, operators of day care facilities, group homes, residential care facilities and adoptive or foster homes; and
  - (4) health care professionals.
- (b) Notwithstanding K.S.A. 60-427, and amendments thereto, or any other Kansas statute which provides for privileged information between a patient and a health care provider, there shall be no privilege preventing the furnishing of information and records as authorized by this section by any health care provider.
- (c) Information and records which pertain to the immunization status of persons against childhood diseases as required by K.S.A. 65-508, and amendments thereto, whose parent or guardian has submitted a written statement of religious objection to immunization as provided in K.S.A. 65-508, and amendments thereto, may not be disclosed or exchanged without a parent or guardian's written release authorizing such disclosure.

**History:** L. 1996, ch. 229, § 156; L. 2010, ch. 161, § 16; July 1.

**K.S.A. 65-532. Lexie's law.** The changes to law in this act shall be known as Lexie's law.

**History:** L. 2010, ch. 161, § 1; July 1.

**K.S.A. 65-534. Online information dissemination system; rules and regulations.** On or before July 1, 2011, the secretary of health and environment shall establish or cause to be established an online information dissemination system that is accessible to the public, including names of licensees, applicants and history of citations and substantiated findings. The secretary of health and environment shall adopt rules and regulations which are consistent with the requirements for the receipt of child care ARRA funds and which provide for the establishment of an online information dissemination system in accordance with the provisions of this subsection. The notice of hearing on the initial rules and regulations proposed to be adopted under this subsection shall be published in the Kansas register after February 14, 2011, but prior to March 11, 2011.

**History:** L. 2010, ch. 161, § 18; July 1.

**K.S.A. 65-535. Staff secure facility; requirements; services; rules and regulations.**

- (a) A staff secure facility shall:
- (1) Not include construction features designed to physically restrict the movements and activities of residents, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic environment for the residents;
  - (2) implement written policies and procedures that include the use of a combination of supervision, inspection and accountability to promote safe and orderly operations;
  - (3) rely on locked entrances and delayed-exit mechanisms to secure the facility, and implement reasonable rules restricting entrance to and egress from the facility;
  - (4) implement written policies and procedures for 24-hour-a-day staff observation of all facility entrances and exits;
  - (5) implement written policies and procedures for the screening and searching of both residents and visitors;
  - (6) implement written policies and procedures for knowing the whereabouts of all residents at all times and for handling runaways and unauthorized absences; and
  - (7) implement written policies and procedures for determining when the movements and activities of individual residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.
- (b) A staff secure facility shall provide the following services to children placed in such facility:
- (1) Case management;
  - (2) life skills training;

- (3) health care;
  - (4) mental health counseling;
  - (5) substance abuse screening and treatment; and
  - (6) any other appropriate services.
- (c) Service providers in a staff secure facility shall be trained to counsel and assist victims of human trafficking and sexual exploitation.
  - (d) If the staff secure facility is on the same premises as that of another licensed facility, the living unit of the staff secure facility shall be maintained in a separate, self-contained unit. No staff secure facility shall be in a city or county jail.
  - (e) The secretary of health and environment, in consultation with the attorney general, shall promulgate rules and regulations to implement the provisions of this section on or before January 1, 2014.
  - (f) This section shall be part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

**History:** L. 2013, ch. 120, § 6; L. 2014, ch. 28, § 7; July 1.

## OTHER RELATED LAWS

### Chapter 59. PROBATE CODE Article 21. ADOPTION

#### **K.S.A. 59-2123. Certain advertisements and offers relating to adopting and placing children prohibited; licensure of person placing advertisement; definitions.**

- (a) Except as otherwise provided in this section:
  - (1) Any person who advertises that such person will adopt, find an adoptive home for a child or otherwise place a child for adoption shall state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession;
  - (2) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to a woman to come to such person's maternity center during pregnancy or after delivery; and
  - (3) no person shall offer to adopt, find a home for or otherwise place a child as an inducement to any parent, guardian or custodian of a child to place such child in such person's home, institution or establishment.
- (b) The provisions of subsection (a)(1) shall not apply to the Kansas department for children and families or to an individual seeking to adopt a child.
- (c) As used in this section:
  - (1) "Advertise" means to communicate by newspaper, radio, television, handbills, placards or other print, broadcast, telephone directory or electronic medium.
  - (2) "Person" means an individual, firm, partnership, corporation, joint venture or other association or entity.
  - (3) "Maternity center" means the same as provided in K.S.A. 65-502, and amendments thereto.
- (d) Any person who violates the provisions of this section shall be guilty of an unclassified misdemeanor and shall be fined not more than \$1,000 for each violation.

**History:** L. 1990, ch. 145, § 13; L. 1994, ch. 279, § 3; L. 2008, ch. 140, § 1; L. 2014, ch. 115, § 202; July 1.

**Chapter 72. SCHOOLS**  
**Article 82. ORGANIZATION, POWERS AND FINANCES OF BOARDS OF**  
**EDUCATION**

**K.S.A. 72-8236. Child care facilities; authority to establish, operate, and maintain; fees, collection and disposition.**

- (a) The board of education of any school district may:
  - (1) Establish, operate and maintain a child care facility;
  - (2) enter into cooperative or interlocal agreements with one or more other boards for the establishment, operation and maintenance of a child care facility;
  - (3) contract with private, nonprofit corporations or associations or with any public or private agency or institution, whether located within or outside the state, for the establishment, operation and maintenance of a child care facility; and
  - (4) prescribe and collect fees for providing care at a child care facility.
- (b) Fees for providing care at a child care facility established under authority of this section shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the child care facility. Revenues from fees collected by a board under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the classroom learning assuring student success act, section 4 et seq., and amendments thereto, and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered operating expenses.
- (c) Every school district which establishes, operates and maintains a child care facility shall be subject to the provisions contained in article 5 of chapter 65 of Kansas Statutes Annotated, and amendments thereto.
- (d) As used in this section, the term “child” means any child who is three years of age or older, and any infant or toddler whose parent or parents are pupils or employees of a school district which establishes, operates and maintains, or cooperates in the establishment, operation and maintenance of, a child care facility under authority of this act.

**History:** L. 1993, ch. 186, § 1; L. 2015, ch. 4, § 53; July 1.

**K.S.A. 72-8237. Summer programs; establishment; fees, limitation; summer program fund; use of money, unencumbered balance in fund.**

- (a) The board of education of any school district may:
  - (1) Establish, operate and maintain a summer program for pupils;

- (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of a summer program for pupils; and
  - (3) prescribe and collect fees for providing a summer program for pupils or provide such program without charge.
- (b) Fees for providing a summer program for pupils shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, operation and maintenance of the program.
  - (c) No school district may collect fees for providing a summer program for pupils required to attend such a program in accordance with the provisions of law, rules and regulations of the state board of education, policy of the board of education, or an individualized education plan developed for an exceptional child.
  - (d) There is hereby established in every district which establishes, operates and maintains a summer program a fund which shall be called the summer program fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a district from fees collected under this section or from any other source for summer programs shall be credited to the summer program fund. Amounts deposited in the summer program fund may be used for the payment of expenses directly attributable to the program or may be transferred to the general fund of the school district as approved by the board of education.
  - (e) As used in this section, the term “summer program” means a program which is established by the board of education of a school district and operated during the summer months for the purpose of giving remedial instruction to pupils or for the purpose of conducting special projects and activities designed to enrich and enhance the educational experience of pupils, or for both such purposes.

**History:** L. 1993, ch. 264, § 15; L. 2011, ch. 107, § 12; L. 2012, ch. 155, § 14; L. 2013, ch. 121, § 13; L. 2015, ch. 4, § 54; July 1.

**K.S.A. 72-8238. Extraordinary school programs; authority to establish, operate and maintain; fees, collection, limitations, disposition; fund.**

- (a) The board of education of any school district may:
  - (1) Establish, operate and maintain an extraordinary school program for pupils who meet the district's criteria for attendance of such programs;
  - (2) enter into cooperative or interlocal agreements with one or more other boards of education for the establishment, operation and maintenance of an extraordinary school program for pupils; and
  - (3) prescribe and collect fees for providing an extraordinary school program for pupils or provide such program without charge.

- (b) Fees for providing an extraordinary school program for pupils shall be prescribed and collected only to recover the cost incurred as a result of and directly attributable to the establishment, operation and maintenance of the program.
- (c) No school district may collect fees for providing an extraordinary school program for pupils who are required to attend such a program in accordance with the provisions of law, rules and regulations of the state board of education, policy of the board of education, or an individualized education plan developed for an exceptional child or who are eligible for free or reduced price meals under the national school lunch act.
- (d) There is hereby established in every district which establishes, operates and maintains an extraordinary school program a fund which shall be called the extraordinary school program fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. All moneys received by a district from fees collected under this section or from any other source for extraordinary school programs shall be credited to the extraordinary school program fund. The expenses of a district directly attributable to extraordinary school programs shall be paid from the extraordinary school program fund.
- (e) As used in this section, the term “extraordinary school program” means a program which is established by the board of education of a school district, operated before or after regular school hours during the regular school term, and maintained for any or all of the following purposes:
  - (1) Providing pupils with additional time to achieve learner exit or improvement plan outcomes;
  - (2) giving pupils remedial instruction or independent study assistance;
  - (3) affording pupils an opportunity to strengthen or attain mastery of basic or higher order thinking skills; and
  - (4) conducting special projects and activities designed to enrich and enhance the educational experience of pupils.

**History:** L. 1994, ch. 310, § 1; July 1.

## GENERAL REGULATION

**K.A.R. 28-4-92. License fees.** When an applicant or licensee submits an application for a license or for the renewal of a license, the applicant or licensee shall submit to the secretary the appropriate nonrefundable license fee specified in this regulation:

- (a) For each maternity center as defined in K.S.A. 65-502 and amendments thereto, \$75;
- (b) for each child placement agency as defined in K.S.A. 65-503 and amendments thereto, \$75;
- (c) for each child care resource and referral agency as defined in K.S.A. 65-503 and amendments thereto, \$75;
- (d) for each of the following child care facilities, \$75 plus \$1 times the maximum number of children to be authorized under the license:
  - (1) Day care home or group day care home, as defined in K.A.R. 28-4-113; and
  - (2) child care center, as defined in K.A.R. 28-4-420; and
- (e) for each of the following child care facilities with a license capacity of 13 or more children, \$35 plus \$1 for each child included in the license capacity, with the total not to exceed \$75, and for each of the following child care facilities with a license capacity of 12 or fewer children, \$15:
  - (1) Attendant care facility, as defined in K.A.R. 28-4-285;
  - (2) detention center or secure care center, as defined in K.A.R. 28-4-350;
  - (3) preschool, as defined in K.A.R. 28-4-420;
  - (4) psychiatric residential treatment facility, as defined in K.A.R. 28-4-1200;
  - (5) residential center or group boarding home, as defined in K.A.R. 28-4-268; and
  - (6) secure residential treatment facility, as defined in K.A.R. 28-4-330.

(Authorized by and implementing K.S.A. 65-505, as amended by L. 2010, ch. 161, sec. 6; effective, T-83-24, Aug. 25, 1982; effective May 1, 1983; amended, T-86-46, Dec. 18, 1985; amended May 1, 1986; amended, T-87-22, Aug. 21, 1986; amended May 1, 1987; amended, T-28-8-16-10, Aug. 16, 2010; amended Dec. 17, 2010.)

## GENERAL REGULATION

### **K.A.R. 28-4-94. Background check requests for residential centers, group boarding homes, and child placement agencies.**

- (a) Initial and renewal background check requests. Each applicant submitting an initial application and each licensee submitting a renewal application shall submit a background check request on a form provided by the department. The request form shall be submitted with the application and shall include the name and all other required information for each individual who is at least 10 years old and is residing, working, or regularly volunteering in the residential center, group boarding home, or child placement agency.
- (b) Additional background check requests. Each applicant with a temporary permit and each licensee shall submit a background check request on a form provided by the department before any individual who is at least 10 years old begins residing, working, or regularly volunteering in the residential center, group boarding home, or child placement agency.
- (c) Background check not required. No background check request form shall be submitted for any individual admitted for care.
- (d) Documentation. A copy of each background check request form shall be kept on file at the residential center, group boarding home, or child placement agency.

(Authorized by K.S.A. 2014 Supp. 65-508; implementing K.S.A. 2014 Supp. 65-516; effective May 15, 2015.)

## CHILD PLACING AGENCY REGULATIONS

### **K.A.R. 28-4-170. Definitions.**

- (a) “Child placing agency” or “agency” means an association, organization, or corporation receiving, caring for, or finding homes for orphans or deprived children who are under 16 years of age.
- (b) “Division” means the division of health of the department of health and environment.
- (c) “License” means a document issued by the secretary granting authority to an association, organization, or corporation to operate and maintain a child placing agency.
- (d) “Secretary” means the secretary of the health and environment.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

### **K.A.R. 28-4-171. Licensing procedures.**

- (a) Any association, organization, or corporation desiring to conduct a child placing agency shall apply for a license on forms provided by the Kansas department of health and environment.
- (b) A full license shall be issued if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 et seq. and amendments thereof and the rules and regulations promulgated pursuant thereto and has made full payment of the license fee required by the provisions of K.S.A. 65-505 and amendments thereof. The license and any written exceptions granted by the secretary under K.A.R. 28-4-171(c) shall be posted as required by K.S.A. 65-504.
- (c) Exceptions.
  - (1) An exception to a regulation may be allowed by the Kansas department of health and environment if:
    - (A) The applicant requests an exception from the Kansas department of health and environment; and
    - (B) The secretary determines the exception to be in the best interests of families and children served by the agency.
  - (2) Written notice from the Kansas department of health and environment stating the nature of the exception and its duration shall be posted with the license.
- (d) A copy of the “regulations for licensing child placing agencies” shall be kept on the premises at all times.

- (e) The applicant or licensee shall notify the Kansas department of health and environment when service is discontinued. Resumption of agency services shall require a new application for license.
- (f) An applicant or licensee receiving notice of denial or revocation of license shall be notified of the right to an administrative hearing by the Kansas department of health and environment and subsequently to the right to appeal the denial or revocation to the district court.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65- 508; effective May 1, 1982.)

**K.A.R. 28-4-172. Administration and personnel.**

- (a) The agency shall develop a written statement of philosophy, purpose, program orientation, and policy of operation including the agency's position on disciplinary methods to be used by staff. Corporal punishment shall be prohibited. The statement shall contain long and short term goals and shall be available to the secretary or a designee of the secretary, and to the public. The agency, at the time of making initial application for a license, shall furnish the division the following:
  - (1) Evidence of a need for services to a particular group of children;
  - (2) A definition of the services to be provided in sufficient detail as to indicate the agency has an understanding of each particular service;
  - (3) A description of the geographical area it serves or intends to serve; and
  - (4) Evidence that its services will be used by referral sources.
- (b) A child placing agency shall have a governing body which shall exercise authority over and have responsibility for the operation, policy, and practices of the child placing agency. The governing body shall select and employ a qualified executive director, who shall be responsible for the administration and operation of the child placing agency. The governing body shall have among its officers a secretary responsible for documenting its activities and for keeping attendance records and minutes of its meetings. These records and minutes shall be available for inspection by the division.
- (c) The child placing agency shall prepare an annual report of the agency's activities. The report shall include fiscal and statistical sections indicating the levels of income and expenditures, the size and types of staff and the number of clients serviced by each service program.
- (d) The child placing agency shall demonstrate financial solvency to carry out its program for the licensing period. Agencies which have not operated shall have capital necessary for at least a 6 month period of operation. The agency shall prepare an annual budget. Books shall be audited annually by a certified public accountant. A copy of the accountant's statement of income and disbursements shall accompany the licensing application.

- (e) The applicant or licensee shall maintain a current organizational table showing the administrative structure of the agency, including the lines of authority, responsibility, communications, and staff assignments. The table shall be provided to all staff members as a part of the orientation procedure and, on request, to the division, clients, or referral sources.
- (f) Child placing agencies shall have written personnel policies and procedures and shall make them available to all staff members, persons seeking employment, and the division. Personnel policies and practices shall be developed by the agency, with input from the staff. These policies and procedures shall be reviewed annually, and revised when necessary. The child placing agency shall make the policies and procedures available to staff in a personnel policy manual.
- (g) Each child placing agency shall provide the qualified staff necessary to ensure proper services to children in the agency's care, to biological and adoptive parents, and to foster parents. The child placing agency shall verify the personal qualifications of all employees through character references. Signed statements shall be made a condition of employment for prospective employees. These statements shall list any past or current police records, mental or physical actions, conditions, or addictions of the applicant that would adversely affect their capacity to work with children. The agency shall hire qualified professional staff, as follows:
  - (1) The executive director of a child placing agency, who shall have:
    - (A) A degree from an accredited college or university;
    - (B) Education and experience in administering a child placement or related program commensurate with the size and complexity of the agency;
    - (C) A thorough understanding of the philosophy, purpose, and policy of the agency; and
    - (D) The capacity to provide direction and leadership for the agency.
  - (2) Social service supervisory staff members responsible for the direct supervision of the social workers involved in child placement service, who shall have:
    - (A) A master's degree from an accredited college or university and be licensed as a social worker by the state of Kansas or shall have a graduate degree in a related area of human services;
    - (B) Two years of experience in child placement services;
    - (C) Ability to assume professional responsibility for reviewing the placement of children in out-of-home care when these placements are made by a person with lesser qualifications. There shall be written documentation of specific services provided by this person and the frequency of these services.

- (3) Social workers performing intake services, direct services to foster children, homefinding, and assessment related to foster home and adoptive services, who shall have:
  - (A) A master's degree from an accredited college or university and be licensed as a social worker by the state of Kansas; or
  - (B) A bachelor's degree from an accredited college or university and be licensed as a social worker by the state of Kansas; or
  - (C) A bachelor's degree in behavioral sciences from an accredited college or university and 2 years of experience in child placement under direct supervision of a person meeting the supervisory requirements in subsection (g)(2).
- (h) The child placing agency shall provide enough qualified personnel to assure that:
  - (1) Supervisors shall not supervise more than six social workers;
  - (2) In-service training related to child placement is made available to supplement supervision; and
  - (3) Casework staff carries caseloads which are sufficiently controlled to allow for all the necessary contacts with the family, children, foster families, adoptive families, and collateral parties.
- (i) The agency shall, if it makes use of volunteers, develop a written plan for their orientation, training and use. The agency shall assign professional staff to supervise volunteers.
- (j) The child placing agency shall have a personnel file for each employee which shall contain:
  - (1) The application for employment, resume, or both;
  - (2) Reference letters from former employer(s);
  - (3) Any required medical information;
  - (4) Applicable professional credentials or certifications;
  - (5) Periodical performance evaluations;
  - (6) Personnel actions, other appropriate materials, reports, and notes relating to the individual's employment with the agency; and

- (7) Employee's starting and termination dates. The staff member shall have reasonable access to his or her file and shall be allowed to add any written statement he or she wishes to make to the file at any time. A child placing agency shall maintain the personnel file of an employee who leaves the agency for a period of 3 years.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

**K.A.R. 28-4-173. Facility.**

- (a) Convenience of location. The agency shall be easily accessible to the clientele, staff, and community and shall have adequate parking available.
- (b) Space requirements. The child placing agency shall provide suitable space for the following purposes:
  - (1) Office, reception areas, and visitation areas which insure comfort, privacy, and convenience of clients and staff and which are appropriately equipped for their intended use;
  - (2) Storage area for records which provides for systematic controlled access and retrieval, and which insures confidentiality.
- (c) Equipment. Suitable equipment shall be maintained in good working condition. Telephones shall be conveniently located and sufficient in number. Equipment and furnishings shall be clean and designed for efficiency, safety, and varied use. When transportation is provided by the agency, it shall be in well-maintained vehicles. Car seats and car restraints shall be provided when the agency transports children.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

**K.A.R. 28-4-174. Social services related to child placing.**

- (a) Intake requirements. A child placing agency shall have a written description of services offered and the criteria for service eligibility which shall include who is eligible for the services and what fees, if any, are charged. The statement of services and criteria shall be available in individual copies for distribution to clients and to the public. A child placing agency shall document that social services to preserve the family unit have been provided to the family and child and alternatives to placement have been explored with them. The agency shall keep a record of all applications for services and the reasons for denial of services. The agency shall provide referral assistance to persons seeking services not provided by the agency.
- (b) Intake procedures and practices. Upon referral or application, the agency shall assess the child's social and family history, the child's legal status, the strengths, resources, and needs of the child and his or her family, the role the child's parent or parents and other persons are to have during placement, and the identification of the specific needs of the child and family that warrant placement.

- (c) Initial case plan. Upon completion of the intake assessment and before placement, except in cases of emergency, the agency shall develop a written service plan. The plan shall include:
- (1) Selection and description of the type of placement appropriate to meet the child's needs;
  - (2) Projected duration of the placement;
  - (3) Preplacement activities with child and family;
  - (4) Specific treatment goals for child and family;
  - (5) Specific steps to accommodate each goal;
  - (6) Specific time frames for goals;
  - (7) Designation of responsibility for carrying out steps with child, parents, foster parent, adoptive parent(s), and court (when involved) including frequency of contacts;
  - (8) Date for first review of progress on steps and goals; and
  - (9) Description of the conditions under which the child shall be returned home or when proceedings for termination of parental rights should be initiated.
- (d) Case plan development. The parents or other significant persons to the child as well as the child, appropriate to his or her age and understanding, shall participate in developing the placement plan and participate in service contracts or agreements. Before accepting a child for placement from a parent or custodian, the agency shall secure written authority to provide care and written authority for medical care. In emergency situations necessitating immediate placement, the agency shall initiate assessment and initial case plan within one week of placement, which shall be completed within six weeks of placement.
- (e) Supervision and review of the case plan. The agency shall specify in writing the worker or workers who have the ongoing responsibility for the child, the biological, foster and adoptive families, and the casework plan. When a child is placed with another agency or division or whenever more than one worker or division are involved with the same family, the roles shall be clearly delineated for the workers and the family members and the specific responsibilities necessary to carry out the plan shall be in writing in the case records. The case plan shall specify the frequency of social worker visits with the child, the child's family and the foster family, but these visits shall not be made less than once each month. The agency shall complete a quarterly review and assessment of the case plan and progress toward goal achievement. The agency shall have a periodic individual case review, either administrative or with outside agency personnel to ascertain whether children are being served in a prompt manner and whether return to home, continual placement, or adoption efforts are appropriate on the child's behalf.

- (f) Placement services to parents. The agency's services shall be accessible and available to the parents of children in care and to an expectant parent or parents requesting services. The choice to use an agency's services shall be the parent's decision except when the choice has been taken from the parents by court order. The agency shall have as a goal helping the parents achieve positive self image and to carry out their parental roles and responsibilities while the child is in care. The agency shall have personal contacts with the parents when possible. It shall promote constructive contact by the parent or parents with the child after placement. The agency shall help the family have access to the services necessary to accomplish the case plan goals. While the child is in care, the agency shall counsel the parents relative to the problems and needs that brought about the circumstances of placement. Expectant parents considering placement shall receive assistance in the decision making process before the child is born and immediately thereafter.
- (g) Selection of placement. The agency shall select the most appropriate form of placement for the child consistent with the needs of the child's family, including foster family care, residential group care or adoption. In choosing the appropriate placement for the child, the agency shall provide for any specialized services the child may need in the least restrictive setting and in the closest available program to the child's home, and shall take into consideration and preserve the child's racial, cultural, ethnic, and religious heritage to the extent possible without jeopardizing the child's right to care. The agency shall consider the child's treatment plan steps and goals and select a placement that has the capacity to assist in their achievement. The agency shall, in accordance with the case plan, provide the child with a continuity of relationships for the anticipated duration of care when selecting the placement.
- (h) Preplacement preparation. The caseworker for the child shall become acquainted with the child before placement. The child's worker shall help the child understand the reasons for the placement plan, preparing him or her for a new environment. The worker shall plan and participate in at least one preplacement visit. The agency shall arrange a general medical examination by a physician for each child within a week of admission into care unless the child has received an examination within 30 days before admission. The results of this examination shall be recorded on forms supplied by the Kansas department of health and environment. The agency shall ensure that each child has had a dental examination by a dentist within 60 days of admission unless the child has been examined within 6 months before admission. Results of the examination shall be recorded on forms supplied by the Kansas department of health and environment.
- (i) Services during care. The agency shall supervise the child in care and shall coordinate the planning and services to child and family as outlined in the case plan. The supervising worker shall see the child a minimum of biweekly in the first three months of placement and monthly thereafter. Parents and children shall be provided the opportunity to meet on a regular basis with the agency worker regarding their progress on resolving problems that may be precipitated by placement, their progress in coping with problems through the use of substitute care, the parent and child's relationship difficulties arising from separation, and case goals. The placing agency shall have a written agreement with the parents regarding visits to the child and shall facilitate and promote visitation while the child is in care. If the parents require services that the agency does not offer, referral shall be made to appropriate services. Communication between the two agencies shall be

on a regular planned basis. The agency shall provide for the child's specialized services as outlined in the case plan. The agency shall have documentation of maintaining clear working agreements with other community resources, confidential referrals and providing access to services necessary to meet goals in the case plan.

- (j) Aftercare services. The agency shall provide for continuing services for children and families following an adoption or a child's return to the family from the placement. In the case of the disruption of an adoptive placement, the agency shall make plans, either through purchase of service or provision of foster care services, for continued care of the child until a permanent home has been secured. The agency shall offer supportive help to a family receiving a child into placement or giving up a child for placement for a minimum period of 6 months after the placement or relinquishment of the child.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982; amended May 1, 1983.)

**K.A.R. 28-4-175. Services in family foster home care.**

- (a) Foster home finding. The agency shall have a recruitment process with designated staff and funding to reach out and inform the community about children needing foster homes. The agency shall provide information to prospective foster parents about foster care, the agency, the requirements for foster parents, the children needing foster care, licensing regulations, the licensing process and the reimbursement rates. The agency shall recruit foster parents who can respond to the agency's need to place specific children and be able to adjust their recruitment techniques as the kinds of children needing placement change.
- (b) Application and study process. At the time of inquiry, the potential applicant(s) shall be provided the opportunity to state their own plan for child care. Before formal application, the agency's foster care program and the value and necessity of having a license shall be discussed. It shall be explained that a licensed agency or the Kansas department of social and rehabilitation services shall complete a study and make recommendations concerning the home's eligibility for licensure to the Kansas department of health and environment. If after discussion of the potential applicant(s) plan and the general requirements for licensing, the potential applicant(s) wishes to proceed, the application forms shall be completed. The agency shall provide to prospective foster parents a copy of "regulations for licensing family foster homes" and an application form, both furnished by the Kansas department of health and environment. The application shall be completed, checked for accuracy, and countersigned by an agency representative.
- (c) Social study. The agency shall, as a further part of the application process, conduct a social study of the foster family in their home. In conducting the study, the agency shall include at least one face-to-face interview with each member of the foster family. The agency shall assess the following areas and record the information in the foster parent(s) record:
  - (1) Motivation for foster care;
  - (2) Family's attitude toward foster children;

- (3) Family's attitude toward natural parent(s);
  - (4) Adjustment of own children including school reports;
  - (5) Child caring skills;
  - (6) Strengths and weaknesses of each member of the household;
  - (7) Type of children desired;
  - (8) Type of children for whom placement with the family would not be appropriate; and
  - (9) Recommendation for number, age, sex, characteristics, and special needs children best served by the family. Copies of the social study are to be made available to the applicant and to licensing representative(s) of the Kansas department of social and rehabilitation services. The placement of children shall be consistent with the assessment and recommendations of the social study, including assessment of subsequent placements.
- (d) Services to foster parent(s).
- (1) Orientation. The agency shall provide orientation to foster parents to acquaint them with the agency's policies and practices.
  - (2) Training. There shall be a training plan for all foster parents to receive not less than 6 hours of training yearly. Such training shall provide opportunities for the foster families to increase their skills and parenting ability particularly with respect to the differences they may encounter in raising children not their own. Training opportunities should be chosen from the following topics:
    - (A) Developmental needs of the child to be placed;
    - (B) Roles and relationships in foster care between the agency, foster parent, natural parent, and child;
    - (C) Child management and discipline techniques;
    - (D) Separation and the importance of the child's family;
    - (E) Importance of the child's continued communication and contact with his or her family;
    - (F) Supportive services available to the children and foster families from the community;
    - (G) Communication skills;

- (H) Constructive problem solving;
  - (I) First aid and home safety; and
  - (J) Human sexuality.
- (e) Agreement. The agency shall have a written agreement with each foster family which clearly delineates the responsibility of the foster family and the child placing agency.
  - (f) Annual evaluations. The agency shall schedule an annual on-site evaluation of the foster home to make an assessment of the care and progress of each foster child in the home. The results of the evaluation shall be on file in written form at the agency and a copy submitted to the foster parents.
  - (g) Foster care payments. The agency shall have a system by which reimbursement is made to foster parents for expenditures or fees for service that is timely and equitable. If either services or care is to be provided by a foster family as a donation to the agency, a written agreement between the agency and the family shall specify services which shall be provided free and services or costs to be assumed by the agency.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

**K.A.R. 28-4-176. Adoptive services.**

- (a) Recruitment. The agency shall have a written recruitment plan which includes the methods of recruitment, sources to be used, time-related goals for applicant recruitment, and the designated staff and budget to carry it out. Recruitment shall be a continual process in the agency to meet the particular needs of the children available for adoption. The agency shall provide orientation to prospective adoptive parents to acquaint them with the agency's policies and practices and the approximate time the assessment will take, eligibility standards, types of children available and the availability of subsidy. The orientation shall also include a realistic assessment of the agency's need for adoptive homes.
- (b) Application. The agency shall require prospective adoptive parents to submit an application before proceeding with adoption. The application form shall be designed to obtain information declaring their intent to become adoptive parents and basic data about their family, their home, their financial status, and references to initiate a home study. The agency shall, as a further part of the application, conduct a social study with the family in their home.
- (c) Adoptive home study. The study process shall include a face-to-face interview with each member of the household. The agency shall have on file a written assessment of the adoptive home. The narrative shall assess the following areas of concern:
  - (1) Motivation for adoption;
  - (2) Family's attitude toward accepting an adoptive child, and plan for discussing adoption with the child;

- (3) Emotional stability, physical health, and compatibility of adoptive parents;
  - (4) Ability to cope with problems, stress, frustrations, crises, and loss;
  - (5) Information on medical or health conditions which would effect the applicant's ability to parent a child;
  - (6) Record of convictions other than minor traffic violations;
  - (7) Ability to provide for child's physical and emotional needs;
  - (8) Adjustment of own children, if any, including school reports;
  - (9) Positive feelings about parenting an adoptive child;
  - (10) Capacity to give and receive affection;
  - (11) Types of children desired and kinds of handicaps accepted;
  - (12) Types of children who would not be appropriate for the placement with this family;
  - (13) References; and
  - (14) Recommendations for number, age, sex, characteristics, and special needs children best served by this family.
- (d) Services to adoptive parents. The agency shall provide services to adoptive applicants individually or in groups to enable them to make an informed decision as to whether they can meet the specific needs of children awaiting adoption through participation in the adoptive study and evaluation of their potential for meeting the needs of the children available for adoption. The agency shall discuss potential children with the adopting family and shall prepare the adoptive family for the placement of a particular child by anticipating the adjustments and problems that may arise during and after placement. The agency worker shall establish a time schedule for visits to the adoptive family after the placement of a child in order to be able to make clear recommendations for the finalization of the adoption. The agency services shall be available to the adoptive family after finalization of the adoption. The agency shall inform applicants when it has been decided that a child cannot be placed in their home. Services shall be offered to the applicants to assist them to adjust to this decision.
- (e) Services to adoptees. Adoptive records shall be maintained by the agency after finalization. Records shall contain sufficient information to maintain the agency's capability to provide to adult adoptees information concerning the circumstances of their origins and their adoption. Copies of court documents shall be maintained indefinitely.

In providing information to adult adoptees served by the agency, confidentiality of information obtained from biological families shall be respected. This information may be released only in compliance with state law and orders of a court of competent jurisdiction.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65- 508; effective May 1, 1982.)

**K.A.R. 28-4-177. Services in residential group care.**

- (a) Selection of the appropriate group care facility. The agency shall place a child, or refer a child for placement, only in a licensed group care facility. The selection of the most appropriate facility for a child shall be based upon the following considerations:
  - (1) The child's particular level of development, and the child's social and emotional problems that can be benefitted through group living experiences;
  - (2) The child's relationship to parents and the family situation in relation to location and willingness to participate; and
  - (3) The particular treatment plan and team approach that the licensed group care facility can make available. A statement of why a particular selection was made, which discusses these factors, shall be in the case record.
  
- (b) Placement agreement. There shall be a clearly written agreement between the placing agency and the residential group care facility, if separate agencies, which clarifies the following:
  - (1) The amount and frequency of contact the agency shall have with the child and the residential facility for supervision purposes;
  - (2) The extent to which the agency is to participate in ongoing evaluation of the child's needs and progress;
  - (3) How the agency is to work with the child's parents;
  - (4) When the agency will have access to information on the child's care and development;
  - (5) Visiting plans for child's parents and family members;
  - (6) Parental participation in case planning;
  - (7) Reporting mechanisms to be used between the agency and the residential facility while the child is in care;
  - (8) The financial plan in regard to cost of care;

- (9) The conditions under which the child will be discharged from the program; and
- (10) Designation of responsibility for aftercare services.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

**K.A.R. 28-4-178. Services to young parents.**

- (a) Admission. The agency shall describe the services it makes available to parent(s) who are under 18 years of age and who are interested in placing their child. The statement of services and criteria for service eligibility shall be made available to the public.
- (b) Services to parents. The agency shall offer counseling to the parents of young parents applying to the agency for services.
- (c) Medical services. The agency shall assist in procuring the medical services needed by the pregnant young woman. Medical services and care shall be coordinated by the agency; shall be based on the inter-relationship of physical, social, environmental, and spiritual factors; and shall insure confidentiality for the parent(s) if requested or required.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)

**K.A.R. 28-4-179. Case records.**

- (a) The agency shall maintain case records in a manner that is uniform, detailed, well written, and organized. Records shall be current and be made available for inspection by the division. The agency shall show in their case records the following:
  - (1) Continuity of service plan;
  - (2) Documentation of the work of the agency; and
  - (3) Summaries and assessments of changes affecting the client and changes in the service delivery process.
- (b) Foster home records. The agency shall keep separate records for each foster home. The record shall be started at the time of application. The foster home record shall contain:
  - (1) The application;
  - (2) Home study;
  - (3) Medical reports;
  - (4) Summary narrative containing the dates as well as the content material from the worker's contacts;
  - (5) References;

- (6) Yearly evaluation of strengths and weaknesses of the foster family and assessment of the best way to maximize the foster care experience for the foster family and the children placed with them. This evaluation shall be reviewed with the foster family;
  - (7) Yearly relicensing recommendation study and forms connected with it; and
  - (8) Placement history of the foster home, children placed, dates admitted and discharged, and pertinent narrative information about the interaction and relationships within the foster family.
- (c) Adoptive home records. The agency shall keep separate records for each prospective and actual adoptive family. The adoptive home record shall contain:
- (1) The application;
  - (2) The adoptive home study;
  - (3) Medical reports;
  - (4) References;
  - (5) A copy of the information given to the parents concerning the child;
  - (6) All legal documents pertaining to the adoption;
  - (7) Summary narrative on the pre-placement and post-placement contacts with the family and the adopted child;
  - (8) A narrative which clearly indicates the reason(s) a family was not accepted or did not have a child placed; and
  - (9) After placement, a statement of plans for follow-up services to the child in placement and to the adoptive family.
- (d) Child's records upon placement. The agency shall maintain individual records for each child placed in a foster or adoptive home which shall include:
- (1) The name, sex, race, birth date, and birth place of the child;
  - (2) Name, address, telephone number, and marital status of parent or guardian of the child;
  - (3) All legal documents and court status;
  - (4) Medical history, cumulative health record, and psychological and psychiatric reports;

- (5) Social history of the family and parent background clearly and fully stated to provide an informational tool for all subsequent workers;
  - (6) Summary narrative which reflects the dates of contact, initial assessments and case plan, and contact material of worker's visits;
  - (7) The circumstances precipitating the decision to place a child, the agency's involvement with the parents, including services offered, delivered or rejected. If placement is court ordered, the case record shall contain the court papers, summaries, and required court reports during placement;
  - (8) Educational records and reports;
  - (9) Summary of case review conference which reflects the contacts with and status of all family members in relation to the placement plan as well as the achievements or changes in the goals;
  - (10) Summary of the administrative or outside case review on the progress of each child toward determined goals;
  - (11) Summary and narrative regarding the child's contacts with the family. The material should reflect the quality of the relationships as well as the way the child is coping with them; and
  - (12) Copy of interstate compact forms, if applicable.
- (e) Child's records upon discharge. Upon discharge, the following shall be placed in the child's case record:
- (1) Date of discharge, reason for discharge, and the name, telephone number, address, and relationship of the person or agency to whom the child was discharged;
  - (2) A discharge summary containing services provided during care, growth and accomplishments and assessed needs which remain to be met with the service possibilities which might meet those needs; and
  - (3) Aftercare plans.
- (f) Reports to the division. The agency shall provide written notification to the division of change of address of legal office. The agency shall provide statistical data to the division when requested for public information, research, or planning purposes.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-503, 65-508; effective May 1, 1982.)