

Authority

K.S.A. 59-2129(b); 59-2114.

Notes on Use

If a child has been placed for adoption with an agency, the authorized representative of the agency must consent to an adoption of the child. K.S.A. 59-2129(b). This statute also provides that if the child who is to be adopted is over the age of 14 and of sound intellect, the child's consent must be given. .

All consents to adoption must be in writing and acknowledged either before a judge of a court of record or before an officer authorized by law to take acknowledgments. K.S.A. 59-2114(a). Consents must be executed not more than six months prior to the date of filing of the Petition for Adoption. K.S.A. 59-2114(b).

Comments

According to K.S.A. 59-2128(f), these consents must be filed with the Petition for Adoption. If an adoption agency accepts a parent's relinquishment for adoption, the agency stands *in loco parentis* to the child and has all the rights of a parent, including the power to place the child for adoption and give consent thereto. K.S.A. 59-2124(a).

Notice of the final hearing of the adoption must be given to the agency, unless the agency has waived notice of the hearing. K.S.A. 59-2133(c). Thus the last paragraph in the form is optional, to be inserted if the agency is willing to waive notice.

K.S.A. 59-2136(e) provides that the agency to which the child has been relinquished may file the Petition for Adoption. Thus an agency to which a child has been or is to be relinquished has standing to file a petition for termination of parental rights. *In re Baby Boy N.*, 19 Kan. App.2d 574, 578, 874 P.2d 680, 683-84 (1994).