

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF:

Name _____ Case No. _____
Year of Birth _____ A male female

ORDER DETERMINING INTERESTED PARTY STATUS

Pursuant to K.S.A. 38-2241(d) and (e)

Now, on this ____ day of _____, _____, the Court considers the determination of interested party status for _____.

The Court finds the recommendations of the Secretary of DCF have been considered it is the Court's own motion the matter comes on for hearing.

The petitioner appears by _____ County/District Attorney or designee other _____.

The child appears in person and not in person, but by the child's guardian ad litem, _____.

Name of Mother _____, the mother appears in person pro se appears in person, and through her attorney, _____ appears not in person, but by and through her attorney _____ does not appear.

Name of Father _____, the father putative father of Name of child _____, appears in person pro se appears in person, and through his attorney, _____ appears not in person, but by and through his attorney, _____ does not appear.

(Other parent appearances) _____

Interested parties appearing are: _____

The Secretary is present through _____

Also present is/are: _____

THE COURT FINDS:

it is in the best interests of the child named above for the person named above to be an interested party in this case, and interested party status should be granted.

or

the person named above does not qualify for interested party status and interested party status

should not be granted. The person named above has the right to petition for review of this decision.

or

there is good cause to deny the person named above interested party status and interested party status should not be granted. The person named above has the right to petition for review of this decision.

IT IS SO ORDERED.

Judge of the District Court

Authority

K.S.A. 38-2241(d) and (e).

Notes on Use

Upon request, the court shall grant interested party status to any person with whom the child has resided for a significant period of time within six months of the filing of the petition. Those persons, once designated interested parties, shall have the participatory rights of parties: the right to notice, the right to present evidence and argument, the right to call and examine witnesses, and the right to representation by an attorney as provided in K.S.A. 38-2205. However, the court may restrict those rights if it serves the best interests of the child. A grandparent may not be prevented from attending proceedings, having access to the child's official file or making a statement to the court.

In addition, any other person with whom the child has resided, who is within the fourth degree of relationship to the child, to whom the child has close emotional ties, or any person the court determines has a sufficient relationship with the child to warrant the status or whose participation would be beneficial to the proceedings, may be designated an interested party upon motion, including the court's own motion. The court may request a report and recommendations from the secretary on the advisability of granting interested party status.

If, after hearing, the court determines that the person does not qualify for interested party status or there is good cause to do so, then the court may deny or terminate interested party status. Notice of the hearing shall be provided to parties, interested parties and the person seeking interested party status. There is a procedure for review of denial or termination of interested party status in the statute. The process of review shall not stay the child in need of care proceeding.

Comments

CASA does not have interested party status. *In re D.D.P., Jr.*, 249 Kan. 529, 819 P.2d 1212 (1991).

The trial court may allow an interested party to participate in a termination of parental rights hearing. *In re J.D.D.*, 21 Kan. App. 2d 871, 908 P.2d 633 (1995).