

186
IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF

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

ORDER APPOINTING PERMANENT CUSTODIAN

Pursuant to K.S.A. 38-2272

On this _____ day of _____, _____, the Court enters an order appointing a permanent custodian, Judge _____ presiding.

The Court finds:

The following parents have consented and agreed to the appointment of a permanent custodian:

or

The parents were found unfit on _____

or

The parental rights of the parents were terminated on _____

THE COURT FURTHER FINDS:

IT IS THEREFORE ORDERED THAT:

_____ shall be appointed as permanent custodian of each child named above, the Secretary's custody of each such child shall cease, and the jurisdiction of this Court shall terminate.

or

_____ shall be appointed as permanent custodian of each child named above, the Secretary's custody of each such child shall cease, and the Court shall retain jurisdiction. The appointment is subject to the following limitations or conditions:

□ THE COURT FURTHER ORDERS:

The appointment of the Court Appointed Special Advocate (CASA) is hereby rescinded.

IT IS SO ORDERED.

Judge of the District Court

Authority

K.S.A. 38-2272.

Notes on Use

The court may appoint a permanent custodian after making a finding of unfitness, whether or not the parental rights are terminated. A permanent custodian may also be appointed by the consent of the parents. In appointing a permanent custodian, the court shall give preference to first appointing a relative of the child, and, second, to appointing a person with whom the child has close emotional ties, to the extent that it is in the best interest of the child. K.S.A. 38-2272 provides that the secretary's custody of the child shall cease and the court may, but is not required to, terminate jurisdiction over the child upon appointment of the permanent custodian, see Form 190. If an order terminating jurisdiction is not entered, the court may impose limitations or conditions upon the rights and responsibilities of the permanent custodian, some of which are set out in K.S.A. 38-2272(d). The court may order the permanent custodian to report annually on the condition of the child, Form 187. Limitations on the permanent custodian's rights and responsibilities shall be set out in the order of appointment. If the parent has not been found unfit, the permanent custodian may share parental responsibilities with the parent, as the permanent custodian deems appropriate and as is in the child's best interest. Sharing responsibilities does not relieve the permanent custodian of legal responsibility for the child.