IN THE SUPREME COURT OF THE STATE OF KANSAS

No. 128,535

In the Interest of K.G.,
a Minor Child.

SYLLABUS BY THE COURT

1.

In determining whether an order entered under the Revised Kansas Code for Care of Children is appealable under K.S.A. 38-2273(a), an appellate court looks beyond the order's label and examines the substance of the ruling and the procedural posture of the case to assess whether the order was properly entered and, if not, whether it is otherwise appealable.

2.

When a child is adjudicated a child in need of care because a permanent custodian is no longer able or willing to serve under K.S.A. 2024 Supp. 38-2202(d)(13), the proceeding must then be conducted in accordance with the permanency framework established by the Revised Kansas Code for Care of Children.

3.

A district court may appoint a permanent custodian only as authorized by K.S.A. 38-2272 and K.S.A. 2024 Supp. 38-2272a. The Revised Kansas Code for Care of Children does not allow a district court to appoint a successor or substitute a permanent custodian based solely on a parent's prior consent to an earlier permanent custodianship.

4.

A parent whose parental rights have not been terminated or relinquished has both common-law and statutory standing to request consideration of reintegration and to contest the appointment of a new permanent custodian in a child in need of care proceeding, notwithstanding the parent's prior consent to a permanent custodianship that is no longer viable. See K.S.A. 2024 Supp. 38-2202(bb); K.S.A. 38-2241(b); K.S.A. 2024 Supp. 38-2263.

Review of the judgment of the Court of Appeals in an unpublished opinion filed November 14, 2025. Appeal from Johnson District Court; KATHLEEN SLOAN, judge. Oral argument held May 20, 2026. Opinion filed November 25, 2026. Judgment of the Court of Appeals dismissing the appeal is reversed. Judgment of the district court is reversed, and the case is remanded with directions.

Richard P. Klein, of Lenexa, argued the cause and was on the briefs for appellant.

Kendall S. Kaut, assistant district attorney, argued the cause, and *Maria C. Davies*, assistant district attorney, and *Stephen M. Howe*, district attorney, were with him on the brief for appellee.

The opinion of the court was delivered by

STANDRIDGE, J.: Mother appealed the district court's decision to appoint a substitute permanent custodian for her biological daughter, K.G., after the previous custodians were no longer able to serve in that role. The Court of Appeals panel found it lacked appellate jurisdiction to review a custodianship order and dismissed the appeal. Mother petitioned this court to review whether the panel erred in its jurisdictional determination. As the panel did not reach the merits of her claims, Mother also sought review of the district court's ruling, specifically whether the court exceeded its statutory authority by issuing an order appointing a substitute custodian and whether the court

erred in finding that she lacked standing to request a reintegration plan or object to the appointment of a substitute custodian.

For the reasons discussed below, we conclude the panel erred by focusing on the label of the district court's order rather than its substance and the procedural posture of the case. As a result, the panel did not consider whether the district court had statutory authority to issue the custodianship order. That question turns on the statutory framework governing child in need of care (CINC) proceedings. When a custodianship by parental consent fails, there is no statutory method for reviving it; instead, the case reenters the statutory permanency framework. But that is not what happened here. Given the facts of this case, we conclude the district court's ruling is an appealable "dispositional order" and Mother has standing to challenge it. We therefore reverse the lower courts and remand to the district court with instructions to administer the case in accordance with the permanency framework dictated by statute.

FACTUAL AND PROCEDURAL BACKGROUND

In 2010, the State filed a CINC petition in Crawford County on behalf of K.G., who was born in 2009. The petition alleged failure to thrive, lack of adequate parental care, and abuse or neglect. Subsequently, the district court adjudicated K.G. a CINC and placed the child with her paternal grandparents.

In 2012, with Mother's and Father's consent, the district court appointed the grandparents as K.G.'s permanent custodians under K.S.A. 38-2272(a)(1). The custodianship later broke down. K.G.'s grandfather died in 2014, and K.G. lived with her paternal grandmother and Grandmother's boyfriend for about two years before going to live with her paternal aunt. Although Aunt became K.G.'s primary caregiver, she had no

legal authority to make decisions for K.G.

In October 2022, when K.G. was 13 years old, the Department for Children and Families (DCF) received a report that Grandmother and her boyfriend had physically and sexually abused K.G. while she lived with them years earlier.

In December 2022, the State filed a CINC petition in Johnson County, where K.G. was then living with Aunt. Relevant here, the petition alleged K.G. was in need of care because she had a permanent custodian who was "no longer able or willing" to serve in that role. See K.S.A. 2024 Supp. 38-2202(d)(13) (presently codified at K.S.A. 2026 Supp. 38-2202[d][1][M]). At the time, K.G. had not been in contact with either of her parents for many years. Based on the allegations in the petition, the district court placed K.G. in DCF's temporary custody.

In April 2023, the district court adjudicated K.G. a CINC. The court then continued disposition proceedings while the parties explored whether they could agree to appoint Aunt as K.G.'s new permanent custodian. No agreement was reached because Mother ultimately declined to consent and instead sought reintegration or appointment as permanent custodian herself.

In December 2023, the State moved to appoint Aunt as K.G.'s "substitute permanent custodian." The State argued that Mother's and Father's 2012 consent to the original custodianship remained final and binding, leaving them without standing to seek reintegration or object to the appointment of a substitute custodian.

The district court agreed. In July 2024, it issued a final decision in which it found the original Crawford County custodianship remained valid, concluded Mother and Father lacked standing to challenge it in Johnson County, revoked Grandmother's

authority, and appointed Aunt as K.G.'s substitute permanent custodian.

Mother appealed. The Court of Appeals dismissed for lack of appellate jurisdiction, reasoning that an order appointing a permanent custodian is not appealable under K.S.A. 38-2273(a). *In re K.G.*, No. 128,535, 2025 WL 3188331, at *1, 7 (Kan. App. 2025) (unpublished opinion). Mother petitioned for review.

ANALYSIS

This appeal presents three related issues. First, we must decide whether the Court of Appeals properly dismissed Mother's appeal for lack of appellate jurisdiction. That inquiry requires us to consider whether the district court had statutory authority to appoint a substitute permanent custodian and, if not, whether the resulting order is otherwise appealable. Second, we address Mother's alternative claim that the district court lacked jurisdiction to modify the original Crawford County custodianship absent a transfer of venue. Third, because we conclude the district court's order is appealable, we reach the merits of Mother's challenge to the court's ruling that she lacked standing to participate in the permanency proceedings.

I. *Appellate jurisdiction to review the district court's order*

Mother argues the Court of Appeals erred in dismissing her appeal for lack of jurisdiction. She contends the district court's order appointing a substitute permanent custodian was not a valid custodianship order under the Kansas Code for Care of Children (Code) and instead should be treated as an appealable dispositional order under K.S.A. 38-2273(a).

Whether appellate jurisdiction exists is a question of law subject to unlimited review. *City of Wichita v. Trotter*, 316 Kan. 310, 312, 514 P.3d 1050 (2022). Because the right to appeal is purely statutory, Kansas appellate courts have jurisdiction only when authorized by the Legislature and must dismiss an appeal when jurisdiction is lacking. *In re Parentage of E.A.*, 319 Kan. 748, 757, 560 P.3d 1149 (2024); *Flores Rentals, L.L.C. v. Flores*, 283 Kan. 476, 480-81, 153 P.3d 523 (2007).

Mother's argument presents a merits question that necessarily precedes our jurisdictional determination. If the district court entered a valid permanent custodianship under K.S.A. 38-2272(a), the order is not appealable. But if the court lacked statutory authority to enter the purported custodianship order, we must determine the legal character of the ruling and whether it falls within one of the appealable orders listed in K.S.A. 38-2273(a). See *Vogt v. Kansas Dept. of Revenue*, 321 Kan. 288, Syl. ¶ 2, 577 P.3d 1102 (2025) (When jurisdiction is inextricably intertwined with the merits, "a judicial determination of the merits is essential before a court can decide whether it has jurisdiction.").

We therefore first consider whether the district court had statutory authority to enter the custodianship order. If not, we then consider whether the ruling is otherwise appealable under K.S.A. 38-2273(a). An initial review of the statutory framework governing CINC proceedings will aid both inquiries.

A. *CINC statutory framework*

CINC proceedings unfold in a specific sequence, based on the particular circumstances of each case, and in accordance with a comprehensive statutory framework. A CINC case is initiated upon the filing of a petition alleging a child to be in need of care based on express statutory criteria. K.S.A. 2024 Supp. 38-2234. Once a

petition is filed, the district court administers the matter through various stages as required by statute. K.S.A. 38-2235. All told, the CINC framework contemplates a progression from adjudication, through disposition and permanency planning, and ultimately to the selection of a permanent placement that is consistent with the child's best interests and the constitutional and statutory protections governing parental rights. See K.S.A. 38-2251; K.S.A. 38-2253; K.S.A. 38-2257; K.S.A. 2024 Supp. 38-2263; K.S.A. 2024 Supp. 38-2264.

Each appealable order in a CINC case arises out of this statutory framework. At the first step, a temporary custody order may be entered placing a child into the state's protection. K.S.A. 2024 Supp. 38-2243. Next is adjudication, which requires the court to determine whether the child qualifies as a CINC based on the statutory definition. K.S.A. 38-2251. This classification extends to children who have been abused or neglected, lack adequate parental care or supervision, or meet one of the other statutory circumstances requiring court intervention. K.S.A. 2024 Supp. 38-2202(d). One such circumstance occurs when an appointed permanent custodian is no longer able or willing to serve. K.S.A. 2024 Supp. 38-2202(d)(13). After a child is adjudicated a CINC, the case enters the dispositional phase in which the court may issue orders regarding case planning goals and interim placement or custody of the child. K.S.A. 38-2253(a), (b); *In re N.A.C.*, 299 Kan. 1100, 1110-16, 329 P.3d 458 (2014).

Permanency planning begins shortly after the CINC proceeding is initiated and continues throughout the dispositional phase. The goal is to ensure, insofar as possible, that the child achieves a safe and permanent living arrangement while preserving family relationships when consistent with the child's safety and well-being. K.S.A. 2024 Supp. 38-2263(a), (b). A written permanency plan identifies the child's needs, the services to be provided, the parties' responsibilities, and the permanency objective. K.S.A. 2024 Supp. 38-2263(c). When a child is in an out-of-home placement, the permanency plan must also

include a plan for reintegration with the child's parents or, if reintegration is not a viable goal, a statement explaining the basis for that conclusion and an alternative permanency goal. K.S.A. 2024 Supp. 38-2263(d); K.S.A. 2024 Supp. 38-2264(b)(2)-(b)(5). When a child is removed from a parent's custody, the court must make special determinations regarding this disposition. K.S.A. 2024 Supp. 38-2255 (c)-(e).

Finally, the court arrives at a permanency decision, which may follow one of several paths: reintegration, adoption, permanent custodianship, SOUL family legal permanent custodian, or in some cases an alternative placement. K.S.A. 2024 Supp. 38-2264(b). Of these options, adoption and both types of permanent custodianships require either (1) a parent to consent or relinquish their rights or (2) a court to reach an unfitness finding (custodianship) and a subsequent termination decision (adoption). See K.S.A. 2024 Supp. 38-2268; K.S.A. 2024 Supp. 38-2266; K.S.A. 38-2269; K.S.A. 38-2272; K.S.A. 2024 Supp. 38-2272a. As indicated, a permanent custodianship is not a free-standing remedy. It is one of the statutorily authorized permanency outcomes reached through the CINC process.

B. *Character of district court's ruling within CINC proceeding*

With this framework in mind, we consider the sequence of events in this case that gave rise to the challenged custodianship order. In December 2022, the State filed a CINC petition alleging that K.G. was in need of care, in part, because her permanent custodians were no longer able or willing to serve in that role. See K.S.A. 2024 Supp. 38-2202(d)(13). At the time, K.G. was living with Aunt, who had become her primary caregiver but lacked legal authority to make decisions on K.G.'s behalf. The court placed K.G. in the temporary custody of the State and then adjudicated her a CINC. At that point, the case entered the dispositional and permanency-planning phase.

From the record, it appears that no permanency plan was ever developed for K.G. For the next eight months, the district court repeatedly set the case over for disposition to allow the parties additional time to agree on a permanency outcome. Initially, there was an attempt to reach a consensus on appointing Aunt as a new permanent custodian for K.G. Mother ultimately did not consent to this arrangement. Then, in December 2023, the State filed a motion to appoint Aunt as "substitute" permanent custodian, arguing that Mother's consent to the 2012 custodianship was irrevocable and transferrable. In July 2024, the court granted the motion based on the State's reasoning. Despite the lack of formal permanency planning, the court's order determined permanency for K.G.

The question we must now answer is whether the district court had statutory authority to enter a custodianship order under these circumstances.

1. *Whether the district court had statutory authority to appoint a substitute permanent custodian*

Whether a district court exceeded its statutory authority in a CINC case requires interpretation of applicable statutes, which involves legal questions that this court reviews de novo. *State v. Eubanks*, 316 Kan. 355, 361, 516 P.3d 116 (2022); *In re Marriage of Doney and Risley*, 41 Kan. App. 2d 294, 297, 201 P.3d 770 (2009).

The Code allows a district court to appoint a permanent custodian in three express scenarios: (1) with parental consent and agreement, (2) after a finding of parental unfitness by clear and convincing evidence, or (3) following termination of parental rights. K.S.A. 38-2272(a); K.S.A. 38-2269(a); K.S.A. 38-2270; see also K.S.A. 2024 Supp. 38-2272a. Of these three statutory routes, only two require discussion here. The district court relied on Mother's prior consent to support its appointment of a substitute permanent custodian. The dissent contends the appointment was authorized under the

second route based on parental unfitness. The third route—termination of parental rights—is not at issue.

As a practical matter, a court can freely appoint a *new* permanent custodian after a finding of parental unfitness or termination of parental rights. But none of the statutory provisions governing permanent custodianship expressly authorize a court to appoint a "substitute" permanent custodian to replace the original custodian after a custodianship has failed. This is particularly noteworthy when considering the dissolution of a voluntary custodianship created by parental consent.

Parental consent to a permanent custodianship must be documented in writing and acknowledged before a judge in a court of record or other authorized official. Parental consent can be tied to a specific person or the court may have authority to choose a suitable permanent custodian from suitable candidates. See K.S.A. 2024 Supp. 38-2268(d); K.S.A. 38-2272(j). When a parent consents to a specific person serving as permanent custodian, that person must accept the consent to effect the agreement. K.S.A. 2024 Supp. 38-2268(d).

The record indicates Mother's consent to the 2012 custodianship was given verbally, not in writing as required by the statute. See K.S.A. 2024 Supp. 38-2268(d); K.S.A. 38-2272(f). Despite this defect, voluntariness of parental consent under the original custodianship is not at issue here. But the character of the consent agreement is relevant since the district court found it remained intact even after the original custodians were unable to serve. The transcript of the consent hearing shows Mother understood she was consenting specifically to the paternal grandparents being appointed as permanent custodians for K.G:

"THE COURT: Okay. I think we were talking about the fact that if we do this, it will be permanent. It will be in effect until [K.G.] turns 18. The [grandparents] will, in effect, become her parents, and they will make—the [grandparents] will make the decisions for [K.G.] that parents generally make, what school to go to, if there is any medical treatment necessary, religion. The [grandparents] kind of become the parents in terms of making decisions for [K.G.] and raising her. Do you both understand that?

"[FATHER]: Yes.

"[MOTHER]: Yes.

"THE COURT: And knowing that, do you still want to agree that the [grandparents] will be her guardians?

"[FATHER]: Yes.

"[MOTHER]: Yes."

The dissent emphasizes K.S.A. 38-2272(g)(1)'s command that parental consent is "final when executed." Slip op. at 25. But the dissent assumes this provision impacts the scope of Mother's consent in addition to its validity.

Subsection (g) addresses circumstances in which consent may be withdrawn or becomes null and void; it does not expand the scope of that consent to the later appointment of a different permanent custodian. Therefore, it does not follow that parental consent is automatically transferrable—particularly when, as here, it was predicated on specific persons serving as permanent custodians. See K.S.A. 2024 Supp. 38-2268(d). Once executed, Mother's 2012 consent was indeed final *as to the original permanent custodianship*. But nothing in the statute or the facts of this case suggests to us that her consent could be transferred to a different permanent custodian.

The dissent's reliance on K.S.A. 38-2272(j) does not change this conclusion. Under that provision, the court is responsible for evaluating prospective permanent custodians and selecting an appropriate placement. See slip op. at 41. But the court's authority to determine who should serve as permanent custodian is distinct from its authority to establish the custodianship in the first instance. Subsection (j) does not dispense with the prerequisites for appointment under subsection (a) and does not transform consent to one permanent custodianship into continuing authorization for subsequent appointments.

If an appointed permanent custodian becomes unable or unwilling to serve, the child may again qualify as a CINC under K.S.A. 2024 Supp. 38-2202(d). The Code contains no provision authorizing the court to transfer the permanent custodianship to a substitute or successor under these circumstances.

Yet that is what the district court did here. First, the court found the original Crawford County custodianship remained legally intact despite the death of one permanent custodian and the remaining custodian's inability to serve. From that premise, it deemed Mother's prior consent transferrable to a successor custodian and appointed Aunt as "substitute permanent custodian." The court inferred its authority to appoint a substitute permanent custodian from K.S.A. 38-2272(k), which allows a court to determine custody between permanent custodians who divorce.

But the district court's reliance on K.S.A. 38-2272(k) is misplaced. That provision assumes an existing custodianship is still intact, and the original custodians will continue to serve in that capacity, albeit under a new custody arrangement approved by the court. That is not analogous to the situation here, where the original permanent custodians were no longer able to serve, which resulted in K.G. becoming a CINC as defined in K.S.A. 2024 Supp. 38-2202(d)(13). At that point, the existing custodianship could no longer

provide permanency for K.G., and the court had to proceed under the Code to determine a legally authorized permanency disposition. See K.S.A. 38-2251 (Upon finding a child is a CINC, the court shall issue an adjudication order "and may proceed to enter other orders as authorized by this code.").

To that end, the district court could establish a new permanent custodianship only through one of the authorized statutory methods—by parental consent, after a finding of unfitness, or upon termination of parental rights. K.S.A. 38-2272(a); see also K.S.A. 2024 Supp. 38-2272a (consent requirement includes consent of child 16 years of age or older and best-interests determination). But the court did none of those things. Instead, it deemed Mother's 2012 consent to be prospective authorization for the appointment of any future custodian. This approach finds no support in the statutory scheme.

The dissent proposes a different interpretation of the record and the CINC statutory framework. It posits that the district court's appointment of K.G.'s aunt as her permanent custodian occurred under K.S.A. 38-2272(a)(2) based on a finding that the grandmother was "unfit." Slip op. at 26. But the dissent misstates the factual record since the district court expressly found the prior custodianship "still exists" and was created by parental consent, which falls under K.S.A. 38-2272(a)(1). K.S.A. 38-2272(a)(2) is a separate method for appointing a permanent custodian and would signal a *new* custodianship. The district court's order makes clear that is not what happened here.

In addition to that flawed analysis, the dissent also attempts to merge the framework for adjudication of a CINC under K.S.A. 2024 Supp. 38-2202 with that of an unfitness determination under K.S.A. 38-2272(a)(2) and K.S.A. 38-2269. These are different procedures that serve very different purposes.

K.S.A. 2024 Supp. 38-2202(d) lists the various criteria by which a child can be adjudicated a CINC. This finding permits the State to initiate a CINC proceeding and take certain statutorily prescribed actions to protect the child. The relevant provision here is K.S.A. 2024 Supp. 38-2202(d)(13), which applies when a child "has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve." Since a custodianship is a statutory creation, it can be severed on this basis alone.

By contrast, K.S.A. 38-2272(a)(2) applies at the permanency stage and authorizes appointment of a permanent custodian "after a finding of unfitness pursuant to K.S.A. 38-2269." K.S.A. 38-2269, in turn, sets forth a robust mechanism for determining when a parent is unfit, enroute to involuntary termination of parental rights or appointment of a permanent custodian. This process is triggered by the filing of a petition or motion requesting such relief and requires a finding by clear and convincing evidence that "the parent is unfit" because of conduct or condition rendering the parent unable to care properly for the child that is unlikely to change in the foreseeable future. K.S.A. 2024 Supp. 38-2266; K.S.A. 38-2269(a). No parties sought this type of relief, and the district court made no such finding as to Mother or Father.

Yet the dissent insists the district court did make an unfitness finding as to Grandmother. The district court found Grandmother "remains the named permanent custodian" but "is not fit to serve in that capacity," while grandfather is deceased and so is "unavailable to serve." From there, the court concluded "[a] permanent custodianship is permanent, and with the named permanent custodians unable or unfit to continue to serve, a successor permanent custodian needs to be named." But the court made these findings in the context of how to proceed given the applicability of K.S.A. 2024 Supp. 38-2202(d)(13). And though using the term "unfit," the court was most likely referring to the circumstance of a child's former permanent custodian being "no longer able or willing to serve." See K.S.A. 2024 Supp. 38-2202(d)(13).

Undeterred, the dissent attempts to shoehorn the adjudication findings under K.S.A. 2024 Supp. 38-2202 into several of the unfitness criteria under K.S.A. 38-2269. See slip op. at 34-35. Unsurprisingly, it provides no supporting authority for merging these statutes. Nor could it, since these statutes govern separate aspects, at different stages, of a CINC proceeding. Moreover, the dissent's proposed application of K.S.A. 38-2269 conflicts with our precedent applying the test for parental unfitness and precluding appellate courts from inferring factual findings that are expressly required under the Code. See *In re K.R.*, 321 Kan. 578, 584-85, 582 P.3d 575 (2026); *In re D.G.*, 319 Kan. 446, 452, 459, 461-62, 555 P.3d 719 (2024).

In any case, the district court's findings concerning Grandmother's inability or fitness to continue serving as K.G.'s permanent custodian do not satisfy the statutory requirements for *parental* unfitness. A finding that an existing permanent custodian can no longer safely or appropriately serve may establish grounds for CINC adjudication under K.S.A. 2024 Supp. 38-2202(d)(13). But this finding does not satisfy the rigorous test for parental unfitness required by K.S.A. 38-2269 and incorporated into K.S.A. 38-2272(a)(2). The Legislature separately addressed those circumstances, and we may not combine them simply because doing so would be a more expedient route to permanency.

Nor does the fact that the district court described Grandmother as "unfit" establish that it made the statutory finding required by K.S.A. 38-2272(a)(2). The question is not whether the evidence supporting K.G.'s CINC adjudication could also support a finding of unfitness under K.S.A. 38-2269. Rather, it is whether the district court actually made that determination under the statutory framework governing appointment of a permanent custodian. The court did not make that determination but instead expressly treated the original custodianship as still in effect and appointed Aunt as its successor. We cannot

transform that ruling into a new permanent custodianship under K.S.A. 38-2272(a)(2) by supplying a statutory determination the district court did not make.

Alternatively, the dissent contends that even if K.S.A. 38-2272(a)(1) applies, Mother's consent was unnecessary because Grandmother occupied the parental role under the existing custodianship. But the absence of a statutory procedure for appointing a substitute permanent custodian does not render ambiguous the Legislature's express requirements for establishing a new permanent custodianship.

Subject to other limitations under K.S.A. 38-2272(d), subsection (c) provides that a permanent custodian stands in loco parentis and may exercise the rights and responsibilities of a parent, but a permanent custodian may not consent to adoption of the child or be subject to court-ordered financial support. Although the permanent custodian assumes many parental roles, the custodian does not *become* the parent. Indeed, the Code repeatedly distinguishes between these terms in the statutes addressing custodianships. See, e.g., K.S.A. 2024 Supp. 38-2266 (distinguishes between "parents" and "permanent custodian"); K.S.A. 38-2269 (articulating test for parental unfitness and listing "permanent custodian" as an available permanency option); K.S.A. 38-2272(e) (separately refers to "a permanent custodian" and "a parent of the child"); K.S.A. 38-2272(f) (expressly provides that a parent's consent to a permanent custodianship does not terminate that parent's parental rights).

Consistent with those distinctions, K.S.A. 38-2272(a)(1) authorizes appointment of a permanent custodian "[w]ith the consent and agreement of the parents." Nothing in the statute provides that a permanent custodian becomes the "parent" whose consent substitutes for that of a parent whose rights have not been terminated when the court later appoints a different permanent custodian. It would be incongruous to conclude that a parent retains the right to consent to an adoption under K.S.A. 38-2272(c) yet loses the

right to consent to a new permanent custodianship, with that authority instead resting in a prior custodian who has been deemed unable to continue serving in that role.

The dissent faults the majority for failing to apply the Legislature's declared rules of construction governing statutory silence or ambiguity. But the relevant statutory language is neither silent nor ambiguous. Because the Legislature has plainly identified the circumstances under which a permanent custodian may be appointed, there is no need to resort to rules of construction to resolve an ambiguity that does not exist.

The dissent also relies on the policies stated in K.S.A. 38-2201(b)—highlighting the child's safety, stability, family relationships, and need for timely permanency—before accusing the majority of ignoring them. Those considerations are unquestionably important. But the Code's stated policies inform application of its substantive provisions; they do not displace them. The Legislature has expressly prescribed the circumstances and procedures by which a permanent custodian may be appointed. We therefore cannot rely on general policy considerations to create an additional way to establish a permanent custodianship simply because doing so might produce a more reasonable result in an individual case.

Nor does our decision determine that Aunt is an inappropriate placement for K.G. or require K.G.'s removal from Aunt's care. It requires only that the district court proceed under the statutory framework governing a child adjudicated a CINC because their prior permanent custodian is no longer able to serve in that agreed-upon role. K.G.'s safety, stability, family relationships, and need for timely permanency remain central considerations within that framework.

Because the Code provides no mechanism for appointment of a *substitute* permanent custodian after a child has been declared a CINC under K.S.A. 2024 Supp. 38-

2202(d)(13), the district court exceeded its statutory authority in doing so. Thus, the resulting order was not a valid permanent custodianship order under K.S.A. 38-2272.

2. *Whether the order is appealable under K.S.A. 38-2273(a)*

Having concluded the district court did not enter a valid permanent custodianship order, we return to the jurisdictional question presented at the outset: whether the ruling is otherwise appealable under K.S.A. 38-2273(a).

The panel concluded it was not. In the panel's view, the order could not be considered dispositional because "disposition" is a term of art referring to post-adjudication orders governing a child's custody or placement pending permanency. *In re K.G.*, 2025 WL 3188331, at *5.

But determining whether an order falls within one of the appealable categories the Legislature identified in K.S.A. 38-2273(a) requires us to consider the substance of the ruling and the procedural posture of the case when the order was entered, rather than merely the label attached to it. See *In re N.A.C.*, 299 Kan. at 1116 (emphasizing "time constraints" and "substantive findings" in discerning the type of order issued at a particular stage of a CINC proceeding). We therefore examine the challenged ruling within the statutory framework and procedural posture of this case.

Although we rely on *In re N.A.C.* for this analytical approach, the dissent relies on that decision for a different proposition—that the challenged order was a nonappealable post-permanency order. Such reliance requires closer examination. In *In re N.A.C.*, we rejected a definition of "disposition" that swept broadly enough to include any order that "'places a child in, continues a child in, or removes a child from the legal custody of an individual or agency.'" 299 Kan. at 1110-11. We concluded such a definition would

improperly extend appellate jurisdiction to orders entered after permanency had already been achieved and would undermine the Legislature's intent to bring CINC proceedings to timely closure. 299 Kan. at 1120-21. Nothing in our decision today alters that holding or expands the statutory meaning of a dispositional order.

The critical distinction is that permanency had validly been achieved in *In re N.A.C.* before the challenged order was entered. Here, it had not. K.G.'s original permanent custodians were no longer able to serve, she had been adjudicated a CINC on that basis, and the case had reentered the dispositional and permanency-planning phase. The district court then purported to establish a new permanent custodianship without satisfying any of the statutory requirements. Thus, unlike *In re N.A.C.*, this case does not involve appellate review of an order entered after a valid permanency disposition. Rather, it requires us to determine the character of an order entered while the case remained in the dispositional phase and before a legally authorized permanency outcome had been achieved.

Thus, contrary to the dissent's assertion, we do not adopt the expansive definition of "disposition" rejected in *In re N.A.C.* And we do not hold that every order affecting a child's custody or placement is an appealable dispositional order. Our conclusion rests on the distinct procedural posture here: K.G. had been adjudicated a CINC because her existing permanent custodians could no longer serve, no new permanency disposition had been validly established, and the challenged order was entered while the case remained in the dispositional and permanency-planning phase.

The dissent characterizes our analysis as both an exercise of legislative power and an unacknowledged departure from *In re N.A.C.* and *In re N.E.*, 316 Kan. 391, 419, 516 P.3d 586 (2022). It is neither. We do not create a new category of appealable orders or expand the statutory meaning of disposition. Rather, we apply the categories the

Legislature enacted in K.S.A. 38-2273(a) to determine the legal character of the actual order entered in this case. And because neither *In re N.A.C.* nor *In re N.E.* involved an order purporting to establish permanency without satisfying the statutory requirements, our decision does not overrule or undermine either case.

Nor do we agree with the dissent's premise that Mother's consent to the 2012 permanent custodianship may be treated as the functional equivalent of termination of her parental rights. The Code expressly distinguishes permanent custodianship from termination of parental rights and separately addresses the consequences of a custodianship imposed with and without termination. See K.S.A. 38-2272(a)(2)-(3), (h)-(i). They are distinct statutory dispositions, and we decline to treat them as interchangeable where the Legislature has not done so.

Both the substance of the district court's ruling and the procedural posture of the case point to a dispositional order here. Procedurally, the challenged order was entered after K.G. had been adjudicated a CINC and while the case remained in the dispositional and permanency-planning phase. Substantively, the order determined K.G.'s custody and placement by appointing Aunt as her permanent custodian. But as explained above, the district court had not obtained Mother's consent to a new permanent custodianship, found the parents unfit, or terminated parental rights. Thus, although the court labeled its ruling a permanent custodianship order, it had not taken the statutory steps necessary to reach that permanency outcome.

Given the substance of the ruling and the procedural posture of the case, the order was dispositional in character. See K.S.A. 2024 Supp. 38-2255(c)-(e) (authorized dispositions and required determinations when a child is removed from a parent's custody and placed with a relative). Because we conclude the order is appealable as a

dispositional order under K.S.A. 38-2273(a), the Court of Appeals erred in dismissing Mother's appeal for lack of jurisdiction.

II. *District court's jurisdiction and authority to modify original Crawford County custodianship absent a transfer of venue*

As an alternative challenge to the custodianship order, Mother argues the district court lacked jurisdiction to modify the original Crawford County custodianship absent a transfer of venue. Although we reject Mother's jurisdiction and venue arguments for the reasons below, our analysis in the preceding section establishes that the district court nevertheless lacked statutory authority to modify the original custodianship as it did.

Whether jurisdiction exists and venue was proper are questions of law over which an appellate court has unlimited review. *Foster v. Kansas Dept. of Revenue*, 281 Kan. 368, 369, 130 P.3d 560 (2006).

As the panel found, the district court acquired jurisdiction over this matter when the State filed the 2022 CINC petition on K.G.'s behalf. See K.S.A. 20-301 (District courts in each county have general original jurisdiction over all matters, civil and criminal, unless otherwise provided by law.); K.S.A. 38-2203(c) (jurisdiction invoked by filing of petition under Code). Established precedent also holds venue is a procedural issue that can be waived, as it was here since the parties did not ultimately contest it. See *In re K.G.*, 2025 WL 3188331, at *6-7.

The panel therefore correctly concluded that the district court had jurisdiction over this CINC proceeding and that venue was proper. But jurisdiction over the proceeding did not authorize the court to transfer the existing permanent custodianship to a successor. As explained above, once K.G. was adjudicated a CINC because her permanent custodians could no longer serve, the court was required to proceed under the Code to determine a

legally authorized permanency disposition. See K.S.A. 38-2251 (Upon finding a child is a CINC, the court shall issue an adjudication order "and may proceed to enter other orders as authorized by this code.").

III. *Standing*

Having determined the district court's purported custodianship order was invalid and is an appealable dispositional order, we address Mother's remaining challenge to the district court's ruling that she lacks standing to contest the order. The panel did not address this issue because it dismissed the appeal for a lack of appellate jurisdiction. *In re K.G.*, 2025 WL 3188331, at *7. Standing implicates both a court's subject matter jurisdiction and a party's right to seek relief; thus, like jurisdiction, it is a threshold question.

The district court concluded K.G.'s parents lacked standing to seek reintegration or oppose the appointment of a substitute permanent custodian based on their 2012 consent to the original custodianship in Crawford County, which the court found still existed—despite the original permanent custodians being unable to continue serving in that role. The district court held that the original order must be given full faith and credit and thus could not be challenged in another jurisdiction.

The existence of standing is a question of law over which this court's review is unlimited. *In re Adoption of T.M.M.H.*, 307 Kan. 902, 908, 416 P.3d 999 (2018). Standing is "'a party's right to make a legal claim or seek judicial enforcement of a duty or right. '" *KNEA v. State*, 305 Kan. 739, 746, 387 P.3d 795 (2017). Our caselaw recognizes two types of standing that apply in a CINC case: common-law or jurisdictional standing and statutory standing. Cf. *In re T.M.M.H.*, 307 Kan. at 908 (in context of adoption).

Common-law standing ensures that there is a justiciable case or controversy to invoke judicial power—an implied constitutional requirement—and is therefore a component of subject matter jurisdiction. *In re T.M.M.H.*, 307 Kan. at 908. To demonstrate common-law standing, a person must show a cognizable injury that is concrete and particularized and establish a causal connection between that injury and the challenged conduct. *State v. Stubbs*, 320 Kan. 568, 574, 570 P.3d 1209 (2025); *Sierra Club v. Moser*, 298 Kan. 22, 33, 310 P.3d 360 (2013).

A natural parent starts out with a fundamental constitutional right in a parental relationship with his or her child. *In re Adoption of C.L.*, 308 Kan. 1268, 1279, 427 P.3d 951 (2018). The Code provides that a parent's rights are significantly limited, but not extinguished, when the parent enters into a permanent custodianship by consent. See K.S.A. 2024 Supp. 38-2268(c), (d); K.S.A. 38-2272(c), (d), (h).

Here, Mother's claimed injury is concrete and particularized. Following a failed permanent custodianship by consent, the State sought and obtained an order permanently placing Mother's natural child with another person while denying Mother—whose rights have not been terminated—the opportunity to participate in permanency proceedings as required by the Code to a parent whose parental rights have not been terminated.

The dissent's suggestion that this type of injury is akin to a taxpayer's generalized grievance discounts the important constitutional interests at stake. Slip op. at 42.

But the Code does not, which is where we look for guidance. K.S.A. 2024 Supp. 38-2202(bb) identifies a parent as a party to a CINC proceeding, and K.S.A. 38-2241(b) affords parties the right to notice, to present evidence and argument, to call and cross-examine witnesses, and to representation by counsel. In addition, when a child is placed

outside the home, K.S.A. 2024 Supp. 38-2263 requires the permanency plan to include a plan for reintegration with the child's parent or parents or, if reintegration is not a viable goal, an explanation for that conclusion and an alternative permanency goal. See also K.S.A. 2024 Supp. 38-2264(b).

The district court's order foreclosed Mother's full participation in that statutory process based on her 2012 consent to the prior permanent custodianship. That establishes both a cognizable injury and a causal connection between the injury and the challenged governmental action. Whether Mother ultimately is entitled to reintegration—or whether reintegration is in K.G.'s best interests—is a separate question from whether Mother has standing to insist that the permanency determination be made through the process prescribed by the Code. We therefore conclude Mother has common-law standing to request consideration of reintegration and to contest the appointment of a permanent custodian.

Statutory standing independently leads to the same conclusion. K.S.A. 2024 Supp. 38-2202(bb) defines a "party" to a CINC action as including "any parent of the child," and K.S.A. 38-2241(b) affords parties participatory rights, including the right to present evidence and argument. Nothing in the Code excludes a parent who previously consented to a now defunct permanent custodianship, but whose parental rights were never terminated. Because Mother remained K.G.'s parent, she remained a party to the CINC proceeding and had statutory standing to request consideration of reintegration and to oppose the State's motion to appoint a permanent custodian. The district court erred in concluding otherwise.

CONCLUSION

Because the district court lacked statutory authority to appoint a substitute permanent custodian under these facts, its order purporting to do so was invalid under the Code. Given the substance of the order and procedural posture of the case, the order is properly characterized as an appealable dispositional order under K.S.A. 38-2273(a). The Court of Appeals therefore erred in dismissing Mother's appeal for lack of jurisdiction.

We reverse the judgments of the Court of Appeals and the district court and remand for further proceedings consistent with this opinion. On remand, the district court shall proceed under the statutory permanency framework governing CINC proceedings, which includes conducting a permanency hearing, determining the appropriate permanency goal for K.G., and developing a permanency plan designed to achieve that goal.

Judgment of the Court of Appeals dismissing the appeal is reversed. Judgment of the district court is reversed, and the case is remanded with directions.

* * *

BILES, J., dissenting: The need to replace a judicially approved custodian does not provide an opportunity for a biological parent—after years of absence—to rewind the case to square one and resurrect rights previously surrendered. Under the revised Kansas Code for Care of Children, Mother agreed back in 2012 to limit her parental rights when she consented to K.G.'s permanent custodianship. She did not reserve any additional rights in that court order, including an ability to dictate the procedures for changing the permanent custodians. See K.S.A. 38-2272(d). This means her consent was "final when executed" as stated in K.S.A. 38-2272(g)(1), which stands as an unequivocal, legislative

command that ensures the consistency mandated by the Code's stated policies to secure "stability in the life of a child who must be removed from" their parent's home, to place those "children in *permanent* family settings," and to "dispos[e] of proceedings without unnecessary delay." (Emphasis added.) K.S.A. 38-2201(b)(9)-(10); *In re N.A.C.*, 299 Kan. 1100, 1108, 329 P.3d 458 (2014) (citing K.S.A. 2012 Supp. 38-2201[b][4]). Today's outcome contradicts these foundational principles and statutory directives. Accordingly, I dissent.

Legislative intent is the whole point of statutory interpretation when it is required for this or any other case. See *State v. Ninh*, 320 Kan. 477, 484, 570 P.3d 1169 (2025). A court is supposed to determine that intent by looking at the statute's plain language. "[T]here is no room for judicial construction and the clearly expressed intent of the Legislature must be given effect" when the text is clear and unambiguous. 320 Kan. at 484. Here, K.S.A. 38-2272(a)(2) authorized the district court to appoint Aunt, who had been K.G.'s primary caretaker for more than a decade, as her permanent custodian after determining Grandmother was unfit to continue serving in that role under K.S.A. 38-2269.

But the majority overrides the Code and injects K.S.A. 38-2272(a)(1) into the proceedings, necessitating another round of parental consents and reversing Aunt's appointment on that basis. Its reasoning imposes a judicially fabricated procedure that fosters further disputes in district courts, more appeals resulting from those disputes, and greater uncertainty for Kansas children, whose "welfare" should be our courts' "paramount" concern "in all proceedings under the code." K.S.A. 38-2201(b)(1). In this case, the majority unnecessarily empowers a long-absent Mother to disrupt the stable environment Aunt has fostered for K.G. and turns her life into a prolonged game of "Mother May I." How can anyone seriously think this is what the Legislature intended?

As I explain, the district court's order appointing Aunt not only adheres to state law but has the added advantage of being reasonable. This controversy has now extended past K.G.'s 17th birthday, and the majority's rationale guarantees adversarial proceedings will persist when the case returns to district court—at least until K.G. turns 18 and can stop this madness herself. See K.S.A. 2024 Supp. 38-2203(d) ("Any child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested parties and 30 days after receipt of the request, jurisdiction will cease.").

To get to where it wants to go, the majority oddly asserts the "relevant statutory language is neither silent nor ambiguous" about what happens when a permanent custodian dies or can no longer serve. See slip op. at 16. Yet the majority acknowledges elsewhere the Code is silent on this very point. Slip op. at 9-10 ("[N]one of the statutory provisions governing permanent custodianship expressly authorize[s] a court to appoint a 'substitute' permanent custodian to replace the original custodian after a custodianship has failed."), 17 ("[T]he Code provides no mechanism for appointment of a *substitute* permanent custodian . . . ."). So which is it? I do not understand how the majority recognizes a lack of statutory guidance when replacing a custodian while simultaneously claiming it discovers clarity in that vacuum to hold Mother's consent is required again. Plain language analysis should measure the clarity of what the Legislature actually *said*, not its silence. See *Ninh*, 320 Kan. at 484.

Equally shortsighted is the majority's drift into appellate fact-finding. It purports to find from the appellate record that Mother's 2012 consent was intended to be expressly limited to Grandparents' continuing involvement. Slip op. at 10-11 ("The transcript of the consent hearing shows Mother understood she was consenting specifically to the paternal grandparents being appointed as permanent custodians for K.G."). But appellate fact-finding is a practice this court is never supposed to engage in. See *Stormont-Vail*

Healthcare, Inc. v. Sievers, 314 Kan. 355, 359, 498 P.3d 1217 (2021) ("[A]ppellate courts do not engage in fact-finding . . . ."). Why is this case different? Even worse, the majority's willingness to pursue fact-finding for the first time on appeal opens another can of worms by sanctioning collateral attacks on other permanent custodianships in different cases based on what a litigant might have arguably understood during a court hearing, even if the custodianship order was entered years ago and specified no such understanding.

Let's start at the beginning of this unfortunate controversy to more fully explain my consternation with the outcome for K.G.

Under the Code and the Crawford County order, Mother reserved only the right to consent to adoption—nothing more.

The facts are straightforward. K.G. was born in 2009. Less than a year later, the State expressed concern about her failure to thrive because of inadequate parental care and took the matter to court. The Crawford County District Court adjudicated her a CINC in 2011, placing her outside Mother's home with K.G.'s paternal grandparents.

In 2012, Mother declined her statutory opportunity for reintegration, freely consented to a permanent custodianship, and agreed to Grandparents' appointment in that capacity. She did so without reservation or condition, despite the majority's misadventure into appellate fact-finding. It is undisputed no conditions on her consent were memorialized in the 2012 court order. See K.S.A. 38-2272(c)(1) (permitting court to depart from the default rule that consenting parents retain only the right to consent to adoption); K.S.A. 38-2272(f) (parental consent shall be in writing and acknowledged before a judge who must advise consenting parents of the consequences from the consent). The district court even emphasized to Mother and Father the finality of the proceedings before accepting their consents and entering its order:

> "You both have a right to attempt to have [K.G.] placed with you, *to reintegrate with her*, to have her placed back with you and work through this case and have it dismissed.
>
> "But by agreeing that [Grandparents] would be appointed as her guardians, *you give up that right to attempt to have her placed back with you*.
>
> "Do you both understand that?" (Emphases added.)

Mother acknowledged she did. And when she expressed some hesitation, saying that placing K.G. with her grandparents would be best "for right now," the court reminded her "*this is not just for right now. . . . This would be until [K.G.] turns 18, until she becomes an adult.*" (Emphasis added.) Mother again confirmed she understood. The court asked her if she needed more time to decide: "Because again, if I do this, if I appoint [Grandparents] as the guardians of [K.G.], *you can't go back and undo it. It is a done deal until [K.G.] turns 18.*" (Emphasis added.) Mother reiterated her acceptance.

Only after ensuring Mother freely consented did the court appoint Grandparents as K.G.'s permanent custodians. As the Johnson County District Court observed regarding the 2012 Crawford County order:

> "After a permanent custodian has been appointed, K.S.A. 38-2272(d) allows a court to add language imposing conditions and limitations to the order. The Crawford County order contains no such limitations or modifications. *The parents' opportunity to limit their consent to the grandparents serving as custodians was available when the custodianship was created, was not utilized, and is not available now.*" (Emphasis added.)

This view is consistent with the statutes. Under the Code, a permanent custodian is "a judicially approved permanent guardian of a child" who stands "in loco parentis" to the child; "all of the rights and responsibilities of a parent" transfer to the custodian, except those carved out by the Code. K.S.A. 2024 Supp. 38-2202(dd); K.S.A. 38-2272(c). For a consenting parent, the Code preserves that parent's right to agree to the child's adoption and permits a court to reserve in writing any additional rights for the parent. See K.S.A. 38-2272(c)(1), (d). But no extra reservation of rights was done here. As the court explained in *In re Guardianship and Conservatorship of B.H.*, 309 Kan. 1097, 1102-03, 442 P.3d 457 (2019): "If a permanent custodian is appointed [under the Code], the parents retain strictly limited rights and responsibilities."

The majority conveniently reads the statutory right to consent to adoption to include a right to consent to any new permanent custodian, reasoning that keeping the most significant right necessarily preserves lesser ones. Slip op. at 16 ("It would be incongruous to conclude that a parent retains the right to consent to an adoption . . . yet loses the right to consent to a new permanent custodianship."). But this logic frustrates the Code's transfer of nearly all parental rights to the custodian, which reserves for the parent just one right *instead of* the others, not *on top of* them. Common sense tells us that singling out one right to be kept means the others are given away. The Code itself proves this: K.S.A. 38-2272(c) ("[A] permanent custodian . . . shall exercise *all* of the rights and responsibilities of a parent . . . ." [Emphasis added.]).

To be sure, a court may expressly reserve additional rights to the consenting parent or limitations to the permanent custodianship under K.S.A. 38-2272(d), which makes sense because the parent would not keep other rights automatically. But those added rights or limitations must be spelled out in the court order, otherwise endless disputes will erupt over what someone claims they understood by implication—such as the fact-finding exercise the majority engages in here.

The majority ignores the critical detail that Mother never asked to retain a right to consent to a new permanent custodianship should Grandparents fail, and that the controlling Crawford County order reserved none. Accordingly, Mother reserved only the right to consent to adoption.

The Code empowered the Johnson County court to appoint Aunt as a new permanent custodian after it found Grandmother unfit.

The events that followed are also undisputed. After Grandfather died in 2014, K.G. started living with Aunt in Johnson County, even though no legal authority existed for that arrangement. Mother had no contact with K.G. over at least the next eight or nine years. She never complained Grandfather's death or the move to Johnson County exceeded the scope of her earlier consent to the permanent custodianship. Indeed, K.G. might well have remained with Aunt without issue had her school not discovered the (by-then) 13-year-old was not living with her appointed permanent custodians. When asked, K.G. said she wanted to stay with Aunt, who made her feel "safe and loved" and whom she considered her mother.

Even so, the State filed a CINC petition in Johnson County in December 2022 to have the court determine the best way to move forward, recognizing the custodianship originated years earlier in Crawford County. The State obtained temporary legal custody, and K.G. continued living with Aunt while things were to be sorted out.

In April 2023, Mother told the court she was "not entirely opposed to potentially having a permanent custodianship," then let two months pass before objecting. Between June, when she entered an objection, and August, when the court scheduled an evidentiary hearing on that objection, K.G.'s mercurial Mother "changed her mind a couple of times on whether she want[ed] a reintegration plan." The court continued the

hearing until October; Mother then agreed to Aunt's appointment, only to change her mind once more on the day of the rescheduled hearing, now preferring reintegration after all. Still, she waited until December 2023 to assert her 2012 consent had been limited to Grandparents' appointment. She now alleged, despite being entirely absent from K.G.'s life, that any new custodial arrangement exceeded the scope of that consent. She demanded she be appointed the new permanent custodian or provided with a reintegration plan. By this time, K.G. was 14 years old.

Mother's sudden change of heart threw this case into an adversarial posture and delayed the hearing originally set for August 2023 until June 2024, when the Johnson County court explained the permanent custodianship remained in effect, even though Crawford County had ceded its jurisdiction. It then took up the State and guardian ad litem's joint request to replace Grandmother with Aunt as the child's permanent custodian. The court ruled:

> "Allowing a parent to regain custody following a consent to and appointment of a permanent custodian, even after a K.S.A. 38-2202(d)(13) finding, would undermine the meaning of the plain statutory language. As the State pointed out, doing so suggests that a permanent custodianship is permanent but only until something else happens. Such an interpretation violates the rules of statutory construction. K.S.A. 38-2272(k) further demonstrates the statutory intent behind a permanent custodianship. When permanent custodians divorce, for example, the divorce court makes custody determinations pertaining to the permanent custodianship. It does not allow for the parents to get another chance at reintegration just because the circumstances have changed. It follows that if a permanent custodian passes away or is no longer appropriate, as is the case here, it is for the Court to appoint a substitute or successor permanent custodian, and not further destabilize the child by opening the door back up to the parents. Furthermore, the permanent custodianship, originally created in Crawford County, Kansas, still exists. *[Grandmother] remains the named permanent custodian*, even though [K.G.] is in DCF custody. *[Grandmother] is not fit to serve in that capacity. [Grandfather] . . . is deceased*

and obviously unavailable to serve. A permanent custodianship is permanent, and *with the named permanent custodians unable or unfit to continue to serve*, a successor permanent custodian needs to be named." (Emphases added.)

The district court's finding of unfitness triggered K.S.A. 38-2272(a)(2) ("A permanent custodian may be appointed . . . after a finding of unfitness pursuant to K.S.A. 38-2269 . . . ."), not (a)(1) ("A permanent custodian may be appointed . . . [w]ith the consent and agreement of the parents and approval by the court."). And the record shows this as well. In the Johnson County CINC petition, the State alleged K.G. was a child in need of care for several reasons: Grandfather's death, Grandmother's failure to provide adequate care for K.G., Grandmother's physical, mental, or emotional abuse or neglect of K.G., Grandmother's boyfriend sexually abused K.G., and Grandparents were no longer able or willing to serve as the child's permanent custodians.

The petition detailed:

"On November 22nd, 2022, [K.G.] had a forensic interview at the Sunflower House. [She] stated, 'They put me in freezing cold water until I was blue. Grandma's boyfriend . . . grabbed me by my arms and shoved me down and put my head in water.' [K.G.] continued, '. . . I remember being tortured by them.' [She] reported [Grandmother's boyfriend] would 'come in [the bathroom] with me.' . . . [K.G.] reported [he] put three bags of ice in the bath . . . and . . . put his hand over her heart and push her back in the water. [K.G.] stated, 'He used his nails and pushed them into my shoulder. I can still feel the pressure.' [She] stated, 'He wouldn't stop until I turned purple. Grandma was watching me seeing if I would escape. I thought grandma would help me out but no. She pushed my legs straight into the water. I could barely feel my foot. My ears were ringing and couldn't really hear things and my mind was blank. My head felt fuzzy.' [K.G.] also reported times where [Grandmother] would make her sleep outside on the porch by herself. [K.G.] reported she was afraid of the dark and her grandmother . . . would put her outside [and] lock the doors so she could not get back in."

These disturbing allegations were uncontested, and the district court accepted them "as outlined in the petition." It then found, "by clear and convincing evidence," that K.G. was a CINC and adjudicated her as such under K.S.A. 2024 Supp. 38-2202(d)(1) (without adequate care), (d)(2) (without the care necessary for her physical, mental, or emotional health), (d)(3) (physically, mentally, or emotionally abused or neglected or sexually abused), and (d)(13) (permanent custodian no longer able or willing to serve). And because the CINC findings rested on Grandmother's failure to provide adequate care, her physical, mental, or emotional abuse or neglect and the sexual abuse suffered while in Grandmother's care, they directly set out the circumstances K.S.A. 38-2269(b) identifies as relevant to unfitness. See K.S.A. 38-2269(b)(2), (b)(4), (b)(8).

Contrary to the majority, the Johnson County adjudication was not confined to K.S.A. 2024 Supp. 38-2202(d)(13). See slip op. at 13-14. And it claims I improperly merge the applicable statutes. Slip op. at 14 ("Unsurprisingly, [the dissent] provides no supporting authority for merging these statutes."). True, the two statutes are different: K.S.A. 2024 Supp. 38-2202(d) finds a child a CINC, and K.S.A. 38-2269(b) finds a parent unfit.

But these findings—a CINC and an unfit parent—are two sides of one coin. In other words, the same facts drive both determinations. The CINC ground—that K.G. was a child being "physically, mentally or emotionally abused or neglected or sexually abused"—is the same condition that establishes unfitness under K.S.A. 38-2269(b)(2) ("conduct toward a child of a physically, emotionally or sexually cruel or abusive nature"), and (b)(4) ("physical, mental or emotional abuse or neglect or sexual abuse of a child"). K.S.A. 2024 Supp. 38-2202(d)(3). And the CINC basis—K.G. was "without adequate parental care, control or subsistence . . . [or] the care or control necessary for the child's physical, mental or emotional health"—proves unfitness under K.S.A. 38-

2269(b)(8) ("lack of effort on the part of the parent to adjust the parent's circumstances, conduct or conditions to meet the needs of the child"). Both statutes apply the same clear-and-convincing standard, which the Johnson County court applied.

Simply put, nothing barred the district court from relying on its own CINC findings to conclude unfitness; K.G. was a CINC precisely because Grandmother, who stood in loco parentis, was unfit. That was the Johnson County court's ruling; the majority is not free to ignore it by recasting the adjudication as a bare (d)(13) matter. And while Grandmother or any other party could have challenged the unfitness ruling under K.S.A. 38-2269(a) by appealing it, no one did. Mother's appellate brief conceded the district court expressly found Grandmother unfit without claiming any error. And the Court of Appeals panel likewise indicated the district court concluded Grandmother was unfit. *In re K.G.*, No. 128,535, 2025 WL 3188331, at *3 (Kan. App. 2025) (unpublished opinion). Before us, Mother does not contest the panel's reading.

The point of going through all this is to emphasize the district court's unchallenged ruling on unfitness was the sole basis for Aunt's appointment under K.S.A. 38-2272(a)(2). The Code contemplates the possibility that a permanent custodian could be found unfit and provides for appointment of another permanent custodian based on that finding. That's all that happened here.

The order appointing Aunt as permanent custodian is not appealable.

K.S.A. 38-2273(a) restricts the types of CINC orders subject to appellate review. "[A]ppealable orders are limited to 'any order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights.' *If an order in a child in need of care case does not fit within these five categories, it is not appealable*." (Emphasis added.) *In re N.A.C.*, 299 Kan. 1100, Syl. ¶ 3. Such limitations on appeal

rights foster the Code's stated policies favoring permanency for children. See 299 Kan. at 1108. And because of that, the Johnson County order appointing Aunt is not appealable.

When Mother consented to a custodianship in 2012, she ended her ability to care for K.G., just as a termination of parental rights marks the end of parental rights in a CINC proceeding. See *In re N.A.C.*, 299 Kan. 1100, Syl. ¶ 6 (holding an order terminating parental rights is "the last appealable order" and concluding there is no right to appeal post-termination orders); *In re N.E.*, 316 Kan. 391, 419, 516 P.3d 586 (2022) (explaining *In re N.A.C.* is controlling law and does not allow post-termination orders to be appealed). Such an order achieves permanency and, along with any post-permanency orders, is not appealable. See *In re N.A.C.*, 299 Kan. 1100, Syl. ¶ 2 ("The right to appeal is entirely statutory."); *In re N.E.*, 316 Kan. at 403-04 (holding there is no right to appeal orders that fall outside the specifically defined types of orders).

Under the Code, the 2012 permanent custodianship order from Crawford County stayed in place until the Johnson County court transferred the legal rights and responsibilities to maintain and care for K.G. to Aunt. See K.S.A. 38-2272(b) (after appointing a permanent custodian, "[t]he court's jurisdiction over the child shall continue unless the court enters an order terminating jurisdiction"); K.S.A. 2024 Supp. 38-2203(c) ("The court acquires jurisdiction over a child by the filing of a [CINC] petition," and its "jurisdiction may continue until the child has" become 18, been adopted, SOUL family legal permanency as ordered by the court, or been discharged by the court). And as far as this appeal goes, the Johnson County court only entered a post-permanency order in K.G.'s case. See *In re N.A.C.*, 299 Kan. at 1113-14 (interpreting a dispositional order as a term of art under K.S.A. 2012 Supp. 38-2255 and concluding it pertains to case planning and custody of the child until the permanency phase); K.S.A. 2024 Supp. 38-2264 (providing permanency is achieved when the child is placed with a permanent custodian).

That is also how the Court of Appeals panel saw it. The panel stated: "Given the permanent nature of a decision appointing a permanent custodian (or appointing a substitute permanent custodian), *such an order cannot be classified as an order of disposition without stretching the statutory definition of a dispositional order beyond recognition*." (Emphasis added.) *In re K.G.*, 2025 WL 3188331, at *5. This perspective is consistent with the Code and its express policy of disposing of CINC proceedings "without unnecessary delay" because a child's perception of time differs from an adult's. K.S.A. 38-2201(b)(4); see also *In re K.W.D.*, 321 Kan. 100, 112-13, 573 P.3d 221 (2025) (noting "children and adults have different perceptions of time; a month or a year can seem considerably longer for a child than for an adult. *Children have a right to permanency within a timeframe reasonable to them*." [Emphasis added.]); *In re J.A.H.*, 285 Kan. 375, 386, 172 P.3d 1 (2007) (noting "our courts must strive to decide these cases in 'child time' rather than 'adult time'").

State law obligates this court to construe these statutes to effectuate the Legislature's stated goals. See K.S.A. 38-2201(b) ("The code shall be liberally construed to carry out the policies of the state."). But the majority refuses to read the Code as written and as determined by previous decisions of this court, preferring instead to write its own legislation. See *Lees v. White*, 197 Kan. 118, 124, 415 P.2d 272 (1966) ("It is, of course, axiomatic that courts do not write legislation; that is the function of the legislature."). The majority proclaims: "In determining whether an order . . . is appealable under K.S.A. 38-2273(a), an appellate court looks beyond the order's label and examines the substance of the ruling and the procedural posture of the case to assess *whether the order was properly entered*." (Emphasis added.) Slip op., Syl. ¶ 1.

The majority's reasoning effectively nullifies the duly enacted legislation, K.S.A. 38-2273(a), which unequivocally bars appellate review of an order appointing a permanent custodian. Subsection (a)'s list is exclusive, not illustrative. Only an order that

qualifies under subsection (c) sends the appeal into "article 21 of chapter 60," the ordinary civil procedure under which an appellate court reviews a district court's final decision. K.S.A. 38-2273(c); see also *Flores Rentals, L.L.C. v. Flores*, 283 Kan. 476, 480, 153 P.3d 523 (2007) (holding under Kansas Constitution, article 3, section 3, "[a]ppellate jurisdiction is defined by statute; the right to appeal is neither a vested nor constitutional right"). K.S.A. 60-2103(a) ("*When an appeal is permitted by law* from a district court to an appellate court . . . ." [Emphasis added.]). Whether an order was "properly entered," then, is a question an appellate court reaches only after K.S.A. 38-2273(a) confers jurisdiction, not before. Otherwise, the merits swallow the jurisdictional inquiry, and any alleged error by a litigant opens doors the Legislature deliberately left closed. An order appointing a permanent custodian never clears that threshold. The majority inverts the required sequence to achieve its ends.

The majority's view not only usurps legislative power in violation of the separation of powers doctrine but it undermines *In re N.E.*, 316 Kan. 391, Syl. ¶ 2, and *In re N.A.C.*, 299 Kan. 1100, Syl. ¶ 3, without engaging in a stare decisis analysis or even acknowledging degradation of established precedent is afoot. See *Doe v. Thompson*, 304 Kan. 291, 329, 373 P.3d 750 (2016) (Biles, J., concurring in part and dissenting in part) (noting the doctrine of separation of powers "recognizes that courts are concerned only with the legislative power to enact statutes—not with the wisdom behind them"); *In re Stewart*, 321 Kan. 696, 740, 584 P.3d 594 (2026) (Biles, J., concurring in part and dissenting in part) (noting it was unclear whether the majority's "holding overrules prior decisions. It doesn't say it does, so one would reasonably assume no precedent is disturbed today. After all, overruling precedent is a weighty act that demands careful and plain-spoken explanation.").

To me, the majority seemingly embraces the rogue position adopted by a two-judge majority of a Court of Appeals panel in *In re N.A.C.*, 49 Kan. App. 2d 699, 316

P.3d 771 (2013), that was rejected by other Court of Appeals panels and this court. See *In re N.A.C.*, 299 Kan. at 1118-19 (listing cases adopting the contrary view). This two-judge majority argued the term "disposition" in the Code had a much broader application than the other panels had given it. 49 Kan. App. 2d at 713 ("[W]e hold that a dispositional order subject to appeal under K.S.A. 2012 Supp. 38-2273[a] includes an order of disposition entered within 30 days following adjudication *as well as any other dispositional order authorized by the Code*."). It reasoned the CINC order on appeal had issues "so interwoven that they are legally inseparable," and that the "order in its entirety [qualifies] as an order of disposition subject to appeal." 49 Kan. App. 2d at 715. That theme stunningly echoes here in the *K.G.* majority's first syllabus paragraph and its reasoning in support of its outcome.

The problem, of course, is that this two-judge panel's decision was reversed and the appeal dismissed for lack of jurisdiction. *In re N.A.C.*, 299 Kan. at 1102. And in explaining that reversal, the *N.A.C.* court, referring to that two-judge majority decision, noted:

> "[I]t nonetheless characterized that determination combined with the attendant orders as an order of disposition, which it defined as an order 'that places a child in, continues a child in, or removes a child from the legal custody of an individual or agency.' It further acknowledged its definition and reasoning were unique and directly conflicted with most all prior Court of Appeals decisions that had defined 'order of disposition' more narrowly under K.S.A. 2012 Supp. 38-2273(a)." 299 Kan. at 1110.

In the end, our court's decision in *N.A.C.* held the order at issue was a nonappealable permanency order, explaining:

> "This conclusion is also consistent with the legislature's obvious intent to limit the types of appealable issues so there is timely closure in these cases. Otherwise, it is easy to see how these cases could turn into back-and-forth campaigns of endless litigation

> . . . . The panel majority's expansive definition of a 'disposition' as any order that 'places a child in, continues a child in, or removes a child from the legal custody of an individual or agency' clearly subverts this intent." 299 Kan. at 1121.

We reaffirmed *N.A.C.*'s holdings in *In re N.E.*, 316 Kan. at 392-93. If the majority's intent is to depart from our court's *N.A.C.* and *N.E.* decisions, this is not the way we do it. Until then, these decisions remain in force even though the majority flouts their holdings.

Mother's consent would not be required anyway.

Even if the district court had invoked K.S.A. 38-2272(a)(1), without finding Grandmother unfit, it needed only Grandmother's consent, not Mother's. I recognize "parent" is defined broadly, which seemingly makes even an unfit parent a "parent" under the Code. See K.S.A. 2024 Supp. 38-2202(aa) ("'Parent' when used in relation to a child or children, includes a guardian and *every person who is by law liable to* maintain, care for or *support the child*." [Emphases added.]); K.S.A. 38-2272(h)(1) (unfit parents are obliged to pay child support). But that definition does not control whose consent is required under K.S.A. 38-2272(a)(1). After all, if every person who falls within the Code's broad definition of "parent" retains a right to consent to the appointment of a permanent custodian, then subsection (a) could not distinguish between appointment by parental consent under subsection (a)(1) and appointment after a finding of unfitness under subsection (a)(2); these prerequisites are connected by "or," making them independent grounds for appointing a permanent custodian. The only reading that keeps both grounds independent is that subsection (a)(1) speaks to the consent of a "parent" whose rights remain intact.

The majority nonetheless holds Mother's renewed consent is needed because, first, "the custodian does not *become* the parent," and second, subsection (a)(1) requires

parental consent. Slip op. at 16. Both reasons fail. Whatever the custodian may be called in ordinary usage, under the Code they are parents. See K.S.A. 2024 Supp. 38-2202(aa). And a parent who holds no right to consent to the appointment cannot consent in the first place. The point is neither consent was needed here: Grandmother's because the court found her unfit, and Mother's because the 2012 order reserved no right to consent. It's that simple.

Nor does the statutory scheme, which makes the custodian's selection the court's sole responsibility under K.S.A. 38-2272(j), square with the majority's conclusion that consenting to a permanent custodian creates a custodian-specific arrangement that automatically dissolves when that custodian is no longer able to serve. Before appointing anyone, "*the court shall* receive and consider an assessment of any potential permanent custodian," and "*the court shall* give preference" to the appointment that serves "the child's best interests." (Emphases added.) K.S.A. 38-2272(j). The court therefore determines who will become the custodian, not Mother.

And because Mother never controlled the ultimate choice of custodian in the first place, the majority's statement—"[p]arental consent can be tied to a specific person *or* the court may have authority to choose a suitable permanent custodian from suitable candidates"—is plainly wrong. (Emphasis added.) Slip op. at 10. As enacted, K.S.A. 2024 Supp. 38-2268(d) states "[a] parent *may*" consent to a custodian "if the individual accepts the consent," and K.S.A. 38-2272(j) mandates the court to make the final selection. (Emphasis added.) These are not alternative paths but two steps along a single path.

Mother lacks common-law standing.

The standing analysis here should be straightforward. Mother lacks statutory standing to seek appellate review of the order appointing Aunt because an order of permanent custodianship is not appealable. See K.S.A. 38-2273(a). This would normally end the matter because statutory standing is a prerequisite, but the majority engages in such a haphazard common-law standing analysis to avoid the obvious that it needs comment.

State v. Stubbs, 320 Kan. 568, Syl. ¶ 1, 570 P.3d 1209 (2025), which supplies the controlling common-law standing framework, requires Mother to establish a cognizable injury traceable to the alleged conduct. Mother has never identified such an injury. Indeed, her appellate brief does not present a single argument attempting to do so. At oral argument, I asked her attorney to identify her injury, but counsel failed to articulate one. Even so, the majority supplies its own standing analysis, which it frames as a natural parent's "fundamental constitutional right." Slip op. at 23. But reliance on a generic parental right resembles the taxpayer's argument rejected in *Haines v. Rural High School Dist. No. 3*, 171 Kan. 271, 232 P.2d 437 (1951). Both involve a claimant asserting a broad legal interest without identifying an individualized or particularized injury. See *Haines*, 171 Kan. at 273-74. *Stubbs* takes the majority's strained reasoning off the table.

The majority also relies on K.S.A. 2024 Supp. 38-2202(bb) ("'Party' means the state, the petitioner, the child, any parent of the child . . . .") and K.S.A. 38-2241(b) (parties have the right to notice, to present evidence, and to be represented by counsel) to hold Mother showed a "concrete and particularized" injury. Slip op. at 22-23. But the former merely entitled her to participate in the Johnson County proceedings, which she did. And the latter simply afforded her notice, an opportunity to be heard, and representation by counsel, all of which she received. The majority even complains

Mother was denied "full participation," yet the proceedings conformed to the Code in every respect. See slip op. at 24. In other words, a party who received the process the Code affords has suffered no injury.

Stubbs sets out a jurisdictional bar Mother cannot pass, despite the majority's exertions to make Mother's case for her by concocting generic constitutional rights and her statutory rights under K.S.A. 2024 Supp. 38-2202(bb) and K.S.A. 38-2241(b). Admittedly, I disagreed with the *Stubbs* majority. *Stubbs*, 320 Kan. at 592 (Biles, J., concurring in part and dissenting in part). I specifically voiced my concerns that treating common-law standing as a jurisdictional matter would limit our ability to hear cases in which the Legislature tried to convey broader jurisdiction by statute. 320 Kan. at 592-93 (Biles, J., concurring in part and dissenting in part). Still, *Stubbs* is the law, so why does the majority work so hard to avoid its natural consequences?

To establish common-law standing, parties "must demonstrate both a cognizable injury and a causal connection between the injury and the challenged conduct." 320 Kan. 568, Syl. ¶ 1. A cognizable injury requires a party to suffer an actual or threatened injury to their legal interests from the challenged conduct. 320 Kan. at 574; *League of Women Voters of Kan. v. Schwab*, 317 Kan. 805, 813, 539 P.3d 1022 (2023) ("The injury must pose '"adverse legal interests that are immediate, real, and amenable to conclusive relief."'"). And under the Code, as explained, Mother retained only one legal interest as K.G.'s parent—i.e., her right to consent to an adoption—and that interest is not impacted here. Granted, her parental rights are not terminated but they are expressly reduced by the Code to that single reserved right regarding adoption proceedings due to her 2012 consent. The majority cannot give her any more rights than she has under the Code.

The Legislature envisioned only two circumstances in which a parent's consent to appointment of a permanent custodian ceases to be effective. First, under K.S.A. 38-

2272(g)(1), the parent may prove, prior to issuance of the order appointing a permanent custodian, that the consent was not freely and voluntarily given. Second, under K.S.A. 38-2272(g)(2), the consent becomes "null and void" if it was based on the parent's belief that the child's other parent would also consent or would be found unfit, and that does not occur. The Code provides no third circumstance in which a valid consent becomes ineffective if an appointed permanent custodian later becomes unable or unwilling to serve. That is why the majority simply decrees that "a voluntary custodianship created by parental consent" is "dissol[ved]," and therefore the parent's earlier consent is no longer valid. Slip op. at 10. In doing so, the majority improperly adds "'something not readily found" in the Code's plain and unambiguous language, contrary to our rule of statutory interpretation. See *Schmidt v. Trademark, Inc.*, 315 Kan. 196, 200, 506 P.3d 267 (2022).

K.S.A. 2024 Supp. 38-2202(d)(13), which addresses a permanent custodian who is no longer able or willing to serve, merely provides a basis for finding a child to be a CINC. That finding, in turn, permits the court to take actions under K.S.A. 38-2242 (protective custody), K.S.A. 2024 Supp. 38-2243 (temporary custody), and K.S.A. 38-2272 (permanent custody). Nowhere in the Code does it revive a parent's freely and voluntarily relinquished parental rights or give the parent a renewed right to seek reintegration when the named custodian later fails to serve. The Crawford County court made this consequence clear when it told Mother that "by agreeing that [Grandparents] would be appointed as her guardians, you give up that right to attempt to have her placed back with you," and Mother unequivocally acknowledged she understood this.

But even assuming Mother suffered an injury, the majority decision fails to establish the required causal connection between that injury and the new appointment. See *Stubbs*, 320 Kan. at 584. The limitations Mother complains about now result from her own voluntary choice in 2012, which the majority does not take into account. See slip

op. at 24 ("We therefore conclude Mother has common-law standing to request consideration of reintegration and to contest the appointment of a permanent custodian.").

Mother cannot seek reintegration because she expressly relinquished that right in 2012. Nor can she object to Aunt's appointment based on a lack of consent because she did not ask the Crawford County court to depart from the Code's default allocation of parental rights by reserving for herself a right to consent to the appointment of a successor custodian upon the named custodians' unavailability. This is like the seller of a house who, years later, complains she is no longer allowed inside. The door is closed to her not because the new owner wronged her, but because she sold the house.

The record makes crystal clear Mother cannot pursue this appeal. See *Stubbs*, 320 Kan. 568, Syl. ¶ 1 (standing "depends on the legal claim asserted").

The majority cannot escape K.S.A. 38-2201(b)'s policy commands.

The Code explicitly directs its provisions "shall be liberally construed to carry out the policies of the state" and identifies 10 specific policies subject to this command. K.S.A. 38-2201(b). Of those, the most important is the child's safety and welfare. K.S.A. 38-2201(b)(1) ("Consider the safety and welfare of a child to be *paramount* in all proceedings under the code." [Emphasis added.]). Yet the majority, after declaring there is no statutory mechanism applicable here, does not bother to consider what its decision means for K.G.'s safety and welfare. It simply returns this case to its original status as if the Crawford County proceedings never occurred.

The Code's second policy mandate is to "provide that each child who comes within the provisions of the code shall receive" the custody "that will best serve the child's welfare . . . recognizing that the child's relationship with such child's family is important

to the child's well being." K.S.A. 38-2201(b)(2). Here, Aunt cared for K.G. as a mother would, even though she had no legal obligation to do so. K.G. regarded Aunt as her mother and felt "loved" and "safe" in her care when Mother was not around and Grandmother abused her. That circumstance is precisely the kind of family relationship our statutory policy directs courts to recognize when it "construe[s]" any ambiguities or silence in "the code." K.S.A. 38-2201(b). Yet the majority ignores this.

Another statutory policy requires a court to acknowledge how a child, like K.G., perceives time differently from an adult, and "dispose of all proceedings under this code without unnecessary delay" by statutory policy. K.S.A. 38-2201(b)(4). K.G. is already 17 years old. The Legislature declares a child's "stability" is particularly important when the child is "removed from the home of a parent." K.S.A. 38-2201(b)(9). And it is undisputed K.G. was removed from her parents' home in 2012, and her stability was subsequently established with Aunt. Left undisturbed by the majority, the district court's order would have preserved that stability for the few remaining months before K.G. turns 18. But the majority denies her the stability the Legislature expressly directs Kansas courts to protect when it construes the Code and returns this case to an adversarial posture.

The Code's final policy goal demands courts place a child "in [a] permanent family setting[]" unless there is a "compelling reason[] to the contrary." K.S.A. 38-2201(b)(10). The majority seems to think Mother's claimed right to consent to Aunt's appointment as permanent custodian in the Johnson County proceedings is a compelling enough reason to deny K.G. a permanent family setting and disturb a settled, loving, living arrangement. Again, does anyone think the outcome here is what the Legislature intended? I don't.

Conclusion

The Code contemplates removing a named permanent custodian through a petition (as was done here) alleging the child is once again a CINC for one or more reasons listed in K.S.A. 2024 Supp. 38-2202(d). In 2022, the State invoked subsections (d)(1), (d)(2), (d)(3), and (d)(13). It was Grandmother, the permanent custodian who had occupied the parental role since 2012, who held the right to consent under K.S.A. 38-2272(a)(1), and she could have exercised it had the court not found her unfit. It is just plain wrong to ignore the earlier proceedings, the passage of time, and K.S.A. 38-2272(g)(1)'s command that Mother's 2012 agreement was "final when executed," to favor starting over almost 14 years later. The proceedings in Johnson County concerned only Grandmother's fitness as custodian. That cannot now serve as a second opportunity for Mother to seek reintegration.

For these many reasons, I dissent.