

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 16, 2005 in Room 313-S of the Capitol.

All members were present except:

Dean Newton- excused
Delia Garcia- excused
Jeff Jack- excused
Ward Loyd- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Randy Hearrell, Kansas Judicial Council
Professor Rick Levy, Kansas Judicial Council, Juvenile Offender & Child in Need of Care
Advisory Committee
Representative Frank Miller
Michael Grosko, District Court Judge, 29th Judicial District
Shannon Jones, Statewide Independent Living Council

The hearing on **HB 2352 - revised Kansas code for care of children**, was opened.

Randy Hearrell, Kansas Judicial Council, reported that most of the bill was conforming to current statutes. There were several conferees proposing amendments and while the Judicial Council had viewed them they requested that they would like to study the proposed amendments a little bit more and would like to help with the placement of the amendments into the bill.

Professor Rick Levy, Kansas Judicial Council, Juvenile Offender & Child in Need of Care Advisory Committee, appeared in support of the proposed bill. (Attachment 1) The Judicial Council undertook the project of reworking the Code for Care of Children to protect children and strengthen families. He stated that there are three types of changes: technical changes, organizational changes and substantive & procedural changes. He spoke mostly on the substantive & procedural changes, of which there are six:

- Adoption & Safe Families Act Compliance - the federal Adoption and Safe Families Act requires a determination that removal is justified either because efforts to preserve the family have failed or because an emergency exists requiring the immediate removal of the child from the home.
- Notice & Service of Process - the current Code requires service of process twice. The committee proposed allowing the state, after the first service of process at the outset of the proceedings, to provide subsequent notice of further proceeding by first class mail. The first notice would provide full notice that there could be the possibility of termination and the need for parents to keep the court aware of their current mailing address.
- Parties, Interested Parties and Attendance at Hearings - the committee distinguished between "parties" who would be those who are directly affected by the outcome of the proceeding and "interested parties" are those who have a recognized interest in the will being of the child, such as a grandparent.
- Dispositional Hearings & Termination of Parental Rights - the committee sought to clarify the delineation of factors to be considered in dispositional hearings, clarify the relationship between disposition & termination and to make the transition from one phase of the process to another clearer.

CONTINUATION SHEET

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- Permanency Planning - several provisions were added to expedite the process
- Permanent Custodian - would be used instead of “permanent guardian”. The permanent guardian would have rights of a parent concerning the child, but would allow the parents to retain some rights if they have not been terminated. The committee believed that it is in the best interest of the child to maintain some type of relationship with their parent.

Representative Frank Miller appeared before the committee to request an amendment which would “allow a member of the House or Senate to attend proceedings upon the request of a parent or guardian of the child or their attorney to observe any hearing.” (Attachment 2)

Michael Grosko, District Court Judge, 29th Judicial District, proposed three amendments:

1. On page 37, lines 40-44 change the requirement that adjudication must be made from 60 days to 90-120 days. The average time it takes for the adjudication is 88 days.
2. Delete on page 8, lines 20-22 the sentence that gives the court the discretion of appointing an attorney for any interested party. If left in the proposed bill it would cost the counties millions of dollars. Chairman O’Neal reminded him that the appointment of an attorney was totally up to the judges.
3. He disagreed with allowing the foster care reports to be open. He suggested that they should remain closed.

Shannon Jones, Statewide Independent Living Council, appeared before the committee with proposed amendments and was also concerned as to how the bill would impact parents with disabilities. She requested that the committee do an interim study on the proposed bill or if it was on a fast track consider amending in **SB 230** into the bill. (Attachment 3)

Written testimony in support of the bill was provided by Kansas Department of Social & Rehabilitation Services and Kansas Juvenile Justice Authority (Attachments 4 & 5)

The hearing on **HB 2352** was closed.

The committee meeting adjourned at 5:15 p.m. The next committee meeting was scheduled for February 17, 2005 at 3:30 p.m. in room 313-S.