

Approved: 3/5/09
Date

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on February 10, 2009, in Room 143-N of the Capitol.

All members were present except:

Representative Pat Colloton- excused
Representative Jeff King- excused

Committee staff present:

Melissa Doeblin, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Jill Wolters, Office of the Revisor of Statutes
Athena Andaya, Kansas Legislative Research Department
Jerry Donaldson, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the committee:

Representative Anthony R. Brown
Janice DeBoer, SRS Child Support Enforcement
April Holman, Kansas Action for Children
Representative Jan Pauls
Don Jordon, Secretary of Social and Rehabilitation Services
Mark Gleeson, Office of Judicial Administration
Daniel Cahill, Judge of the District Court, 29th Judicial District, Wyandotte County
Christi Bright, Attorney, Guardian Ad Litem, Johnson County, Division 19
Jim Burgess, Judge, 18th District, Sedgewick County
Merlin G. Wheeler, W.L. Fowler, Jeffry L. Larson and Douglas P. Jones, Judges of the 5th Judicial District Court, Chase and Lyons County

Others attending:

See attached list.

The hearing on **HB 2201 - Conditions on licensee if delinquent in child support** was opened.

Representative Anthony R. Brown, being a strong proponent of the collection of back child support, spoke in favor of the bill. He explained this bill will assist in collecting child support from those with a professional license, and all they have to do to keep their license is make contact and make arrangements to pay. ([Attachment 1](#))

Janice DeBoer, Director of the Kansas Department of Social and Rehabilitation Services (SRS) Child Support Enforcement program, spoke as a proponent to the bill. She explained the goal is not to deny or revoke the support debtor's license, but to encourage the parent to pay the support voluntarily, so that the sanction need never be imposed. This measure will increase their ability to persuade a self-employed professional to voluntarily pay child support, to the ultimate benefit of the child. ([Attachment 2](#))

April Holman, Kansas Action for Children, appeared in support of this bill as a means to strengthen the current law as it relates to child support enforcement for parents holding professional licenses and ultimately improve child well-being for Kansas children. ([Attachment 3](#))

The hearing on **HB 2201** was closed.

The hearing on **HB 2208 - Requiring social and rehabilitation services to furnish a copy of all child in need of care information to county or district attorney** was opened.

Representative Jan Pauls spoke as a proponent of this bill. This bill would require that SRS forward copies of all information received that a child appears to be a Child In Need of Care to the local county or district attorney. Currently the law only requires that SRS provide this information to the county or district attorney following an inquiry if SRS believes a petition should be filed. ([Attachment 4](#))

Don Jordon, Secretary of Social Services and Rehabilitation, appeared before the committee to offer an

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amendment to the bill that would read “by any reasonable methodology established by the secretary” that would allow the SRS the ability to determine the most cost effective method of delivering the information. He explained in the FY 2008, SRS received 53,888 reports of child in need of care information. Of those reports, 2,022 resulted in a substantiated finding. In FY 2008, Kansas courts ordered 3,551 children into the custody of the Secretary. The SRS has six regional protection locations; an 800 number routes the calls to the proper region Monday thru Friday from 8 to 5 and weekend calls are taken in Topeka. ([Attachment 5](#))

The hearing on **HB 2208** was closed.

The hearing on **HB 2210 - Child in need of care; jurisdiction in CINC proceedings** was opened.

Proponent:

Don Jordon, Secretary of Department of Social Services and Rehabilitation Services appeared in support of the bill. Currently young adults may remain in the custody of SRS and the jurisdiction of the court until age 21. This bill would terminate jurisdiction when any child in need of care reached age 18 or, if still in school, on the following June 1. He stated this would result in a savings of \$1,532,318 SGF (\$1,687,876 All Funds). He explained this bill is the result of an original 3% budget reduction and now another 5% reduction requiring that they look at all programs and services to determine how to reduce expenses with the minimum negative impact on the most vulnerable populations. ([Attachment 6](#))

Opponents:

Mark Gleeson, Family and Children Program Coordinator, Office of Judicial Administration, spoke in opposition of the bill. Current law gives every eighteen year old in custody the opportunity to require the court to terminate SRS custody and therefore this bill would have no impact on them, but it will effect those youths who want to remain in custody and are concerned about the absence of support provided by being in a family. If this bill goes forward it would be particularly threatening to a youth who will not graduate from high school by June 1, after his or her eighteenth birthday and he urges the committee to review this language. Understanding the need to reduce spending to meet a serious budget shortfall, he encourages you to weigh the risk of moving youth out of foster care and into county jails, away from foster parents who provide structure and guidance needed by a typical eighteen year old. ([Attachment 7](#))

Daniel Cahill, Judge of the District Court, 29th Judicial District, Wyandotte County appeared in opposition of the bill stating that this bill would have the biggest effect on the most vulnerable people they serve. Along with those with disabilities, there are children who are diligently preparing for the transition to adulthood, along with assistance providers, who are not prepared, despite best efforts, to live independently immediately upon their eighteenth birthday. ([Attachment 8](#))

Christi Bright, Attorney, Guardian Ad Litem, Johnson County, Division 19, spoke as an opponent stating that the vast majority of children in the care of the SRS are there because of a lack of support in the home and are not mentally or emotionally prepared to become independent by age eighteen. She expressed concern that passage of this bill would inadvertently impact other social systems such as the criminal justice system, the welfare system, the homelessness, and the mental health system and then more tax payers dollars will be needed for services in those areas. ([Attachment 9](#))

Jim Burgess, Judge, 18th District, Sedgewick County, provided written testimony in opposition of the bill. ([Attachment 10](#))

The hearing on **HB 2210** was closed.

The hearing on **HB 2211 - Child in need of care; placement of child in custody** was opened.

Don Jordon, Secretary of Social and Rehabilitation Services explained the current budget deficit required a thoughtful examination of programs and services to determine reductions with the minimum negative impact on the most vulnerable populations. This bill proposes that, unless determined to be abused or neglected, youth sixteen years old and over be served in their own homes and communities. Youth with circumstances such as truancy, out of control behavior, running away will be addressed thru in-home services and will not be placed in the custody of the SRS. A total savings from this change would be \$3,056,199, offset by an

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increase of \$494,430 for in-home services of Family Services and Family Preservation. (Attachment 11)

Opponents:

Mark Gleeson, Family and Children Program Coordinator, Office of Judicial Administration, spoke in opposition of this bill. He stated that by eliminating SRS custody for CINC's alleged to be truant or runaway, this bill removes an alternative that might be the youth's last best hope for a productive future. (Attachment 12)

Dan Cahill, Judge, 29th District, Wyandotte County opposes this bill. He stated that family preservation, respite care, counseling and therapy are all tools used to avoid SRS custody of a child 16 or older. It is truly only the worst cases that end up with a request for state custody. It may involve a child, once a model student, who has fallen under the sway of drugs and the drug lifestyle whose parents have exhausted all effort and large sums on treatment and intervention to no avail. It may involve a family whose child is so violent and unpredictable in the home that they fear for their safety and the safety of their child and the child's siblings. (Attachment 13)

Jim Burgess, Judge, 18th District, Sedgewick County, provided written testimony in opposition of the bill. (Attachment 14)

Merlin G. Wheeler, W.L. Fowler, Jeffry L. Larson and Douglas P. Jones, Judges of the 5th Judicial District Court, Chase and Lyons County submitted written testimony in opposition of the bill. (Attachment 15)

The hearing on **HB 2211** was closed.

The next meeting is scheduled for February 11, 2009.

The meeting was adjourned at 5:13 p.m.