

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 15, 2006 in Room 313-S of the Capitol.

All members were present except:
Michael Peterson- excused

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

HB 2626 - missing person and unidentified persons and human remains, reporting and investigation of

Representative Loyd made the motion to add on page 3, new section 4 (c), line 36 "if identification efforts have otherwise failed." Representative Crow seconded the motion. The motion carried.

The Kansas Coalition Against Sexual and Domestic Violence (KCSDV) requested an amendment during the hearing on the bill that would require that any law enforcement agencies not give out information to a reporting party if they have reason to believe that the missing person is an adult or emancipated minor and staying at or has made contact with a domestic violence or sexual assault program.

Representative Watkins made the motion to amend in the KCSDV amendment. The motion was seconded. Committee members understood wanting to protect victims but expressed concern that police should confirm that a missing individual has been found and not necessarily give out the location of that person. With permission of the second, Representative Watkins amended his motion to prevent law enforcement from revealing the whereabouts of a missing person if an adult or emancipated minor is staying or has made contact with a domestic violence or sexual assault program, but law enforcement can confirm that the person has been found. The motion carried.

Representative Loyd made the motion to report **HB 2626** favorably for passage, as amended. Representative Pilcher-Cook seconded the motion. The motion carried.

HB 2562 - adoption; waiver of home study upon request of a relative of the child

Representative Owens made the motion to report **HB 2562** favorably for passage. Representative Pauls seconded the motion. The motion carried.

HB 2665 - in adoption proceedings, in termination of parental rights, court shall consider the best interest of the child

Representative Owens provided the committee with a balloon amendment which would change the "shall" to "may" and strike provisions that would made the consideration of the best interest of the child a procedural law. (Attachment 1) He made the motion to adopt the balloon. The motion was seconded and carried.

Chairman O'Neal asked the committee to consider amending the provisions of **HB 2914 - stepparent adoption; best interest of the child and fitness of non-consenting parent**, which would allow stepparents to adopt children of incarcerated parents when that incarcerated parent has either failed to provide support or failed in their duty to provide care and affection for the said child. The key would be that the court can determine what is in the best interest of the child with regard to the adoption.

Representative Pauls made the motion to amend in the language of **HB 2914** on page 2, starting at the end of line 3 " the failure....adoption should be granted. Representative Colloton seconded the motion. Some committee members expressed that just because a person is incarcerated doesn't mean that one doesn't

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pay child support, granted that payment is not as much as one would be able to pay if they weren't incarcerated. Other members were disappointed that the committee did not have a hearing on the issue and would have liked to hear from individuals who do this type of adoption. The motion carried 7-6.

Representative Watkins made the motion to report **HB 2665** favorably for passage, as amended. Representative Masterson seconded the motion. The motion carried.

HB 2610 - civil procedure; service outside the state; submitting to jurisdiction

Staff provided the committee with a balloon that would give Kansas the full benefit of the doubt when dealing with service outside the state and jurisdiction. (Attachment 2) Representative Loyd made the motion to adopt the proposed balloon. Representative Owens seconded the motion. The motion carried.

Representative Watkins made the motion to amend in the provision of **HB 2942 - service by fax of a garnishment order**. Representative Owens seconded the motion. Committee discussion centered on the issue that once a business designates a fax number to receive garnishment orders what determines that the fax was actually received by the correct person. It was stated that the fax confirmation is really the only evidence that shows a fax was sent, but that there was not necessarily a way to confirm if the correct person received it without a phone call. The committee suggested that if a business was having problems with receiving garnishment orders by fax they could undesignate their fax number. The motion failed.

Representative Loyd made the motion to report **HB 2610** favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

The committee meeting adjourned at 5:30 p.m The next meeting was scheduled for 3:30 p.m., Thursday, February 16, 2006 in room 313-S.