

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Melvin Neufeld at 1:30 p.m. on March 3, 2010, in Room 346-S of the Capitol.

All members were present except:

Representative Steve Brunk- excused
Representative Mike Peterson- excused

Committee staff present:

Nikki Feuerborn, Committee Assistant

Conferees appearing before the Committee:

Judge Jean Shepherd, Douglas County Court (Attachment 1)
Judge Burgess, Sedgwick County Court (Attachment 2)
Kelly Hogan, Kansas Legal Services (Attachment 3)
Representative Tietze, CASA (Attachment 4)
Jean Ann Udovich, Attorney (Attachment 5)
Dr. Frankie Summers, Concerned citizen (Attachment 6)

Others attending:

See attached list.

Representative Brown moved for the introduction of legislation regarding alcohol in commercial vehicles at the request of Representative Siegfried. Motion was seconded by Representative Fund. Motion carried.

Representative Brown moved for the introduction of a joint resolution regarding parental rights. Motion was seconded by Representative Kreigerl. Motion carried.

Judge Jean Shepherd of Douglas County reviewed the process of declaring a child in need of care (Attachment 1), Anyone can call SRS or the local police department to report a case of abuse or a child in need of care and either a law enforcement officer or a staff member of SRS will respond to substantiate the report. If the child is removed, there is a 48 hour time frame, not counting weekends, for SRS to investigate and make their recommendations. If probable cause is found, a hearing is held and if the child is found to be in danger or in need of care, the judge signs an order to place the child in temporary custody with an SRS agent being present. An adjudication hearing is held later. Judge Shepherd praised the community volunteers in CASA and the Citizens Review Board for their dedication to children in the court system. Such organizations have reduced the number of cases in Douglas County due to their attention, support, and preventative programs. Originally Judge Shepherd admitted she was opposed to privatization and it did hurt the Douglas County programs which were in place regarding family preservation, adoption, and reunification but they have been re-established now and work with the contractors. She promoted the need for adequate funding to continue the programs which have been successful in returning children to their homes or into permanency.

Judge Burgess of Wichita reminded the Committee that only a few of the reported cases reach the point of adjudication (Attachment 2). He said the procedure in Wichita is for the law enforcement officer called out to a scene to contact his supervisor for approval to remove the child, the social worker must contact his/her supervisor to continue in the process, and then the matter is directed to the district attorney. He stated the biggest problem in his area is service delivery. Most of the time parents do not appear at termination of rights hearings nor have such parents been willing to participate in the many programs offered prior to such a hearing. Judge Burgess described truancy as being a symptom of major problems within the home setting and that a child has never been removed from the home for truancy only. He praised the cooperative attitude of the contractor within his area due to their willingness to communicate, work towards family preservation, adoption, and other programs with cross-system teams especially in difficult cases. Due to lack of funding, the system has been reduced to using crisis management rather than preventative measures.

Kelly Hogan, Kansas Legal Services in Wichita, explained that their agency is responsible for providing a Guardian Ad Litem for a child and usually an attorney for the parents at the first CINC hearing (Attachment 3). Most of these attorneys are court appointed who lose money on cases as they are paid at the rate of \$80.00

CONTINUATION SHEET

Minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 3, 2010, in Room 346-S of the Capitol.

per hour when their actual costs top \$100.00 per hour. The money is paid from the Court Improvement Fund. In Sedgwick County a Guardian Ad Litem is paid \$35,000 for part-time and the counties are responsible for funding 200-300 cases. She recommended additional training for GAL's as attorneys are required to have 14 units of Continuing Education per year.

Representative Tietze related her experiences in working with the CASA organizations which has trained community volunteers who are appointed by the judge to provide the court with factual information about the child's future (Attachment 4). Their three main responsibilities are to serve as a fact-finder for the judge, to represent the child's best interest in the courtroom, and to serve as a watchdog during the life of the case. Their recommendations to strengthen the Child in Need of Care System are:

- Ombudsman for anyone in the system
- Increase the pool of trained GAL's
- Develop plans with local providers and other key players to ensure communication and coordinated exchange of information
- Increase resources to recruit, train and retain volunteers

Jean Ann Udovich, attorney from the Johnson County area, shared information on several cases she has been involved with regarding children being removed from homes (Attachment 4). In her opinion there should be more distancing between judges and contractors and the money aspect should be removed from the system. In response to questions from the Committee she said that there are financial incentives in privatization and many times quick judgments are made. Some of the rules should be changed especially when there are no allegations of abuse. When decisions are over-reaching there should be consequences for SRS or whatever agency is involved. She recommended improved guidelines for staff members in power in the CINC system and that they should have more supervision.

Dr. Frankie Summers presented testimony on the granddaughter being taken from their custody by the Exploited and Missing Children Unit of the Wichita Police Department and the ensuing events (Attachment 5).

The next meeting is scheduled for March 4, 2010.

The meeting was adjourned at 3:30 p.m.

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: Mar. 3, 2010

NAME	REPRESENTING
Dr. Yvonne Carmichael	OBSERVER
Dr. Frank Summers	personal presenter
Erin Stucky	KVC Behavioral Healthcare
Aina Meyer Hummel	KVC Behavioral Healthcare
Halti Ruge	TFI
Steve Solomon	TFI
STEPHANIE HEIN	KU SCHOOL OF SOCIAL WELFARE
Christy Janoschek	University of Kansas - School of Social Welfare
Elizabeth Wilbreth	KU School of Social Welfare
TED HENRY	CAPITOL STRATEGICS
THOMAS WETI	KS EQUALITY COALITION
Claudine Dambrowski	KS Family Court Reform Coalition
Shardyn Drager	CASA of Shawnee County / KCA
Alisha Lampe	CASA
Dawn M. Spencer	OJA
Kellie E. Hogan	KLS
Jim Burgess	Judge
Mark Gibson	Judicial Branch

Kira Wyrick
Cara Sharpe

KU School of Soc. Welfare
KU School of Social Welfare

FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: 3-3-2010

NAME	REPRESENTING
Joan Stogdole	La. State Dept of Health
Anne Duncan	CASA of Sq. County
Jen Bonnett	CASA of Sq. County
Jayme Morris Hardeman	Sunflower CASA - Manhattan
Grace Tawmley	KU School of Social Welfare
Whitney Janzen Parwat	KU School of Social Welfare
Lindsay Pace	KU School of Social Welfare
Vicki Arnett	" " " "
Jessica Nelson	KU School of Social Welfare
Ashley Stites	KU School of Social Welfare
Earl Glynn	Franklin Center
Debi Hatfield	KDHE
Ashley Minden	KU School of Social Welfare
Mandy Nordyke	KU School of Social Welfare
Aubrey Loizzi	Bethany College Social Work Depart.
Colleen Estes	" " " "
Cary Wethington	" "
Renae Lynn	" "

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FEDERAL AND STATE AFFAIRS COMMITTEE GUEST LIST

DATE: 3-3-2010

NAME	REPRESENTING
Larkin Jaynes	Bethany College
David Nowlin	Bethany College, Lindsborg