

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on February 6, 2003 in Room 123-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department  
Lisa Montgomery, Office of the Revisor of Statutes  
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Ken Corbet, owner of Ravenwood Lodge  
Senator David Adkins  
Candice Shively, Social and Rehabilitation Services  
Elisa Breitenbach, American Family Advocacy Center, Kansas City  
Gary Brunk, Executive Director of Kansas Action for Children  
Teresa Schwab, Kansas Children's Service League  
Maureen Mahoney, KVC Behavioral Healthcare (written only)  
Rodney Durr, Wichita adoptive parent  
Jim Ruble, adoptive parent

Others attending: see attached list

**SB 25 - sport shooting ranges; local regulation**

Chairman Vratil reopened the hearing on **SB 25** continued from the February 5 meeting. Conferee Corbet testified in opposition of the proposed bill, and said the original bill was satisfactory. Mr. Corbet questioned what constitutes a non-conforming use, and the problems of local government making decisions and on what grounds. (Attachment 1)

There being no other conferees to appear before the Committee, the Chair closed the hearing on **SB 25**.

**SB 67 - open records after a child fatality**

Chairman Vratil opened the hearing on **SB 67**. Senator Adkins testified in support of the bill he sponsored. He explained that if enacted, the bill would remove the cloud of secrecy that currently prevents public disclosure of information regarding whether the state appropriately met its obligations to a child entrusted to its care when that child dies or nearly dies as a result of abuse and/or neglect. He shared with the Committee the terrible death of nine-year old Brian Edgar and the case history of abuse and neglect. He stated that the Department of Social and Rehabilitation Services (SRS) shares his goal of enacting laws to open the records to public disclosure. He offered three amendments which he drafted in conjunction with SRS for the Committee's consideration, and detailed them in his written testimony. (Attachment 2)

Conferee Candice Shively, representing Janet Schalansky, Secretary of SRS, testified in support of **SB 25**. She explained the federal Child Abuse Prevention and Treatment Act (CAPTA) which requires states to

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have a process to allow disclosure in cases of child abuse or neglect which resulted in a child fatality or near fatality. She said in Kansas that process is found in K.S.a. 38-1507. She told the Committee about the Child Death Review Board, established in 1992, which examines the circumstances surrounding all child deaths in the state. She added this Board issues a public report to the Legislature every year and provides immediate feedback to SRS, law enforcement, prosecutors, KDHE, coroners, etc. as appropriate. Ms. Shively stated that SRS would recommend using language consistent with CAPTA as "near fatality" has a definition that may not be applicable to "life threatening injuries". She testified that SRS has some concerns relating to openness and disclosure issues. ([Attachment 3](#))

Conferee Breitenbach testified in support of **SB 67**, and urged the Committee to protect children by passing this proposed bill. ([Attachment 4](#))

Conferee Bunk appeared before the Committee as a proponent in favor of **SB 67**, and representing the Kansas Action for Children. He asked that the bill be redrafted and the amendments presented added to the proposed bill. ([Attachment 5](#))

Conferee Schwab, Advocacy Manager for Kansas Children's Service League, testified in support of **SB 67**. She said that they support the amendment presented by Senator Adkins in today's meeting. She stated that state confidentiality statutes must be done with significant thought and planning, and recommended referring this issue to the Judicial Council for their review. ([Attachment 6](#))

Written testimony in support of **SB 67** was submitted by Maureen Mahoney, General Counsel for KVC Behavioral HealthCare. ([Attachment 7](#))

Following Committee questions and discussion, the Chair closed the hearing on **SB 67**.

**SB 56 - establishing putative father registry and prescribing certain requirements relating to notification of termination of parental rights**

The Chair opened the hearing on **SB 56**. Conferee Durr testified as an adoptive parent in support of **SB 56**. He stated he supported the new Section 4(a) on lines 33 through 35 on page one, and explained why he supported that change. He gave several suggestions for improving the adoption process in Kansas. ([Attachment 8](#))

Conferee Ruble testified as an adoptive parent in support of **SB 56**, and submitted his written testimony that was given during an Interim Judiciary Committee meeting on October 25, 2002. He said he had testified on this subject two other times, and wanted to show his continued support for this legislation. ([Attachment 9](#))

Chairman Vratil announced that the Committee would meet upon adjournment of the Senate on Friday, February 7, to work the backlog of bills.

The meeting adjourned at 10:32 a.m. The next scheduled meeting is upon adjournment of the Senate on February 7, 2003.