

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:30 A.M. on March 8, 2011, in Room 548-S of the Capitol.

All members were present, except Senator Donovan, who was excused

Committee staff present:

Lauren Douglass, Kansas Legislative Research Department  
Robert Allison-Gallimore, Kansas Legislative Research Department  
Jason Thompson, Office of Revisor of Statutes  
Tamera Lawrence, Office of Revisor of Statutes  
Theresa Kiernan, Committee Assistant

Conferees appearing before the committee:

Senator Oletha Faust-Goudeau  
Tanya Keys, Director of Children and Family Services, SRS  
Jim Snyder, Silver Haired Legislature  
Heather Morgan, United Methodist Youthville

The Chairman requested that conferees who would be testifying on **SB 81, SB 84, SB 94 and HB 2105** to express their comments and testimony in support of, or opposition to, the bills when first recognized.

The Chairman opened the hearings on the following bills:

- **SB 81 -- Children and minors; relating to adoption**
- **SB 84 -- Children and minors; relating to permanency planning**
- **SB 94 -- Children and minors; relating to orders of temporary custody**
- **HB 2105 -- Children in need of care; relating to removal of child from parent's custody**

Senator Faust-Goudeau testified in support of **SB 81, SB 84 and SB 94** (Attachments 1, 2 and 3). She explained that she had worked with Kansas Department of Social and Rehabilitation Services (SRS), judges and people in the Wichita-area while drafting the bills. She also noted that the bills were a priority of the Silver Haired Legislature.

Jason Thompson, Staff Revisor, reviewed the bills.

Senator King asked, "In the situation in which there is no viable relative, does the wording of the amendment contained in **SB 81** eliminate the statutory requirement to consider the best interests of the child?"

Mt. Thompson responded, "Yes, but the best interests of the child remains an over-arching concern."

Tanya Keys testified in favor of **SB 81** (Attachment 4). She stated that current SRS practice for selection of adoptive resources provides preference be given to relatives.

Tanya Keys testified in favor of **SB 84** (Attachment 5). She stated that current SRS practice for selection of adoptive resources provides preference be given to relatives.

Tanya Keys testified in favor of **SB 94** (Attachment 6). She stated that SRS appreciates the importance of extended family and persons with emotional ties to a child. She added that during the initial work with families, SRS attempts to collect information concerning relatives and persons with emotional ties to a child.

Tanya Keys testified in favor of **HB 2105** (Attachment 7). She stated that SRS does not remove a child from the custody of a parent solely due to homelessness of the parent.

## CONTINUATION SHEET

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Jim Snyder rose in support of **SB 81, SB 84, SB 94 and HB 2105**. He distributed copies of statistical information regarding grandparental care of grandchildren (Attachment 8). He added that for each child that is not placed in foster care, the state would save \$24,672 annually.

Heather Morgan testified in support of **SB 81** (Attachment 9). She stated the bill clarifies existing practice concerning preference given to relatives when choosing an adoptive family. She also stated she welcomed an amendment to address Senator King's concern relating to giving consideration of the best interests of the child in non-relative placements.

Heather Morgan testified in support of **SB 84** (Attachment 9). She stated that the bill would require the name of all relatives who were considered as a placement option to be listed in permanency placement plans. The bill also provides that if a relative is not selected, the reasons the relative was not selected must be documented in the placement plan.

Heather Morgan testified in support of **SB 94** (Attachment 9). She stated that the bill would help ensure that persons who are close to the child are aware of what is going on, may be evaluated as possible placement alternatives and would help with reuniting families. The bill would ensure that cases involving persons with American Indian affiliation are handled under the Indian Child Welfare Act.

Heather Morgan testified in support of **HB 2105** (Attachment 9). She stated that the bill clarifies that homelessness alone is not justification for removal of a child from the custody of the child's parents.

Senator Vratil asked, "What happens in the case of a child who has neither a viable relative nor a person with close personal ties?"

Ms. Morgan responded, "Before finalizing a placement, Youthville tries to facilitate a relationship between the child and a person so that those emotional ties have developed."

Senator Lynn asked, "What is a viable relative?"

Ms. Morgan responded, "A relative who is able to financially support the child; a relative who does not abuse the child. If a relative claims to be viable, Youthville forms a "best interest of the child team" to determine if the relative is viable. It is a subjective decision."

Senator Bruce asked, "Should the notification requirement in subsection (k) in **SB 94** be limited to the initial removal of the child from the home?"

Ms. Morgan responded, "Sometimes a couple of years may lapse between removals, and re-notification may be warranted."

No testimony in opposition to **SB 81, SB 84, SB 94 and HB 2105** was submitted.

The Chairman called the committee's attention to the fiscal notes for **SB 81, SB 84, SB 94 and HB 2105**.

The Chairman closed the hearings on **SB 81, SB 84, SB 94 and HB 2105**.

The Chairman also called the committee's attention to the information relating to the cumulative prison bed impact compiled by Robert Allison-Gallimore, Research Staff (Attachment 10).

### **Committee Action:**

The Chairman turned the committee's attention to **HB 2029 -- Charitable health care provider defined to include ultrasound technologist** and the additional written testimony and information in support of **HB 2029** that had been submitted by Representative Pat Colloton (Attachment 11).

CONTINUATION SHEET

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Senator Pilcher-Cook moved, Senator Kelly seconded, that **HB 2029** be passed. The motion was adopted.

The Chairman turned the committee's attention to the bills heard earlier today: **SB 81, SB 84, SB 94 and HB 2105.**

Senator Kelly suggested combining the policies contained in **SB 81, SB 84 and SB 94.**

Senator Vratil suggested that the committee combine the bills after it works each bill individually in order to consider amendments.

Senator Bruce, Senator Lynn seconded, that **SB 81** be amended as follows: On page 1, in line 23, following "relative" by inserting "placement"; and to insert language, as appropriate, that requires the court to make a finding that the placement with a person having close personal ties to the child is in the best interests of the child. The motion was adopted.

Senator King moved, Senator Bruce seconded, that the revisor draft the language in subsection (b) of K.S.A. 38-2270 so that the second sentence, as amended by the committee, parallels the language of the sentence in lines 21, 22 and 23. The motion was adopted.

Senator Vratil moved, Senator King seconded, that **SB 84**, be amended, as follows: On page 2, in line 3, by striking, "relative placement alternatives" and inserting "relatives with whom placement alternatives have been"; in lines 5 and 6, by striking "a relative placement alternative" and inserting "placement with a relative". The motion was adopted.

No amendments were offered to **SB 94**.

Senator Kelly moved, Senator Vratil seconded, that Substitute for **SB 81**, which contains the provisions of **SB 81, as amended, SB 84, as amended, and SB 94** be introduced. The motion was adopted.

Senator King moved, Senator Kelly seconded, that Substitute for **SB 81** be passed. The motion was adopted.

Senator Vratil moved, Senator Umbarger seconded, that **HB 2105** be amended, as follows: On page 2, in line 34 and on page 3, in line 16, by striking "10" and inserting "14" in lieu thereof. The motion was adopted.

Senator Lynn moved, Senator Haley seconded, that **HB 2105** be passed as amended. The motion was adopted.

Meeting adjourned at 10:29 A.M. The next meeting is scheduled for March 9, 2011.