

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2200

As Amended by House Committee of the Whole

Brief*

HB 2200 would eliminate a pilot project in two judicial districts and require statewide the Office of Judicial Administration to implement a policy in each Kansas judicial district regarding who can be present during proceedings under the Child in Need of Care (CINC) Code. The 2003 legislation that created two pilot projects provided that the following individuals could not be excluded:

- Guardian *ad litem*;
- Interested parties and their attorneys;
- Officers of the court;
- Testifying witnesses;
- Foster parents of the child;
- Parent advocate.

The bill would continue to allow the above-listed persons to be in attendance and would change the term parent "advocate" to parent "ally."

Further, the bill would amend the Kansas Code for the Care of Children to not allow for discrimination based on parental disability. The disability of a parent could not be the basis for a determination of removal of custody from the parent or for the termination of parental rights without a specific showing that there was a causal relationship between the disability and harm to the child.

Background

A legislator expressed support for the bill. An official with the Office of Judicial Administration addressed the Committee about the two pilot projects being in compliance with 2003 HB 2125. HB 2125 required the participation of one rural and one urban district as pilot

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

projects. Two districts, the 21st Judicial District and the 18th Judicial District, agreed to serve as pilots under what was initially titled the Parent Advocate Orientation project. Models for these pilot districts were created by the Office of Judicial Administration and feedback was provided by advisory groups created in each of the pilot districts.

Under the bill, as amended by the House Committee, a parent would be allowed up to two people as parent allies to accompany the parent at the hearings. The parent ally must have participated in a parent ally orientation program approved by the Judicial Administrator. The court could remove a parent ally from any proceeding only if the parent ally becomes disruptive.

The House Committee deleted the words designee and advocate in the original bill and replaced them with ally(ies).

The stricken language in the bill pertains to the creation of the pilot studies.

The House Committee of the Whole inserted the provision regarding parental disability.

The fiscal note indicates a negligible fiscal effect.