



Senate Judiciary Committee

February 19, 2019

SB 108

Presented by:

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Testimony of:

Kathy Armstrong, Assistant General Counsel, Prevention and Protection Services
Kansas Department for Children and Families

Testimony on:

SB 108

**Chair Wilborn, Vice Chair Rucker, Ranking Member Miller and Members of the
Committee:**

Thank you for the opportunity to provide testimony on SB 108.

SB 108 proposes revision to Crimes and Punishments statute Kansas Statutes Annotated (K.S.A.) 2018 Supp.21-5405 (b) which defines “involuntary manslaughter” by adding “(B) severity level 3, person felony, if the victim is under the age of six years.” Our agency has no position regarding the addition of this language.

The bill further proposes amending K.S.A. 2018 Supp. 38-2271. This provision is located in the Code for Care of Children, commonly referred to as the “Child in Need of Care Code (“CINC Code”). K.S.A. 38-2271 addresses provisions which establish a parent is unfit by reason of conduct or condition and state must establish presumption by clear and convincing evidence. This bill proposes specifically adding language as (B) regarding parent’s conviction of “involuntary manslaughter”, “abuse of a child” or a “comparable offense under the laws of another jurisdiction or attempt to commit such crimes” and “victim was under six years”. This suggested language is inconsistent with existing language in K.S.A. 38-2271 in that Chapter 21, Article 54 (includes “involuntary manslaughter” provisions) and Chapter 21, Article 56 (includes abuse of a child provisions) are already referenced in K.S.A. 38-2271 (a)(2)(A); “comparable offenses under the laws of another jurisdiction” is language already included in K.S.A. 38-2271(a)(2)(A); “or an attempt or attempts to commit such crimes” is already listed in K.S.A. 38-2271 (a)(2)(A).

Because Article 54 includes “involuntary manslaughter” provisions and Article 56 includes abuse of a child provisions, the language proposed in this bill would apply the presumption of unfitness after one conviction rather than requiring a second conviction. This could create disproportionate treatment of convictions, in some causes leading to less severe consequences for convictions of more serious crimes.

DCF is neutral on SB 108, but it has concerns about the suggested revision to K.S.A. 38-2271 by adding the suggested new paragraph (a)(2)(B). I thank you for the opportunity to testify. I am happy to answer any questions the committee may have.