

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:36 p.m. on March 20, 2002 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds, Excused  
Representative Broderick Henderson, Excused  
Representative Tony Powell, Excused  
Representative Dan Williams, Excused

Committee staff present: Russell Mills, Legislative Research Analyst  
Shelia Pearman, Committee Secretary

Conferees appearing before the Committee: Representative Mary Kaufman  
Representative Bonnie Sharp  
District Judge Daniel Mitchell, Shawnee County  
District Judge Thomas Graber, Sumner County  
Robert D. Hecht, Shawnee County District Attorney  
Winnie Cline, Citizens for Change  
Jack Hudson, Sr., Citizens for Change  
Randy Hall, Citizens for Change  
Susan Moore, foster parent  
Melissa Ness, Kansas Children Service League  
Kay Ralston, Citizens for Change  
Jim Redmon, Prevent Child Abuse America  
Sarah Sargent, Kansas Children Service League

Others attending: See attached list

**Chairman Mays opened the hearing on HB 2907 - Child in need of care code; foster parent would be an interested party; HB 2908 - Foster parents bill of rights; 2945 - Child in need of care; central registry for child abuse perpetrators; definition of abuse; family preservation.**

Representative Kaufman rose in support of **HB 2907**, **HB 2908** and **HB 2945** as she read testimony submitted yesterday by Judy Mitchell. (Attachment #1) Ms. Mitchell's testimony stated at least 90 percent of placement should be happening with "kin." She cited the Adoption and Safe Families Act of 1996 as the federal law which states relative placements are supposed to be considered as first placement prospects.

For most of the last year, Representative Sharp has worked with foster parents regarding their concerns. She expressed her support of the proposed legislation and cited there is already a federal mandate for the foster care bill of rights. (Attachment #2)

Ms. Moore emphasized the need for **HB 2908** and **HB 2945**. She informed the Committee that five children were removed from her home without cause in April 2001 in what was later termed "a judgment error" and "a situation that never should have happened" by SRS Attorney Sue McKenna. Because of her husband's legal costs (almost \$19,000 which has been submitted to the Special Claims Against the State Committee) to prove their innocence of unsubstantiated charges of abuse. **HB 2945** would provide District Court the authority to rectify unjust action taken upon any child in care when there is no proof of abuse and neglect. (Attachment #3)

Judge Mitchell stated he "had no quarrel with the concepts of **HB 2907** and **HB 2908**" since he believes foster parents are entitled to the respect contemplated by this legislation. However, he stated his opposition is due to some potentially negative consequences regarding the interested party status which cannot be terminated by the courts. He cited the fiscal impact of additional representation by counsel and hearings would increase significant delays and extra expense. He stated foster care is not intended to be pre-adoptive placement. He stated change without consideration of practical impact is not change for the better. He urged the Committee refer this proposed legislation to the Judicial Council for thorough review. (Attachment #4)

Judge Graber objected to **HB 2907** due to the foster parents gaining "interested party" status which could

never be terminated by the court. With more than 25 years of judicial experience, he discussed numerous objections (Attachment #5) to all bills citing specific details. He stated the elimination of Adoptions and Safe Families Act (ASFA) language would result in the loss of critically needed IV-E funding. He stated the proposed changes will not accomplish the ends intended and compromise the child in need of care system.

Mr. Hecht stated his opposition to **HB 2945** is focused on the fiscal impact the proposed legislation would have on the courts. He stated more than 2,100 reported cases of child abuse or neglect were filed in Shawnee County during 2000. He estimates the fiscal impact could exceed more than \$500,000 for Shawnee County alone. (Attachment #6)

Written testimony submitted by Judge Michael Grosko cited passage of **HB 2945** would create a fiscal and legal disaster. He urged the Committee to request the Judicial Council complete an extensive study of the child in need of care code. (Attachment #7)

Ms. Sargent, a member of the Judicial Council Juvenile Offender/Child in Need of Care Advisory Committee, stated her opposition to **HB 2945** is due in part to the removal of existing statutory language required by ASFA. She stated the unintended consequences are not in the best interest of children and families in Kansas. (Attachment #8)

Mr. Redmon opposed **HB 2945** because of concerns to the prevention of child abuse and neglect and stated his belief the proposed legislation does not accomplish its intent. His testimony included statistics of child abuse/neglect fatalities and other outcomes. (Attachment #9)

Written testimony in opposition of **HB 2945** was also submitted by Kansas Association of Counties citing the increase on an already burdened court system. (Attachment #10)

Ms. Cline expressed her support of **HB 2945**. She believes the without the Legislature's involvement in addressing the problems with SRS, the family unit in Kansas will continue to disintegrate. (Attachment #11) In Kansas, 43 percent of the children placed in foster care were taken from homes with unsubstantiated reports of child maltreatment.

Mr. Hudson pleaded for the Committee to consider the grandparents and/or blood relatives when placing children in need of care. After the death of one granddaughter on January 16, 1998, two additional granddaughters were taken into SRS custody from the hospital. Parental rights as well grandparent rights were terminated based on suspicion of neglect and abuse. Despite the not guilty verdict of his son's trial (provided transcripts of Sedgwick County Case #98JC14 - July 16 and August 27, 1998), family members have not seen the granddaughters since January 1998. He expressed support of **HB 2945** to increase the accountability in the Kansas Judicial System. (Attachment #12)

Mr. Hall stated it should be mandated that the parent be given the opportunity to place the child with a third party before the drastic measure of removal. (Attachment #13)

The meeting recessed at 3:20 p.m. with the next scheduled meeting on March 21, 2002.