

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 21, 2002 in Room 313-S of the Capitol.

All members were present except: Representative R. J. Wilson, Excused

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

Conferees appearing before the Committee: Representative Patricia Lightner
Representative Peggy Long
Lounita Anderson
Vickie Burris, Citizens for Change
Marilyn Jacobson, Assistant Secretary for SRS
Brenda Sharp, Sunflower House
Lisa Shikles, President of Foster Children of Johnson County
Maureen Mahoney, Kaw Valley Center
Mike Farmer, Kansas Catholic Conference
Barbara Duke, Kansas Choice Alliance
Mark Pederson, Central Family Medicine

Others attending: See attached list

Chairman Mays opened the hearing on **HB 2370 - In child in need of care cases, law enforcement officers give parents an opportunity to appear if taking child into custody; personal service in certain hearings.** Representative Lightner informed the Committee the proposed safeguard in **HB 2370** is needed because a teenager was placed in protective custody following an incident in which the biological parent reprimanded her daughter. No notification of a hearing for protective order of temporary custody was provided in this incident, thus the child was out of her home for about two months. (Attachment #1) She offered an amendment requiring that when no physical signs of abuse exists, the parent or legal guardian would be notified and given the opportunity to appear to discuss the matter with law enforcement officer before the child is placed into custody. Her second amendment requires the 72 hour temporary custody hearing shall not be held unless the child's parents or other legal guardian has been personally served notice prior to the hearing. She urged the Committee to support **HB 2370** because parents are disadvantaged by the current system.

Chairman Mays reopened 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.**

Ms. Burris urged the Committee to support **HB 2945** and informed the committee of her concern for retaliation or retribution regarding her daughter's situation. In approximately April, 2000, she contacted SRS for financial assistance for long-term medical treatment for her daughter not covered by her insurance. Since that time, no contact has been permitted by SRS and she is unaware of her daughter's location. She views SRS having Judge Graber testify yesterday as intimidation and is distressed by the ongoing ordeal. She stated numerous State laws and statutes have been violated in her daughter's case. She expressed the need to take action to protect families from a system that has gotten totally out of control. Her other children remain in her home but are uncertain of their sister's health and safety. (Attachment #2)

Ms. Anderson rose in support of the proposed legislation and informed the Committee her children were taken to Oklahoma by a relative following her home being destroyed by arson. Temporary guardianship of the children was obtained in Oklahoma by her sister without her knowledge because delivery of notification was delayed while she was in the hospital. Extensive documentation regarding Appeal No. 00Y0026PS was provided. (Attachment #3)

Ms. Shikles, a foster parent for three years, stated the proposed legislation is designed to strengthen the foster families by allowing them to advocate for the children in their care. She stated **HB 2945** would bring accountability to policies and procedures used to substantiate allegations of abuse and neglect. She

emphasized this legislation is not asking for money but for accountability of a system whose primary purpose is to serve children. She stated the “interested party” status provides foster parents are vital resources dedicated to serving the children. Mediation with the Children’s and Family Policy Division has been ineffective. (Attachment #4)

Written testimony was also submitted by Shelli Ridder (Attachment #5), Eugene Balloun (Attachment #6), Kristen Richards (Attachment #7), Marilyn Malloy (Attachment #8), and Representative Ray Merrick (Attachment #9) in support of the proposed legislation.

Mr. Paschal cited the sweeping overall of current statutory code addressed by **HB 2945** presents concern of serious funding issues. He agreed with Mr. Hecht’s testimony of March 20 regarding the funding of increased staff and facilities necessary to implement the proposed changes would greatly impact each district court. He also stated his belief of federal funding may be jeopardized by removal of the Adoption and Safe Families Act language. He also noted some details of these bills contradict with current statutes. He urged the Committee to further study the proposed legislation. (Attachment #10)

Ms. Sharp stated Sunflower House is a child advocacy center which conducts the initial forensic interview of children who are suspected sexual or physical abuse victims. She stated **HB 2370** would allow thousands of child victims of abuse to go undetected, unreported and untreated. She also voiced opposition to the spanking language in **HB 2945**. She urged the Committee to reject both **HB 2370** and **HB 2945**. (Attachment #11)

Ms. Lockett voiced opposition to **HB 2908** and **HB 2945**. She also stated she learned a foster parent could be added to the Judicial Council Subcommittee via a request to the council. She recommended the concerns be referred to the Judicial Council for further review. (Attachment #12)

Ms. Mahoney provided statistical information regarding the foster care system. She stated Kaw Valley Center is in favor of a Foster Parent’s Bill of Rights and would welcome the opportunity to work with parents to create such a document. She stated reunification with birth family for those whom parental rights have not been severed is the goal of her agency. (Attachment #13)

Written testimony in opposition to **HB 2908** and **HB 2945** was submitted by The Saint Francis Academy. (Attachment #14)

Ms. Jacobson began as Assistant Secretary for SRS in January 2002. She stated these bills go to great lengths to advance the protection and rights of adults, parents and foster parents, who come in contact with the child welfare system. While she acknowledge the proposed legislation would fix some of the problems heard from previous conferees, she noted the impact would create other problems not represented by conferees during this hearing. She stated there are technical problems in the proposed legislation and requested the Committee refer the issue to Judicial Council for their review and/or revision of the “child in need of care” code. Upon questioning, Ms. Jacobson stated follow-up to the legislators of the cases discussed could only be provided if the individuals signed a release of information to address the confidentiality issue. (Attachment #15)

Representative Peterson requested the Committee propose the following: a). Foster parent on Judicial subcommittee, b). Redefine a more limited “interested party” status, c). List of recommendations (Bill of Particulars) compiled by Committee sent to Judicial Council, and d). Propose an ombudsman. Chairman Mays closed the hearings on **HB 2907, HB 2908 and HB 2945**.

Chairman Mays opened the hearing on **HB 2819 - Establishment of standards for the operation of abortion clinics**. Representative Long stated the compelling need to change Kansas policy in order to insure greater safety for those who seek abortions. Only one clinic in the state has sought licensing under the ambulatory care center. Regulations requiring sterile environments in veterinary clinics already exist, however abortion clinics are not monitored, therefore the need for more oversight of this industry is necessary. (Attachment #16)

Mr. Farmer informed the Committee this is enabling legislation directing the Secretary of the Department of Health and Environment to adopt rules and regulations for an abortion clinic’s facilities specifying

minimum standards based on the abortion industry's own standards as listed in the Planned Parenthood of Central and Northern Arizona. (Attachment #17) He compared current standards for veterinary clinics throughout the state are more restrictive than those sought in this legislation. He urged the Committee's support of **HB 2819**.

Testimony submitted by Patrick Herrick, M.D. noted the significant risk of side effects and complications following abortion procedures and stated regulation would increase the chances for adequate patient protection against side effects and complications. (Attachment #18)

Additionally, written testimony was submitted by Denise Burke, Staff Counsel for Americans United for Life, citing more than seventeen states having clinic regulations similar to the proposed legislation. (Attachment #19)

Ms. Duke opposed **HB 2819** stating the imposed requirements are different and more stringent than regulations applied to comparable medical practices. She also cited a potential shortage of providers and increased difficulty to obtain affordable abortion services would result from this proposed legislation. (Attachment #20)

Mr. Pederson voiced opposition to **HB 2819** and questioned the classification of a suction curettage abortion as general surgery. He stated the proposed legislation should provide for peer-advised regulatory oversight to enact non-frivolous regulations. (Attachment #21)

Chairman Mays closed the hearing on HB 2819. Representative Cook made the motion to recommend HB 2819 favorable for passage. Representative Powell seconded the motion. The motion carried with Representatives Rehorn and Henderson requesting to be recorded in opposition to the bill.

The meeting adjourned at 3:50 p.m. The next scheduled meeting is March 25, 2002.