



House Children and Seniors Committee

February 26, 2013

House Bill 2233

Presented by:

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Date of testimony: February 26, 2013

Testimony of:

Gina Meier-Hummel, Director of Prevention & Protection Services
Department for Children and Families
Topeka, Kansas

Presented to:

The Honorable *Connie O'Brien* and Honorable Members
of the *House Children and Seniors Committee*:

DCF testimony in opposition to House Bill 2233

Chairperson *Connie O'Brien*, Vice-Chair *Kelly Meigs*, Ranking Member *John Wilson* and Honored Members:

I am Gina Meier-Hummel, Director of Prevention & Protection Services with the Kansas Department for Children and Families (DCF). Thank you for the opportunity to present testimony in opposition to HB 2233.

HB 2233 creates the Protective Parent Reform Act (PPRA) amending statutes governing custody and parenting time orders with regard to children under the jurisdiction of the court as children in need of care or children of parties engaged in a domestic relations dispute. DCF has concerns with respect to various provisions of the bill as well as the costs of implementing some of the provisions.

Specifically, HB 2233 amends K.S.A. 38-2226 and 38-2230, repealing the existing sections. It amends provisions relating to investigations of suspected child abuse or neglect by mandating the investigator have specialized training to conduct such interviews, limiting the number of interviews of a child to one, mandating the interview be videotaped and requiring the interview take place at a child advocacy center as described in K.S.A. 38-2227. For example: A child is interviewed, information leads to interview with a collateral, additional information is gathered resulting in need to go back to talk with child. The suggested restrictions do not allow for a case by case analysis of what is appropriate in terms of the interview, interviewer, location and number of interviews in individual situations.

Currently, K.S.A. 38-2226 provides the secretary and law enforcement agencies have access to a child in a setting designated by school personnel on the premises of the educational institution to assist in abuse/neglect investigations. HB 2233 restricts such access to schools unless and only “when exigent circumstances exist”. This restricts investigation needed in certain cases to protect children alleged to be victims of abuse and/or neglect.

DCF also has concerns that the proposed bill would significantly alter the role of the guardian ad litem (GAL), an attorney appointed to represent the child’s best interests. Under provisions of HB 2233, any

attorney appointed to represent a child would be prohibited from considering or informing the court of the child's best interests because the bill limits the GAL to advocating for the "desires of the child". There may be a situation where the child's desires are contrary to what is in the best interest of the child. Under the proposed bill, an attorney appointed to represent a child would be prohibited from considering or informing the court of the child's best interests. The child would direct the attorney's work.

HB 2233 amends K.S.A. 38-2230 to require "clear and convincing evidence" (in place of current language "reasonable grounds to believe") as a result of preliminary inquiry that abuse or neglect exists so immediate steps can be taken to protect the health and welfare of the abused or neglected child. Requiring a more stringent standard for proof as proposed in this bill reduces the ability to protect abused and/or neglected children.

HB 2233 additionally amends K.S.A. 382230 concerning preliminary inquiries by DCF to determine whether a child may be in need of care to require the investigations of suspected child abuse or neglect include a criminal background check of both parents and any other suspect. Currently, criminal record checks are rarely purchased in connection with maltreatment allegations. HB 2233 would require a minimum of two record checks for each maltreatment allegation investigated. It is estimated 28,458 reports will be assigned for maltreatment for FY 2014. Assuming as cost of \$17.50 per record check, the cost of two record checks per case would be \$856,030. In addition, if the person has lived in another state, another out-of-state check would be required at a cost of \$22.50 per check. Approximately 10 percent, or 2,446, of the reports are estimated to require an out-of-state criminal history check. The cost of the out-of-state record checks would be \$122,300. The total cost for records checks would be \$978,330. Certainly DCF looks at history as we make our assessments in determining child safety.

The requirement that all interviews be videotaped would require the purchase of video equipment for that purpose. One digital video recorder cost approximately \$550. It is assumed one camera per judicial district (31 cameras) would be sufficient for a total cost of \$17,050. No maintenance or replacement cost is included.

The Legislature set forth the policies of the state in the child in need of care code, and the policies center around the child's best interests. DCF appreciates that children thrive when they are able to remain safely in their home. However, the bill's proposed limitations on the judiciary, prosecutors and child welfare system will interfere with the ability to protect children, when needed, and DCF respectfully opposes HB 2233.

Thank you.

Gina Meier-Hummel, Director, Prevention and Protection Services
Kansas Department for Children and Families