

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Jeff King at 10:45am on Tuesday, February 17, 2015, 346-S of the Capitol.

All members were present except:

Senator Terry Bruce – Excused

Senator Garrett Love – Excused

Senator Carolyn McGinn – Excused

Committee staff present:

Lauren Douglass, Legislative Research Department

Robert Allison-Gallimore, Legislative Research Department

Natalie Nelson, Legislative Research Department

Suzanne Nelson, Kansas Legislative Committee Assistant

Jason Thompson, Office of Revisor of Statutes

Conferees appearing before the Committee:

Senator Forrest Knox, 14th District, Altoona, KS;

JoVoli Clark, Teacher and Foster Parent;

Ed Klumpp, Legislative Liaison for Associations of Chiefs of Police, Sheriffs, and Kansas Peace Officers;

Mark Gleason, Director of Trial Court Programs, Office of Judicial Administration;

Kathy Armstrong, Assistant Director for Legal Services, KS Department for Children and Families (DCF);

Others in attendance:

[See Attached List](#)

Hearing on: SB157 — Specifying that the child in need of care code does not permit any person to compel a parent to medicate a child if the parent is acting in accordance with medical advice from a physician.

Chair King opened the hearing on **SB157**. Jason Thompson presented an overview of the bill.

Senator Knox presented testimony in support of **SB157**. He related that he has had constituents approach him and describe situations where parents, in conjunction with advice from their doctor, refuse to medicate the child. Parents handle the situation at home, but the schools can not handle the situation at school. Consequently, the schools often call the authorities, accuse the parents of medical neglect, and the children enter the system as children in need of care. ([Attachment 1](#))

JoVoli Clark presented proponent testimony. She related her teaching experiences working with students with attention deficit disorder (ADD), as well as telling her own experience having a child with behavior concerns whom they chose not to medicate. Ms. Clark's belief is that **SB157** is an important bill ensuring that parents can make these tough decisions with their doctors and should not have to endure outside interference in their choice regarding elective medications. ([Attachment 2](#))

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T. Jansen submitted proponent written only testimony. ([Attachment 3](#))

Phyllis Gilmore submitted neutral written only testimony. ([Attachment 4](#))

There being no other testimony submitted at this time, and no other questions, the hearing on **SB157** was closed.

Hearing on: SB159 — Requiring a law enforcement officer to take a child into custody when the officer reasonably believes that there is a drug crime occurring in the child's residence that threatens the safety of the child.

Chair King turned attention to **SB159** and opened the hearing with an overview of the bill from Jason Thompson. He answered questions and comments from the committee members.

Senator Knox gave testimony supporting **SB159**. He related that protection of parental rights is basic to our society. However, when parents choose to expose their children to unlawful drug activity in the home, they are not acting in the best interests for the children's safety. This opens the door for the state to step in to ensure protection from harm. ([Attachment 5](#))

JoVoli Clark presented proponent testimony for the bill. She related a scenario from her personal experience as a foster mother. She expressed that parents' rights shouldn't come before those of the child. She related that we allow children to stay in homes of known drug, alcohol, physical and other abusers far too long and don't intervene until harm has been done. She urged passage of this bill to give police officers another means of protecting children from harm. ([Attachment 6](#))

Ed Klumpp presented neutral testimony regarding **SB159**. After conferring with members of the associations he represents, the general response was that law enforcement already acts accordingly under K.S.A. 38-2231(b)(1) and also indicated the bill does no harm and may be helpful in some cases. He also posed three questions he felt needed clarification before the bill is finalized. ([Attachment 7](#))

Phyllis Gilmore presented neutral written-only testimony regarding **SB159**. ([Attachment 8](#)) Kathy Armstrong, DCF Legal Services, who was sitting in the audience, answered questions from the Chair and members regarding this testimony from Ms. Gilmore.

There being no other testimony submitted at this time, and no other questions regarding the bill, the hearing on **SB159** was closed.

Hearing on: SB160 — Requiring action by a court regarding termination of parental rights in a child in need of care case.

Chairperson King turned attention to **SB160** and opened the hearing with an overview of its provisions from Jason Thompson.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

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Senator Knox presented testimony in support of the bill. He related that this is an area that needs great attention. He believes what is lacking is legislative intent. ([Attachment 9](#)) There are too many "may's" and only one time restriction, which is one of the few "shall's." ([Attachment 10](#)) Senator Knox enumerated three things that **SB160** does which he considers a good start at legislative intent -- a beginning to require action plans with deadlines, concrete terms, and accountability. Senator Knox then answered questions from the Chair and committee members.

Mark Gleason spoke in opposition to **SB160**. He related that six months does not provide families with a sufficient opportunity to demonstrate compliance with a court approved plan. Terminating parental rights without a reasonable opportunity for permanence diminishes stability, consistency, and certainty in a child's life. Mr. Gleason provided handouts showing the number of months between removal from the home and becoming legally free ([Attachment 11](#)) and statistics regarding length of stay and reason for ending out of home placement. ([Attachment 12](#)) He posed several questions that the proposed legislation raises and listed some potential answers to those questions. He also pointed out two provisions of the bill that could create potential conflict or confusion. ([Attachment 13](#)) Mr. Gleason then addressed questions and comments from the committee.

Phyllis Gilmore submitted neutral written-only testimony. ([Attachment 14](#))

There being no other testimony submitted at this time, and no other questions or comments, the Chair closed the hearing on **SB160**.

Hearing on: SB219 — Relating to the reporting of abuse, neglect or exploitation of certain persons.

The Chair opened the hearing on **SB219**. Jason Thompson gave an overview of the bill.

Kathy Armstrong presented testimony supporting **SB219** which amends the statutes relating to reporting of abuse, neglect or exploitation under The Adult Protective Services, which have not been updated for some time. The language and changes proposed bring our statutes in line with terminology and current best practice. ([Attachment 15](#)) She addressed questions and comments from the committee.

Jason White, Legislative Liaison for the Kansas Emergency Medical Services Association (KEMSA) submitted written-only proponent testimony. ([Attachment 16](#))

There being no other testimony submitted at this time, the Chair closed the hearing on **SB219**.

The meeting was adjourned at 12:05pm. The next meeting will be Wednesday, February 18, 2015.