

House Judiciary Committee Meeting
Wednesday Morning, February 24, 1965

The House Judiciary Committee met Wednesday, February 24, 1965, in Room 523 at 8:45 A.M. with Vice Chairman J. C. Tillotson presiding. Fifteen members were present. Members Amrein, Barnhill, Davis, Foster, Hill and Van Cleave were absent.

Vice Chairman Tillotson called the meeting to order. The committee resumed its consideration of the Act for Obtaining a "Guardian" or "Conservator".

Section 9. It was pointed out that the two sets of numbered paragraphs beginning on page 1 and page 3 should be numbered differently.

Subsection 8. It was questioned whether these should be two separate actions.

Section 10. The same objection was raised in this bill as in 14 D of the other bill. The attorney's right to visit the proposed ward or conservatee more than once if necessary should be protected.

Subsection 6. A question was raised in regard to a mandatory submission for mental evaluation of the proposed conservatee. Is this making him testify against himself?

Section 11. A (1) What does the likelihood of the proposed conservatee injuring himself have to do with his competence to handle property and income? The committee agreed that in making the reports, they have to put down just who is making this statement, etc. so that the attorney may subpoena them in.

Subsection 2. The absolute right of obtaining a continuance should be spelled out.

B (5) The question was raised as to where most of the probate courts may go for this testing service. There was also some discussion in regard to why a minor should be tested.

Section 12. The committee agreed that it is satisfactory to set the time for the initial consultation, but not to limit consultations after that.

Section 13. The committee raised the same objection as in Section 14 of the other bill. The examiner's report is likely to be submitted only 3 days before the hearing and as an application for a jury hearing must be made 2 days prior to the hearing, this leaves only 1 day for the attorneys to investigate and decide whether they should have a jury hearing or not.

Section 14. The committee agreed that it should be spelled out that a guardian or conservator should be a natural person rather than a bank, corporation, etc. He should also be a resident of this state.

Section 15. The committee agreed that this section should be combined with Section 3. They also questioned if the opportunities are limited exclusively to banks and savings and loans. If so, there was a question as to whether the last sentence conflicts with the rest of the section.

Section 16. It was suggested that the change in venue be only with the consent of the ward or conservatee or his attorney.

Section 17. Mr. Tillotson pointed out that this is the present law. It was agreed that it should be spelled out to whom the notice is to go.

Section 18. A number of questions were raised in regard to this section. Does a non-resident guardian remain under the jurisdiction of the Kansas court? Can the court transfer the residence of the ward or conservatee? Is there a residence requirement for the guardian or conservator? Can the court transfer jurisdiction to another state? Mr. Tillotson pointed out that the present law makes an attempt to fix the jurisdiction.

Section 19. No questions.

Section 20. No questions.

The meeting adjourned at 9:40 A.M. The committee will resume its consideration of the Act for Obtaining a "Guardian" or "Conservator" this afternoon at 3:00 P.M. Wednesday, February 24, 1965.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved:

