

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

Held in Room 522, at the Statehouse at 3:30 ~~xxx~~/p. m., on March 13, 1978.

All members were present except: Representatives Baker, Hoagland and Roth, who were excused.

The next meeting of the Committee will be held at 3:30 a.~~xx~~/p. m., on March 14, 1978

These minutes of the meeting held on \_\_\_\_\_, 19\_\_\_\_ were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

Dr. Eru Janssen, Kansas Psychological Ass'n., Menninger Foundation  
Mr. Jerry McGhee, Legal Aid Society  
Charles Hamm, SRS  
Mr. Gene Olander, Shawnee County District Attorney  
Mr. Mike Malone, Douglas County Attorney

The meeting was called to order by the Chairman, who introduced Dr. Janssen to discuss SB 550. He explained he had appeared in the Senate Committee and is in favor of the bill as it has been amended. He expressed the opinion that over the years, more changes would likely occur in this area. He explained the way the situation stands now the parents of children 17 and older have the responsibility to make sure adequate care is given, and they have the responsibility to sign their youngster in. He stated they always hope the youngster will also sign because it seems to make them more receptive to treatment. He noted the state hospital had not been admitting 14 to 18 year olds solely on the parents' commitment.

The Chairman inquired about the attitude of the state hospital and Mr. Griggs explained that procedure had been invoked by SRS through administrative procedure, and they are presently re-evaluating their position.

Mr. Jerry McGhee of the Legal Aid Society, testified they had previously appeared before the committee, and during the interim as well, in support of legislation such as this. He expressed regret that the Senate had struck the protective provisions in the bill and urged the House Committee to restore that provision. He mentioned problems with regard to the attitude of SRS and involuntary commitments of minors.

Mr. Charles Hamm of SRS told the Committee that last week Dr. Harder had rescinded the policy which required children over age 14 to sign themselves into the hospital.

Rep. Hurley inquired why the Senate had struck the language, and Mr. Griggs explained there had been conferees on Rep. Glover's

bill--some psychiatrists and some parents who stated children would not sign themselves in voluntarily, and that involuntary commitment is necessary. On the other hand, to require both signatures in all cases might leave some child without treatment.

The Chairman noted lines 348 and 349 seemed to say that if an individual makes application under 2912 to have someone involuntarily committed, would be required to pay legal fees if they are financially able to do so. He stated such requirement might keep one from signing a commitment even though it was obvious a person was dangerous.

Mr. Gene Olander, Shawnee County District Attorney, noted it is generally a member of the family who commits someone, and then they want the prosecutor to do it for them. He explained these matters are very time consuming; that he has doubled his staff in the past two years and still is extremely busy. He stated he did not know where the suggestion came from.

The Chairman appointed a subcommittee composed of Representatives Augustine, Martin and Foster to consider this matter and report back to committee. He asked the committee to also consider Senate Bills 551 and 583 at the same time. He suggested in particular that Judge Mary Schowengerdt should be asked to meet with the subcommittee.

Mr. Gene Olander stated the County and District Attorneys Association had asked him to speak on SB 551, and in particular the amendment concerning the place of the hearings spoken to in the bill. He stated they feel the original hearing court should be the one to hear the matter, although the proposal would save the hospital staff considerable travel. Nevertheless, he stated he felt the burden would be too great on the local county attorney.

Mr. Charles Hamm, attorney for SRS, stated it had been his request before the Senate committee to do something about staff travel and time away from the hospital, and that it is a considerable fiscal note.

Mr. Mike Malone, Douglas County Attorney, appeared in support of SB 911. He explained he believes in the state wide District Attorney plan, but that this bill creates the office in Douglas County. He stated Douglas County actually has more cases than Wyandotte County, and feels the position should go from part time to full time. He stated the local bar association and law enforcement people endorse the bill, and while the Commissioners like the concept they object to the mandated salary. The Chairman inquired how the Douglas County delegation feels about the bill, and Mr. Malone explained the bill was introduced by Senator Berman and that Rep. Glover is in favor of it. He stated Rep. Vogel was looking at it and Rep. Buzzi seemed to like the idea. The Chairman suggested he would talk to the members of the delegation.

The Chairman asked Rep. Hoagland to look at Senate Bills 497, 689 and 866, and report back to the committee.

The meeting was adjourned.

# HOUSE JUDICIARY COMMITTEE

3-13-78

NAME	ADDRESS	ORGANIZATION
RON CASTAN	112 W. 6 <sup>th</sup> , TOPEKA	PATIENTS' RIGHTS CENTER
JERRY MEGHEE	112 W. 6th, Topeka	Patients' Rights Center, Inc.
ERU JANSSEN	Box 829 Topeka	Ks Psych Assoc; Menninger Fund
Maurice Niemi	Corwith, Ia 50430	
Ada Nessen	Corwith Iowa 50430	
Susan Lueger	Mills Bldg.	St. Planning + Research
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Bruce Roby	"	SRS

Come to office,  
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