

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson

10:00 a.m./~~p.m.~~ on March 10, 1983 in room 526-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar,
Hein, Mulich and Werts.

Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department
Mark Burghart, Legislative Research Department

Conferees appearing before the committee:

Adrian M. Farver, Kansas Shorthand Reporters Association
Jay E. Suddreth, Kansas Shorthand Reporters Association, Overland Park
Representative David Heinemann
Dr. Robert Harder, Office of Social and Rehabilitation Services
Phil Magathan, Kansas Association of Court Service Officers

Senator Hein moved that the minutes of February 18, 1983, be approved; Senator Feleciano seconded the motion, and the motion carried.

House Bill 2033 - Notice of taking of deposition.

Adrian Farver introduced Jay Suddreth. Mr. Suddreth explained the bill corrects an improper statutory cross reference and reinserts a word which was inadvertently deleted in prior legislation. He summarized his proposed changes to the bill. Considerable committee discussion with him followed. A copy of Mr. Suddreth's recommendations is attached (See Attachment #1).

Representative Heinemann, the sponsor of the bill, explained the bill would put the law back the way it was before. Committee discussion with him followed.

House Bill 2096 - Child custody investigations in domestic relations cases.

The chairman explained the "short title" of the bill is not correctly listed in the bill locator and on the calendar. A staff member then explained the bill.

Dr. Robert Harder appeared to request that SRS staff be removed from duties which are clearly not a part of the mission of the agency. A copy of his remarks is attached (See Attachment #2). He stated they cannot do a satisfactory job with all the demands placed on them. The practical problem they have is the day to day implementation of the concept. During committee discussion, staff reported costs go back to the state general fund.

Phil Magathan appeared in opposition to the bill. He stated his association is opposed to House Bill 2096 from strictly a personnel standpoint. A copy of his remarks is attached (See Attachment #3).

The meeting adjourned.

3-10-83

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Robert C. Anderson	Topeka	SRS
JAY E. SUNDRETH	OVERLAND PARK	KSRA
Adrian M. Farver	Burlingame, KS	KSRA
M. Hawver	Topeka	Cap. Journal
Walt Magarsh	11 11	K.A.L.S.O.
Julie Novak	1816 Chen., Lawrence, KS.	Law. Women Assoc. club
Larry Humes	Lawrence, KS.	Sen. Steinegers Staff
Ernie Lubell	Topeka	SW student - Washburn
Brenda Johnson	Topeka	KTWU
Gerry Cullen	Topeka	KTWU

REFERENCE: HOUSE BILL 2033

(e) Submission to witness, changes, signing. When the testimony is fully transcribed the deposition shall be submitted made available to the witness for examination and shall be read to or by the witness, unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon ~~the deposition~~ a form provided by the officer with a statement of the reasons given by the witness, unless the parties by stipulation waive the signing, the witness is ill, cannot be found or refuses to sign. ~~The officer before whom the deposition is taken shall submit the deposition by sending it by restricted mail or by hand delivering it, either to the witness or to the attorney for the witness if the witness is a party to the lawsuit.~~

If the deposition is not signed by the witness ~~or not returned~~ within the time limitation provided in this subsection, the officer shall sign it or a copy of it and state on the record the waiver, the illness or absence of the witness or the refusal to sign together with the reason given, if any, or the failure to return the deposition within 30 days after having been submitted made available or within a reasonable time prior to trial. The costs of any replacement copy shall be chargeable to the attorney taking the deposition. The

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(2)

deposition may be used as though signed, unless on a motion to suppress, under K.S.A. 60-232(d)(4) and amendments thereto, the judge holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(f)(2) Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent, and all ~~other~~ reasonable charges for depositions or copies thereof shall be paid by the respective attorney or attorneys.

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STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

House Bill No. 2096

1. Short Title of Bill:

An act concerning domestic relations, relating to child custody investigations; amending K.S.A. 1982 Supp. 60-1615 and repealing the existing section.

2. Problem:

Amendment to K.S.A. 1982 Supp. 60-1615, regarding domestic relations, to remove SRS from investigating child custody situations in a divorce action.

3. Background of the Bill:

Last year language in K.S.A. 60-1615 was changed to insert SRS in the list of people or agencies authorized to conduct child custody investigations in divorce matters. This formalized an informal arrangement previously utilized by district court to have our staff do the home investigations to determine the most appropriate custodial parent.

4. Rationale for Support of Legislation:

With the additional responsibilities on SRS staff from the new Juvenile Code, it becomes imperative that SRS staff be removed from duties which are clearly not a part of the mission of the agency. The deletion of SRS from the list of people or agencies authorized in the statute would leave court services officers or any consenting person or agency employed by the court to carry out the needed investigations. Therefore, there would be adequate coverage of the job to be done without SRS staff.

Office of the Secretary
March 10, 1983

Atch. 2



Kansas Association
of
Court Services Officers

TESTIMONY PRESENTED BY PHIL MAGATHAN

Our association is opposed to House Bill 2096 from strictly a personnel standpoint. Only approximately 60% of our districts have Court Service officers available to perform domestic relations investigations. As you are well aware of, our main priority by statute is the delivery of probation services. Generally most districts are already overloaded with these mandated services such as presentence investigations, pre-disposition investigations, pre-trial release investigations, probation supervision and the assessment and collection of restitution for crime victims. Without the additional trained and qualified personnel we cannot provide child custody investigations in those districts who currently have no domestic relations personnel and rely on the Department of Social and Rehabilitation Services to perform this function.

PM/bn