

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Senator Jan Meyers at
Chairperson

Noon ~~xxxxpm~~ on March 29, 1983 in room 526-S of the Capitol.

All members were present except:

Senators Bogina, Chaney, Francisco, and Roitz - all excused

Committee staff present:

Emalene Correll, Legislative Research Department
Norman Furse, Revisor of Statutes office
Bill Wolff, Legislative Research Department

Conferees appearing before the committee:

Dr. Robert Harder, SRS

Others present: see attached list

Senator Meyers called the meeting to order and asked for discussion and action on all other bills still in committee.

HB 2503 - Mental Health Technicians, disciplinary actions, reports

Senator Ehrlich moved that HB 2503 be reported favorably. Senator Vidricksen seconded the motion and it carried.

HB 2092 - Illegal acquisition and disposition of welfare assistance

Norman Furse, Revisor of Statutes office, proposed two technical changes in HB 2092.

Senator Johnston moved that the amendments proposed by Mr. Furse be adopted. Senator Ehrlich seconded the motion and it carried.

There was discussion concerning federal vs. state prosecution of welfare fraud. The committee asked Dr. Robert Harder, SRS, to comment on this, and he stated that the Department of Agriculture has wanted the kind of language that is in this bill. This is directly related to the food stamp program, and SRS is expected to do all of the preliminary work.

Senator Johnston moved that HB 2092 be reported favorably, as amended. Senator Ehrlich seconded the motion and it carried.

HB 2099 - Removes SRS from adoption procedures under 59-2278

Dr. Robert Harder distributed an amendment to HB 2099, which allows the court to use SRS for social assessments if private social workers are not available. (Attachment #1).

Senator Johnston moved that the amendments proposed by Dr. Harder be adopted. Senator Vidricksen seconded the motion and it carried.

Senator Johnston moved that HB 2099 be reported favorably, as amended. Senator Vidricksen seconded the motion and it carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at Noon ~~xxxx~~ on March 29, 1983

HB 2337 - Counties, operation of home for the aged

Senator Hayden moved that HB 2337 be reported favorably. Senator Johnston seconded the motion and it carried.

HB 2108 - relating to dentures; requiring identifying marks thereon

Senator Johnston moved that HB 2108 be reported favorably. Senator Hayden seconded the motion and it carried.

HCR 5023 - relating to health and safety problems of alcohol consumption

Senator Morris moved that everything after the word "therein" in line 75, up to the word "As" in line 78, be stricken. Senator Hayden seconded the motion and it carried.

Senator Morris moved that the word "portion" be inserted for the word "shot" in line 26. Senator Johnston seconded the motion and it carried.

Senator Vidricksen moved that HCR 5023 be approved. Senator Ehrlich seconded the motion.

Senator Morris made a substitute motion that the committee adjourn. Senator Gordon seconded the motion and it carried.

The meeting was adjourned.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-29-83 - noon

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

Ken Masenthin 1539 SW 16th
Nancy Zielke

Washburn University Student
KDOA

Marilyn Bratt Lawrence
Rebecca Kupper Topeka
Dr Robert Harder

KINH
Ks. Hosp. Assoc.
SPS

noon - 3-29-83

dl

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

M E M O R A N D U M

FROM: Robert C. Harder

DATE : 24 March 1983

TO : Senator Jan Meyers, Chairperson
Senator Roy Ehrlich
Senator Gus Bogina
Senator Bert Chaney
Senator James L. Francisco
Senator E. Francis Gordon
Senator Leroy A. Hayden
Senator Mike Johnston
Senator Bill Morris
Senator Edward J. Roitz
Senator Ben A. Vidricksen

SUBJECT: House Bill 2099

The purpose of this memorandum is to reiterate my support of this bill which revises K.S.A. 1982 Supp. 59-2278 to remove the requirement that Secretary of SRS be notified of all adoption petitions filed in Kansas courts and make recommendations to the court on all such adoptions.

Kansas courts have utilized the expertise and flexibility of SRS social service staff to assess and prepare reports for the court on approximately 750 non-agency adoptions and private agency adoptions per year. SRS has lost 78 social worker field positions, due to budgetary constraints over the last three years, thus we feel it is necessary to suggest alternate sources in the community to provide adoption assessments for non-SRS adoptions.

It costs SRS approximately 6,000 social service hours to conduct such non-agency and private assessments annually. The assessments involve several home visits, including both individual and group interviews with the proposed adoptive parents and other members of the family, as well as preparation of a written report for the court. It is believed that such services would be purchased from individual licensed social workers or private agencies by the family wishing to adopt. This would free existing staff for other duties, such as assessing adoptive families wishing to adopt children for whom SRS has service responsibility.

PROPOSED AMENDMENT (attached):

Due to the concern voiced by several judges and legislators as to the availability of private licensed social workers in their communities, SRS is proposing to amend House Bill 2099 by inserting the following language: "If there is no licensed social worker available to make the social assessment and report to the court, the court may use the Department of Social and Rehabilitation Services for that purpose. The costs for making the social assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto."

We believe this amendment which allows the court to use SRS for social assessments if private social workers are not available will alleviate the concerns voiced by conferees.

ALch. 1

HOUSE BILL No. 2099

By Committee on Public Health and Welfare

(By request)

1-25

0018 AN ACT concerning adoption; relating to procedures therefor;
0019 amending K.S.A. 1982 Supp. 59-2278 and repealing the exist-
0020 ing section.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 1982 Supp. 59-2278 is hereby amended to
0023 read as follows: 59-2278. (a) The written consents to adoption
0024 which are required by K.S.A. 59-2102 and amendments thereto
0025 shall be filed with the petition for adoption. Upon the filing of
0026 the petition the court shall fix the time and place for the hearing
0027 thereon. The time fixed for the hearing may be any time not more
0028 than 60 days from the date the petition is filed if (1) consents and
0029 waivers of notice of each living parent are filed, (2) ~~no notice to~~
0030 ~~the secretary of social and rehabilitation services is required;~~ (3)
0031 the court does not request an investigation by the secretary of
0032 ~~social and rehabilitation services require the petitioner to obtain~~
0033 *an assessment by a person licensed to practice social work in*
0034 *Kansas to determine the advisability of the adoption and* (4) (3)
0035 there are no interested parties other than the petitioner and the
0036 consenting parties. In all other cases, the time fixed by the court
0037 shall be not less than 30 days or more than 60 days from the date
0038 of the filing of the petition. The time fixed for the hearing may be
0039 extended by the court for cause.

0040 (b) Notice of the hearing shall be given to all interested
0041 parties; ~~including the secretary of social and rehabilitation ser-~~
0042 ~~vices in those cases where the petitioner is not a stepparent.~~
0043 Pending the hearing the court may make an appropriate order for
0044 the care and custody of the child.

0045 (c) Promptly upon the filing of the petition by a petitioner

0046 who is not a stepparent, ~~the court shall~~; and if the petitioner is a
 0047 stepparent the court may; send to the secretary of social and
 0048 rehabilitation services a copy of the petition and of the consents.
 0049 Upon receiving such copy, the secretary of social and rehabilita-
 0050 tion services; without cost to the natural parents or to require the
 0051 petitioner; shall make an investigation to obtain an assessment of
 0052 the advisability of the adoption and, a report the secretary's
 0053 findings and recommendations ~~which is to be submitted to~~ the
 0054 court not less than 10 days before the hearing on the petition. In
 0055 making the investigation assessment, the secretary of social and
 0056 rehabilitation services licensed social worker/is authorized to
 0057 observe the child and to contact the agency or individuals con-
 0058 senting to the adoption and obtain any voluntarily given genetic
 0059 information about the child. This information shall be made a
 0060 part of the report to the court. If requested by the court, the
 0061 secretary may inquire whether the consents to the adoption were
 0062 freely and voluntarily made. The secretary's The licensed social
 0063 worker's report to the court shall include the results of investiga-
 0064 tion of the adopting parents, their home and their ability to care
 0065 for the child.

0066 (d) Upon the hearing of the petition, the court shall consider
 0067 the report of the secretary of social and rehabilitation services;
 0068 together with all other evidence offered by any interested party. If
 0069 the court is of the opinion that the adoption should be made, it
 0070 shall make a final order of adoption and shall deliver the child to
 0071 the petitioner, if that has not already been done. In any event, the
 0072 costs of the adoption proceedings; other than those caused by the
 0073 secretary of social and rehabilitation services; shall be paid by the
 0074 petitioner.

0075 Sec. 2. K.S.A. 1982 Supp. 59-2278 is hereby repealed.

0076 Sec. 3. This act shall take effect and be in force from and after
0077 its publication in the statute book.

by a court designated social worker licensed to practice social work in Kansas

delete

and file a report of such assessment with

If there is no licensed social worker available to make the social assessment and report to the court, the court may use the department of social and rehabilitation services for that purpose. The costs for making the social assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

or the department of social and rehabilitation services

or the report of the department of social and rehabilitation services

the social assessment and

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2503

"AN ACT concerning mental health technicians; relating to reports of actions thereof which are grounds for disciplinary action; amending K.S.A. 65-4210 and repealing the existing section."

Be passed.

_____Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2092 (As Amended by House Committee)

"AN ACT relating to social and rehabilitation services; concerning the illegal acquisition or disposition of assistance; prescribing criminal penalties therefor; amending K.S.A. 39-717 and repealing the existing section."

Be amended:

On page 1, in line 26, by inserting a colon after "not"; also in line 26, by striking "be" and inserting in lieu thereof "(a) Be"; in line 28, by striking all after "services"; in line 29, by striking all before "knowingly" and inserting in lieu thereof "; or (b)"; in line 33, by striking "statutory law" and inserting in lieu thereof "laws";

And the bill be passed as amended.

Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2099

"AN ACT concerning adoption; relating to procedures therefor; amending K.S.A. 1982 Supp. 59-2278 and repealing the existing section."

Be amended:

On page 2, in line 51, by inserting before "of" the following: "by a court designated social worker licensed to practice social work in Kansas"; in line 52, by striking "a report"; in line 53, by striking all before "the" and inserting in lieu thereof the following: "and file a report of such assessment with"; in line 54, by inserting before "In" the following: "If there is no licensed social worker available to make the social assessment and report to the court, the court may use the department of social and rehabilitation services for that purpose. The costs for making the social assessment and report may be assessed as court costs in the case as provided in article 20 of chapter 60 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto."; in line 56, by inserting before "is" the following: "or the department of social and rehabilitation services"; in line 63, by inserting before "to" the following: "or the report of the department of social and rehabilitation services"; in line 68, by inserting before "all" the following: "the social assessment and";

And the bill be passed as amended.

Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2337 (As Amended by House Committee)

"AN ACT relating to homes for the aged; concerning the operation thereof; amending K.S.A. 19-2110 and repealing the existing section."

Be passed.

_____Chairperson

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your Committee on Public Health and Welfare

Recommends that House Bill No. 2108

"AN ACT relating to dentures; requiring identifying marks thereon."

Be passed.

_____Chairperson