

Approved 3/12/1984
Date ah

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at
Chairperson

1:30 a.m./p.m. on March 1, 1984 in room 423-S of the Capitol.

All members were present except:
Representative Jesse Harder, excused

Committee staff present:
Emalene Correll, Research
Norm Furse, Revisor
Sue Hill, Secy. to Committee

Conferees appearing before the committee:
None

Visitor's register, see Attachment No. 1.

Chairman called meeting to order saying we have 9 bills to discuss and take action on this date.

HB 2695:-

This was the bill that had a large balloon to study, and the bill in full form to also study. Chair asked pleasure of Committee on HB 2695. (See Attachment No. 2.), for details of balloon. Rep. Friedeman moved HB 2695 be passed out favorably as amended. Motion seconded by Rep. Williams, motion carried.

HB 2697:-

This bill had a big complex balloon, and the long form for the way the bill would read if amendments were included. Rep. Branson made motion to amend further, (see Attachment No. 3.), for details of balloon), see page 3 of the balloon from giving a 10 day notice to 30 days for the discharge of a minor or disabled person. Motion seconded by Rep. Blumenthal, motion carried.

Rep. Blumenthal then moved that HB 2697 be passed out of committee favorably as amended, seconded by Rep. Walker, motion carried.

HB 2715:-

Sub-committee chairman Rep. Walker appointed by Chair, reported to full committee this date in regard to sub-committee's recommendations on HB 2715. (See Attachment No. 4.), for details of balloon. Rep. Walker moved that the proposed amendment be accepted into HB 2715 as follows:- page 2, line 45 after the word person, delete language through end of line 49, and add in lieu thereof, "appears before a committee or subcommittee of the state legislature, a commission created by the legislature to make a legislative study or any legislative body of a political subdivision of the state to present testimony to such committee, commission or body", and the motion was seconded by Rep. Williams. Discussion, vote taken, motion carried.

Rep. Buehler moved that HB 2715 be passed out of committee favorably as amended, seconded by Rep. Hassler, question called, motion carried.

HB 2864:-

Rep. J. C. Long moved to pass HB 2864 out favorably for passage, seconded by Rep. Williams, motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
 room 423-S, Statehouse, at 1:30 ~~A.M.~~/p.m. on March 1, 19 84

HB 2919:-

Rep. Hassler, chairperson of subcommittee on HB 2919 appointed by Chair at an earlier meeting reported to full committee in regard to subcommittee's recommendations. After careful study, she said, they agreed the bill should be considered as is. Rep. Long, also a subcommittee member said that he could find no compromise ground on HB 2919, and feels it should be left as is. Rep. Wagnon moved that HB 2919 be passed out of committee favorably, seconded by Rep. Niles. Discussion, i.e., seems there is an old argument surfacing here in regard to homes that care for small numbers of children and those homes that care for large numbers of children; when complaints are voiced, the right to inspect already exists; studies done since last July indicated that out of 16 reported complaints from registered homes, 10 complaints were confirmed, and in licensed homes 3 complaints out of 3 were confirmed; time limits were suggested for certificate of registration being in force; every complaint registered does not necessarily mean there is a problem; further encroachment into peoples lives and businesses and is it really necessary was voiced; consistency needed here as in other child protection areas, etc. Vote taken, division called, show of hands indicated 7 for and 9 against. Motion defeated. HB 2919, killed.

HB 3000:-

There was some discussion in regard to an amendment that had been suggested on line 66, page 2 of HB 3000, and about existing penalties. Rep. Williams moved that HB 3000 be passed out of committee unfavorably, motion seconded by Rep. King. Discussion, i.e., some felt that everything this bill speaks to is already law, and that HB 3000 is really unneeded. Question called by Rep. Walker, vote taken, chair in doubt, show of hands indicated 10 for, and 4 against. HB 3000 unfavorable for passage.

HB 3024:-

Rep. Walker moved that HB 3024 be adopted favorable for passage, seconded by Rep. Branson. Discussion, i.e., there may be areas in rural communities where some licensed personnel isn't available and others might have to administer medications; required training for home health aides, etc. Question called by Rep. Green, vote taken, motion carried. HB 3024 to be reported out favorably for passage. Rep. Buehler recorded as a no vote.

HB 3034:-

Rep. Williams moved to pass HB 3034 out of committee unfavorably. Motion seconded by Rep. Green. Discussion, question called, vote taken, motion carried.

HB 3025:-

Rep. Walker, chairman of subcommittee appointed by chair at earlier meeting spoke to full committee in regard to recommendations on an amendment for HB 3025. This amendment would read, line 340, page 10 of HB 3025, after the word "the", deleting "court's payment ledger or other record", and inserting in lieu thereof, "appearance docket of the case and file the notification in the case file". On line 341, (as now numbered), delete the word "is", and insert in lieu thereof, "may be". A motion to accept this amendment was made by Rep. Green, seconded by Rep. Williams, motion carried. (See Attachment No. 5.) for details.

Rep. Walker spoke then to another amendment for HB 3025, on page 9, beginning with line 306 with the word "Upon", striking it and the entire paragraph down to and including line 322, ending with the word obligee." Rep. Walker moved this amendment be approved, motion seconded by Rep. Rogers. Discussion ensued. Rep. Friedeman made a substitute motion that HB 3025 be moved out of committee without recommendation, seconded by Rep. King. More discussion. Vote taken, motion carried.

Chairman thanked committee and staff for their hard work this date.

Adjourned at 2:30 p.m.

Date: March 1, 1984

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

Please Print

NAME	ORGANIZATION	ADDRESS
JOANNE Hill	KS Physical Therapy Assn	Topeka
Susan Daniels	"	"
Jill McBride	United Way of Topeka	"
Judy Reno	Ks. Assoc. of Home Health Aides	1900 E. 9 th Wichita
SISTER JOAN ROSEY	St. Mary's Home Health Service	15 th E STATE, EMPORIA, Ks.
Sandra Neal	Miami County A.D.A. HHA	148 W. 4 th St. Emporia, Ks 66801
Elizabeth Carlson	Bd of Healing Arts	Topeka
Susan Alexander	Home Health Services of Chase Co.	Cottonwood Falls, Ks. 66245
Mary Ann	Home Health - Home Care	8900 State Line #332 Leawood, Ks.
Cindy Miller	Home Health - Home Care	8900 State Line #332 Leawood, Ks.
Charlotte Dugan	Jr. Leary Co. Home Health	Box 287 - Junction City, Mo 64501
Julianne Patten	Jefferson Co. Health Dept + HHA	722 Delaware (Osaka, Ks) 66066
Jean Will	" " "	Osaka, Ks 66066
Mona Evans	Brown Co. Health Dept + HHA	Courthouse Shawatha, Ks 66434
Pat Scott	N.E.K. Multi Co. Health Dept + HHA	At, BR, JA counties
Evelyn Motheus	1004 th Kans. St. Nurses Assoc.	1004 Highland Newton, Ks 67114
Bian Bottoff	KSNA	Topeka

Attn #1
3-1-1984

Attn #2
3-1-84

HOUSE BILL No. 2695

By Committee on Public Health and Welfare

1-17

0017 AN ACT prohibiting the maintaining of certain homes for chil-
0018 dren by certain persons; amending K.S.A. 1983 Supp. 65-516
0019 and 65-519 and repealing the existing sections.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1983 Supp. 65-516 is hereby amended to
0022 read as follows: 65-516. No person shall maintain a boarding
0023 home for children or maintain a family day care home if, in such
0024 boarding home or family day care home, there resides any person
0025 who:

0026 ~~(a) - Has been convicted of child abuse;~~
0027 (b) has had a child declared to be deprived or a child in need
0028 of care;

0029 ~~(c) has had a child removed from the home pursuant to the~~
0030 Kansas juvenile code or the Kansas code for care of children;

0031 ~~(d) - has been convicted of a sexual offense;~~
0032 (e) has signed a diversion agreement pursuant to K.S.A. 22-

0033 2906 *et seq.*, and amendments thereto, involving a charge of
0034 child abuse or a sexual offense;

0035 ~~(f) has been found to be an incapacitated person in need of a~~
0036 ~~guardian or conservator, or both, pursuant to the act for obtaining~~
0037 ~~a guardian or conservator, or both;~~

0038 (g) has been found to be unfit to have custody of a minor
0039 child pursuant to K.S.A. 60-1610 and amendments thereto; or

0040 (h) has an infectious or contagious disease; or
0041 ~~(i) has committed an act of child abuse as confirmed by the~~
0042 ~~state department of social and rehabilitation services.~~

0043 Sec. 2. K.S.A. 65-519 is hereby amended to read as follows:
0044 65-519. (a) The secretary shall issue a certificate of registration to
0045 any person who applies for registration on forms furnished by the

(a)

works or volunteers

(1) has a felony conviction or has a conviction of any act which is described in articles 34, 35, or 36 of chapter 21 of the Kansas Statutes or has committed an act of physical, mental or emotional abuse or neglect or sexual abuse as validated by the department of social and rehabilitation services pursuant to K.S.A. 1983 Supp. 38-1523.

(2)

(3)

or a similar statute of other states

(4)

or pursuant to K.S.A. 1983 Supp. 38-1635

(5)

(b) No person shall maintain a boarding home for children or maintain a family day care home if such person has been found to be a disabled person in need of a guardian or conservator, or both;

(c) Any person who resides in the home and who has been found to be a disabled person in need of a guardian or conservator, or both, shall be counted in the total number of children allowed in care.

(d) The secretary shall have access to any court orders or adjudications of any court of record or any records of such orders or adjudications and any report of investigations as authorized by K.S.A. 1983 Supp. 38-1523 (e) in the possession of the department of social and rehabilitation services concerning persons residing in a boarding home for children or a family day care home in order to determine whether or not the home meets the requirements of K.S.A. 65-516 and 65-519, and amendments thereto.

0046 secretary and who attests to the safety of the family day care
0047 home for the care of children and certifies that no person resid-
0048 ing in the family day care home:

- 0049 ~~(1) Has been convicted of child abuse or a sexual offense;~~
0050 ~~(2) has had a child declared to be deprived or a child in need~~
0051 ~~of care;~~
0052 ~~(3) has had a child removed from the home pursuant to the~~
0053 ~~Kansas juvenile code or the Kansas code for care of children;~~
0054 ~~(4) has signed a diversion agreement pursuant to K.S.A. 22-~~
0055 ~~2906 et seq., and amendments thereto, involving a charge of~~
0056 ~~child abuse or a sexual offense;~~
0057 ~~(5) has been found to be an incapacitated person in need of a~~
0058 ~~guardian or conservator, or both, pursuant to the act for obtaining~~
0059 ~~a guardian or conservator, or both;~~
0060 ~~(6) has been found to be unfit to have custody of a minor~~
0061 ~~child pursuant to K.S.A. 60-1610 and amendments thereto; or~~
0062 ~~(7) has an infectious or contagious disease; or~~
0063 ~~(8) has committed an act of child abuse as confirmed by the~~
0064 *state department of social and rehabilitation services.*

0065 (b) The secretary shall furnish each applicant for registration
0066 a family day care home safety evaluation form to be completed
0067 by the applicant and submitted with the registration application.

0068 (c) The certificate of registration shall be renewed annually
0069 in the same manner provided for in this section.

0070 ~~(d) The secretary shall have access to any court orders or~~
0071 ~~adjudications of any court of record or any records of such orders~~
0072 ~~or adjudications and any report of confirmed child abuse in the~~
0073 ~~possession of the department of social and rehabilitation services~~
0074 ~~concerning persons residing in a boarding home for children or a~~
0075 ~~family day care home in order to determine whether or not the~~
0076 ~~home meets the requirements of K.S.A. 65-516 and 65-519, and~~
0077 ~~amendments thereto.~~

0078 Sec. 3. K.S.A. 1983 Supp. 65-516 and 65-519 are hereby
0079 repealed.

0080 Sec. 4. This act shall take effect and be in force from and
0081 after its publication in the statute book.

Attme. # 3
3-1-84

HOUSE BILL No. 2697

By Committee on Public Health and Welfare

1-17

0017 AN ACT concerning state institutions for the mentally retarded;
0018 establishing a procedure for admission thereto; relating to the
0019 rights of persons admitted thereto.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. When used in this act:

0022 (a) "Adaptive behavior" means the effectiveness or degree
0023 with which an individual meets the standards of personal inde-
0024 pendence and social responsibility expected of that person's age,
0025 cultural group and community.

0026 (b) "Care" means supportive services, including, but not
0027 limited to, provision of room and board, supervision, protection,
0028 assistance in bathing, dressing, grooming, eating and other ac-
0029 tivities of daily living.

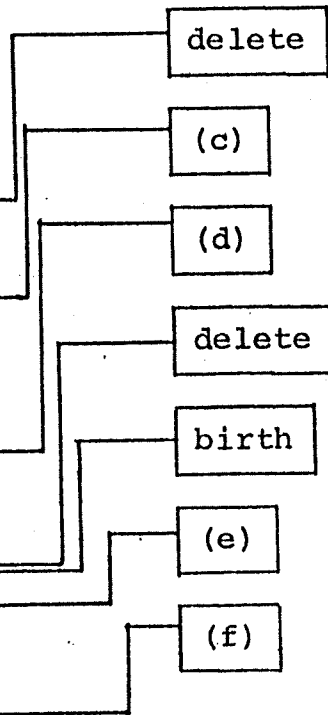
0030 ~~(c) "Commissioner" means the commissioner of mental~~
0031 ~~health and retardation services of the state department of social~~
0032 ~~and rehabilitation services;~~

0033 ~~(d)~~ "Institution" means a state institution for the mentally
0034 retarded including the following institutions: Kansas neurologi-
0035 cal institute, Norton state hospital, Parsons state hospital and
0036 training center and Winfield state hospital and training center.

0037 ~~(e)~~ "Mental retardation" means significantly subaverage
0038 general intellectual functioning existing concurrently with defi-
0039 cits in adaptive behavior and manifested during the period from
0040 ~~conception~~ to age 18.

0041 ~~(f)~~ "Respite care" means temporary, short-term care not ex-
0042 ceeding 90 days per calendar year to provide relief from the daily
0043 pressures involved in caring for a mentally retarded person.

0044 ~~(g)~~ "Restraint" means the use of a totally enclosed crib or any
0045 material to restrict or inhibit the free movement of one or more



0046 limbs of a person except medical devices which limit movement
0047 for examination, treatment or to insure the healing process.

(g)

0048 (h) "Seclusion" means being placed alone in a locked room
0049 where the individual's freedom to leave is thereby restricted and
0050 where such placement is not under continuous observation.

(h)

or the designee of the secretary

0051 (i) "Secretary" means the secretary of social and rehabilita-
0052 tion services.

(i)

delete

secretary

0053 (j) "Significantly subaverage general intellectual function-
0054 ing" means performance which is two or more standard devia-
0055 tions from the mean score on a standardized intelligence test
0056 specified by the commissioner

(j)

or the designee of the chief administrative officer

0057 (k) "Superintendent" means the chief administrative officer
0058 of the institution.

(k)

0059 (l) "Training" means the provision of specific environmental,
0060 physical, mental, social and educational interventions and
0061 therapies for the purpose of halting, controlling or reversing
0062 processes that cause, aggravate or complicate malfunctions or
0063 dysfunctions of development.

delete

secretary

delete

0064 Sec. 2. The admission of a mentally retarded person to an
0065 institution shall be at the discretion of the commissioner or the
0066 commissioner's designee.

No person shall be admitted

0067 Sec. 3. The commissioner or the commissioner's designee
0068 shall not admit a person to an institution except for the purpose
0069 of diagnosis and evaluation unless the superintendent or the
0070 superintendent's designee has found such person to be mentally

delete

If in the opinion of the superintendent an applicant for admission meets the definition of "disabled person" as set forth in K.S.A. 59-3002 and amendments thereto, the

0071 retarded, in need of care and training and that placement in the
0072 institution is the least restrictive alternative available. An ad-
0073 mission for respite care shall not require a finding that a person is
0074 in need of training.

for the purposes of conducting a court ordered evaluation pursuant to

0075 Sec. 4. A person shall not be admitted to an institution ex-
0076 cept as set forth in subsection (a)(6) of K.S.A. 59-3010 and
0077 amendments thereto until a court has determined the legal status

delete

. The provisions of this paragraph shall not be applicable if a court has already determined the legal status of the applicant under the act.

0078 of the person under the act for obtaining a guardian or conserva-
0079 tor, or both, if in the opinion of the superintendent or the
0080 superintendent's designee the person meets the definition of
0081 "disabled person" as set forth in K.S.A. 59-3002 and amendments
0082 thereto.

delete

0083 ~~Sec. 5. The court shall not approve placement of a ward in an~~
 0084 ~~institution pursuant to subsection (g) of K.S.A. 59-3018 and~~
 0085 ~~amendments thereto except for the purpose of diagnosis and~~
 0086 ~~evaluation unless the court finds that the criteria set forth in~~
 0087 ~~section 3 is met.~~

delete

5

0088 ~~Sec. 6. The superintendent~~~~or the superintendent's designee~~
 0089 shall periodically review a person's status to insure that the
 0090 criteria set forth in section 3 is still being met. A review shall be
 0091 conducted at the end of 90 days, 180 days and one year from the
 0092 date of admission and annually thereafter. A copy of the review
 0093 report shall be furnished to the ~~court, guardian or parent as~~
 0094 ~~appropriate.~~

delete

at least

delete

person, a natural guardian or a guardian and the court having jurisdiction of the guardianship

0095 ~~Sec. 7. A person shall be discharged~~ from an institution
 0096 whenever (a) the superintendent ~~or the superintendent's designee~~
 0097 ~~finds that at least one of the criteria set forth in section 3 is no~~
 0098 ~~longer being met, or (b) a person, guardian or parent of a minor~~
 0099 ~~requests discharge from an institution. A discharge of a minor or~~
 0100 ~~disabled person pursuant to (b) shall require the consent of a~~
 0101 ~~parent or guardian as appropriate except as set forth in section 9.~~

6

The superintendent shall discharge a person

delete

(30 da)

and upon the giving of a 10 day notice, or (b) upon the request of a person, natural guardian or guardian.

0102 ~~Sec. 8. If a disabled person requests release from an institu-~~
 0103 ~~tion and the guardian and the superintendent or the superin-~~
 0104 ~~tendent's designee do not concur with such request, the matter~~
 0105 ~~shall be referred to the court having jurisdiction over the guard-~~
 0106 ~~ianship for disposition. The court shall not approve continued~~
 0107 ~~placement in the institution unless the court finds that the~~
 0108 ~~criteria set forth in section 3 is still being met.~~

delete

natural guardian

7

secretary

0109 ~~Sec. 9. The commissioner~~ may transfer a person from one
 0110 institution to another institution whenever the ~~commissioner~~ is
 0111 of the opinion that the transfer is in the best interests of the
 0112 person.

The secretary may transfer a person to any other institution under the jurisdiction of the secretary for a period not to exceed 90 days to obtain treatment not available in an institution for the mentally retarded. The secretary shall consult with the person, natural guardian, or guardian prior to any transfer under this section.

0113 ~~Sec. 10. Restraint or seclusion shall not be applied to a~~
 0114 ~~person unless it is determined by a member of the medical staff~~
 0115 ~~to be required to prevent substantial bodily injury to such person~~
 0116 ~~or others. The extent of restraint or seclusion applied to the~~
 0117 ~~person shall be the least restrictive measure necessary to prevent~~
 0118 ~~injury to the person or others, and the use of restraint or seclu-~~
 0119 ~~sion shall not exceed three hours without medical reevaluation,~~

8

delete

treatment

0120 except that such medical reevaluation shall not be required,
0121 unless necessary, between the hours of 12 o'clock midnight and
0122 8 a.m. A member of the medical staff shall sign a statement
0123 explaining the medical necessity for the use of any restraint and
0124 seclusion and shall make such statement a part of the medical
0125 record of such person.

9

0126 Sec. 11. Except as limited by this act, a person shall not lose
0127 rights as a citizen, property rights or legal capacity by reason of
0128 being admitted to an institution, except that the superintendent
0129 of an institution may adopt reasonable policies concerning the
0130 exercise of such rights by persons admitted to the institution.

10

0131 Sec. 12. (a) Every person admitted to an institution, in addi-
0132 tion to all other rights preserved by the provisions of this act,
0133 shall have the following rights:

(2) to have the natural guardian or guardian of the person fully informed of all rights and responsibilities available to or required of persons admitted to the institution;

0134 (1) To be fully informed of all rights and responsibilities
0135 available to or required of persons admitted to the institution;

(3)

0136 ~~(2)~~ to be fully informed of and offered the opportunity to
0137 participate in an individual plan of care and training;

(4)

0138 ~~(3)~~ to communicate by letter with the secretary, commis-
0139 sioner, superintendent of the institution, any court, physician,
0140 attorney, natural guardian or guardian, and all such communica-
0141 tion shall be forwarded at once to the addressee without exami-
0142 nation and communications from such persons shall be delivered
0143 to the person without examination;

of mental health and retardation services

0144 ~~(4)~~ to manage personal and financial affairs to the extent
0145 possible;

(5)

(6)

0146 ~~(5)~~ to be free from mental and physical abuse;

(7)

0147 ~~(6)~~ not to be subject to such procedures as psychosurgery,
0148 electroshock therapy, experimental medication, aversion therapy
0149 or hazardous treatment procedures without the written consent
0150 of the person or the written consent, as appropriate, of a parent or
0151 guardian;

(8)

0152 ~~(7)~~ to be treated with respect and full recognition of dignity
0153 and individuality including privacy and confidentiality;

(9)

0154 ~~(8)~~ to be free from involuntary labor and to be paid for any
0155 work performed other than personal housekeeping;

(10)

0156 ~~(9)~~ to be free to communicate, associate and meet privately

0157 with individuals of choice including sending and receiving mail
0158 unopened;

(11)

0159 ~~(10)~~ to participate in social, religious and community group
0160 activities to the extent possible; and

(12)

0161 ~~(11)~~ to retain and use personal possessions and clothing.

0162 (b) The superintendent of an institution may, for good cause
0163 only, restrict a person's rights under this section, except that the

delete

0164 rights enumerated in subsections (a) (1), (2), (3), ~~(5) and (7)~~, and
0165 the right to mail any correspondence which does not violate

(4), (6) and (8),

0166 postal regulations, shall not be restricted by the superintendent
0167 of an institution under any circumstances. A statement explain-

treatment

0168 ing the reasons for any restriction of a person's rights shall be
0169 immediately entered on such person's ~~medical~~ record and copies

delete

0170 of such statement shall be ~~available~~ to the person and the natural
0171 guardian or guardian of the person.

sent

0172 (c) Each institution shall adopt policies governing the con-
0173 duct of all persons receiving care and training in such institution,

0174 which policies shall be consistent with the provisions of this
0175 section.

0176 (d) Any person willfully depriving any person of the rights
0177 protected by this section, except for the restriction of such rights

0178 in accordance with the provisions of subsection (b), shall be
0179 guilty of a class C misdemeanor.

11

0180 Sec. 13. This act shall take effect and be in force from and
0181 after its publication in the statute book.

Attn #4
3-1-84

0045 (d) when such person is a witness before the legislative body
0046 of any political subdivision of the state, any legislative commit-
0047 tee or subcommittee, or legislative research or study committee
0048 or subcommittee or commission authorized by the state legisla-
0049 ture or legislative body of any political subdivision of the state

appears before a committee or subcommittee of
the state legislature, a commission created by
the legislature to make a legislative study or
any legislative body of a political subdivision
of the state to present testimony to such com-
mittee, commission or body

0050 and has notified the appointing authority of the person's desire
0051 for an interpreter at least 48 hours prior to the proceedings;

0052 (e) when such person is arrested for an alleged violation of a
0053 criminal law of the state or any city ordinance. The appointment
0054 shall be made prior to any attempt to interrogate or take a
0055 statement from the person.

0056 New Sec. 3. Interpreters shall be appointed from a list of
0057 qualified interpreters maintained by the Kansas commission for
0058 the deaf and hearing impaired.

0059 No individual shall be appointed to serve as an interpreter for
0060 a person if such individual is married to the person, related to the
0061 person within the first or second degrees of consanguinity, living
0062 with that person or is otherwise interested in the outcome of the
0063 proceedings.

0064 No individual shall be appointed as an interpreter unless the
0065 appointing authority makes a preliminary determination that the
0066 interpreter is able to readily communicate with the person and is
0067 able to accurately repeat and translate such statements of the
0068 person.

0069 New Sec. 4. Prior to rendering interpreter services, an in-
0070 terpreter appointed pursuant to the provisions of this act shall
0071 take an oath as required by K.S.A. 75-4354 and amendments
0072 thereto.

0073 New Sec. 5. The appointing authority conducting the pro-
0074 ceedings shall pay for the services of the interpreter at the rate
0075 established by the Kansas commission for the deaf and hearing
0076 impaired. The appointing authority may provide for the payment
0077 of such services out of funds appropriated for its operation.

0078 New Sec. 6. An appointing authority may require a person
0079 requesting the appointment of an interpreter to furnish reason-
0080 able proof of deafness, hearing impairment or speech impair-
0081 ment when the appointing authority has reason to believe that

Attn: #5
3-1-84

0340 *rehabilitation services in the court's payment ledger or other*
0341 ~~record~~ *to insure that the obligor is credited for the amounts*
0342 *collected.*

appearance docket of the case and file the notification
in the case file

0343 Sec. 4. K.S.A. 39-755 is hereby amended to read as follows:

may be

0344 39-755. (a) In cases where the secretary of social and rehabilita-
0345 tion services is deemed to have an assignment of support rights
0346 from a person applying for or receiving aid to families with
0347 dependent children in accordance with the provisions of K.S.A.
0348 39-709 and amendments thereto, the secretary is authorized to
0349 bring a civil action in the name of the state of Kansas to enforce
0350 such support rights and, when appropriate or necessary, to es-
0351 tablish the paternity of a child. *The secretary may also enforce*
0352 *arrearages on the basis of any support order or file a motion to*
0353 *modify any such order.*

0354 (b) The secretary of social and rehabilitation services and the
0355 attorney representing the secretary or an attorney with whom the
0356 secretary has entered into a contract or agreement for such
0357 services under this act shall be deemed to represent the interests
0358 of all persons, officials and agencies having an interest in the
0359 assignment. The court shall determine, in accordance with ap-
0360 plicable provisions of law, the parties necessary to the proceed-
0361 ing and whether independent counsel should be appointed to
0362 represent any party to the assignment or any other person having
0363 an interest in the support right.

0364 (c) Any support order made by the court in such a proceeding
0365 shall direct that payments be made to the secretary of social and
0366 rehabilitation services so long as there is in effect an assignment
0367 of support rights to the secretary and, upon notification by the
0368 secretary to the court that the assignment is terminated, that
0369 payments be made to the person or family.

0370 (d) The provisions of this section shall also apply to cases
0371 brought in accordance with the provisions of this act involving
0372 persons who are not applicants for or recipients of aid to families
0373 with dependent children.

0374 Sec. 5. K.S.A. 1983 Supp. 39-758 is hereby amended to read
0375 as follows: 39-758. (a) State, county and local units of govern-
0376 ment, their officers and employees, *as well as all corporations,*