

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 February 6, 1984 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaines, Hess, Mulich, Steineger and Werts.

Committee staff present: Mary Torrence, Revisor of Statutes  
Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Senator Jan Meyers  
Cynthia Robinson, Prairie Village, Attorney  
Suzanne Hardin, Prairie Village  
January Scott, Kansas Coalition For the Prevention of Child Abuse  
Brenda Hoyt, Office of the Attorney General  
Commissioner Robert Barnum, Youth Services, SRS  
John Wine, Office of the Secretary of State

Senate Bill 614 - Preferences in awarding custody of children in need of care.  
Senate Bill 615 - Grandparents' rights to visit child in need of care.

Senator Meyers, the sponsor of the bills, explained the bills amend the same section in the law. The judges may already be doing what they are suggesting in the bills. She stated the bills will provide stability and continuity in the child's life; the grandparents can be psychological parent to that abused child.

Cynthia Robinson presented her background in working with child abuse and as a person, she is concerned about kids. She has been working with Suzanne Hardin with these two concerns, emotional abuse and grandparents visitation. She explained the bills are consistent with the disposition section in the Code For Care of Children to encourage continuing the relationship of a child with extended family members. Senate Bill 615 will show public policy that extended family should be first line of resource when parents are not able to fulfill all of the child's needs. She explained these two bills have grown out of Suzanne Hardin's personal experience.

Suzanne Hardin testified she and Cynthia Robinson are wanting to see children in custody cases placed with relatives, or another person, with whom the child has close emotional ties, and grandparents granted visitation with their grandchildren. A copy of her testimony is attached (See Attachment No. 1). Following her testimony, a committee member said he hadn't seen this problem in his office. Is this an isolated problem? Are these children being placed in foster care? Suzanne Hardin replied, it depends on the position of the social service department in the county and the judges. They don't take the time to investigate the family to see if there are good caring people in that framework. She feels a need to set this in the statutes when the judge needs other direction. The committee member inquired, can you cite examples where loving caring grandparents have shown up in court and the judge has awarded them to foster care other than the grandparents? She replied, since last week, I can cite you three examples from the 45 phone calls I have received.

January Scott testified she had nothing more to add, but that her committee supports these two bills.

Brenda Hoyt testified the attorney general's office is in support of these two bills. She said she takes the calls that come into the office, and it is not an

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
 room 514-S, Statehouse, at 10:00 a.m./~~noon~~ on February 6, 1984

Senate Bills 614 and 615 continued

isolated incidence. It depends upon what county you are in; there is a problem with qualified workers in some counties. In most of the cases it is felt the child ends up the victim.

Commissioner Robert Barnum testified SRS is in support of the two bills. It is good welfare practice; this should be the first resource to which we look. They like the language of the bill because it focuses on the best needs of the child. In response to the questions of the committee member who asked if this were an isolated problem, Cynthia Robinson responded there is nothing specific in the code, and the attorneys don't encourage grandparents to come forward. It is important to encourage grandparents to show up and ask. The committee member inquired, do grandparents have higher preference over a brother or a sister? Why write into the statute that grandparents may; maybe there are natural brothers and sisters, or a brother or sister of the parents. Why give preference to one blood relative over another? She replied, she feels including other relatives might strengthen the statute. Their preference would be to put "shall" in both bills. They like the bills the way they stand. Senate Bill 614 is not written to confine it to grandparents or relatives. There are at least eight states who have visitation statutes that are not limited to grandparents. If you choose to extend beyond grandparents, they would be in favor of that also. Committee discussion was held regarding the Federal Model Act by Senator Dole. A committee member asked to see a copy of it. A committee member inquired, what is the status of the law? Does the judge now have the authority to do that to allow visitation of the grandparent? She replied, it is not in the code. There is nothing in the code from preventing it. It is not encouraged. The committee member inquired, why not make clear the court has the authority to allow visitation with anyone? She said she was also in favor of that suggestion.

The chairman pointed out there will be various bills relating to Kansas Code For Care of Children, and he will wait until all the bills relating to this are in to take action.

John Wine presented a proposal for the introduction of a committee bill. He explained they are proposing four changes in K.S.A. 17-7301 regarding foreign corporation applications. A copy of the proposal is attached (See Attachment No. 2). Senator Hess moved that the bill be introduced as a committee bill. Senator Mulich seconded the motion, and the motion carried.

Senate Bill 500 - Notice by restricted mail.

During committee discussion it was noted the fiscal impact became worse the more it was researched. The committee member felt action on the bill should be held up for more information. The chairman noted there were implications that was not anticipated. A committee member commented the intent of the bill is to have a uniform policy and to save money. The chairman explained, from reports from other departments, it is the restricted mail part of the bill that would cause the fiscal impact. He suggested it might be a good subject for interim consideration when the departments can come in and discuss it with the committee. Senator Feleciano moved to request the chairman to write a letter to request an interim study on the subject. Senator Mulich seconded the motion, and the motion carried.

Senator Werts moved that the minutes of January 27, 1984, be approved. Senator Hess seconded the motion. The motion carried.

A committee member inquired, what is the status of the Uniform Administrative Procedures Act that is being considered by the House Judiciary Committee? Staff reported since there is some opposition to it, not sure how wide spread it is. A committee member reported there is an attorney general's opinion in regard to rules and regulations. The chairman requested staff to make available to committee

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m./~~pm~~ on February 6, 1984.

members a copy of the attorney general's opinion. The chairman explained the Judicial Council did study it and came up with two bills; one deals with procedures for state agencies, and the other relating to appeals that deals with more than just state agencies. A committee member felt the governor's office and the attorney general's office should be involved in the hearings concerning rules and regulations. He thinks we are going to have to decide what we are going to do. The consensus of the committee was to come to a decision on it this year.

The meeting adjourned.

2-6-84

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Johnny H. Scott	214 W. 6 <sup>th</sup> Suite 301	KOPCA
Suzanne Hardin	8229 Nale Ave	Prairie Village Ks
Cynthia A. Robinson	7307 Rosewood	Prairie Vlg Ks
Jan Owen	2053 K.S. Ave Topeka, KS	KS Action for Children
Robert Bam	807 Terrace Topeka Ks	SRS Youth Svc.
Ruth Welton	Topeka	Girl Scout
Tom Fritzen	Lawrence	Sen Hess
Dr. Allen Beck	2921 Lincoln <sup>Topeka</sup>	self
Lois Dale	Topeka	Ks. Action for Children
Brenda Hoyt	Topeka	A.G.'s Office
W. Fisher	Lawrence	Sen Thompson
D. Fisher	AP	
Jan Meyers		Senator
Sue Lockett	3751 Warwick - Topeka	KAC
M. Hawer	Topeka	Capital Journal

TEST: NY SUZANNE HARDIN TO THE SENATE JUDICIARY COMMITTEE  
SENATE BILLS NO. 614 & 615. FEBRUARY 6, 1984

Suzanne H. Hardin -8229 Nall Avenue, Prairie Village, Ks.  
(913) 648-4906

Cynthia Robinson and I are wanting to see children in custody cases placed with relatives or another person with whom the child has close emotional ties; grandparents granted visitation with their grandchildren.

Close healthful emotional ties so often exist between relatives and the child. These should be allowed to grow. To remove the child would be another form of abuse.

Every child has the need to love and be loved and to know that the love will not be taken away.

Nurturance, security and stability are directly related to the child's physical, mental and emotional health & development. It must remain constant for the child.

A Grandparent Care Network Group is being formed in Kansas City. This past week over 45 phone calls have been received from grandparents who are concerned about their grandchildren and their relationships with their grandchildren.

Grandparents can testify to the trauma of removing grandchildren from secure and loving homes and placing the grandchildren into foster care. This is a form of abuse. It now is being called "placement trauma".

45 states have laws giving grandparents visitation rights. A Federal Model Act is before Senator Robert Doles Subcommittee on Courts.

Grandparents can have as much as 20-30 years to develop meaningful roots and relationships with their grandchildren

Grandparents want to be a support system and a source of continuity to their grandchildren. This is needed since the divorce rate is about 50% in this country.

Many families are in rewarding psychological parent-child relationships with the children. These are essential for the children who have been neglected or abused by their biological parents.

A primary concern of the courts must be to keep these children with the ones they love - within the family unit.

Grandparents & grandchildren need more representation.

Attch 1

Attach. # 2

**17-7301. Foreign corporations; application to do business in Kansas; contents; authorization by secretary of state.** (a) As used in this act, the words "foreign corporation" means a corporation organized under the laws of any jurisdiction other than this state.

(b) No foreign corporation shall do any business in this state, through or by branch offices, agents or representatives located in this state, until it shall have filed in the office of the secretary of state of this state an application for authority to engage in business in this state as a foreign corporation. Such application shall be filed in accordance with K.S.A. 17-6003 and shall set forth:

- (1) A certificate issued within ~~thirty~~ <sup>30</sup> days of the date of application by the proper officer of the jurisdiction wherein such corporation is incorporated attesting to the fact that such corporation is a corporation in good standing in such jurisdiction;
- address of ~~\_\_\_\_\_~~ (2) ~~The place where~~ the principal office of the corporation is located;
- address of ~~\_\_\_\_\_~~ (3) ~~The place where~~ the principal office or place of business in this state is to be located;
- , if known; ~~\_\_\_\_\_~~ (4) The full nature and character of the business the corporation proposes to conduct in this state;
- and ~~\_\_\_\_\_~~ (5) The name and address of each of the officers/trustees or directors of the corporation;
- 12 ~~\_\_\_\_\_~~ (6) A statement as to when the corporate existence of the corporation will expire in the state of incorporation;
- ~~\_\_\_\_\_~~ (7) A detailed statement of the assets and liabilities of the corporation, as of a date not earlier than ~~six~~ <sup>6</sup> months prior to the filing date, showing that the capital of the corporation is unimpaired; and
- ~~\_\_\_\_\_~~ (8) The location of the registered office of the corporation in this state and the name of its resident agent in charge thereof.

Atch. 2

The application shall be subscribed and sworn to by the president or a vice-president and the secretary or an assistant secretary of the corporation, and it shall be accompanied by the written consent of the corporation, irrevocable, that actions may be commenced against it in the proper court of any county where there is proper venue by the service of process on the secretary of state as provided for in K.S.A. 17-7307 and stipulating and agreeing that such service shall be taken and held, in all courts, to be as valid and binding as if due service had been made upon the president and secretary of the corporation. Said consent shall be executed by the president or a vice-president and secretary or an assistant secretary of the corporation and shall be accompanied by a duly certified copy of the order or resolution of the board of directors, trustees or managers of the corporation authorizing the said secretary or an assistant secretary and president or a vice-president to execute the same. Nothing in this act or the act of which this section is amendatory shall be construed as requiring said consent or the order or resolution of the board of directors to be recorded in the office of the register of deeds.

(c) After receipt of any such application, if the secretary of state shall find that it complies with the provisions of this section, he or she shall issue a certificate authorizing the foreign corporation to do business in this state, except that the secretary of state shall not issue such certificate unless the name of the corporation is such as to distinguish it upon the records of the office of the secretary of state from the names of other corporations organized under the laws of this state or reserved or registered as a foreign corporation under the laws of this state, unless there shall be obtained the written consent of such other corporation, executed, acknowledged and filed with the secretary of state in accordance with K.S.A. 17-6003. The certificate of the secretary of state, under his or her seal of office, shall be delivered to the resident agent upon the payment to the secretary of state of the fee prescribed for his or her certificates, and the certificate shall be prima

facie evidence of the right of the corporation to do business in this state.

History: L. 1972, ch. 52, § 141; L. 1973, ch. 100, § 18; L. 1975, ch. 144, § 2; July 1, 1977, ch. 107, § 13-13-101.

, or the corporation indicates as a means of identification and in its advertising within this state, the state in which the corporation is incorporated and the application sets forth this condition.