

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

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

10 a.m. ~~noon~~ on March 21, 1984 in room 526-S of the Capitol.

All members were present except:

Senators Francisco and Vidricksen, excused

Committee staff present:

Emalene Correll, Legislative Research Department  
Norman Furse, Revisor of Statutes Office

Conferees appearing before the committee:

Robert Barnum, Director of Services to Children and Youth, SRS  
Jack Snavely, Alliance of Christian Children's Homes  
Michael E. Boyer, Kansas Bureau of Investigation  
Lt. Orie Wall, Topeka Police Department

Others present: see attached list

HB 2098 - Restricting advertising by other than licensed child placing agency

Robert Barnum, SRS, testified in support of HB 2098, and distributed testimony stating that the purpose of this bill is to prohibit individuals from advertising for children to adopt in any form of news media. The practice of advertising for children to adopt encourages the "trafficking" and "marketing" of children across state lines and increases the potential of individuals profiting from the adoption. Most advertisements are directed toward unmarried mothers who are vulnerable to exploitations, and most are placed in states where non-agency adoptions are illegal. SRS recommends full support of this bill. (Attachment #1).

Jack Snavely, Alliance of Christian Children's Homes, testified in opposition to HB 2098, and distributed testimony citing certain wording in the bill which they felt was too general or could be misinterpreted. (Attachment #2).

HB 3047 - Code for care of children, providing for information retrieval system and protective custody

Robert Barnum, SRS, testified in support of HB 3047, and distributed testimony stating that this bill establishes an information retrieval system for the Kansas Code for Care of Children. Such information system will improve the accuracy of data currently available and provide more complete data concerning this juvenile population. This would not be a tracking system per se, but a statistical counting system of demographic factors. Identifying data would be utilized only in the case of missing or runaway children. (Attachment #3).

Michael E. Boyer, Kansas Bureau of Investigation, testified in support of HB 3047, and distributed testimony stating that this bill would complete the statutory establishment of a statewide Juvenile Justice Information System and allow for the overall monitoring of the Juvenile Code, and will allow for the gauging of activity in the total Juvenile Justice System. What is of concern is the documentation of those transactions the Code designates as reportable events and maintain them for access by those afforded statutory access. Mr. Boyer also distributed a paper giving the total estimated cost to KBI, based on HB 3047. (Attachments #4 and #5). He also suggested amending the bill in Line 92 by inserting the words "to inspection by SRS" after the word "open".

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 526-S, Statehouse, at 10 a.m.~~p.m.~~ on March 21, 1984

There was discussion concerning whether records would be closed or open. Mr. Boyer said that under the old Juvenile Code the records were sealed, but there is a marked change in the new Juvenile Code.

Lee Sipes, Topeka Police Department, introduced Lt. Orie Wall of the department, who distributed testimony stating that HB 3047 poses very few problems for them, but that multiple reports of events would be generated as a result of this bill. Lt. Wall said that the department hopes the reports would be coordinated so as to avoid a false wave of "Children in Need of Care" and unrealistic attitudes on the part of the public as to the effectiveness of law enforcement, the courts, prosecutors and social service agencies. (Attachment #6).

Mike Boyer stated that there would be no duplication and no multiple reports based on the same information. He declared there are ten reportable events and they would be divided up according to whoever is responsible for reporting.

Senator Meyers appointed a subcommittee to study the bill further and report back to the committee. Senators Morris, Chaney and Meyers are on the subcommittee.

Senator Hayden moved that the minutes of February 23, 24, and March 20, 1984, be approved. Senator Gordon seconded the motion and it carried.

The meeting was adjourned.

SENATE  
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 3-21-84

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

Jack Smalley

ACOH

Lee Sipes

Topeka Police Dept.

ORIE E WALL

" " "

M. Howe

Topeka Capitol Journal

Bob BARNUM

Y/S SRS

W. Milo Bayer

KBI

KATH R. LANDIS

CHRISTIAN SERVICE COMMITTEE  
ON PREGNANT FOR KANSAS

Marla Luckert

Kc. Hosp. Ass'n. Attorney

Frank Gentry

" " "

Deane Battaglia

KSNA

Eleano Stuart

LWV K

Twyla Kopaluk

LWV K

Janet H. Meyer

League of Women Voters of Kansas

Dennis Murphy

KDHE

Louie Galbra

Kansas Action for Children

Lou Marshall

LWV - Todd Scott

Don R. Cross

LWV Todd Scott

State Department of Social and Rehabilitation Services

Statement Regarding House Bill No. 2098

1. Title of Bill:

An act relating to the disposition of children; amending K.S.A. 65-509 and repealing the existing section.

2. Purpose of Bill:

Insert in Section of K.S.A. 65-509 a clause prohibiting individuals from advertising for children to adopt in any form of news media.

3. Why the Bill:

The practice of advertising for children to adopt encourages the "trafficking" and "marketing" of children across state lines and increases the potential of individuals profiting from the adoption. There is no way for the parent, who may be acting in good faith, to make a determination on whether this is simply a family wanting a child or a front for an illegal operation. Seeking children from states such as Kansas where non-agency adoptions are legal aids families in circumventing the laws of their own state.

4. Background of the Bill:

With increased frequency individuals or attorneys representing clients who wish to adopt are running advertisements in newspapers, weekly shoppers and periodicals seeking parents who want to place their children for adoption. Most advertisements are directed toward unmarried mothers who may be vulnerable to exploitation. For the most part the advertisements are placed by individuals residing in states where non-agency adoptions are illegal.

Such advertisements tend to entice the parents who feel they are in a particularly desperate situation. Seldom are parents offered any counseling around the relinquishment of their child or given the opportunity to explore alternative plans.

5. Possible Problems with the Bill:

None.

6. SRS Recommendation:

Youth Services recommends full SRS support.

Robert C. Harder, Secretary  
Office of the Secretary  
Social and Rehabilitation Services  
296-3271  
3-21-84

HB2098

I am opposed to HB2098 for the following reasons:

Line 00<sup>31</sup>~~22~~, a person, firm, corporation or associations should not be required to become licensed child placing agencies to plan for or help in placing a child. It is too general and if included in the law, it could very well include friends, parents or ministers that refer or help obtain placements for children. If passed these people would be subject to the penalties as provided in K.S.A. 65-515.

Line 00~~24~~ I also have a problem with the words promote and dissemination as stated in this proposed bill. It raises a real question because most facilities do not advertize in the news media, etc. for placements or to help in placing a child. What is meant in this bill by dissemination, I would like to see an amendment in writing to ascertain if this point is made clear. To me this section could mean that a person or a minister that is refering a child to our facility could be guilty and prosecuted as provided in K.S.A. 65-515.

In conclusion, we are opposed to HB2098 and ask that it is not reported favorably.

Respectfully,



Jack L. Snavely  
Alliance of Christian Children's Homes

State Department of Social and Rehabilitation Services

Statement Regarding House Bill 3047

Section I

1. Title of Bill:

An act concerning the Kansas Code for Care of Children establishing an information retrieval system for the Kansas Code for Care of Children.

2. Purpose of Bill:

To amend the Kansas Code for Care of Children to include a section which would establish a child in need of care information system within and as a part of the central repository as defined in K.S.A. 22-4701.

3. Why the Bill:

To make provision in the Kansas Code for Care of Children for a data information system for children in need of care. Such an information system will improve the accuracy of data currently available and provide more complete data concerning this juvenile population.

4. Background of the Bill:

The Kansas Juvenile Offenders Code K.S.A. 1983 Supp. 38-1617 and 1618 provides for a juvenile offender information system which becomes a part of the central repository as defined by K.S.A. 22-4707. The quantity and the quality of this information provides an accurate report of proceedings regarding the juvenile offender. A comparable system providing data concerning children in need of care is needed for accurate reporting concerning contacts of the juvenile justice agencies with these children.

Many times children and youth who are included under the definition of Children in Need of Care, come into contact with the law enforcement agencies of the state and the immediate situations are handled in an informal manner without court contact. At other times these same types of situations are reported to the county/district attorneys and they are handled on an informal basis at that level, again without court contact or involvement of SRS. Sometimes petitions are filed and the courts are making decisions which do not involve SRS in any way. In order to be able to speak definitively about, and have an understanding of the size of, the entire population of children and youth who are coming into contact with some branch of the legal community as Children in Need of Care, the state needs an information system that can count that population for us. This would not be a tracking system per se but rather a statistical counting system of demographic factors. Identifying data would be utilized only in the case of missing or runaway children.

5. Possible Problems with the Bill:

None.

6. SRS Recommendation:

Youth Services recommends full SRS support.

Robert C. Harder, Secretary  
Office of the Secretary  
Social and Rehabilitation Services  
296-3271  
3-21-84

#4 - 3-21-84



WALTER KELLY  
DIRECTOR

# KANSAS BUREAU OF INVESTIGATION

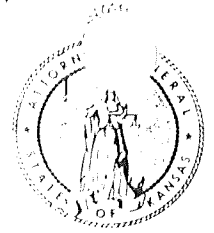
Department of the Attorney General

STATE OF KANSAS

3420 VAN BUREN

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ROBERT T. STEPHAN  
ATTORNEY GENERAL

## Testimony on HB 3047 Child in Need of Care Information System

The language of this bill would complete the statutory establishment of a statewide Juvenile Justice Information System and allow for the overall monitoring of the Juvenile Code that went into effect January 1, 1983. Senate Bill 105 last session created an Offender System at the KBI. Because of the structure superimposed by the Code it is obvious that much "crossing of the Codes" will occur. This Bill will allow for the gauging of activity in the total Juvenile Justice System.

The System is an umbrella system to gauge the activity of the Code. There is no intent to involve the KBI in internal juvenile justice agency activities. What is of concern is the documentation of those transactions the Code designates as reportable events and maintain them for access by those afforded statutory access.

Much of the procedure is already in place and most of the input documents have been completed pursuant to either SB 105 or KSA 20-319 involving the court system. The primary holes filled by this legislation will be the law enforcement community and the the prosecutor's offices providing CINC data. It is my understanding that SRS stands ready to participate in the cost of future forms production and design.

*Mike Bayer-KBI*

*Alch. 4*

Fiscal Impact - HB 3047

The KBI proposes the following fiscal impact based on HB 3047. The total estimated cost to the KBI is \$36,438 itemized as follows:

1. Personnel-based on current scale	\$32,118
Data Entry Operator II with fringe benefits	13,049
Research Analyst I with fringe benefits	19,069
2. Equipment - State Contract Items	3,320
Data Entry Terminal	2,165
Chairs (2)	225
Desks (2)	587
Filing Cabinet (1) 5 drawer letter size	178
Calculator (1)	120
Wastebaskets (2)	20
Miscellaneous Supplies	25
3. Forms and associated costs	1,000
	<u>\$36,438</u>

Last year's Senate Bill 105 fiscal impact was approximately 46,000 for the Offender System including three new positions; however, this figure was based on last years pay scale and failed to include the office equipment as enumerated above. We believe this is a fair estimate based on our experience establishing the Offender System.



DRAFT OF COMMENTS FOR ADDRESS TO COMMITTEE FOR HEARING ON

HOUSE BILL No. 3047

THE TOPEKA POLICE DEPARTMENT HAS REVIEWED THIS PROPOSAL VERY CAREFULLY AND THE BILL POSES VERY FEW PROBLEMS FOR US.

WE ANTICIPATE SOME ADDED WORK IN THE GENERATION OF REPORTS REQUIRED BY THIS LEGISLATION, AND OUR DEPARTMENT, AS EVERY OTHER LAW ENFORCEMENT AGENCY, HAS VERY FEW SPARE MOMENTS FOR EXTRA REPORTS. WE CAN LIVE WITH THAT.

OUR MAIN CONCERN LIES IN THE AREA OF THE STATISTICS FOR WHICH THIS BILL APPEARS TO BE AIMED. IT APPEARS THAT MULTIPLE REPORTS OF EVENTS WILL BE GENERATED AS A RESULT OF THIS BILL. THE POLICE DEPARTMENT REPORTS AN EVENT; THE DISTRICT ATTORNEY REPORTS IT AGAIN; THE YOUTH CENTER REPORTS IT; THE S.R.S. REPORTS IT AGAIN; THEN THE COURTS SEND A REPORT. FIVE REPORTS FOR ONE EVENT. HOPEFULLY THERE WOULD BE SOME COORDINATION OF THE REPORTS, TO MAINTAIN RELIABILITY, VALIDITY, IN THE STATISTICS FOR THE CHANGE-OVER FROM THE CURRENT MANNER OF REPORTING TO THE NEW, MULTIPLE REPORT, METHOD. IF NOT, WE ANTICIPATE A FALSE WAVE OF "CHILDREN IN NEED OF CARE" AND UNREALISTIC ATTITUDES ON THE PART OF THE PUBLIC AS TO THE EFFECTIVENESS OF LAW ENFORCEMENT, THE COURTS, THE PROSECUTORS AND THE SOCIAL SERVICE AGENCIES.