

Approved 3/5/85  
Date

MINUTES OF THE House COMMITTEE ON Judiciary

The meeting was called to order by Representative Joe Knopp at  
Chairperson

3:30 ~~am~~ p.m. on February 21, 1985 in room 526-S of the Capitol.

All members were present except:

Representative Wunsch was excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department  
Mike Heim, Legislative Research Department  
Mary Ann Torrence, Revisor of Statute's Office  
Becca Conrad, Secretary

Conferees appearing before the committee:

Representative Snowbarger  
Jim Clark, Kansas County & District Attorneys Association

Representative Snowbarger presented a bill request which would amend the Open Records Act to exclude investigative reports of police agencies.

Representative Snowbarger made a motion that this bill request be drafted and introduced as a committee bill. Representative Whiteman seconded it and it carried.

HB 2190 - Concerning domestic relations; relating to change of venue in certain actions.

The Chairman presented the following as amendments to this bill: 1.) only upon motion of the party, not on judge's own motion; 2.) only to a county where the party currently resides; 3.) only for the reason that no party is continuing to reside in the county which original action was heard; and 4.) done for the convenience of the parties, the interest of justice and the best interest of the child. See Attachment No. 1.

Representative Duncan made a motion to adopt these amendments and Representative Buehler seconded it. The motion carried.

The motion was made by Representative Duncan to report this bill favorably. Representative Adam seconded the motion and it carried.

HB 2262 - Concerning children; relating to custody of children in need of care and children of parties to domestic relations actions.

Jim Clark, Kansas County & District Attorneys Association, said that they had a concern with the paragraph starting at line 74 of this bill. He said that it is sometimes difficult to find grandparents and they are concerned about what happens in the child placement order if the grandparents are not notified. He said the language could be "should have known" instead of the language being so absolute. Representative Vancrum pointed out a technical error in line 26. He said it should be "Supp. 38-1502" instead of "Supp. 38-1302". Representative Vancrum made a motion to insert the language found in lines 62 - 64 into current K.S.A. 38-1502 and add that Section J to that language. It was seconded by Representative Harper and the motion carried.

Representative Vancrum made a second technical amendment on page 6, line 215, to change (b) (1) to (c) (1). This was seconded by Representative Harper and the motion carried.

Representative O'Neal said he supported this bill, but he was concerned about the language and that they may have a child care procedure going on for some time and then not getting an interested party in, like the grandparents, until the dispositional hearing. He said possibly the notice should be given in the very beginning.

Representative Duncan said that he was interested in seeing a standard that a child has to have close emotional ties which applies equally to the relatives and to the foster parents. He said that a disadvantage of giving preference to relatives is that if a child was removed from a home and placed in another home, that child may not have had the opportunity to develop emotional ties with the relatives of the parents. Representative Duncan said another disadvantage is that this bill would

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give any relative preference over a person with whom the child may have developed close emotional ties. He felt the test of close emotional ties should be redone.

Representative Solbach made a motion to strike the words "and" and "second" in line 131 and replace them with the word "or". He also moved to strike "to granting custody of the child" in lines 131 and 132. Representative Duncan seconded this motion. Upon vote the motion did not carry with seven yes's and eight no's.

Representative Vancrum made a motion to strike "in accordance with" and add "if the court finds" in line 130. Representative Harper seconded the motion. The motion carried.

Representative Whiteman said that notice "to the closest relative of each of the child's parents" on line 79 is awfully broad language. The Chairman stated that if the relatives are not interested enough to find out how nieces or nephews are doing, the whole process becomes bogged down in becoming a detective agency.

A vote was taken on requiring notice to relatives of a custody change at an earlier stage or leaving the statute as it currently is. It was voted to leave the statute as is.

Representative Vancrum made a motion to report HB 2262 with amendments favorably. It was seconded by Representative Harper and the motion carried.

HB 2083 - Prohibiting an unemancipated minor child from maintaining an action in tort against the parent or parents of such minor child to recover damages for personal injuries caused by the negligence of the parent or parents.

Representative Cloud made a motion to scratch lines 21 - 35 and it was seconded by Representative Douville. The motion did not carry by a vote of 8 to 9.

Representative Shriver made a motion to table HB 2083 and it was seconded by Representative Adam. The motion carried by a vote of 9 to 8.

HB 2261 - Relating to corporations; concerning confidentiality of certain statements filed with the Secretary of State.

Representative Cloud made a motion to amend HB 2261 by scratching the word "not" in line 25. Starting after "disclosure", he wanted to add "only after presentation to the Secretary of State's office of a letter signed by an officer of the corporation whose annual report is being requested to get permission for the release of said report". The motion did not carry by a vote of 10 to 8.

Representative Cloud made a motion to scratch the word "not" in line 25 and add the words after disclosure "the Secretary of State shall deliver by 1st class mail to the chief executive officer of the corporation whose annual report has been requested, the name and address of the person and corporation who has received a copy of the annual report of the corporation". He said he also wanted to add "That said costs of this notification shall be added to the costs of receiving the corporate annual report". Representative Duncan seconded the motion, but it did not carry by a vote of 10 to 8.

Representative Cloud made another motion to have the bill tabled, and it was seconded by Representative Vancrum.

Representative Duncan made a substitute motion to report HB 2261 not be passed. It was seconded by Representative Solbach and passed by vote of 11 to 7.

The meeting adjourned at 5:00 p.m.

# HOUSE BILL No. 2190

By Representative Knopp

2-5

Attachment No. 1  
House Judiciary  
February 21, 1985

0017 AN ACT concerning domestic relations; relating to change of  
0018 venue in certain actions; amending K.S.A. 60-607 and repeal-  
0019 ing the existing section.

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

0021 Section 1. K.S.A. 60-607 is hereby amended to read as fol-  
0022 lows: 60-607. (a) An action for divorce, annulment of marriage or  
0023 separate maintenance may be brought in:

0024 (1) The county in which the petitioner is an actual resident at  
0025 the time of filing the petition;

0026 (2) the county where the respondent resides or where service  
0027 may be obtained; or

0028 (3) if the petitioner is a resident of or stationed at a United  
0029 States post or military reservation within the state at the time of  
0030 filing the petition, any county adjacent to the post or reservation.

0031 (b) *In any action for divorce, annulment of marriage or*  
0032 *separate maintenance in which a final order has been entered,*  
0033 *the court may grant a change of venue pursuant to K.S.A. 60-609*  
0034 *and amendments thereto for hearings on issues over which the*  
0035 *court retains jurisdiction if no party to the action continues to*  
0036 *reside in the county in which the original action was heard.*

0037 (c) For the purposes of this section, a spouse may have a  
0038 residence separate and apart from the residence of the other  
0039 spouse.

0040 Sec. 2. K.S.A. 60-607 is hereby repealed.

0041 Sec. 3. This act shall take effect and be in force from and  
0042 after its publication in the statute book.

[ upon motion of either party,  
to any county in this state where a party currently  
resides  
: (1)  
; and (2) the court finds that the change of venue  
will serve justice and the convenience of the parties  
and, if child custody, visitation or support is an  
issue, that the interests of the child will be best  
determined in the county to which venue is changed

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