

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at _____
Chairperson

10:00 a.m./~~p.m.~~ on March 19, 1985 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~: Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Mary Sue Hack, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Jim Clark, Kansas County and District Attorneys Association
Matt Lynch, Kansas Judicial Council

House Bill 2012 - Kansas Parentage Act

Jim Clark, Kansas County and District Attorneys Association, presented a proposed amendment to the bill by striking Section 16, starting at line 281. He explained this proposed amendment is made for two reasons; it is consistent with Senate Bill 51, and it is consistent with the philosophy of the Uniform Parentage Act. Mr. Clark pointed out, if the committee does adopt the proposed amendment, the last line should not be stricken, line 281. Committee discussion with him followed. A copy of the proposed amendment is attached (See Attachment I).

Matt Lynch, Kansas Judicial Council, explained this was studied by the Family Law Advisory Committee of the Kansas Judicial Council. It was a subject of an interim study and then recommended to the 1984 legislature. He stated this bill does three things. It eliminates the concept of illegitimacy; it codifies rights of unwed fathers; and it codifies the case law of Kansas on parentage. He explained the bill section by section. Committee discussion with him followed.

Following committee discussion, Senator Burke made a motion to amend the bill by reinserting what was original New Section 6. Senator Gaines seconded the motion. The motion carried.

Senator Feleciano moved to amend the bill so New Section 16 will comply with Senate Bill 51. Senator Burke seconded the motion. The motion carried.

Senator Burke moved to amend the bill by reinstating new Section 19, lines 295 through 299. Senator Gaines seconded the motion. The motion carried.

Senator Burke moved to amend the bill on page 17, line 616, by reinserting the words "or issue". Senator Gaines seconded the motion. The motion carried.

Senator Talkington moved to authorize the bill be in compliance with Senate Bill 51. Senator Burke seconded the motion. The motion carried.

Senator Burke moved to report the bill favorably as amended. Senator Hoferer seconded the motion. The motion carried.

The meeting adjourned.

Copy of the guest list is attached (See Attachment II).

3-19-85

O. S.
Daniel F. Meara, President
Roger K. Peterson, Vice-President
Daniel L. Love, Sec.-Treasurer
Steven L. Opat, Past-President



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Kansas County & District Attorneys Association

827 S. Topeka Ave., 2nd Floor • Topeka, Kansas 66612 • (913) 357-6351

EXECUTIVE DIRECTOR • JAMES W. CLARK

HOUSE BILL 2012

The Kansas County & District Attorneys Association proposes the following amendment to HB 2012:

Strike Section 16, which starts at Line 281.

This proposed amendment is made for two reasons.

I. It is consistent with Senate Bill 51

SB 51, a response to Federal legislation which requires states to enforce child support orders for non-AFDC cases equally with AFDC cases, makes SRS the primary child support agency. As such, SRS is eligible for Federal reimbursement for collections made in child support cases (6% for AFDC, and 6 - 10% for non-AFDC). Paternity cases are included in the Federal reimbursement plan. It would completely defeat the purpose of the Federal incentive plan to pay SRS for collection, but require another agency to do the work

II. It is consistent with the philosophy of the Uniform Parentage Act

One of the expressed purposes of the Uniform Parentage Act is to eliminate the stigma of illegitimate births. As such, the Uniform Act has no requirement for the prosecuting attorney to bring the action. Such involvement by the prosecutor is a throw-back to the criminal bastardy actions, which may have contributed as much to the stigma as the mother's indiscretions.

By striking this section, paternity actions may still be brought by individual parties, or by SRS. Under the new Federal requirements, child support enforcement may also be brought by individual parties, or by SRS.

3/19/85
Attch. I