

Approved April 1, 1986
Date

MINUTES OF THE House COMMITTEE ON Judiciary

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

3:30 ~~xxxx~~ p.m. on March 17, 1986 in room 313-S of the Capitol.

All members were present except:

Representatives Duncan, Fuller, Luzzati and Teagarden were excused

Committee staff present:

Jerry Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jan Sims, Committee Secretary

Conferees appearing before the committee:

Richard Maxfield, Kansas Psychological Association
Rep. Joan Wagnon
Larry Rute, Kansas Child Support Commission
Clarence Vest
Ron Smith, Kansas Bar Association
Elwaine Pomeroy
Judge Donald Allegrucci

SB 533 - An act concerning actions for divorce, annulment or separate maintenance; relating to custody of minor children.

Richard Maxfield of the Kansas Psychological Association appeared before the committee in support of HB 533. He stated that the purpose of the bill is to add another criterion to the list of items to be considered by the judge in awarding custody. The parents' maintaining a good relationship between the child and both parents will be enhanced with passage of the bill in that a parent who does not support the other parent's relationship with the child is jeopardizing his own case for custody. (Attachment 1)

Joan Wagnon added that this bill was introduced as a result of the findings of the Kansas Child Support Commission.

HB 534 - An act concerning child support; relating to determination of the amount thereof.

Larry Rute of the Kansas Child Support Commission appeared before the committee in support of SB 534. He stated that the Commission had heard from many people across the state that there is a need for a set of uniform guidelines for child support payments. He said currently 20 or 21 jurisdictions use some form of guideline but they vary greatly across the state and the people feel this is unfair. He responded to questions by committee members concerning variances in the cost of living across the state.

Jim Robertson of SRS appeared in support of this bill stating that the bill is necessary for compliance with federal requirements for funding. The guidelines must be in place by October 1, 1987. He stated that these are just guidelines and that perhaps percentages could be set out rather than set dollar amounts to adjust for variances in cost of living and wages across the state. He said individual jurisdictions could still make adjustments based upon local circumstances.

HB 535 - An act concerning child visitation orders; relating to procedures for enforcement.

Joan Wagnon explained to the committee the basis for the bill from the Kansas Child Support Commission. She stated that children of divorce are entitled to support in both financial and emotional areas. This bill takes the approach of a small claims court. She said that the Commission heard from citizens across the state that people cannot afford attorneys to settle their disputes in court concerning visitation. This bill would establish a procedure wherein the parties could file a form with the Clerk of the Court and have a hearing

If this meeting is not transcribed verbatim, individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Judiciary,
room 313-S, Statehouse, at 3:30 ~~xxx~~ a.m./p.m. on March 17, 1986.

before a hearing officer, that officer being either a district judge, a magistrate or a court trustee. The hearing officer would have available a number of options including mediation. She stressed that the important item is that it would bring the matter to a hearing quickly, inexpensively and result in the problems being resolved between the parties for the best interests of the children involved. She said this is new ground and is not currently in place in any other state. She responded to questions of other committee members regarding costs and fiscal impact.

Clarence Vest appeared before the committee and offered some amendments to SB 535 (Attachment 2) pertaining to the misuse of child support payments.

Larry Rute appeared before the committee stating that he believed that (f) found on page 7 pertaining to misuse of child support would be utilized as a defense tactic in divorce actions and would create additional litigation.

SB 311 - An act concerning courts; relating to temporary judges; authorizing certain cases to be heard thereby; providing for compensation thereof.

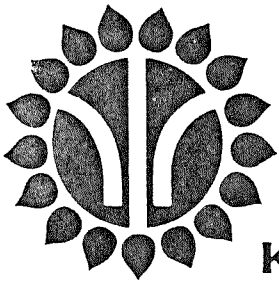
Ron Smith of the Kansas Bar Association appeared in support of SB 311. He stated that this is a form of alternative dispute resolution which the Bar Association supports. He stated that before this concept could be utilized the parties would have to agree and request this type of resolution of their case. There was discussion by the committee as to whether or not this type of dispute resolution would be binding and to which court an appeal would be made.

SB 298 - An act concerning district courts; relating to duties and responsibilities of administrative judges.

Elwaine Pomeroy appeared before the committee in support of SB 298 stating that it strikes the current provisions that an administrative judge has to act with the approval of a majority of the other judges in his district relating to appointment of employees and in determining budgets to be submitted to local Boards of County Commissioners.

Judge Donald Allegrucci of the Crawford County District Court and the administrative judge of the 11th Judicial District appeared in support of the bill. He stated that the greatest problems encountered by administrative judges are in the areas of employee appointments and budget. He stated that if a problem exists between the administrative judge and a judge in his district, the administrative judge is left in a "no man's land" as the current statutes tell the administrative judge that he needs the other judges' approval but are silent concerning what the administrative judge is to do if he is unable to obtain that approval. He said that if the administrative judge is charged with those responsibilities he should be empowered with the authority to carry out the responsibilities.

The Chairman adjourned the meeting at 5:00 P.M.



KANSAS PSYCHOLOGICAL ASSOCIATION

March 17, 1986

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Mr. Chairman, Members of the Committee,

Thank you for the opportunity to testify on Senate Bill 533. I am Dr. Richard Maxfield. I am the Chief Psychologist of the Adult Diagnostic and Consultation Service of the Menninger Foundation and I am here today representing the Kansas Psychological Association.

As you know this bill would add an additional criterion for the courts to consider when determining the custody and residency of a child whose parents are divorcing. In the psychological research literature on the effects of divorce it is clear that the child's maintaining a relationship with both his or her parents will mitigate some of the harmful effects of divorce. I believe this additional criterion speaks to that finding and will likely enhance the child's ability to maintain a relationship with each of his or her parents. Additionally, this criterion may send a clearer message to divorcing parents that support of the other spouse's relationship with the child will bolster their own case for custody in the court's eyes. That could potentially lead to a diminishing of the acrimony which is far too often an aspect of custody disputes and it possibly could lead to a better working relationship between the parents which would clearly benefit the child.

For the above noted reasons I urge you to support Senate Bill 533. I would be happy to attempt to answer any questions the Committee might have.

*Attachment 1.
House Judiciary
March 17/1986*

Clarence Vest
R.R. 2 Box 224
Lebo, KS 66856

HOUSE JUDICIARY COMMITTEE

Committee Chairman & Members

I introduce the following changes to Senate Bill No. 535 for your consideration.

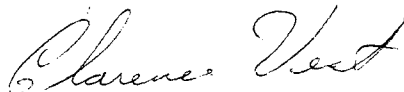
Heading Line 0018: Add the words, concerning child visitation orders and misuse of child support.

Sec. 5 Par E Line 214: A court enforcing the obligation of support or in determining child support misuse shall consider

Sec. 6 Par D: The court in determining child support misuse shall use the same procedure as for visitation rights in accordance with Section 1.

Sec. 6 Par D should follow Par E & F.

Thank you,



Clarence Vest
Concerned Parent

Attachment 2
House Judiciary
March 17, 1986