

Approved March 4, 1986
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

10:00 a.m. ~~pm~~ on February 18, 1986 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:

Linda Elrod, Governor's Commission on Child Support Enforcement
Larry Rute, Governor's Commission on Child Support Enforcement
Clarence Vest, Concerned Parent, Lebo, Kansas

Senate Bill 534 - Supreme court guidelines for child support.

Linda Elrod stated the Governor's Commission is trying to give Kansas flexibility regarding the federal mandate, which will become effective in October, 1987. This also affects welfare funding. There has been an uproar over lack of guidelines because of an appearance of unfairness. She said the guidelines should come through the court system, but they are asking for legislative direction for enforcement. This lets the Supreme Court adopt rules relating to guidelines. She pointed out a phrase in Section 1, Line 0024, after the comma, which should be stricken.

Another factor being considered is contributions made by both parents and custodial parents, which should be fair to all parties involved. Congress has said guidelines have to be numerical and charted. The child has the right to be maintained as nearly as possible in the same level of life style as parents. Day care expenses, actual minimum needs, support of elderly parents, have to be taken into consideration.

The bill was discussed by various members, and Linda Elrod was questioned as to its effect. She said that the approach would be a worksheet type and show accountability as to financial status of parents. She mentioned that in examining child support records in Shawnee County for the past two years, \$125 per month is the average.

Clarence Vest's main concern was the need for some type of action when child support is not being used in the best interest of the child. This was discussed at some length by him and various committee members. A copy of an amendment presented is attached (See Attachment I).

Larry Rute made a few comments in regard to child support and stated the committee is trying to determine what it really costs to raise a child, and they are looking at various sources in order to come up with a fair figure or a threshold above poverty level. He said accounting would tie up courts without a threshold. Further discussion followed.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 18, 1986

Senate Bill 534 continued

Minutes of the meeting on February 4, 1986, were approved with one correction. On page 1, under Senate Bill 278, the motion made by Senator Gaines was withdrawn followed by a motion made by Senator Burke (not a substitute). Senator Winter then made a substitute motion.

The meeting adjourned.

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

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE

DATE: 2-18-86

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Clarence West	Labo Kansas	General Pract
Jim Lotterson	Topeka	SRS/CSE
Linda Errol	Topeka	
Gary Billman	Topeka	OJA
Marjorie Van Buren	Topeka	OJA

Clarene Vest

AMENDMENT TO
SENATE BILL NO. 534

If there is just cause to determine that the child support collected is not being used to support the best interest of the children, then the court or hearing office shall consider all relevant factors including, but not limited to, the following:

1. Call for receipts as to prove where the child support is being used.
2. Allow the person paying support to purchase items of need, and show receipts to the Clerk of District Court, which would count as part of his or her child support payment.
3. Solicit the help of the Secretary of Social and Rehabilitation Services to insure the support is being used in the best interest of the children.

Repeated child support misuse may be considered a material change of circumstances which justifies modification of prior order of child custody.

S. Judiciary 2/18/86

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