

Approved April 11, 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./~~p.m.~~ on April 3, 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 Hack, Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Representative Vincent Snowbarger
John Wine, Office of Secretary of State

House Bill 2792 - Duties of deputy clerks acting as law librarians.

Representative Vincent Snowbarger, the prime sponsor of the bill, explained this is a local bill. The bill clarifies that the deputy clerk in the county law library in Johnson county shall not perform services regarding legal aid referral assistance. The services regarding legal aid referral assistance programs are more appropriately handled by the local bar association. A copy of his handout is attached (See Attachment I).

Senator Hoferer moved to report the bill favorably. Senator Langworthy seconded the motion, and the motion carried.

House Bill 3070 - Amendments to general corporation code.

John Wine, Office of Secretary of State, testified this bill is a cleanup bill, and there is nothing controversial about it. It was recommended by four different attorneys in the state. He explained the sections in the bill. During committee discussion, he explained the Delaware code is the primary code that the other states followed; it is the most liberal.

Senator Parrish moved to report the bill favorably. Senator Talkington seconded the motion, and the motion carried.

House Bill 2743 - Certification of quarters for juvenile detention in jails.

The chairman reviewed the bill. Committee discussion was held concerning Judge Graber's proposed amendment, Senate Bill 2 and also the amendments agreed to by district judges.

House Bill 2775 - Discretionary appointment of counsel for child in parentage action.

The committee discussed the problem when an unwed mother would not want to name the father of the child and a deposition or affidavit would be sufficient in court. Senator Gaines moved to amend the bill in Subsection (b) of New Section 4, that the court will allow affidavits. Senator Talkington seconded the motion, and the motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~P.M.~~ on April 3, 1986.

House Bill 2775 continued

Staff explained a proposal concerning legitimatizing the child; changing the birth certificate when the parents marry subsequent to the birth of the child. Following committee discussion, Senator Talkington made a conceptual motion to amend the bill by reinserting language that the people can come in and state they are the natural parents. Senator Burke seconded the motion, and the motion carried.

Senator Gaines moved to report the bill favorably as amended. Senator Parrish seconded the motion, and the motion carried.

House Bill 2743 - Certification of quarters for juvenile detention in jails.

Following committee discussion, Senator Burke moved to amend the bill by reinserting lines 56 through 61, 19-1919. Senator Parrish seconded the motion, and the motion carried.

Senator Gaines made a conceptual motion to amend the bill by designating Butler County as a nonmetropolitan area. Senator Winter seconded the motion, and the motion carried.

Senator Parrish moved to report the bill favorably as amended. Senator Burke seconded the motion, and the motion carried.

Sub. for House Bill 2874 - Removal of abuser from home of abused child.

Following committee discussion, Senator Burke moved to amend the bill by adopting the proposals offered by SRS, and in line 65, adding "may" enter. Senator Winter seconded the motion, and the motion carried.

Senator Hoferer moved to report the bill favorably as amended. Senator Parrish seconded the motion, and the motion carried.

The meeting adjourned.

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

4-3-86

KANSAS LEGAL SERVICES OF OLATHE

465 SOUTH PARKER SUITE 103
OLATHE, KANSAS 66061

JOYCE LANCASTER, REGIONAL DIRECTOR
TERESA M. MEAGHER, STAFF ATTORNEY
CYNTHIA K. HALE, STAFF ATTORNEY
MOLLY A. DANIELS, STAFF ATTORNEY

TELEPHONE NUMBER:
913/764-8585

March 6, 1986

Vincent K. Snowbarger
100 E. Santa Fe
200 Patrons Plaza
P.O. Box 484
Olathe, KS 66061

Dear Bar Association Member:

As reported in the April 1983 Bar Letter the members of the bar Association and Kansas Legal Services of Olathe have entered into an agreement whereby the private attorney members of the Bar Association will provide representation to low income individuals without fee upon referral from Kansas Legal Services. At present we are only making referrals in uncontested divorce cases and only on occasions when our case load is at its maximum level. We will soon be making a referral to you so we would like to take this opportunity to explain the program.

Once a determination has been made by our office to refer a client to a private attorney, a call will be placed to you advising you that the client has been found to be eligible and has been referred to your office. At that time you need to indicate whether or not you are able to accept the case. It may be that you receive a referral during a time when you are just unable to accept the case, such as at the same time you are in a jury trial. In these situations, please advise the paralegal who calls as to when you would be able to accept a referral so that we don't bother you by repeated calls. Your name does remain at the top of the referral list until a referral is made. We are going to refer alphabetically, but we are going to also try to match client and attorney geographically to the extent possible.

Once you have accepted the referral, the client will be given your name, address and phone number. The client is responsible for getting in touch with you. We will be checking with you to find out if the client ever made contact with your office.

Once the client has made contact with the attorney and the private attorney-client relationship has been established, Kansas Legal Services and the Johnson County Bar Association will not have any involvement with the case. However, if any problems arise or you have any questions at all, please feel free to call us and we will try to resolve any questions or

*S. Jud.
4/3/86
Attch. I*

DIVISION OF KANSAS LEGAL SERVICES, INC.

ROGER MCCOLLISTER
EXECUTIVE DIRECTOR

712 SOUTH KANSAS 2ND FLOOR
TOPEKA, KANSAS 66603

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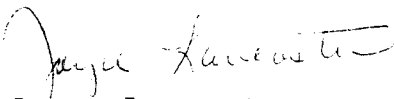
difficulties. Mike Penner, at Johnson County Community College, is willing to have paralegals available without cost for preparation of pleadings, etc., if you want assistance. Although no attorneys fees will be charged, the clients are responsible for court costs, publication costs, out of state service cost, or any other costs incidental to representation. We initially will not be referring any cases that would involve filing on a poverty affidavit and we generally require the client to bring in the \$55 court cost deposit to our office before we prepare any documents or pleadings. While this policy is not mandatory for members of the private bar, in our view it is an acceptable requirement prior to the attorney initiating any activity or investing any time in representation.

This is a new program and as such we welcome any comments or suggestions for its improvement. Please direct any of your comments to either Joyce Lancaster at Kansas Legal Services or Roberta Comer or Ernie Ballweg, co-chairmen of the Legal Aid and Lawyer Referral Committee. Since the program is new we are trying to retain flexibility and also seek your input as to how the program should be operated.

If we are able to obtain a high level of participation from the Bar Association, we do not anticipate over one referral per year per attorney. On the other hand many low income individuals who otherwise would not be served will have received valuable assistance. We would ask that you return the enclosed form on the completion of a case to indicate the number of hours of service you have donated on this case. We would like this information not only for our own evaluation of effectiveness but for publicity purposes for the Bar Association.

We look forward to your participation and assistance in the Johnson County pro bono lawyer referral system; we welcome your comments and suggestions; and greatly appreciate your service to the low income individuals in our community.

Respectfully,



Joyce Lancaster
Regional Director

JL/tjd

Enclosure

Attech. I

