

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at \_\_\_\_\_  
Chairperson

1:30 a.m./p.m. on March 14, 1988 in room 526S of the Capitol.

All members were present except:

Representatives Jenkins, Groteweil, & Peterson

Committee staff present:

Mary Torrence, Revisor's Office  
Mary Galligan, Research Department  
Lynda Hutfles, Secretary

Conferees appearing before the committee:

Jim Clark, County and District Attorneys Association  
Senator Gus Bogina  
Chris Cooper, Coalition against Pornography  
Linda Stevens  
Brenda Braden, Attorney General's Office  
Ken Vincent, National Federation of Decency  
Jeanetta Issa, Johnson County Coalition for Prevention of Child Abuse  
Dr. James McHenry, Kansas Committee for the Prevention of Child Abuse  
Bob Barnum, SRS  
Paul Klotz, Community Mental Health Centers

The meeting was called to order by Chairman Miller.

HB3049 - Supreme Court Nominating Committee

Representative Walker made a motion, seconded by Representative Roper, to report HB3049 favorable for passage. The motion carried.

Representative Rolfs made a motion, seconded by Representative Barr, to report SB563 adversely. The motion carried.

SB467 - Standards for what constitutes obscenity

Jim Clark, County and District Attorneys Association, gave testimony in support of the bill which corrects language in the Kansas obscenity statute to conform with the recent U.S. Supreme Court decision, *Pope v. Illinois*, which clarifies the third part of the test laid out in *Miller v. California*. The Supreme Court clearly establishes that the determination of whether the material or performance lacks serious literary, educational, artistic, political or scientific value is the reasonable person standard, rather than the contemporary community standard. See attachment A.

Senator Bogina, Co-sponsor of the bill, told the committee he supports the bill and encourages passage of the bill.

Chris Cooper, Coalition against Pornography, gave testimony in support of the bill. In 1970 the pornography industry made \$200 million dollars. In the Kansas City area 20 outlets have hard core pornography. In 1972 the Pareno Brothers produced a movie, *Deep Throat*, which grossed \$50 million in box office receipts. Since 1970 this industry has grown to an \$8 billion market involved with organized crime. There are now 200 outlets in the Kansas City area with 26 outlets on the Kansas side. This legislation is necessary.

Linda Stevens, Topeks, supported the bill.

Brenda Braden, Attorney General's Office, said their office supports the bill, although they are not convinced that prosecutors, with proper jury instructions, can't prosecute at this time. The bill clarifies what the Supreme Court wants. There was discussion of the meaning of average and reasonable persons.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 526S, Statehouse, at 1:30 a.m./p.m. on March 14, 1988

Ken Vincent, National Federation of Decency, gave testimony in support of the bill and said that this simple language will allow the prosecutors to proceed.

The hearings were concluded on SB 467.

SB557 - Multi-disciplinary teams

Jeanetta Issa, Johnson County Coalition for Prevention of Child Abuse, gave testimony in support of SB557 which provides amendments that clarifies, for the professional in the field, the ability to share vita information that may assist SRS in the child abuse/neglect investigation or recommendation for service. See attachment B.

SB557 amends three of the statutes that are found in the Kansas Code for Care of Children to provide for the use of multidisciplinary teams in investigations of reports of child abuse or neglect made to the Department of SRS. There was discussion on the composition of multidisciplinary team and whether professional guidelines should be imposed.

Dr. James McHenry, Executive Director of the Kansas Committee for the Prevention of Child Abuse, said that they recognize that child abuse cannot always be prevented. In situations where cases of abuse are reported, the intervention strategy should be prompt and effective. The Kansas Committee for Prevention of Child abuse believes that the proposal to give SRS the authority to designate multidisciplinary teams to assist the Department in the investigation and recommendation of services for children in need of care is good public policy and increases the likelihood that the child's best interests will be identified and actively pursued. See attachment C.

Commissioner Bob Barnum, SRS, explained the bill which will allow crucial decision making on abuse, neglect and special abuse situations to be shared. The team becomes advocates for the child and family by promoting interagency coordination in the provision of services. It would also improve professional relationships by eliminating the barriers to communication. SRS will decide when and who should be on the team.

There was discussion about the multidisciplinary team in Wichita. This bill was introduced at the request of Dennis Moore, Johnson County. See attachment D.

Paul Klotz, Community Mental Health Centers, told the committee that they support the bill conceptually. He said he does not see community mental health centers as investigators; they are in the business of treatment and care. He did not think the role of investigator was a good role for the community health centers; it puts them in a role of being judicious. Mr. Klotz said they were being faced with more and more issues and might have to expand their clinical staff to take care of them.

The hearings were concluded.

The meeting was adjourned.

A

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# Kansas County & District Attorneys Association

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EXECUTIVE DIRECTOR • JAMES W. CLARK

March 14, 1988

TO: House Federal & State Affairs Committee

FROM: Jim Clark, KCDA Executive Director

SUBJ: **Senate Bill 467**

The Kansas County and District Attorneys Association appears in support of **Senate Bill 467**. The bill corrects language in the Kansas obscenity statute to conform with the recent United States Supreme Court decision in Pope v. Illinois, which clarifies the third part of the test laid out in Miller v. California. The Supreme Court clearly establishes that the determination of whether the material or performance lacks serious literary, educational, artistic, political or scientific value is the reasonable person standard, rather than the contemporary community standard.

There is concern that with the latest U.S. Supreme Court decision, the present Kansas statute prohibiting the promotion of obscenity is no longer enforceable. The amendments to the statute found in SB 467, make the necessary changes.

Attach 4



March 13, 1988

Written Testimony on Senate Bill #557:  
Child In Need of Care Code Amendments  
Presented By: Jeanetta Issa, Executive Director  
Johnson County Coalition for Prevention of Child Abuse

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Jeanetta Issa  
Executive Director

The Johnson County Coalition for Prevention of Child Abuse is a primary prevention agency whose focus is that of education and advocacy to the community. JCCPCA networks locally, statewide and nationally on the premise that when community resources are brought together much can be accomplished to prevent child abuse. The JCCPCA Board of Directors and membership support the "multidisciplinary team" amendments to Senate Bill #557.

Senate Bill #557 provides amendments that clarifies, for the professional in the field, their ability to share vital information that may assist Social and Rehabilitation Services in a child abuse/neglect investigation or recommendation for service.

No one agency has sole responsibility for the children of our community. Our schools, churches, the medical professionals and institutions, early childhood educators, law enforcement, family, friends, you and I all share in that responsibility. The business of raising and protecting our children is indeed a team effort. Although the Department of Social and Rehabilitation Services is our legally mandated agency charged with the investigation of child abuse and neglect, everyone has a role to play.

Individual interpretation of the child in need of care code by institutions, agencies and individuals has been known to be more restrictive than defined in the child in need of care code simply to limit any possibility of breach of confidentiality. These amendments will allow key community resources that might be in a position to provide information to feel more at liberty to do so.

Key phraseology of these amendments maintain authority to designate team members with SRS and that the "multidisciplinary team" concept is structured to meet the needs of a specific child. The "multidisciplinary team" could be an ever changing mix of community professionals, all bound by the confidentiality of the child in need of care code. Many members may interface with a number of different children, while some members may be called upon for only one single child.

Just as there is no one cause of child abuse, there is also no one solution. Joining forces together can only provide more effective communication necessary to impact and provide intervention, treatment and prevention of this major social problem known as child abuse and neglect.



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for Prevention  
of Child Abuse**

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Testimony Supporting SB 557

An Act Concerning Children;  
relating to the Kansas Code for Care of Children

March 14, 1988

On behalf of the Kansas Committee for Prevention of Child Abuse I am pleased to encourage your favorable action on SB 557. The KCPCA is a non-profit organization with 29 local coalitions statewide and a collective membership of over 500 citizens. The Board of the KCPCA has reviewed the concept set forth in SB 557, and it believes the provision of multidisciplinary teams in investigation and recommendation of services for children in need of care is good public policy.

Having worked for the past four years in the field of alcohol and drug abuse services, I know a multidisciplinary approach in assisting youth is well advised. It recognizes that youth form bonds of trust with different individuals who are thereby better positioned to offer assistance. Professionals trained in different disciplines find that they can complement each others' skills in arriving at the best possible treatment program.

The concept of using multidisciplinary teams has been widely adopted across the United States. During a recent conversation with Tom Birch, legislative counsel for the National Child Abuse Coalition, I learned that 16 states now require such teams, while an additional 13 states allow the teams to be formed. This information was compiled in 1985, so the actual number of states endorsing or mandating this concept has probably increased over the past two years.

The Kansas Committee for Prevention of Child Abuse recognizes that child abuse cannot always be prevented. In situations where cases of abuse are reported, the intervention strategy should be prompt and effective. KCPCA believes the proposal to give SRS the authority to designate multidisciplinary teams to assist the Department in the investigation and recommendation for provision of services increases the likelihood that the child's best interests will be identified and actively pursued.

Testimony submitted by  
James McHenry, Ph.D.  
Executive Director



STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Statement Regarding S.B. 557

1. Title

An act concerning children; relating to the Kansas code for care of children; providing for multidisciplinary teams in investigation and recommendation of services for child in need of care; amending K.S.A. 38-1507 and 38-1524 and K.S.A. 1987 Supp. 38-1502 and repealing the existing sections.

2. Purpose

This bill would authorize the Department of Social and Rehabilitation Service to designate multidisciplinary teams to assist the Department in the investigation and recommendation for provision of services for children who are in need of care, especially those who are abused, neglected or sexually abused. It also authorizes the Department of Social and Rehabilitation Services to share confidential information with these team members.

3. Background

The care of children is a family and a community responsibility and when the family's care of the child falls below a minimally acceptable level, the family and the community must work together to remedy that situation. The Kansas Code for Care of Children places with SRS the primary responsibility for receiving and investigating reports that allege that a child is abused, neglected, or sexually abused or otherwise in need of care. The Department is further charged to take steps necessary to alleviate the condition that places the child in jeopardy, but the Department cannot do this alone. In recognition of this the code currently allows the exchange of information between SRS and persons licensed to practice the healing arts, court appointed special advocates, guardian ad litem, law enforcement officers and parents or other persons responsible for the welfare of the child. This bill extends the authority to share information with other community professionals who are designated as a member of the multidisciplinary team. This could include mental health professionals, public health personnel, child care providers and school personnel. These are mandated reporters and can offer valuable assistance in helping the family and/or protecting the child or other children in the community.

Mental health staff often make reports of suspected abuse, neglect or sexual abuse in families with whom they are working. This bill would allow the therapist to be directly involved as a team member in the investigation and on going provision of services. In the past the inability to share information has led to the therapist and child protection workers providing inconsistent messages to families. The ability to freely share knowledge will make comprehensive assessment of the needs of the child and family possible, reduce the number of repeated interviews of a child, and assure coordinated treatment plans.

A primary concern of school officials has been the one way flow of information. The school is mandated to report to SRS, but SRS has been unable to report back case progress on concerns. Including these key persons as a part of the investigation and treatment team will enhance case planning and progress of the child and family. These people who usually see a child on a daily basis are in a position to note positive and negative progress.

Foster care providers take children into care but have been excluded as a full member of the team in identifying and remedying problems with the child and family.

#### 4. Effect of Passage

The passage of this bill would allow crucial decision making on abuse, neglect and sexual abuse situations to be shared. This can lead to better decision making and reduces the emotional drain on the child protection worker. Additionally, the team becomes advocates for the child and family by promoting interagency coordination in the provision of services. In addition to the benefit to children and their families it would improve professional relationships by eliminating the barriers to communication.

#### 5. Recommendation

SRS recommends passage of this bill.

Winston Barton  
Office of the Secretary  
Social and Rehabilitation Services  
(913) 296-3271