

Approved _____
Date

MINUTES OF THE _____ HOUSE COMMITTEE ON _____ JUDICIARY _____

The meeting was called to order by _____ Representative Matha Jenkins _____ at
Vice- Chairperson

_____ 3:30 ~~xxx~~/p.m. on _____ February 27 _____, 19⁸⁹ in room _____ 313-S _____ of the Capitol.

All members were present except:

Representatives Adam, O'Neal, Peterson, Sebelius and Shriver, who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Representative Marvin Smith
Representative Debara Shauf
Judge Tom Graber, 30th Judicial District, Sumner County District Court, Wellington
Evan Hockett, Foster parent, Newton
Zella Wallace, Volunteer CASA worker, Sedgwick County
Jim Trast, Juvenile Offender Programs, Social and Rehabilitation Services
Barbara Hansen, Foster parent, Newton
Jim Clark, Kansas County and District Attorney Association
John Gillett, Wilson County Attorney, Fredonia
Phil Taylor, Clay County Undersheriff

HEARING ON H.B. 2350 - State officers & employees who are convicted of certain crimes, relieved of duties

Representative Marvin Smith testified a number of state employees have been vitally concerned by the Acts committed by their co-workers, especially the alleged rape and /or indecent liberties with a child. The repeat of the crimes and/or the continued employment after conviction has been very troubling and demoralizing to state co-workers, especially if the alleged and/or convicted employee is a supervisor. He related that a supervisor had retaliation assignments on the employees because some of them had attended the court hearings. This bill would relieve employees of their duties and functions if they were convicted of certain crimes, see Attachment I.

Staff was requested to research the status of a state employee who has been convicted of a crime.

There being no other conferees appearing on this bill, the hearing on H.B. 2350 was closed.

HEARING ON H. B. 2168 - Foster care parents required to file a report on the child's adjustment, progress and condition

Representative Debara Shauf testified that H.B. 2168 would require a report from foster parents included with the six months progress report for each child that is filed with the court. She said the bill would enhance the ability to keep track of the needs of children who are cared for by the state. She also distributed copies of letters from foster parents with her testimony, see Attachment II.

Judge Tom Graber testified in support of H.B. 2168. The court needs input from foster parents to reasonably fulfill its responsibilities in reviewing the progress and conditions in regard to children in the custody of Social and Rehabilitation Services. He submitted as Exhibit A, a copy of an actual six month report received by the court from S.R.S. He said sometimes this form contains more detailed information, however, they seldom contain specific information from the foster parents who have daily contact with the child. The report usually comes from a social worker who has had little, if any, contact with the child, and only monthly contact with the foster parent. Foster parents have complained because they were not consulted about their foster child's needs or given an opportunity for input to the court or S.R.S., see Attachment III.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

room 313-S, Statehouse, at 3:30 ~~xxx~~/p.m. on February 27, 1989.

Evan Hockett, a foster parent, testified in support of H.B. 2168. He agreed that foster parents should be required to file a report with the court prior to a child's hearing. He also expressed the bill should include that the S.R.S. office receive copies of the foster parent's report to facilitate better communication, see Attachment IV.

Zella Wallace, a volunteer C.A.S.A. worker, testified it seemed logical that a foster parent who has the responsibility of taking care of these children, should also be included in the reporting to the Judge. She said she was not representing C.A.S.A. but was appearing as a concerned individual. She strongly supported H.B. 2168, see Attachment V.

Jim Trast, S.R.S. testified in support of H.B. 2168. He submitted an amendment to H.B. 2168 which would make the report submitted to the court by the foster parent permissive not mandatory. He was apprehensive the mandated reports would add to the paper burden already existing in S.R.S. offices, see Attachment VI.

Barbara Hansen, a foster parent, testified there is no C.A.S.A. program in her county. She supported a report being made by the foster parent to the court. She suggested that S.R.S. could notify foster parents about reporting to the court.

The hearing was closed on H.B. 2168.

HEARING ON H.B. 2396 - Audio tape recordings of sexually exploiting a child.

Jim Clark, Kansas County and District Attorneys Association, testified this bill extends K.S.A. 21-3516 to include the production of audio tapes. The basic purpose of the statute, the exploitation of children, may be as great if children are required to utter words or sounds of a sexually explicit nature than if they are required to act them out before a visual medium, see Attachment VII.

John Gillett, Wilson County Attorney, testified that audio tapes have been and will be used to sexually exploit a child. He supported passage of H.B. 2396.

The hearing was closed on H.B. 2396.

HEARING ON H.B. 2397 - K.B.I. establishing computerized files of outstanding warrants

Phil Taylor, Clay County Undersheriff, testified he is the state chairman of A.S.T.R.A. Users Group. A.S.T.R.A. is the generally used name for the state's Law Enforcement and Civil Defense Communications Network. The users group determined that the greatest need in the area of law enforcement communications is a clearing house to store information concerning outstanding arrest warrants issued by District and Municipal Courts throughout Kansas. Kansas is one of two states in the country which has no such system in place. H.B. 2397 would add an automated file among the responsibilities of the central repository at K.B.I. Similar to the NCIC system, outstanding warrants could be entered directly by each agency through its A.S.T.R.A. terminal. The central repository would have review responsibility to insure accuracy of the database. He recommended implementing an intrastate wanted persons file proposed in H.B. 2397, see Attachment VIII.

A Committee member requested that a copy of the fiscal note on H.B. 2397 be furnished to each member of the Committee.

There being no other conferees, the hearing on H.B. 2397 was closed.

The Committee meeting was adjourned at 4:45 p.m. The next meeting will be Tuesday, February 28, 1989, at 3:30 p.m. in room 313-S.

STATE OF KANSAS

MARVIN E. SMITH
REPRESENTATIVE, FIFTIETH DISTRICT
SHAWNEE AND JACKSON COUNTIES
123 N.E. 82ND STREET
TOPEKA, KANSAS 66617-2209



TOPEKA

HOUSE OF
REPRESENTATIVES

February 27, 1989

COMMITTEE ASSIGNMENTS
VICE-CHAIRMAN: TAXATION
MEMBER: EDUCATION
TRANSPORTATION

TO: HOUSE JUDICIARY COMMITTEE

RE: HOUSE BILL 2350

Mr. Chairman and members of Committee:

Thank you for having a hearing on HB 2350.

A number of state employees have been vitally concerned by the acts committed by their co-workers, especially the alleged rape and/or indecent liberties with a child. The repeat of the crimes and/or the continued employment after conviction has been very troubling and demoralizing to state co-workers, especially if the alleged and/or convicted employee is a supervisor!

State employees have communicated to me examples of allegation and the conviction by the court. The employee continues to have supervision over other employees pending sentence. A certain supervisor had retaliation assignments on the employees, because some of them had attended the court hearing.

Surely with all the child abuse and indecent liberties with a child reported to the courts, we need affirmative action. The State of Kansas needs to improve our position regarding classified and unclassified employees convicted of certain crimes and being relieved of their duties and functions.

Your deliberation and resolution will be greatly appreciated.

I will try to answer questions.

House Judiciary
2/27/89
Attachment I

STATE OF KANSAS

DEBARA K. SCHAUF
REPRESENTATIVE, EIGHTY-FIRST DISTRICT
SEDGWICK AND SUMNER COUNTIES
P.O. BOX 68
MULVANE, KANSAS 67110
(316) 777-4608



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
MEMBER: LABOR AND INDUSTRY
FEDERAL AND STATE AFFAIRS
COMMERCIAL AND FINANCIAL
INSTITUTIONS
JOINT COMMITTEE ON ADMINISTRATIVE
RULES AND REGULATIONS

HOUSE BILL 2168

February 27, 1989

RE; Foster Parents Filing a Report with the Court

Mr. Chairman and members of the Committee.

I am Representative Debbie Schauf and I appear before you today to request that KSA38-1565 be amended to require a report from foster parents included with the six months progress report for each child that is filed with the court.

With me today are a District Court Judge, a CASA volunteer, and a foster parent. They will be appearing in support of the change. I have also attached to my testimony copies of letter received from foster parents which further indicate their concern for the welfare of the child.

As I have visited with some of these foster parents, I was surprised to learn that one family has been foster parenting for three years with three different sets of children and has never had a social worker in her home to visit and observe the adjustment of the children in the home. They also have never had the goals for the child placed in their care discussed with them. One foster parent expressed her frustration that a small child in her care was discovered to be sexually abused. The fact was confirmed and an evaluation and counseling was determined to be in order. From the second week of October to the last week of January the foster parent never heard another word despite frequent calls to the social worker. Finally at the end of January, after a concentrated effort on her part and a request to SRS that the child be removed from her home if help was not forthcoming immediately, it was discovered that the information had never been processed. Finally, the court authorized the counseling and it has begun.

House Judiciary
2/27/89
Attachment II

I urge you to listen and consider what you will hear today from Judge Graber, Mrs. Wallace, the CASA volunteer, and the foster parents who appear before you today. I feel the proposed amendment would enhance the ability to keep track of the needs of children who are cared for by the State.

Thank you and I'll be happy to stand for questions.

L. J. 2/27/89
Att II

February 23, 1989

2117 Richfield
Wichita, Kansas 67207

State House 174-W
Topeka,
Kansas 66612

ATTENTION: Rep. Debbie Schauf

Dear Rep. Schauf:

I am appealing to you for help in a need for foster parents. As a foster parent for many years, there are many needs, however, I will address just one issue.

Our "children" that we have in our home are not being heard. No one seems to be speaking up for them and unless we as foster parents do, there doesn't seem to be anyone else.

My request for you to consider is that foster parents be allowed to submit a report to the court. After all, we have the children in our home 24 hours a day, seven days a week and we aren't allowed to give a report to the court. Even the CASA worker has more rights than we do and yet we have the children in our home. I don't feel it should be a blanket law. It should be an option that foster parents can exercise if they want to.

Thank you for any help you can provide.

Sincerely,

Mrs. Gloria Mangum

Mrs. Gloria Mangum
Foster Parent

*H. J. 2/27/89
Att II*

pg. 2.

2-20-89

Dear Debbie,

First I would like to thank you for speaking in behalf of us foster parents!

I wish this was coming up a little later so we could prove there is a great need here. We have a meeting Feb. 26 and we were going to have a letter already written up for people (foster parents) to sign.

I have four of my own children and three foster children currently. The foster children of Sedgwick County are being drastically overlooked in the system.

No one in the system knows the child as well as the foster parents. Everyone else is too busy to interact with the child to get to know them. They (S.R.S.) place the child in your home and as long as everything goes alright with you that's all you hear from them.

But yet when there is a court hearing these same people give reports that are to ^{be} for the betterment of the child! They don't even know the child!!

I feel someone needs to stand up for the child. Let the judge know what they feel, act or have been going through. You need to allow foster parents to file a court report or have some input at court hearings. We know

2/27/89

Att II

pg 4

the child. We live with them every day through thick and thin. Yet we have no input. Who else knows this child? These children are our future - lets help them now before its to late!

I would really like to be able to be there Monday as this is presented, but its really hard to find a baby-sitter for few children under 5. I'll try!!

May God bless you for all the work you've done for this and the continuing work. I know when you want something you really have to continually stand up for it!

Thanks so much,
Mecca J. Menges

Mecca Menges
1933 W. 60th N.
Wichita, KS. 67204
316-755-0059

L.J. 2/27/89
Att II
pg 5.

TESTIMONY BEFORE HOUSE JUDICIOUS COMMITTEE

February 27, 1989

In Regard to House Bill No. 2168

Mr. Chairman, members of the Committee, I am Tom Graber, a District Judge from the 30th Judicial District, sitting in Wellington, in the Sumner County District Court.

I have been serving as a Judge of the District Court in Sumner County since January of 1977 and have handled the juvenile cases since that time.

I would like to urge you to act favorably in regard to House Bill No. 2168 for several reasons.

First, because the court needs input from foster parents to reasonably fulfill its responsibilities in reviewing the progress and conditions in regard to children in the custody of S.R.S. I have attached to my written testimony as Exhibit A a copy of an actual six month report received by my court pursuant to 38-1565. Although sometimes this form as submitted by S.R.S. contains more detailed information, they are usually about this informative. They very seldom include specific information from the foster parents who have daily contact with the child. The report usually comes from a social worker who has had little, if any, contact with the child and only monthly contact with the foster parent. I have had children in foster care for over a year and was holding a hearing to terminate parental rights when I first learned that two of the three children in question could not talk and had never been examined by a professional to determine why. The social worker had not been aware of the problem because of her limited contact with the children or foster parents and the foster parents had never been involved in administrative reviews or evaluations. No communication was occurring and the court was not being provided with information vital to a consideration of the children's needs.

House Judiciary
2/27/89
Attachment III

Testimony Before House Judicious Committee
February 27, 1989
Page Two

Second, I support the Bill on behalf of foster parents. Our local C.A.S.A. program and other courts have received complaints and inquiries from at least eight foster families because they were not consulted about their foster child's needs or given an opportunity for input to the court or S.R.S. They have expressed the feeling that their input is not wanted, is improper, or cannot be given to the court. This bill explicitly solves those problems. It establishes a vehicle by which the vital inputs of foster parents will always be provided to the court.

I have heard some concern expressed by Representatives of S.R.S. that a required report to the court mandated by statute will intimidate some foster parents.

I believe that proper management by S.R.S. should minimize that effect and that possible negative effect is far outweighed by its benefits.

I have personally discussed the provisions of the Bill with a number of foster parents and they have all expressed enthusiastic support of the Bill.

In short, the Bill simply and directly addresses the needs of the court to have information about what is going on in the day-to-day life of the kids and the need for foster parents to have an opportunity to give their input.

H. J.
2/27/89
page 2 of III

EXHIBIT A

CASE PLAN FOR CHILD IN SRS CUSTODY
(Refer to Instruction Sheet for further clarification.)

35.3
8-85

I. IDENTIFYING INFORMATION

A. Name of Child/Youth (last, first, middle)
Doe, John L.

B. Birthdate 07-10-82

C. Court Case # 00 JC 000

D. Case Plan Duration (Not to exceed 6 months)
6 months

E. Legal Status CTNC

F. Primary Social Worker Higgins

G. Present Placement Information
Eldon Ast (Foster Home)
Clearwater, KS

H. Administrative Review Date 06-09-88

I. Court Report Date 06-88

II. REASON FOR CUSTODY (Complete at the time of initial placement only. For subsequent case plans, refer here to date of initial case plan. Document, or refer to attached documentation, need for placement, and efforts made to prevent an out-of-home placement.)

Refer to initial case plan.

FILED
DISTRICT COURT
JUN 10 9 37 AM '88
SUMNER COUNTY, MO
DOCKET PAGE 37

III. APPROPRIATENESS OF PRESENT PLACEMENT (Document how placement meets the child's special needs, and as much as possible, how is it in the least restrictive setting and close proximity to the child's own home. If there has been no change in placement, refer to previous case plan.)

Refer to initial case plan

IV. PLACEMENT PLAN (Document services to placement, provider involvement in case plan, and the type and frequency of agency involvement with the provider and collaterals. Summarize progress that has been made by the child in the placement since last Administrative Review, and child's current social, emotional, and educational adjustment.)

John is doing well at the foster home. He will be in the first grade next year at Clearwater.

He continues to develop emotionally and socially.

SRS will maintain monthly contact with the foster parents.

A. J. III
2/27/89
page 3

V. PERMANENT PLACEMENT PLAN (Indicate type. Check one.)

A. Reintegration

B. Adoption

1. Name _____ Approximate Date _____

2. Relationship _____

C. Permanent Foster Care

3. Approximate Reintegration Date _____

D. Other

Document here what is to be accomplished. (Include measurable objectives and time schedules.) Identify who is responsible for the plan being implemented. If plan is reintegration, attach family service working agreement and proceed to VI. If permanent foster care is the plan, and agreement already in place, indicate date of agreement and proceed to VI. Summarize progress toward measurable objectives made since last Administrative Review.

John was placed in permanent foster care in January of 1987.

VI. VISITATION PLAN

(If Permanent Plan is reintegration, document plan for visits between child and family, siblings, other relatives. If other permanent plan, document plan for visits between child and siblings, relatives, significant others.)

Visits will be arranged through SRS.

VII. SPECIAL PROVISIONS

List if any are applicable to the Case Plan. Note: List all placement moves (or changes in placement) since last review and reason for the move(s).

Recommend that a CASA be appointed for John.

VIII. PARTICIPANT INFORMATION (If Case Plan is also a Service Agreement, obtain the participant's signature.)

Note to Participants: All information you receive as a participant in the development of this case plan is confidential.

- A. Name/Relationship
 - 1. Jan Tabing / Foster parent
 - 2. Roger Cox / SRS supervisor
 - 3. Sabrina Higgins / Social Worker
 - 4. _____ / _____
 - 5. _____ / _____

- D. Non-Participants Receiving Plan
 - 1. District Court
 - 2. GAL
 - 3. _____

B. Name of Participant Who is Not Directly Involved in Case Management

- E. Invited Persons Not Participating
 - 1. _____
 - 2. _____

C. Name of Minority or Handicap Representative (If Applicable)

F. Social Service Worker Signature Date
Sabrina Higgins 6-10-88

G. Supervisory Approval Date
Roger Cox 6-10-88

IX. EPSDT CURRENT

YES NO _____ Date
If no, date of expected completion

X. MEDICAL AND DENTAL RECORDS REVIEWED BY SRS SSW

YES NO _____ Date
If no, expected date they will be reviewed.

THJ III
2/27/89
page 4

DATE: February 27, 1989

TO: House Judiciary Committee

FROM: Harvey County Foster Parents

We are a group of interested foster parents from Harvey County and we wish to sollicit your support for the Bill HB2168, that refers to foster parents being required to file a report with the court prior to a childs hearing. Collectively, we have 29½ years experience of foster parenting. We as a concerned group feel foster parent input is vital in the decision making process regarding our foster childrens future.

In Harvey County, we feel there is a lack of communication in areas concerning foster care. We realize the S.R.S. office and the County Court House are busy places and fault cannot be placed on one entity. Therefore, we support this bill because we would have to be notified by the court house of our foster childs impending hearing in order to prepare our report. We feel an addition to the bill should include that the S.R.S. office receive copies of our report to facilitate better communication.

As an added note to this letter we would like to add our input in the area of financing. Several areas need attention if we are to maintain adequate foster homes. Education for foster parents and continueing education for Social Service workers is desparately needed. Reimbursement for existing foster homes should at least cover expenses of the childs care. Funding needs to be available throughout the state to maintain children in S.R.S. custody so those children are not returned to a home that is not adequate and that children are not left in a bad home situation due to a lack of funds.

We reiterate that we are a group of foster parents interested in the childrens welfare and by you supporting this bill, we feel our interest will be better facilitated.

Sincerely yours,

Richard & Brenda Dickson
Route #3 Box 113
Newton

Jerry & Carol Friesen
508 Michael
Newton

Jim & Mary Friesen
329 South Ridge
Newton

Russell & Barbara Hansen
420 W12th
Newton

Evan & Joyce Hockett
1200 North Elm
Newton

Jim & Cindy Janzen
Box 92M RR#1
Hesston

House Judiciary
2/27/89
Attachment IV

I APPEAR BEFORE YOU TODAY IN SUPPORT OF HOUSE BILL NO. 2168.

MY NAME IS ZELLA WALLACE, I AM FROM SEDGWICK COUNTY, I VOLUNTEER MY TIME AS A CASA WORKER. FIRST, I WOULD LIKE TO MAKE IT CLEAR I AM NOT REPRESENTING THE CASA PROGRAM BUT, AS A CONCERNED INDIVIDUAL.

CASA IS A COURT APPOINTED SPECIAL ADVOCATE. AFTER A PROGRAM OF SPECIALIZED TRAINING WE ARE ASSIGNED A CASE INVOLVING A CHILD OR CHILDREN IN ONE FAMILY AS THEY MAKE THEIR WAY THROUGH THE COURT SYSTEM. WE ARE AUTHORIZED TO CONTACT ANY INTERESTED PARTY OR INSPECT ALL RECORDS RELATING TO THESE CHILDREN. WE THEN MAKE A REPORT TO THE COURT AS TO THE CASA WORKERS' RECOMMENDATIONS. NOT ALL CHILDREN ARE ASSIGNED A CASA VOLUNTEER.

MY CASE EXPERIENCES HAVE LEFT ME WITH SERIOUS CONCERNS ABOUT THE INFORMATION AVAILABLE TO THE COURT. TOO MANY TIMES THE SOCIAL WORKER IS ASSIGNED TO SO MANY CASES, THEY HAVE LITTLE OPPORTUNITY TO REALLY DEVELOP A RELATIONSHIP WITH THE CHILD OR THE FOSTER PARENTS. IN ONE CASE THE FOSTER MOTHER WAS SO FRUSTRATED, SHE CALLED EMCU "EXPLOITED AND MISSING CHILDRENS UNIT"; ON ANOTHER CASE THE FOSTER MOTHER WROTE THE JUDGE. CHILDREN LUCKY ENOUGH TO HAVE A GOOD CASA VOLUNTEER HAVE A LITTLE MORE CHANCE OF BEING EVALUATED.

SOMETIMES THE CASA WORKER AND THE SOCIAL WORKER DO NOT AGREE ABOUT WHAT WOULD BE BEST FOR THE CHILD.

IT WOULD SEEM LOGICAL TO ME, A FOSTER PARENT WHO HAS THE RESPONSIBILITY OF TAKING CARE OF THESE CHILDREN, ALSO OUGHT TO BE INCLUDED IN THE REPORTING TO THE JUDGE.

House Judiciary
2/27/89
Attachment V

PAGE 2.

AS A CASA VOLUNTEER, WE ARE NOT ALLOWED TO REVEAL NAMES OR DISCUSS FULLY A SPECIFIC CASE WITH ANY ONE OTHER THAN THOSE INVOLVED IN THE CASE. HOWEVER; I CAN SHARE, IN VERY GENERAL TERMS, ONE SITUATION THAT EXHIBITS THE NEED FOR THIS LEGISLATION. THE CASE INVOLVED A CHILD , NOW SIX (6); HER YOUNGER SISTER AND HER BROTHER; THEY ARE NOW IN A FOSTER HOME. THEY WERE PLACED THERE BECAUSE OF BEATINGS BY SOMEONE UNKNOWN (MOTHER, FATHER, OR THE MOTHERS LIVE IN BOYFRIEND). WHILE IN THE FOSTER HOME SHE WAS DOING UNNATURAL SEXUAL THINGS. THE FOSTER MOTHER STARTED ASKING HER QUESTIONS, THE FOSTER MOTHER THEN CALLED THE SRS WORKER ASSIGNED TO THIS CASE , LEAVING WORD FOR HER TO CALL AND EXPLAINED WHY SHE WAS CALLING. SHE CALLED FOR THREE STRAIGHT DAYS WITH NO RESPONSE FROM THE SOCIAL WORKER; SHE THEN CALLED EMCU. THEY TOOK A STATEMENT AND THE CHILD WAS LATER SENT TO A DR.; WHO COLLABORATED, REPEATED SEXUAL ABUSE HAD OCCURRED.

THESE CHILDREN HAVE BEEN IN THIS FOSTER HOME FOR OVER A YEAR. THE FOSTER MOTHER TOLD ME, SHE HAS NOT HAD A SOCIAL WORKER IN HER HOME EXCEPT TO BRING THE FIRST CHILD. SHE PICKED UP THE OTHER TWO CHILDREN WHEN A SOCIAL WORKER CALLED HER TO DO SO. A SOCIAL WORKER PICKED UP THE OLDEST GIRL TO TAKE HER TO THE DOCTOR, WHEN THE FOSTER MOTHER WAS UNABLE TO TAKE HER. I DO NOT INTEND TO DEMEAN SRS, THEY DO NOT HAVE ENOUGH SOCIAL WORKERS TO GIVE THE ATTENTION TO EACH CASE OR CHILD THE INDIVIDUAL WORKERS WOULD LIKE.

H. J. 2/27/89
Att V

pg 2

PAGE 3.

THE JUDGE HAS NEVER HEARD DIRECTLY FROM THE FOSTER PARENTS, AND THE FOSTER PARENTS DO NOT KNOW IF, HE IS OR WILL BE AWARE OF THEIR CONCERNS FOR THE CHILD. FOR THE BEST CARE OF THESE CHILDREN, I FEEL, THE INFORMATION THE JUDGE RECEIVES SHOULD HAVE A REPORT FROM THE PEOPLE WHO ARE CLOSEST TO THEM EVERY DAY. FOR THAT REASON, I STRONGLY SUPPORT THIS BILL.

I'LL BE HAPPY TO ANSWER ANY QUESTIONS THAT I CAN.

I APPRECIATE THE OPPORTUNITY TO COME BEFORE YOU ON BEHALF OF MANY MANY CHILDREN IN FOSTER CARE, NOW AND IN THE FUTURE.

THANK YOU.

H. G. 2/27/89
att V

pg 3.

DEPARTMENT OF SOCIAL & REHABILITATION SERVICES
Winston Barton, Secretary

Testimony in Support of HB 2168

AN ACT CONCERNING THE CODE FOR CARE OF CHILDREN; RELATING TO THE FOSTER PARENT FILING A REPORT WITH THE COURT; AMENDING KSA 38-1664 AND KSA 1988 SUPP. 38-1565 AND REPEALING THE EXISTING SECTIONS.

Mr. Chairman, Members of the Committee, I appear here today in support of HB 2168. We would recommend one slight change in language.

We believe that foster parents are key members of the foster care team. We agree that foster parents who live with the children in our custody on a 24-hour per day basis have invaluable information that can be very helpful to a judge in the decision making process. We welcome this bill as it provides not only an avenue for direct communication of information from the foster parents to the court, but it also provides the foster parents with well deserved stature in court.

We would however recommend that the language be changed so that the provision of information by foster parents becomes a right, not an obligation. We are concerned that the mandatory language places yet another burden on foster parents who may be loaded down already with the duties of providing care for our children plus their own family. We are concerned that the requirement to file a report with the court will be frightening to people whose writing skills may not be well developed. This concern would be a negative factor in our recruitment efforts which are always on-going due to there always being more children needing homes than there are homes.

An additional and realistic concern for us is that the mandatory filing of reports will negatively impact the SRS clerical support staff in our local offices. Foster parents, by and large, do not have access to clerical support

House Judiciary
2/27/89
Attachment VII

Page Two

staff except through our offices. Therefore, it is reasonable to assume that these mandated reports would add to the paper burden already existing in our offices.

We would therefore recommend that the word "shall" appearing on line 39 be changed to "may". In this way those foster parents desiring to supply information directly to the court may. Those foster parents having no need to do so would not be required to file a report simply to meet a requirement a law. Given this change, we would strongly support HB 2168.

Submitted by

Robert C. Barnum
Commissioner, Youth Services
Department of Social & Rehabilitation
Services
296-3284

*L.G. 2/27/89
att VI*

pg 2

HOUSE BILL No. 2168

By Representatives Schauf, Baker and Johnson

1-31

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AN ACT concerning the code for care of children; relating to the foster parent filing a report with the court; amending K.S.A. 38-1664 and K.S.A. 1988 Supp. 38-1565 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1988 Supp. 38-1565 is hereby amended to read as follows: 38-1565. (a) If a child is placed outside the child's home and no plan is made a part of the record of the dispositional hearing, a written plan shall be prepared which provides for reintegration of the child into the child's family or, if reintegration is not a viable alternative, for other placement of the child. If the goal is reintegration into the family, the plan shall include measurable objectives and time schedules for reintegration. The plan shall be submitted to the court not later than 60 days after the dispositional order is entered. If the child is placed in the custody of the secretary, the plan shall be prepared and submitted by the secretary. If the child is placed in the custody of a facility or person other than the secretary, the plan shall be prepared and submitted by a court services officer.

(b) A court services officer or, if the child is in the secretary's custody, the secretary shall submit to the court, at least every six months, a written report of the progress being made toward the goals of the plan submitted pursuant to subsection (a). *If the child is placed in foster care, the foster parent or parents shall submit to the court, at least every six months, a written report in regard to the child's adjustment, progress and condition.* The court shall review the progress being made toward the goals of the plan and the foster parent report and, if the court determines that progress is inadequate or that the goals are no longer viable, the court shall

H. J. 2/27/89
Att VI
pg 3

45 hold a hearing pursuant to subsection (c). If the secretary has custody
 46 of the child, such hearing shall be held no more than 18 months
 47 after the child is placed outside the child's home and at least every
 48 12 months thereafter.

49 (c) Whenever a hearing is required under subsection (b), the
 50 court shall notify all interested parties and hold a hearing regarding
 51 the adequacy of the plan submitted pursuant to subsection (a), prog-
 52 ress toward the goals of such plan and the viability of such goals.
 53 If, after hearing, the court determines that the child's needs are not
 54 adequately being met, the plan is inadequate or the goals are not
 55 viable, the court may rescind any of its prior dispositional orders
 56 and enter any dispositional order authorized by this code or may
 57 order that a new plan for the reintegration, or an alternative plan
 58 for the child's placement, be prepared and submitted to the court.

59 Sec. 2. K.S.A. 38-1664 is hereby amended to read as follows:
 60 38-1664. (a) When a juvenile offender has been placed in the custody
 61 of the secretary, the secretary shall notify the court in writing of
 62 the initial placement of the juvenile offender as soon as the placement
 63 has been accomplished. The court shall have no power to direct a
 64 specific placement by the secretary, but may make recommendations
 65 to the secretary. The secretary may place the juvenile offender in
 66 an institution operated by the secretary, a youth residential facility
 67 or a community mental health center. If the court has recommended
 68 an out-of-home placement, the secretary may not return the juvenile
 69 offender to the home from which removed without first notifying
 70 the court of the plan.

71 (b) The secretary shall not permit the juvenile offender to remain
 72 detained in any jail for more than 72 hours, excluding Saturdays,
 73 Sundays and legal holidays, after the secretary has received the
 74 written order of the court placing the juvenile offender in the custody
 75 of the secretary, except that, if the juvenile offender is to be placed
 76 in a state youth center and that placement or another appropriate
 77 placement cannot be accomplished, the offender may remain in jail
 78 for an additional period of time, not exceeding 10 days, which is
 79 specified by the secretary and approved by the court.

80 (c) During the time a juvenile offender remains in the custody
 81 of the secretary, the secretary shall report to the court at least each

Lg. 2/27/89
Att. VI
pg 4

82 six months as to the current living arrangement and social and mental
83 development of the juvenile offender. *If the juvenile offender is*
84 *placed in foster care, the foster parent or parents shall submit to*
85 *the court, at least every six months, a written report in regard to*
86 *the juvenile offender's adjustment, progress and condition.*

87 Sec. 3. K.S.A. 38-1664 and K.S.A. 1988 Supp. 38-1565 are
88 hereby repealed.

89 Sec. 4. This act shall take effect and be in force from and after
90 its publication in the statute book.

LJ. 2/27/89
Att VI

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EXECUTIVE DIRECTOR • JAMES W. CLARK, CAE

Testimony in Support of

HOUSE BILL 2396

Mr. Chairman and Members of the House Judiciary Committee, the Kansas County and District Attorneys Association requested introduction of House Bill 2396, and we are grateful for the introduction of the bill as well as the opportunity to speak on its behalf.

The purpose of the bill is narrow: simply to extend the protection of K.S.A. 21-3516 to include the production of audio tapes. The request was based on an incident which occurred in Miami County, in which a father who had been convicted and incarcerated for sexually abusing his children requested the children's mother to force the children to make sexually explicit audio tape recordings, which were then sent to him inside the prison. More details of the incident will be supplied to the committee by former Miami County Attorney David Heger, who recommended that our Association promote this measure.

While the impact of audio recordings over a visual performance may not seem as great, we would ask you to recall the financial considerations involved in the recent debate over dial-a-porn operations. There obviously is a demand for oral representations of sexual acts.

More importantly, the basic purpose of the statute, the exploitation of children, may be as great if they are required to utter words or sounds of a sexually explicit nature than if they are required to act them out before a visual medium.

House Judiciary
2/27/89
Attachment VII

Testimony before the
HOUSE JUDICIARY COMMITTEE
on the matter of House Bill 2397
presented by
UNDERSHERIFF PHILIP TAYLOR
of Clay Center, Kansas
on February 27, 1989

*House Judiciary
2/27/89
Attachment VIII*

I am Phil Taylor the Undersheriff of Clay County. I am also the state chairman of what is called the ASTRA Users Group. ASTRA is the generally used name for the state's Law Enforcement and Civil Defense Communications Network.

The network is administered by a three member board consisting of the director of the Kansas Bureau of Investigation, superintendent of the Kansas Highway Patrol and secretary of the Department of Administration. Several years ago this board asked the agencies that use the network to form a users group to serve in an advisory role to the board.

The users group seeks to keep in contact with about 160 local sheriff and police departments in the state who are on the network; as well as all the state law enforcement agencies, corrections, some District and Municipal Courts, and several federal law enforcement agencies who are connected to the ASTRA network.

Since the users group was formed about three years ago our surveys of these agencies have indicated that the greatest need in the area of law enforcement communications is a clearing house to store information concerning outstanding arrest warrants issued by District and Municipal Courts throughout Kansas.

Back in the 1960's the Federal Bureau of Investigation established a similar system called the National Crime Information Center (NCIC). Each agency may check this automated file from our terminals for wanted people and stolen property. It is common police practice to routinely check this file with car license plate numbers and names of people contacted through the normal course of a police officer's day. NCIC has been responsible for the arrest of many fugitives and the recovery of much stolen property.

Under FBI rules only felony warrants which will be extradited from other states may be entered into the NCIC system. The FBI believes that warrants which are to be served only within one state should be stored in a state system rather than the national file. The states have responded by setting up their own intra-state files which work with the national file in 48 of the 50 states. Kansas is one of only two states in the country which have no such system in place.

The warrants which would be recorded in such a file include all misdemeanor and those less serious felony warrants where for budgetary reasons it has been decided the suspect will not be

A. J. 2/27/89
Att VIII

extradited across state lines. At the present time there is no method to determine when warrants in this category exist without contacting each and every agency in the state that could hold a warrant.

During the past winter the ASTRA Users Group surveyed all local law enforcement agencies in the state about these warrants. To date 62 agencies have responded to the survey representing a good cross section of the state. Among the smallest agencies in the state including the Scott, Mitchell and Wabaunsee County Sheriff's to the largest including the Wichita, Overland Park and Topeka Police Departments and sheriff's offices in Barton, Shawnee, and Johnson Counties participated in the survey.

The survey indicates that the smallest counties in the state are holding from 50 to 100 warrants which cannot be placed in the federal NCIC system. The large metropolitan counties have from 10,000 to 20,000 warrants on file. It is my estimate that there are over 100,000 warrants in the state which are outstanding.

This is a remarkable number and is a very high ratio of our total population. Of course many are warrants in several counties for the same fugitive who has been roaming the state unheeded because we have no system to catch him.

The most common warrant is for worthless checks. Local law enforcement agencies and probably a lot of business owners will testify that there is a large group of people traveling from county to county leaving our businesses holding worthless checks. Many of these people are smart enough to write the checks in each county so the charge will be a misdemeanor knowing the writer's name stays out of NCIC.

Probably the next highest category are people who have outstanding bench warrants for failure to appear on Driving Under the Influence charges. As we have increased the penalties for drunk driving we have also increased the incentive to not appear for court. It is frustrating to think that these people are continuing to drive and even if they are stopped for a subsequent drunk driving charge there is no way for the arresting officer to know another jurisdiction has an arrest warrant for the individual. In fact, since the driver failed to appear and thus no conviction has occurred, the earlier DUI arrest will not even show up on the subject's driving record. It is possible he may be charged as a first time offender.

While it is somehow offensive to think about all these

A. J. 2/27/89
Att VIII

people moving around the state unimpeded perhaps the more important consideration is officer safety. Of the agencies responding to the survey only four felt that their officers had never been exposed to danger because they were unable to have knowledge of outstanding warrants on the person with whom they have contact.

A couple of years ago an officer was shot after stopping a car for speeding. The officer survived and the driver was caught but it took some time to ascertain why the driver would come out shooting because of a traffic offense. Finally, after checking throughout the state an outstanding worthless check warrant was found on the driver in another county half a state away. Only the driver knew about the warrant.

It is common police procedure to check the license tag of a car being stopped in both the wanted persons file and stolen vehicle file before the officer approaches the car. Since the misdemeanor warrant was not stored in NCIC the officer in this case could not be warned.

Most agencies said they had experiences where an arrested person was released only to later find out that another jurisdiction had an outstanding warrant. This all seems somewhat incredible in the present age of computers that wanted people cannot be tracked better.

The survey asked the agencies to grade the need for an intrastate wanted persons file. 60% indicated the need was "vital", 34% said "important", 4% said it would be "nice" to have, and just one agency (1%) said the need was "marginal". The last choice "not needed" was not chosen by any agency.

Another fact the survey showed which was surprising is the money the state's court system is not collecting. Since the nature of most of these warrants are that fines and restitution rather than jail time is the usual result, each outstanding warrant represents money not being collected. Just the 62 participating agencies estimated almost three and a half million dollars in fines and court costs attached to these unserved warrants.

As mentioned earlier the issue of an intrastate warrant file has been discussed with the ASTRA board for many years. It was determined early that this was probably a project that should be properly placed within the state's central criminal repository which is maintained by the Kansas Bureau of Investigation. The prior KBI director made promises to local law enforcement agencies that his agency would install this file on the ASTRA net-

L.J. 2/27/89
Att VIII

work.

With the change in administration at the KBI the pledge was rescinded and in fact may have been made by the earlier administration knowing the KBI did not have the computing facilities to make good on the promises. Whatever the truth is many ASTRA user representatives felt betrayed. The new administration, while supportive of the concept has its own priorities including the expensive automated fingerprint system which they believe deserves that agency's best efforts first.

It is a fact that an intrastate wanted persons file is more a need of local police and sheriff departments than any of the state law enforcement agencies. Since Kansas does not have a consolidated state law enforcement agency the various state agencies tend to work more for their own interests than considering law enforcement's general needs. But the fact is that no state-wide system is possible unless some state office accepts the administration obligations.

House Bill #2397 would simply add an automated file among the responsibilities of the central repository. Similar to the NCIC system, outstanding warrants could be entered directly by each agency through its ASTRA terminal. The central repository would have review responsibility to ensure the accuracy of the database.

Over a year ago the ASTRA Users Group appointed a committee to meet with computer programmers at the KBI and the outline of the programming needed was written. The programmers now say they can produce the software needed to operate the wanted persons file on the KBI computer with limited additional effort.

The KBI also advises that many of the hardware needs will be met through system improvements which will be a part of the automated fingerprint system. The only remaining expense will be an administrative cost of providing routine review of the files to ensure the accuracy of the database.

In the most recent meeting with KBI director Johnson he said that he was not in a position to propose such a system due to promises made to the Governor's budgeting staff; but he would certainly support since a system if it was proposed.

The need for an intrastate warrant file focuses on a larger issue the state must face eventually. In an age when catching criminals is often contingent on information processing, Kansas is a generation behind in law enforcement computer technology.

H.J. 2/27/89
Att VIII

Although the terminals being used today are a little fancier, the basic system is almost unchanged in most important ways since its inception in the 1960's.

Many cities have more complete police information systems in place. In fact, many local agencies in northeast Kansas pay thousands of dollars per month to use the Kansas City, Missouri, Police Department's computer system (ALERT) rather than the Kansas state system. This splits the state and makes it even more difficult for agencies to share information and talk to one another.

Of these agencies on the Missouri ALERT system, the main explanation given is that it offers a local wanted persons file while the Kansas network does not. If Kansas does not take a comprehensive view of law enforcement's communications needs there will probably continue to be a movement to the ALERT or other proposed area computer networks which will further weaken the state network and make the work of the street officer that much more difficult.

Probably the only area in the criminal justice system which is in worse shape in the area of computer programming are the District Courts. There is no integrated system between law enforcement and the courts even though the state plan many years ago envisioned such a system. As a result case dispositions are often not filed in the central repository which is most frustrating to the courts and prosecutors who cannot ascertain prior arrests of a defendant or the final dispositions of those cases.

There needs to be an interdisciplinary committee to investigate the separate and joint communication and dataprocessing needs of the entire criminal justice community which could then propose state-of-the-art solutions to meet the future needs of the state.

While that proposal is for a grander, long-range plan; a start can be made now to move the network forward by meeting the most pressing need of the system: an intrastate wanted persons file.

H.J. 2/27/89
Att VIII

P46