

Approved February 21, 1990

Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

10:00 a.m./~~pm~~ on February 7, 1990 in room 514-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Rochelle Kroshus, Overland Park

The Chairman authorized testimony to be presented on SB 431 at the request of Senator Parrish.

SB 431 - concerning adoption; enacting the Kansas adoption and relinquishment act; providing that certain health policies and contracts contain coverate with respect to adopted children.

Rochelle Kroshus, Overland Park, presented testimony in support of SB 431. (ATTACHMENT I)

The Chairman informed the committee that Judge Bruner, representing the Family Law Advisory Committee, would be present at the meeting scheduled for February 16. He added that information received from Professor Joan Hollinger, a leading expert in the field, had been given to the Family Law Advisory Committee through the Judicial Council, and they would have an opportunity to review the information. Hopefully, Judge Bruner would be able to offer suggestions and/or recommendations to the committee from his group. The chairman added that this is a major piece of legislation that the Family Law Advisory Committee spent a great deal of time and effort working out many procedural questions and a great deal of study has been done on the topic. It was the consensus of the committee that they would want to give their best efforts to address the bill and get it passed out to the full Senate for debate.

The Chairman then presented a request for introduction of legislation from Senator Lee, a technical change to the probate section having to do with self-proving affidavits and wills. At present, some lawyers think you have to have two of affidavits by statute, the suggestion for the bill is to clarify that if required one affidavit is sufficient, two are not required.

Senator Feleciano moved to introduce the bill as described by the Chairman, Senator Parrish seconded the motion. The motion carried.

Chairman Winter presented a second bill request from Senator Lee, suggesting a change in the venue to provide probate courts an alternative to the current county of residence at time of death, adding the alternative provision of venue in the county of real estate owned by the decedant.

Senator Rock moved to introduce the bill as requested by Senator Lee, Senator Yost seconded the motion. The motion carried.

Senator Gaines made a motion to introduce a bill to address the situation that arose from the Supreme Court decision in "State of Kansas v Michael Moppin" regarding the definition of "sodomy". Senator Parrish seconded the motion. The motion carried.

The Chairman then turned the committee's attention to bills previously heard. He distributed a list to the committee and explained that some of the listed bills were duplications of previously passed legislation and that SB 535, requested by the Judicial Council, and now asked that the bill be removed. (ATTACHMENT II)

Unless specifically noted, the individual remarks recorded herein have not been 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 SENATE COMMITTEE ON JUDICIARY,

room 514-S, Statehouse, at 10:00 a.m. on February 7, 1990.

Senator Bond moved to recommend that SB 166, SB 167, SB 285, SB 292, SB 311, SB 335, SB 364, SB 535, SCR 1609, and HB 2070 be reported adversely since they were duplications of 1989 legislation that was enacted. Senator Morris seconded the motion. The motion carried.

Senator Morris moved to report SB 441 adversely, Senator Feleciano seconded the motion. The motion carried.

Senator Petty moved to report SB 297 adversely, Senator Oleen seconded the motion. The motion carried.

The committee consensus for SB 231, relating to endangering a child, was to have staff follow up on the question of constitutionality raised by Shawnee County Assistant District Attorney Jeannie Schmidt, and to define the term "household" before the committee were to take any action.

The committee next considered SB 306 and SB 522, which address sharing of information with law enforcement and educational agencies, and SB 425 which relates to sexual exploitation by mental health service providers.

It was decided that further discussion was required for SB 306 and SB 522.

Senator Bond moved to report SB 425 adversely, Senator Gaines seconded the motion. After discussion by the committee and reviewing the lack of opposition to the concept of the bill, Senator Bond withdrew his motion, Senator Gaines withdrew his second. Senator Rock moved to recommend SB 425 to the Judicial Council for their study of whether Kansas case law assumes that consent is a defense to rape or other sexual crimes when the victim is receiving or has received mental health treatment and return to the committee with their recommendations. Senator Parrish seconded the motion. The motion carried.

The meeting was adjourned.

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Monique MOODY	1845 SW Jewell 66602	NASW Washburn Student
Jill Donahy	915 MacLisac 66604	" "
Diana O'Connell	1900 W. LYMAN RD	" "
CARLA FULTZ	3790 PARK SOUTH COURT	" "
Kristi Gydesen	3208 Eveningpide Dr	
Paul Shelby	Topeka	OJA
Jeff Kockitt	Topeka	Ks Assocs. of P&L Ins Co.
KETH R LANDIS	"	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS
JAN BUEKER	2411 S.W. 10TH TOPEKA	WASHBURN STUDENT NASW MEMBER
Rochelle Krasner	11635 Monowick OPKS	OURS thru Adoption
Laurie Hartman	Topeka	Ks. Bar Assoc.
Daniel Morris	1301 D. Fern, Wichita	
Jeremy Childers	1608 S. Edwards Wichita	
Jeffrey Blair	1305 west 1st Wichita	
JEFF SONNICH	TOPEKA	KNLSI
Paula M. Sauer	Topeka	intem
Beth Powers	Topeka	Ks. Choice Alliance
Dick Hummel	Topeka	KACA
M. Hawwa	"	Capital-Journeys
R. Fry	"	KTLA
Jan L. Bruner	O. P. Ks	KDJA
Lydia Van Natta	Topeka	www
Jill	Revisors	

February 7, 1990

I am an adoptive parent and currently an active member in a group called "Ours through Adoption". Senate Bill No. 431, which addresses adoption, is of particular interest to me specifically because of Section 34. This section would help adoptive parents with the financial costs of an adoption. I would like to ask your favorable support of the bill. It would provide medical insurance coverage for the birth mother and also provide insurance coverage for the adoptive baby commencing at birth.

We are asking that the benefits that we are currently paying for be available in an adoption. Our insurance premiums cover maternity benefits and we want to be able to use the benefits of that coverage. Also, when a baby is born into a family biologically, insurance coverage on that baby begins immediately. Again, we think we should have the same coverage with an adopted baby.

Bills, with this same coverage, are currently in effect in Arizona and Arkansas. I have spoken with Gay Ann Williams in the Arizona Insurance Commissioners office about the effects that the bill providing medical coverage for the birth mother has had on insurance companies. She said to her knowledge this bill has not been abused and there has been no significant rise in insurance premiums. In 1987, Arkansas passed Act 99 which provides coverage for the adopted child at birth rather than when placed in the home. I spoke with Kathy Reichstadt, with the Insurance Commissioners Office in Arkansas and she said there has not been any negative feedback from insurance companies about complying and there has not been any information about a significant rise in insurance premiums because of this bill.

The cost of an adoption now averages between \$8,000 and \$10,000. The adoptive families pay in full the medical expense of the birth mother, the baby, filing fees of the adoption, home study fees and legal fees. All these expenses make it very difficult for a family to adopt. If there are any complications during the birth or if the baby requires additional medical attention at birth because of any problems, alot of us would not be financially able to adopt that baby. We need assistance from our insurance companies to help cover some of this expense. The attached letters give documentation of actual adoption medical expenses.

The passage of this bill would in no way be an incentive to place a child for adoption. The cost incurred by the birth mother is already being paid for by the adoptive parents.

I have talked with several families who have adopted and they informed me that after all the bills were paid their savings account was depleted. "That is not an uncommon statement to hear from adoptive parents", confirmed Attorney Chris Iliff, who has done many private and agency adoptions.

What we are really saying is we only want the same coverage that we would receive if we were physically able to have a biological child. We would appreciate your support on this bill so families can afford the cost of adopting children.

Respectfully submitted,

Rochelle Kroshus

(913) 469-8255

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
PROBATE SECTION

IN THE MATTER OF
THE ADOPTION OF:

BABY GIRL
A Minor.

Case No. A-6656


Court Div. 15

FINAL
AFFIDAVIT OF EXPENSES

COMES NOW Christopher C. Iliff and does file with the Court the following Affidavit with regard to the projected expenses of the above-captioned adoption proceedings.

1. Hospital and Other Medical Expenses	\$ <u>4,098.75</u>
2. Attorneys Fees	<u>1,980.00</u>
3. Social Worker	<u>400.00</u>
4. Filing Fee	<u>35.00</u>
5. Other - <i>BIRTH MOTHER'S EXPENSES</i>	<u>670.22</u>

The undersigned does depose and state that the above and foregoing expenses are true and accurate to the best of his knowledge and belief. This document will be supplemented with exact expenses at the time of the hearing on the adoption.


Christopher C. Iliff 11585
4140 W. 71st Street, Suite 107
Prairie Village, Kansas 66208
(913) 362-6700

ATTORNEY FOR PETITIONERS

JERRY & GRISEL WILEY
5425 WINDSOR LANE
FAIRWAY, KANSAS 66205

Mrs. Rochelle Kroshus
10635 Monrovia
Overland Park, KS 66210

Dear Rochelle:

We are writing in support of the adoption insurance coverage bill currently under review by the Kansas State Insurance Commission.

As you know, Jerry and I had the good fortune to adopt a newborn child in October of 1987. In so doing we were responsible for all medical expenses, including those of the birth mother, as well as other legal and miscellaneous fees--amounting to almost \$12,000.00!

At the time of the adoption Jerry and I maintained separate insurance policies through our respective employers. My husband's insurance did not have any provision for adopted children whereas mine provided coverage for the child exclusively and not the birth mother. Unfortunately, in our situation the greater portion of the medical bills pertained to the care of the birth mother.

The medical expenses amounted to approximately \$8600.00, of which \$3,000 was reimbursed to us by my insurance company for the baby's care. Therefore, we were required to pay the balance of \$5,600 at the time we picked up our baby. Needless to say, although we consider ourselves blessed to have a healthy, beautiful child, we have yet recovered from this huge, financial burden.

It seems odd that insurance companies automatically assume coverage in the event of a change in family status in other situations, yet discriminates in cases of adoption. From personal experience, and I believe I can speak for all those with adopted children, our children are simply that--our children! We love them (and perhaps even more) than if had given birth to them. Since we as parents make no distinction, it is unfair that insurance companies place them in a different classification and believe they deserve less than naturally born children.

We strongly support this bill because we believe that if not for the medical expenses a more solid foundation could be established for our child's future by way of an educational fund. Furthermore, the financial hardship must certainly prohibit many other

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worthy couples from adoption. If the State of Kansas could prevent this injustice by proposing this bill, we, along with many others, would be greatly appreciative.

We thank you for your efforts and wish you success in your testimony before the Insurance Commission. If we can be of any further assistance, please do not hesitate to call on us.

Sincerely,

Grisel M. Wiley

February 12, 1989

January 11, 1989

Rochelle Kroshus
11635 Monrovia
Overland Park, Kansas 66210

Dear Ms. Rochelle:

We are writing to you in support of Kansas Legislative Proposal #9. This will be heard by the Insurance Committee this February. Our support for this bill is a result of our experience with adoption.

Roughly two years ago, we began the adoption process which resulted in our adoption of our 18 month old son, Russell Hall Harsh. As an additional reference, we also have two daughters by natural means who are now seven and six.

The adoption process for us was fairly typical, expense wise. According to the attorney who assisted us in this, the fees are fairly standard. The major variance would be the medical expenses should there be any medical problems with either the baby or birth mother. In our case, the expenses were standard:

Fee for our Case Study	\$ 400
Legal Fees	2,000
Medical Expenses	4,000
Total	\$6,400

Although we reviewed a more detailed expense sheet just prior to the formal adoption, records available to us for use in this letter only break out the above numbers.

We enthusiastically support this bill. As you can see, the medical expense portion of the cost of adoption was almost 70% of the total cost. We love our son, Russell, and feel that every penny we invested in him was well worth it. But, if we could have used those savings to set up an education fund for him, that would have been better. If only our medical insurance could have covered the expenses, as it did with our natural children, we could have done this.

The adoption process is very stressful on a couple or single parent. There are so many variables and so many places for the process to make you feel as if you are driving up a series of streets with no exit. Anything can go wrong and usually does. But, if the State of Kansas can give adoptive parents access to this medical coverage from birth for their new family members, this could give additional hope to prospective adoptive parents that their dreams of adoption will be fulfilled.

Please feel free to get in touch with us should you need any further information.

Sincerely,

Hall and Molly Harsh
17900 Nall
Stilwell, Kansas 66085

A handwritten signature in cursive script, appearing to read "Hall".

January 9, 1989

James and Glenda Werst
7949 Reinhardt
Prairie Village, Kansas 66208
(913) 642-1319

Rochelle Kroshus
11635 Monrovia
Overland Park, Kansas 66210

Dear Ms. Kroshus,

We are very supportive of this bill and hope the following will help you get it passed. Our medical expenses (hospital bill) for our adoption was #3,800, which was not covered by our insurance. Once the remainder of our adoption fees are added in, the total soars to nearly \$10,000. For some families adopting children with special needs, the cost is even more. This is a staggering amount of money for most young parents trying to begin a family. With savings depleted or perhaps additional debt taken on, this new family is now faced with providing for this new baby. For many, we are sure, it is simply prohibitive.

Assistance of the kind proposed by this bill will enable more parents to be financially secure enough to adopt. We do consider ourselves lucky, that our baby's delivery had no complications and he was healthy. Others are not as fortunate.

Hope this letter will be of some help. Please let us know if we can assist in any other way.

Sincerely,

Glenda &
James Werst

6833 Fontana
Prairie Village, KS 66208
January 23, 1989

Rochelle Kroshus
11635 Monrovia
Overland Park, KS 66210

Dear Rochelle,

Per our phone conversation, we would like to help with your testimony to the legislation. We have adopted two boys with the following conditions as related to medical coverage.

In 1984 we completed a private adoption. The birth mother did not have any insurance coverage and we had to reimburse the hospital for all expenses for both her and the baby. I believe this was approximately \$3000.00 as it was a normal delivery.

This past December we started procedures to adopt a second son. Because of the birthmothers circumstances the state paid for the delivery of the baby and our expenses were restricted to the baby's hospital stay which was less than \$500.00.

Our insurance coverage would have covered maternity if we could have had birth children and I agree that that same coverage should be extended to adoptive parents to off set the high expense of adoption. We have paid for this coverage.

Both of our boys were only covered under our insurance after the judge had accepted our petition for adoption. With our second son that consent was not signed until he was 11 days old. Because of the close proximity to a weekend, our first son was 4 days old.

Adoption is already expensive with legal fees, agency fees and etc. Had either of the boys needed any kind of surgery at birth we would probably not have been able to cover these expenses and would have had to forfeit the adoption.

If we can be of any more help, don't hesitate to contact us. We'll see you at the up comming February meeting.

Sincerely,



Shawnee and Andreas Korff

February 7, 1990
Bills heard and awaiting action
partial listing

- SB 166 - criminal procedure, parole, supervised furlough
- SB 167 - requiring notice be given to victims of crime of inmate's public hearing and release of inmates; release considerations
- SB 190 - surrogate motherhood agreements, void or voidable, criminal penalties
- SB 231 - endangering a child to include failure to report child abuse by certain persons
- SB 252 - penalties for disclosure of certain confidential information
- SB 285 - medical malpractice screening panels, deposition of health care provider involved as basis of findings
- SB 289 - civil liability concerning roller skating center operators and person using the centers
- SB 292 - Kansas adoption act -- superceded by SB 431
- SB 297 - crime to knowingly make false allegations of child abuse and neglect
- SB 299 - disposition of property of tenant by landlord under residential landlord and tenant act
- SB 306 - disclosure of records and reports of child abuse or neglect
- SB 311 - uniform marital property act
- SB 313 - military retirement as marital property
- SB 335 - consideration of parole to include district court order regarding inmate population
- SB 364 - medical malpractice screenign panels, access of costs and attorney fees
- SB 425 - sexual exploitation by a mental health service provider, crime defined and punishment prescribed
- SB 431 - enacting the Kansas adoption and relinquishment act; Re Proposal No. 31
- SB 441 - district magistrate judge positions in 22nd judicial district
- SB 522 - concerning child abuse; sharing of information
- SB 523 - concerning infectious disease testing
- SB 524 - relating to wrongful death actions; amount of damages
- SB 525 - relating to interest on judgments
- SB 535 - relating to designation and assignment of retired judges and removing the advisory only capacity, when on the supreme court
- SB 544 - concerning civil procedure; relating to the time limit for commencement of actions; childhood sexual abuse
- SCR 1607 - urging the secretary of corrections of screen and treat inmates with drug and alcohol abuse problems
- SCR 1609 - constitutional amendment, victims rights
- SCR 1610 - constitutional amendment to limit noneconomic damages on claims for personal injury
- HB 2070 - consumer protection, actions brought by attorney general, attorney fees.