

Approved April 25, 1990  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

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

3:20 ~~xxx~~/p.m. on February 22, 1990 ~~90~~ room 254-E of the Capitol.

All members were present except: Senators Yost and Feleciano who were excused.

Committee staff present:

Mike Heim, Legislative Research Department  
Jill Wolters, Office of Revisor of Statutes  
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

James Clark, Kansas County and District Attorneys Association

The Chairman opened the meeting by asking the Committee's pleasure regarding the drug enforcement measures heard at the morning's meeting. The consensus of the Committee was to request the bills be referred to the Senate Ways and Means Committee and then returned for additional hearings and discussion.

The Chairman recognized Senator Bond for the purpose of discussing SB 472.

SB 472 - concerning vehicles; providing for the suspension of driving privileges under certain circumstances related to presence of illegal drugs in such vehicle and other penalties.

James Clark, Kansas County & District Attorneys Association, stated in response to a question that the basic problem in this bill is identifying white powder. He added that revoking driving licenses has proven effective.

Senator Martin moved to amend SB 472 to provide for either revoking the drivers license or, in lieu thereof on a first drug offense with no prior suspensions, a restricted license for driving to and from school. Senator Parrish seconded the motion. The motion carried.

Senator Bond moved to recommend SB 472 favorable for passage as amended. Senator Gaines seconded the motion. The motion carried.

The Chairman turned the Committee's attention to SB 431.

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

Senator Bond shared an amendment suggestion from Melissa Ness, Kansas Children's Service League, concerning venue. (ATTACHMENT I) Senator Bond moved to amend SB 431 to provide an alternative place of venue to the child placing agency of adoption when the child is a Kansas resident. Senator Martin seconded the motion. The motion carried.

Senator Parrish moved to amend SB 431 to include forms for use by placement agencies. Senator Bond seconded the motion. The motion carried.

Senator D. Kerr moved to remove the mandated insurance provisions, section 34, from SB 431. Senator Rock seconded the motion. The motion failed.

Senator Rock moved to recommend SB 431 favorable for passage as amended. Senator Parrish seconded the motion. The motion carried.

SB 615 was discussed by the committee.

SB 615 - concerning courts; relating to district courts; qualifications of judges. The committee took no action on SB 615.

The meeting was adjourned.

KANSAS  
CHILDREN'S  
SERVICE  
LEAGUE

Date: 2/22/90

To: Senator Bond

From: Melissa Ness Re: Amendment to SB 431

As you know KCSL is a statewide agency. One of our services in addition to the adoption program is our black adoption program in Kansas City, Kansas. By and large Kansas City is where we are able to recruit the majority of families for minority placements. The ability for us to use our Kansas City office as the choice of venue when placing a child has given us flexibility in placing children through that black adoption program.

It seems the major concerns of the Family Law Advisory committee were to: assure that either the petitioner for adoption or the child has sufficient contacts with the state and to prevent a "loosely formed entity" claiming they are a child placing agency from using the county where they are situated as the point of venue and be a "way station" of sorts.

There appears to be general agreement that we need to look at the licensing laws apart from this bill to address the "way station" issue. Additionally, after talking with Chairman Winter, Judge Bruner and Matt Lynch with the Judicial Council, they have no problem with allowing the child placing agency to use its location as the point of venue AS LONG AS THE CHILD WAS A KANSAS RESIDENT PRIOR TO RECEIPT OF CUSTODY BY THE AGENCY. This would effectively eliminate for example someone from Arkansas relinquishing a child to a child placing agency in Kansas and allowing the agency to use their county for venue.

Following is a proposed amendment. I ran this by the revisor's office. Either way would reach the problem.

Currently

New Sec. 16 (b) In an agency adoption venue shall be in the county in which the petitioner resides or in the county in which the child to be adopted resided prior to receipt of custody by the agency.

AMENDMENT TO NEW SEC. 16 (b)

In an agency adoption venue shall be in the county in which the petitioner resides, in the county in which the child to be adopted resided prior to receipt of custody by the agency, or where the child placing agency is located if the child was a resident of Ks. prior to receipt of custody by the agency.

OR

In an agency adoption venue shall be:

- (a) in the county in which the petitioner resides,
- (b) in the county in which the child to be adopted resided prior to receipt of custody by the agency, or
- (c) where the child placing agency is located if the child was a resident of Kansas prior to receipt of custody by the agency.

If you have any questions, please feel free to let me know. We would greatly appreciate your assistance.

ATTACHMENT I

2-22-90  
p.m.

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