

Approved: CRW 9/5
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Senator Wint Winter Jr. at
12:30 p.m. on April 7, 1992 in room 527-S of the Capitol.

All members were present except:
Senators Feleciano, Gaines and Oleen who were excused.

Committee staff present:
Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:
Judge James Buchele, Shawnee County District Court
Paul Shelby, Office of Judicial Administration

Chairman Winter brought the meeting to order by asking Senator Petty to present the report of the Subcommittee on Family Courts and Court Education.

HB 2691 - family court system pilot projects.

HB 2832 - creating a judicial branch education fund to educate judicial branch officers and employees.

Senator Petty made the Subcommittee presentation on HB 2691 and HB 2832. (ATTACHMENT 1) She also presented balloon amendments to HB 2691 that incorporated suggestions for clearer definitions and addressed funding and organizational structure. (ATTACHMENT 2)

Judge James Buchele, Shawnee County District Court, presented the Committee with estimated costs if Shawnee County District Court were to do a family court pilot project. (ATTACHMENT 3) Judge Buchele added that family courts should be viewed in the same light as public education — community resources utilized to the benefit of the entire community.

Paul Shelby, Office of Judicial Administration, rose to state that they would not object if the funding under discussion for the one year of planning were to be drawn from HB 2832. However, they felt that drawing on the same source to fund implementation for the second year would be too great a drain. He urged examination of the specifics by a focused task force.

Senator Petty moved to amend HB 2691 to create a ten-member family court commission as suggested by the Subcommittee with the exception that one member each of the House and Senate be replaced with one court services officer and one clerk of the district court, with the commission to be repealed on June 30, 1993; to further amend to provide an amount not to exceed \$30,000 of planning costs to be paid by the judicial education fund through FY 93. Senate Bond seconded the motion. The motion carried.

It was noted by the Committee that their intention would be that SRS, although not a formal part of the Commission, would be encouraged to attend meetings of the Commission and offer as many suggestions as they deemed appropriate.

Senator Petty moved to recommend HB 2691 favorable for passage as amended. Senator Martin seconded the motion. The motion carried.

Senator Petty moved to amend HB 2832 to specify that up to \$30,000 of the funds acquired be designated for use by the commission formed in HB 2691. Senator Martin seconded the motion. The motion to amend HB 2832 carried.

Senator Petty moved to recommend HB 2832 favorable for passage as amended. Senator Morris seconded the motion. The motion carried.

The meeting was adjourned at 1:25 p.m.

SUBCOMMITTEE ON FAMILY COURT SYSTEM

The Subcommittee met to draft changes to HB 2691 and HB 2832. The Subcommittee on Family Court System addressed three issues: components of the family court model, the costs of that model and the most efficient organizational structure. During testimony, questions were raised regarding the model and the broad scope of services to be provided through the family court system. The cost of implementing a model would be driven by the components of the model. Funding for the family court was intended provide increased services through the development of a case management model. There needs to be clarity on the role the legislature has in providing the direction to the judiciary on the components of the model and the organizational structure. The judiciary needs to be involved in the development of the model and the projection of a budget if the family court is to eventually be implemented as a statewide concept.

It is the recommendation of the Subcommittee that a Family Court Commission be established with six members of the legislature, three district court judges and a Supreme Court judge. Their tasks are to clearly define the model, clarify court jurisdiction, establish the criterion for one rural and one urban pilot project, and recommend a budget. That task force will complete its work by December 31, 1992. The Office of Judicial Administration will establish RFPs for the awarding of two grants on April 1, 1993. The grants would run from April, 1993 through June 1995. It is recommended that funding begin to accrue in July, 1992 through increased docket fee on adoptions and an increase in court fees on CINC. Indigent parents currently have a waiver on paying court costs in CINC cases.

Regarding funding of family court system through an amendment to HB 2832, it is the recommendation of the Subcommittee that no amendments be made. The municipal court training fund totals \$480,000. The cost of municipal court training is \$84,000 per year. The training of municipal clerks is intended to come from this training fund. Judge Lockett has the authority over allocations from the education fund and agreed that some of the cost of implementing a family court system could come from this fund. However, at this point, without a clear definition of the criterion in the model, and identifying potential multiple revenue sources, a fiscal note on family courts is unclear.

Senator Marge Petty, Chair
Subcommittee on Family Court System
Senate Judiciary Committee

Senate Judiciary Committee
April 7, 1992
Attachment 1

HOUSE BILL No. 2691

By Special Committee on Children's Initiatives

1-14

11 AN ACT concerning courts; relating to a family court system; es-
12 [tablishing a grant program] for certain pilot projects.

13
14 Be it enacted by the Legislature of the State of Kansas:

15 Section 1. (a) There is hereby [established a grant program] for
16 family court systems. [Subject to appropriations, the program shall
17 provide grants for three years for two pilot projects]. One pilot project
18 shall be located in a judicial district in an urban area and one shall
19 be located in a rural area comprised of three two or more counties
20 located in one or more judicial districts. [Each grant awarded for the
21 fiscal year ending June 30, 1993, shall be used to plan and implement
22 a family court system in the judicial district or districts and grants
23 awarded for the fiscal years ending June 30, 1994, and June 30,
24 1995, shall be used only for implementation of such system].

25 (b) [Pilot projects awarded grants pursuant to this section] shall
26 provide for a separate division of the district court which shall
27 have jurisdiction of all or department of the district court to which
28 there shall be assigned all proceedings provided by the [grant pro-
29 posal]. Such proceedings may include, but need not be limited to,
30 proceedings:

31 (1) Relating to any traffic offense in violation of chapter 8 of the
32 Kansas Statutes Annotated, committed or alleged to have been com-
33 mitted by a person under 18 years of age;

34 (2) relating to any violation of the provisions of chapter 32 of the
35 Kansas Statutes Annotated, committed or alleged to have been com-
36 mitted by a person under 18 years of age;

37 (3) relating to a violation of K.S.A. 41-727, 41-804 or 41-2719,
38 and amendments thereto, committed or alleged to have been com-
39 mitted by a person under 18 years of age;

40 (4) pursuant to the Kansas code for care of children (K.S.A. 38-
41 1501 et seq. and amendments thereto);

42 (5) pursuant to the Kansas juvenile offenders code (K.S.A. 38-
1601 et seq. and amendments thereto);

creating a family court commission; prescribing certain duties and
responsibilities; providing for grants

created by the family court commission. The family court commission shall be
composed of 10 members appointed as follows: (1) Six members appointed by the
legislature, of which two shall be appointed by the speaker of the house of
representatives, two appointed by the minority leader of the house of
representative, one appointed by the president of the senate and one appointed
by the minority leader of the senate;

(2) three district court judges appointed by the chief justice of the
supreme court; and

(3) a justice of the supreme court appointed by the chief justice fo teh
supreme court. The justice appointed by the chief justice shall serve as
chairperson of the commission. Such justice shall serve as an ex officio member
of the commission. The commission shall develop an urban and rural model which
provide for pilot projects which develop a family court system and provides for
the awarding of grants as provided in subsection (d). The commission shall
recommend a budget.

The model developed by the commission shall provide that

The model developed by the commission,

model

Senate Judiciary Committee

April 7, 1992

Attachment 2

(6) pursuant to the interstate compact on juveniles (K.S.A. 38-1001 *et seq.* and amendments thereto);

(7) pursuant to the Kansas parentage act (K.S.A. 38-1101 *et seq.* and amendments thereto);

(8) pursuant to the interstate compact on placement of children (K.S.A. 38-1201 *et seq.* and amendments thereto);

(9) pursuant to the uniform child custody jurisdiction act (K.S.A. 38-1301 *et seq.* and amendments thereto) or K.S.A. 38-1335 and amendments thereto;

(10) relating to prosecution for nonsupport of a child or spouse pursuant to K.S.A. 21-3605 and amendments thereto;

(11) pursuant to K.S.A. 23-106 and amendments thereto to grant consent to marriage of a person under 18 years of age;

(12) pursuant to K.S.A. 38-108 through 38-110, and amendments thereto, to confer rights of majority on a person less than 18 years of age;

(13) pursuant to the provisions of article 4 of chapter 23 of the Kansas Statutes Annotated, to enforce support;

(14) pursuant to K.S.A. 23-601 *et seq.* and amendments thereto, relating to mediation of child custody or child visitation issues;

(15) pursuant to K.S.A. 23-701 and amendments thereto, relating to enforcement of child visitation rights;

(16) pursuant to K.S.A. 38-129 through 38-131, and amendments thereto, relating to grandparents' visitation rights;

(17) pursuant to the Kansas adoption and relinquishment act (K.S.A. 1991 Supp. 59-1111 *et seq.* and amendments thereto);

(18) pursuant to the treatment act for mentally ill persons (K.S.A. 59-2901 *et seq.* and amendments thereto);

(19) pursuant to the act for obtaining a guardian or conservator, or both (K.S.A. 59-3001 *et seq.* and amendments thereto);

(20) pursuant to K.S.A. 60-1401 *et seq.* and amendments thereto, relating to a change of name of an individual;

(21) pursuant to K.S.A. 60-1601 *et seq.* and amendments thereto, relating to divorce, separate maintenance or annulment of marriage;

(22) pursuant to the protection from abuse act (K.S.A. 60-1301 *et seq.* and amendments thereto); and

(23) pursuant to K.S.A. 65-28,101 through 65-28,109, and amendments thereto.

(c) [A pilot project awarded a grant] pursuant to this section must [may]:

(1) Provide for an intake and screening process to determine appropriate handling and referral of each case, whether within or without the court system;

The model developed

2 (2) utilize a case management system under which each child
3 brought into intake is assigned a case manager unless released or
4 referred to another agency for nonjudicial handling and under which
5 every reasonable effort is made to provide continuity of case
6 management;

family
person in the family
the same

7 (3) provide adequate training for guardians *ad litem* and for court
8 personnel working in the family court system;

9 (4) provide for adequate support services and for cooperation and
10 coordination among all agencies providing support services, including
11 but not limited to: Counseling services; social services; guardianship
12 and conservatorship services; restitution, probation, diversion and
13 detention services; volunteer services; child advocacy services; com-
14 munity outreach services; and family support services;

through court resources and in

15 (5) provide for easy access to those services for persons subject
16 to the jurisdiction of the family court system;

and coordination

17 (6) provide for sharing of information among the court, law en-
18 forcement agencies, the department of social and rehabilitation serv-
19 ices and individuals and agencies providing services to the child;

20 (7) require notice and consultation between the family court sys-
21 tem and other divisions of the court in cases involving intrafamily
22 crimes; and

23 (8) include an annual report and independent final evaluation
24 assessing the effectiveness of the project in reducing post-judgment
25 filings, increasing payment and recovery of support, increasing use
26 of mediation and otherwise meeting the needs of children and fam-
27 ilies who are subject to the jurisdiction of the court.

(d) The model developed by the commission shall provide for grants to be
awarded to the judicial districts where pilot projected are to be located. Each
grant awarded for the fiscal year ending June 30, 1993, shall be used to plan
and implement a family court system in the judicial district or districts and
grants awarded for the fiscal years ending June 30, 1994, and June 30, 1995,
shall be used only for implementation of such system.

28 (e) ~~(d)~~ The judicial administrator of the courts shall administer the
29 grant program established by this section. The administrator shall
30 adopt such procedures and standards as necessary to administer the
31 program, including procedures and standards for:

award
grants provided for in this act
for the judicial districts

- 31 (1) Making application for grants pursuant to this section;
- 32 (2) determining eligibility for the grants;
- 33 (3) awarding the grants; and
- 34 (4) evaluating the effectiveness of projects receiving the grants.

35 Sec. 2. This act shall take effect and be in force from and after
36 publication in the Kansas register.

(f) The model developed by the commission pursuant to this section shall be
submitted to the legislature by December 31, 1992.

Family Court Pilot Project
Cost Estimate Shawnee County District Court

FY 1993

Planning Phase. July 1, 1992 to December 31, 1992
\$ 30,000 Contract Services. Planning and Consultation

Implementation. January 1, 1993 to June 31, 1993
\$ 12,000 Administrative Secretary (6 mos.)
\$ 14,500 1 C.S.O. (6 mos.) (Add 2nd C.S.O. FY 94 and 95)
\$ 10,000 1 Clerical (6 mos.)
\$ 10,000 Records management and organization
\$ 9,000 Misc. - Office supplies, equipment, travel, office space
\$106,125 Contract Services

\$30,000 G.A.L. Training - \$10,000; Compensation - \$20,000
\$17,500 Psych. Evals. (Abuse, drug, alcohol, psychological)
\$10,000 Support Services (counseling, social services, (etc.)
\$28,125 Judge Pro Tem (375 hours @ \$75)
\$17,500 Asst. D.A.
\$ 3,000 Mediation

\$ 75,000 Intake and Case Management

Assume present effort of \$189,400 continues: County (67,000), SRS (91,000) and KCSC (31,400) and caseload will double after program is underway. This amount is 80% of 1/2 year funding for intake services if caseload doubles.

\$266,625 Total Estimate Grant FY 1993

Salaries are base plus 25% for benefits.

Senate Judiciary Committee
April 7, 1992
Attachment 3