

JUDICIARY SUBCOMMITTEE ON CIVIL PROCEDURES

Senator Richard Rock, Chairman
March 4, 1992

SB 477 - death of a child; review by health and environment; spiritual treatment exception.

PROPOSERS

Representative Joan Wagon (ATTACHMENT 1)
Jeanetta Issa, Child Abuse Prevention Coalition (ATTACHMENT 2)
James McHenry, Kansas Child Abuse Prevention Council (ATTACHMENT 3)
Linda Kenney, Kansas Department of Health and Environment (ATTACHMENT 4)

OPPOSERS

Ken McNeill, ABATE of Kansas

SUBCOMMITTEE RECOMMENDATIONS: recommend the substitute bill as offered by Representative Wagon.

SB 756 - creating the crime of abuse, neglect or exploitation of an adult.

PROPOSERS

Edwin Van Petten, Deputy Attorney General (ATTACHMENTS 5 and 6)
Neil McKnight, Elder Rights Coalition
Lyndon Drew, Kansas Department on Aging (ATTACHMENT 7)
Keith Landis, Christian Science Committee on Publication for Kansas (ATTACHMENT 8)
Mental Health Association of South Central Kansas (ATTACHMENT 9)

OPPOSERS

none appeared

SUBCOMMITTEE RECOMMENDATIONS: amend to include the suggestions of the Attorney General and Keith Landis; recommend favorable as amended.

SB 536 - notice to SRS before placing child in need of care in secretary's custody.

SB 568 - child support orders; procedures, supplementing codes for care of children and juvenile offenders.

PROPOSERS

Kay Farley, Office of Judicial Administration Child Support Coordinator (ATTACHMENT 10)
Sydney Hardman, Kansas Action for Children
Brian Farley, Kansas Child Support Enforcement Association (ATTACHMENT 11)
Jamie Corkhill, Kansas Department of Social and Rehabilitation Services (ATTACHMENTS 12, 13 and 14)

OPPOSERS

Judge James Burgess, Sedgewick County Juvenile Court (ATTACHMENT 15)

SUBCOMMITTEE RECOMMENDATIONS: recommend amendments as offered by Kay Farley; recommend favorable for passage as amended.

SB 689 - child abuse and neglect amendments

PROPOSERS

Barbara Huff, Keys for Networking, Inc (ATTACHMENT 16)
Patricia Baker, Kansas Association of School Boards (ATTACHMENT 17)
Carolyn Hill, Department of Social and Rehabilitation Services (ATTACHMENT 18)
Keith Landis, Christian Science Committee on Publication For Kansas (ATTACHMENT 19)
Mike Paredes, Kansas Child Abuse Prevention Council (ATTACHMENT 20)

OPPOSERS

none appeared

SUBCOMMITTEE RECOMMENDATIONS: recommend the subject be suggested for an interim study.

SB 732 - enforcement of support, relating to immediate income withholding.

PROPOSERS

Kay Farley, Office of Judicial Administration Child Support Coordinator (ATTACHMENT 21)
Jamie Corkhill, Department of Social and Rehabilitation Services (ATTACHMENT 22)
Brian Farley, Kansas Child Support Enforcement Association (ATTACHMENT 23)

OPPOSERS

none appeared

SUBCOMMITTEE RECOMMENDATIONS: amend to give court authority to withhold on maintenance decrees; recommend favorable for passage as amended.

PROPOSED SUBSTITUTE FOR SENATE BILL NO. 477

By Committee on Judiciary

AN ACT concerning children; requiring review of deaths of children and investigations thereof under certain circumstances; amending K.S.A. 22a-231 and K.S.A. 1991 Supp. 22a-233, 38-1507 and 38-1522 and repealing the existing sections; also repealing K.S.A. 22a-238.

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

New Section 1. As used in sections 1 through 4:

(a) "Child" means a person less than 18 years of age.

(b) "Pathologist" means a forensic pathologist, if available. Otherwise, "pathologist" means a physician licensed to practice medicine and surgery and qualified to conduct an autopsy.

(c) "State review board" means the state child death review board established by section 3.

(d) "Suspicious circumstances" includes, but is not limited to, abuse or neglect.

New Sec. 2. (a) When a child dies, any law enforcement officer, health care provider or other person having knowledge of the death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. If the notice to the coroner identifies any suspicious circumstances or unknown cause, as described in the protocol developed by the state review board under section 3, the coroner shall immediately: (1) Investigate the death to determine whether the child's death included any such suspicious circumstance or unknown cause; and (2) direct a pathologist to perform an autopsy.

(b) If, after investigation and an autopsy, the coroner determines that the death of a child does not include any suspicious circumstances or unknown cause, as described in the

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protocol developed by the state review board under section 3, the coroner shall complete and sign a nonsuspicious child death form.

(c) If, after investigation and an autopsy, the coroner determines that the death of a child includes any suspicious circumstance or unknown cause, as described in the protocol developed by the state review board under section 3, the coroner shall, within 24 hours, notify the chairperson of the state review board.

(d) The coroner shall attempt to notify any parent or legal guardian of the deceased child prior to the performance of an autopsy pursuant to this section and attempt to notify any such parent or legal guardian of the results of the autopsy.

(e) A coroner shall not make a determination that the death of a child less than one year of age was caused by sudden infant death syndrome unless an autopsy is performed.

(f) The fee for an autopsy performed under this section shall be the usual and reasonable fee and travel allowance authorized under K.S.A. 22a-233 and amendments thereto and shall be paid from moneys available therefor from appropriations to the department of health and environment. The reasonableness of all claims for payment of a fee for an autopsy under this section shall be determined by the secretary of health and environment.

New Sec. 3. (a) There is hereby established a state child death review board, which shall be composed of:

(1) One member appointed by each of the following officers to represent the officer's agency: The attorney general, the director of the Kansas bureau of investigation, the secretary of social and rehabilitation services, the secretary of health and environment and the commissioner of education;

(2) three members appointed by the state board of healing arts, one of whom shall be a district coroner and two of whom shall be physicians licensed to practice medicine and surgery, one specializing in pathology and the other specializing in psychiatry; and

(3) one person appointed by the attorney general to

represent advocacy groups which focus attention on child abuse awareness and prevention.

(b) The chairperson of the state review board shall be the member appointed by the attorney general to represent the office of the attorney general.

(c) The state review board shall meet at least annually to review all reports submitted to the board. The chairperson of the state review board may call a special meeting of the board at any time to review any report of a child death.

(d) The state review board shall develop a protocol to be used by the state review board. The protocol shall include written guidelines for coroners to use in identifying any suspicious deaths, procedures to be used by the board in investigating child deaths, methods to ensure coordination and cooperation among all agencies involved in child deaths and procedures for facilitating prosecution of perpetrators when it appears the cause of a child's death was from abuse or neglect.

(e) The state review board shall submit an annual report to the governor and the legislature on or before October 1 of each year, commencing October 1993. Such report shall include the findings of the board regarding reports of child deaths, the board's analysis and the board's recommendations for improving child protection, including recommendations for modifying statutes, rules and regulations, policies and procedures.

(f) Information acquired by, and records of, the state review board shall be confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

New Sec. 4. (a) Within 72 hours after receipt of notification from a coroner pursuant to section 2, the chairperson of the state review board shall activate the board to investigate and make a written report regarding the death.

(b) The state review board shall have access to all law enforcement investigative information regarding the death; any autopsy records and coroner's investigative records relating to

the death; any medical records of the child; and any records of the department of social and rehabilitation services or any other social service agency which has provided services to the child or the child's family within three years preceding the child's death.

(c) The state review board may apply to the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the board. Any books, records or papers received by the board pursuant to the subpoena shall be regarded as confidential and privileged information and not subject to disclosure.

(d) The state review board's report shall contain the circumstances leading up to the death and cause of death; any social service agency involvement prior to death, including the kinds of services delivered to the dead child or the child's parents, siblings or any other children in the home; the reasons for initial social service agency activity and the reasons for any termination of agency activities if involvement was terminated; whether court intervention had ever been sought and, if so, any action taken by the court; and recommendations for prevention of future death under similar circumstances.

(e) Within 15 days of its activation pursuant to this section, the state review board shall complete and transmit a copy of its written report to the county or district attorney of the county in which the child's death occurred. If the death of the child occurred in a different county than where the child resided, a copy of the report shall be sent to the county or district attorney of the county where the child resided or, if the child resided in another state, to the child protective services agency of that state.

(f) The state review board shall maintain permanent records of all written reports concerning child deaths.

(g) The state review board may disclose its conclusions regarding a report of a child death but shall not disclose any

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information received by the board which is not subject to public disclosure by the agency that provided the information to the board.

(h) Information, documents and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the state review board. A person who presented information before the board or who is a member of the board shall not be prevented from testifying about matters within the person's knowledge.

Sec. 5. K.S.A. 22a-231 is hereby amended to read as follows: 22a-231. When any person dies, or human body is found dead in any county of the state, and the death is suspected to have been the result of violence, caused by unlawful means or by suicide, or by casualty, or suddenly when the decedent was in apparent health, or when decedent was not regularly attended by a licensed physician, or in any suspicious or unusual manner, or when in police custody, or when in a jail or correctional institution, or in any circumstances specified under ~~K.S.A.--22a-238~~ section 2 or when the determination of the cause of a death is held to be in the public interest, the coroner or deputy coroner of the county in which such death occurred or dead body was found, shall be notified by the physician in attendance, by any law enforcement officer, by the embalmer, by any person who is or may in the future be required to notify the coroner or by any other person.

Sec. 6. K.S.A. 1991 Supp. 22a-233 is hereby amended to read as follows: 22a233. (a) If, in the opinion of the coroner, an autopsy should be made, or if an autopsy is requested in writing by the county or district attorney or if the autopsy is required under ~~K.S.A.--22a-238--and--amendments--thereto~~ section 2, such autopsy shall be performed by a qualified pathologist as may be designated by the coroner. A pathologist performing an autopsy, at the request of a coroner, shall be paid a usual and reasonable fee to be allowed by the board of county commissioners and shall be allowed and paid the travel allowance prescribed for coroners

and deputy coroners in accordance with the provisions of K.S.A. 22a-228 and amendments thereto, the same to be paid by the board of county commissioners of the county in which the cause of death occurred except that autopsies performed under ~~K.S.A.-22a-238-and amendments-thereto~~ section 2 shall be paid for in accordance with ~~K.S.A.-22a-238-and-amendments-thereto~~ section 2.

(b) The pathologist performing the autopsy shall remove and retain, for a period of three years, such specimens as appear to be necessary in the determination of the cause of death.

(c) A full record and report of the facts developed by the autopsy and findings of the pathologist performing such autopsy shall be promptly made and filed with the coroner and with the clerk of the district court of the county in which decedent died. If, in any case in which this act requires that the coroner be notified, the body is buried without the permission of the coroner, it shall be the duty of the coroner, upon being advised of such fact, to notify the county or district attorney, who shall communicate the same to a district judge, and such judge may order that the body be exhumed and an autopsy performed.

Sec. 7. K.S.A. 1991 Supp. 38-1507 is hereby amended to read as follows: 38-1507. (a) All records and reports concerning child abuse or neglect received by the department of social and rehabilitation services or a law enforcement agency in accordance with K.S.A. 38-1522 and amendments thereto are confidential and shall not be disclosed except under the following conditions:

(1) Upon the order of any court after a determination by the court issuing the order that the records and reports are necessary for the conduct of proceedings before it and are otherwise admissible in evidence, except that access shall be limited to in camera inspection unless the court determines that public disclosure of the information contained in the records and reports is necessary for the resolution of an issue then pending before it.

(2) The secretary or the law enforcement agency where the report is filed shall authorize access to any records or reports

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concerning child abuse or neglect to any of the following persons upon order of any court and may authorize access to such persons without a court order if the child involved is a subject of the record or report:

(A) A person licensed to practice the healing arts who has before that person a child whom the person reasonably suspects may be abused or neglected;

(B) a court-appointed special advocate for a child, which advocate reports to the court, or an agency having the legal responsibility or authorization to care for, treat or supervise a child;

(C) a parent or other person responsible for the welfare of a child, or such person's legal representative with protection for the identity of reporters and other appropriate persons;

(D) the guardian ad litem for such child;

(E) a police or other law enforcement agency;

(F) an agency charged with the responsibility of preventing or treating physical, mental or emotional abuse or neglect or sexual abuse of children, if the agency requesting the information has standards of confidentiality as strict or stricter than the requirements of this code;

(G) a person who is a member of a multidisciplinary team; or

(H) an agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect; or

(I) the state child death review board established under section 3.

(b) No individual, association, partnership, corporation or other entity shall willfully or knowingly permit or encourage the unauthorized dissemination of the contents of records or reports concerning child abuse or neglect received by the department of social and rehabilitation services or a law enforcement agency in accordance with K.S.A. 38-1522 and amendments thereto except as provided by this code. Violation of this subsection is a class B misdemeanor.

(c) Records or reports given to persons described in ~~paragraph-(a)-(2)-(A)~~ subsection (a)(2)(G) or (a)(2)(I) shall not be further disclosed to persons who are not members of the multidisciplinary team or state child death review board without prior approval of the court.

Sec. 8. K.S.A. 1991 Supp. 38-1522 is hereby amended to read as follows: 38-1522. (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c) or (e): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; registered marriage and family therapists; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written report shall contain, if known, the names and addresses of the child and the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the child's injury (including any evidence of previous injuries)

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and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the persons responsible for the injuries.

(b) Any other person who has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse may report the matter as provided in subsection (c) or (e).

(c) Except as provided by subsection (e), reports made pursuant to this section shall be made to the state department of social and rehabilitation services. When the department is not open for business, the reports shall be made to the appropriate law enforcement agency. On the next day that the state department of social and rehabilitation services is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports may be made orally or, on request of the department, in writing.

(d) Any person who is required by this section to report an injury to a child and who ~~has reasonable cause to suspect that a child died from injuries resulting from physical, mental or emotional abuse or neglect or sexual abuse shall notify the coroner or appropriate law enforcement agency of that suspicion~~ knows of the death of a child shall notify immediately the coroner as provided by section 2.

(e) Reports of child abuse or neglect occurring in an institution operated by the secretary shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the state department of social and rehabilitation services shall be made to the appropriate law enforcement agency.

(f) Willful and knowing failure to make a report required by this section is a class B misdemeanor.

(g) Preventing or interfering with, with the intent to prevent, the making of a report required by this section is a class B misdemeanor.

Sec. 9. K.S.A. 22a-231 and 22a-238 and K.S.A. 1991 Supp. 22a-233, 38-1507 and 38-1522 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.



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DATE: March 4, 1992

MEMO TO: Senator Wint Winter
Senate Judiciary Committee

MEMO FROM: The Child Abuse Prevention Coalition
Johnson County

The Child Abuse Prevention Coalition would like to encourage your support in establishing *Child Death Review Team Legislation*. We are supporting the content of HB 2582 as a basis for content in SB 477.

The time has come to determine why children die and to evaluate whether these deaths were preventable.

Nationwide, researchers consistently have found that some percentage of those deaths labeled "accidental," "undetermined," or "natural" might instead have correctly been labeled child maltreatment deaths, if comprehensive investigations had been done.

Case reviews may:

- * Help identify factors which placed a particular child at greater risk for death;
- * Help collect statewide data which can provide the opportunity to identify policy and legislative solutions which can prevent child deaths.
- * To identify other potential children who may be at risk. (50% to 60% of children who die have siblings at home.)

Deborah Daro, D.S.W. ("Current Trends in Child Abuse Reporting and Fatalities: The Results of the 1990 Annual Fifty State Survey") reports that the survey revealed that half of the states have death review committees and nine states have comprehensive committees which investigate a wide range of child deaths. She also suggests that whether a state has a death review committee and that committee's function also influences the ability of child protective services to provide an accurate count of child abuse related fatalities.

Although we encourage this statewide approach to establishing Review Teams, we would also like language included to allow for "optional" local teams to be developed individually or through currently established multidisciplinary teams. Such inter-agency cooperation benefits professionals involved in such cases, as well as the families and children they serve.

Civil Procedure Subcommittee
March 4, 1992
Attachment 2



Testimony before the Senate Judiciary
Subcommittee on Civil Procedure

March 4, 1992

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Prevention Council**

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EXECUTIVE DIRECTOR

James McHenry, Ph.D.

The Kansas Child Abuse Prevention Council strongly supports the effort to create a system in Kansas for active surveillance of child deaths. I am attaching to our testimony a recent article on this subject based upon Kansas data.

Substitute SB 477 is a positive step in the direction of creating an active surveillance system in Kansas. We understand that a limited system existed in the past within the Department of Health and Environment, but was discontinued as a cost saving measure. We believe the benefits of having active surveillance far outweigh the modest funding needed to staff the effort.

In reviewing materials from other states, the following direct benefits have emerged:

*Trends and patterns in child deaths were identified.

*Risk factors were identified.

*Service and system responses to children and families considered to be at high risk were evaluated and improvements suggested.

*Improvements were made in the sources of data collection by developing protocols for autopsies, death investigations and complete recording of cause of death on the death certificate.

During the past year, KCAPC has been active in encouraging the formation of multidisciplinary child protection teams in a number of Kansas communities. We have found professionals willing to serve, and often their agencies make their time available as a public service. We believe it might be possible for the Department of Health and Environment to bring in experts from outside the Department at minimal cost, so long as their time commitment is limited and their mission is clear.

Since studies have repeatedly shown that fatal child abuse victims are under three years of age, we are clearly dealing with one of our most vulnerable populations. They deserve our special attention.

Testimony submitted by James McHenry

*Civil Procedure Subcommittee
March 4, 1992*

ACTIVE SURVEILLANCE OF CHILD ABUSE FATALITIES

PATRICIA SCHLOESSER

Department of Pediatrics, University of Kansas Medical Center, Kansas City, KS

JOHN PIERPONT AND JOHN POERTNER

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Abstract—Monitoring abuse related deaths of infants and young children yields information necessary to the formulation of sound public policy. Birth and death certificates were correlated with information in the state Child Abuse and Neglect Registry on 104 abuse related fatalities. Significant findings include: very young age of parents at the first pregnancy; high rate of single parenthood; significantly lower educational achievement of victims' mothers; late, inadequate prenatal care; complications during pregnancy; and low birth weight among victims. The authors suggest Active Surveillance as a model for collecting information pertaining to child fatalities. Using Active Surveillance, a review team examines information from state agencies pertaining to children and families to review or determine cause of death and to collect demographic data on victims and perpetrators. Active Surveillance decreases the possibility of misidentifying abuse related deaths as accidental, and allows state agencies to follow abuse fatalities, collecting pertinent information and adjusting policy accordingly. The authors argue that, using Active Surveillance, states and nations may monitor success in preventing child abuse fatalities just as they now use infant mortality to monitor progress in public health, thus creating a stable and reliable standard for measuring progress in eliminating one type of child abuse.

Key Words—Active surveillance, Child abuse fatalities, Interdisciplinary review.

INTRODUCTION

RECENT STUDIES of child deaths and an increase in the incidence of fatal child abuse (Jacquot & Roberts, 1988; Jason and Andereck, 1983; Mitchell, 1987; Thompson & Wilson, 1989) have focused closer scrutiny on abuse related child deaths. Nevertheless, Jason (1984) reports that child homicide is still underreported in the United States by at least 20% and Christoffel, Zieserl, and Chiaramonte (1985) note that child deaths resulting from inflicted injury are often mistaken for death due to medical illness.

The profile of the victim that emerges from these studies is a child under three years old (Jason, 1984; Jason & Andereck 1983; Mitchell, 1989; Smith, 1989; Thompson & Wilson, 1989) who is typically the only child or the youngest sibling (Jacquot & Roberts, 1988; Mitchell, 1989; Smith, 1989; Thompson & Wilson, 1989). Jacquot and Roberts (1988) and Smith (1989) found that males are over-represented among fatal child abuse victims while Jason and Andereck (1983) reported that the victim's gender was not a significant factor. The cause of death was most often brain damage due to battering or shaking (Jacquot & Roberts, 1989; Smith, 1989).

While perpetrators are likely to be in their twenties (Smith, 1989; Thompson & Wilson,

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Requests for reprints may be sent to John Pierpont, School of Social Welfare, Twente Hall, Lawrence, KS 66045.

1989), Jacquot and Roberts (1989), Jason and Andereck (1983), and Smith (1989) found that mothers of victims of fatal child abuse usually began childbearing before the age of twenty. Perpetrators are likely to be parents or other members of the victim's family (Jason & Andereck 1983; Smith, 1989), and while males are over-represented in abuse-related deaths (Jason & Andereck, 1983; Smith, 1989; Thompson and Wilson, 1988), women are almost always involved in neglect-related deaths (Thompson & Wilson, 1988).

Despite the difficulty of defining child abuse, its ever broadening usage, and the difficulties that may accompany the determination of the cause of death (Jason, 1984), many states now carry out an extensive review of each child death with the help of an interdisciplinary review team in order to ascertain the actual cause of death, i.e., to differentiate between a death due to inflicted injury, medical illness, or accident. In fact, there is growing consensus that an interdisciplinary review process with broad representation may be the only means of reliably determining the cause of death in child fatality cases (Durfee, 1989; Riley, 1989; Smith, 1989).

The authors agree with this consensus and propose Active Surveillance of all child deaths through the combination and examination of existing information in order to study underlying causes of these deaths and to suggest prevention oriented public policies and programs. Possibilities for such a system are demonstrated by using the information available on birth and death certificates in Kansas. The results of using this information to examine 104 infant and early childhood deaths, and discussions of the implications of such a system for wider cooperation among state agencies are presented here.

METHODS

Since 1959, the Kansas Department of Health and Environment has utilized a system of direct professional review of copies of matched birth and infant death certificates. The purpose of this review has been to identify underlying medical and demographic factors which could be modified by selective intervention strategies, thereby reducing infant mortality and morbidity. The 1959 revised birth certificate added an extensive confidential medical supplement which provided additional information of value for these studies, such as age of beginning child bearing, extent of prenatal care, marital status, complications of pregnancy and delivery, and condition of newborn. In 1975, the year this study began, there were 33,707 live births in Kansas. In 1984, there were 39,954 live births, an increase of 15.6%. During this ten year period the number of infant deaths decreased from 468 to 392 per year, with the infant mortality rate declining from 13.9 to 9.8 per 1,000 live births. Each year between five and ten matched birth and infant death certificates were "flagged" during the review process as potential cases of fatal child abuse.

An analysis of 104 cases of suspected and/or confirmed fatalities of infants and young children ages zero to four is presented here. The study was accomplished by means of a Limited or Partial Active Surveillance carried out by the public health agency during two time periods, 42 months between 1975 and 1980, and 60 months between 1983 and 1989. The first study period included 40 cases identified by the public health agency and confirmed by shared reports from the child abuse registry of the Kansas Department of Social and Rehabilitation Services. Preliminary findings were presented at the Second International Congress of Child Abuse and Neglect, London 1978 (Schloesser, Schloesser & Martin, 1978). In 1979 the collaboration between the public health and social service agencies was discontinued due to a change in the confidentiality section of the child abuse reporting law. During the second study period the public health agency continued to conduct a Partial Active Surveillance by reviewing matched certificates and studying information obtained from news coverage on individual cases when legal action had been taken. In the mid-1980s the National Committee for

Prevention of Child Abuse began gathering information from state child abuse registries regarding the incidence of fatal child abuse. This led to an investigatory news report in the Kansas City Times (Byczynski & Foran, 1987) in which reporters contacted selected Kansas county and district attorneys regarding fatal child abuse cases under litigation. Sixteen cases by age, name, location, and legal action were reported. These 16 cases confirmed in the special newspaper report, 24 suspected cases of infants identified by certificate review only, and an additional 24 cases which were identified by certificates and confirmed by either newspaper coverage, reports from the county coroner, or by local health agencies, were combined for this analysis.

Since the cases studied were obtained in this manner, i.e., by matching birth and death certificates and by following leads in newspaper accounts, it is likely that the authors did not capture all child abuse deaths during this period, and the sample may be biased in ways not entirely clear. For example, one potential for bias stems from the fact that cases identified in newspaper accounts were all under prosecution. If a significant number of abuse related deaths went unprosecuted, and if these unprosecuted cases were not captured by the matching of birth and death certificates, some bias may have been introduced. Again, whether such bias is present, and what effect it might have, is not clear.

RESULTS

The results of the examination of selected variables for these 104 cases where child abuse had either been confirmed or was highly likely are reported in Tables 1 and 2. Table 1 reports the characteristics of the child who died. Although the cases examined ranged in age from birth to age four, 85% of the children who died were under the age of two and more than 65% were under the age of one, replicating the findings of Christoffel (1985), Jacquot and Roberts (1988), Jason and Andreck (1983), and Thompson and Wilson (1989). There was a clear decrease in child deaths between the ages of two and three. Although conclusive interpretation is premature, it is of interest that more than 60% of the deaths were girls. This apparent over-representation contrasts with findings in Washington (Thompson & Wilson, 1989) and Georgia (Jason & Andreck, 1983) where the gender of victims was not a factor, and in Oregon (Jacquot & Roberts, 1988) where victims were more often boys.

Nearly 15% of the infants whose birth weight was known were classified as low birth weight (under 5.5 pounds). This stands in stark contrast to the experience of the state which is that 6% of all infants are of low birth weight. This suggests that infants who die are 2 times more likely to be of low birth weight.

When birth order is examined these cases show that only 31.8% of the infants were first born with 66% being other than first born. Other studies report that the victim is most likely to be an only child or perhaps the youngest child (Jacquot & Roberts, 1988; Mitchell, 1989; Smith, 1989; Thompson & Wilson, 1989). The discrepancy between this study and others suggests a fruitful area for further research, viz., the examination of the stress of parenting as indicated by a large number of children or several children born to the same mother in quick succession.

Finally, it can be observed that in nearly 90% of the cases the cause of death was discovered or confirmed by an autopsy. Although this is a high percentage, in the future it should be 100% since Kansas enacted legislation in 1988 requiring an autopsy for each infant whose death was unexplained. The requirement of an autopsy will also decrease the possibility that sudden infant death syndrome (SIDS) will be confused with other causes of death, for example, child abuse (Christoffel, 1985).

Table 1. Child Abuse Deaths in Kansas

Characteristics of Victims	1983-1988	1975-1978	Total
Number of Deaths	64	40	104
Sex of Child			
Male	23	17	40 (38.5%)
Female	41	23	64 (61.5%)
Age of Child			
<1 year	42	26	68 (65.4%)
1-2	12	9	21 (20.2%)
2-3	8	1	9 (8.7%)
3-4	2	4	6 (5.8%)
Birth Weight			
<5.5 lb	12	1	13 (14.9%) ^a
>5.5 lb	41	33	74 (85.1%)
Unknown	11	6	17
Birth Order			
First	20	8	28 (31.8%) ^a
Second	20	12	32 (36.4%)
Third	7	11	18 (20.5%)
Fourth or More	7	3	10 (11.4%)
Unknown	10	6	16
Autopsies			
Yes	58	35	93 (89.4%)
No	6	5	11 (10.6%)
Cause of Death			
Head Injury	35	25	60 (57.7%)
Asphyxiation	12	2	14 (13.5%)
Burns	3	2	5 (4.8%)
Drowning	1	2	3 (2.9%)
Failure to Thrive	5	3	8 (7.7%)
Abdominal Trauma	4	1	5 (4.8%)
Sudden Infant Death Syndrome (SIDS)	1	5	6 (5.8%)
Pneumonitis	1	0	1 (1.0%)
Undetermined	2	0	2 (1.9%)

^a Based on percent of cases in which data is known.

Data on perpetrators and victims' mothers are presented in Table 2. Possibly related to the low birth weight finding is the fact that prenatal care was inadequate in 51% of these cases, in contrast to state-wide rates in which only 16% of mothers have inadequate prenatal care. Thus, a mother who has an infant who dies is more than 3 times more likely to have had inadequate prenatal care. Additionally, there were pregnancy complications in nearly 22% of the cases. The figure for all births in Kansas is 8%. Thus, in cases where the infant dies as the result of abuse there is more than 2½ times greater chance that there were complications during pregnancy.

Consistent with Jacquot (1988), and Smith (1989), mothers of these children began child bearing at an early age. Seventy-three percent of the mothers began child bearing under the age of 20. Of note, this is the same percentage that Jason and Andreck (1983) found in their study of fatal child abuse in Georgia. Only 48% of Kansas mothers of fatally abused children completed 12 years of education, compared with 82% of all mothers in the state who had completed 12 years.

Like Jason and Andreck (1983) and Smith (1989), we found that the perpetrator was male in nearly 57% of all cases, representing fathers, stepfathers, and live-in boyfriends. When the perpetrator was a male, the death was more likely to be from head or abdominal injuries. Mothers were more frequently implicated in infanticide by asphyxiation, drowning, strangulation or neglect. Legal action was taken in 56% of the cases. While there might be a variety of

Table 2. Child Abuse Deaths in Kansas

Characteristics of Perpetrators	1983-1988	1975-1978	Total
Relationship			
Mother	8	14	22 (36.7%) ^a
Father, Stepfather, Boyfriend	22	12	34 (56.7%)
Baby Sitter	2	2	4 (6.7%)
Unknown	32	12	44
Legal Action Taken			
Yes	34	14	48 (56.2%)
No	30	26	56 (53.8%)
Race of Mother			
White	45	27	72 (69.2%)
Black	17	9	26 (25%)
Other	2	4	6 (5.8%)
Marital Status of Mother			
Married	39	28	67 (65.7%) ^a
Unmarried	21	12	33 (32.3%)
Separated	1	0	1 (0.96%)
Unknown	3	0	3
Pregnancy Complications			
Yes	13	6	19 (21.8%) ^a
No	40	28	68 (78.2%)
Unknown	11	6	17
Beginning Childbearing Age of Mother			
<20	36	30	66 (73.3%) ^a
>20	20	4	24 (26.7%)
Unknown	6	6	12
Age of Mother at Birth of Child Who Died			
<20	25	16	41 (44.6%) ^a
>20	33	18	51 (55.4%)
Unknown	6	6	12
Education of Mother			
<12 years	23	19	42 (47.7%) ^a
>12 years	31	15	46 (52.3%)
Unknown	11	6	17
Adequacy of Prenatal Care			
Adequate	26	17	43 (49.4%) ^a
Inadequate	27	17	44 (50.6%)
Unknown	11	6	17

^a Based on percent of cases in which data is known.

reasons for not initiating legal action against the perpetrator, it would be interesting to see whether this percentage would increase under a program of Active Surveillance.

The relationship of substance abuse to child fatalities was not examined. Although such abuse by a parent or caregiver was almost certainly involved in some of the cases studied, specific data was not available. Information regarding substance abuse might add appreciably to our understanding of the phenomenon of fatal abuse and should be a routine part of Active Surveillance.

ACTIVE SURVEILLANCE

Currently, child deaths are investigated inadequately. Active Surveillance would enhance the quality of investigation and bring uniformity and reliability to the task (Barber-Madden,

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Cohn, & Schloesser 1988). Examination of information available on birth and death certificates for infants who died in Kansas over approximately seven years has produced valuable information; however, much more could be learned if all existing information on each case was pooled and used as the basis for developing public policy and prevention programming. The authors suggest that each state establish a system of Active Surveillance for all child deaths. Active Surveillance is the terminology used by epidemiologists in public health programs for efforts which go beyond the passive receipt of reports required by law, and includes the issuance of reports based on a broad data base in order to determine the full scope of a health problem. Active Surveillance includes queries for additional information which verify the initial report. It also uses other sources of information, such as press coverage and reports from other state agencies such as law enforcement, autopsy reports, hospital records, laboratory results, etc.

The first step is the establishment of a policy that each child death be reviewed by a state level group representing the various departments that have access to relevant information. The authors suggest that this policy focus on all child deaths. By examining all deaths, the problem of deciding whether to study the suspicious death of a child is avoided, and determining whether it is a child abuse death, a homicide, or a natural death becomes a standard part of the review process. It needs to be clear that the purpose of such a review is the establishment of an epidemiological data base that can be used to link characteristics of the child and family to the death, not to affix blame or to determine if a professional or an agency failed to follow policy or procedure.

At a minimum the agencies that keep birth and death certificate information, the state child protection agency, the income maintenance agency, the state law enforcement agency, and the state attorney general should all take part in the information gathering and review process. In addition to these team members, Durfee (1989) suggested the addition of a prosecutor, a pediatrician or forensic pathologist, a legislator, a citizen advocate, and representatives from mental health and private child abuse agencies. This implies a series of inter-agency agreements that establishes who is responsible for providing different kinds of information and includes safeguards for confidentiality.

Collaboration of this type may suggest changes in the data collected and maintained by the separate agencies. For example, the type of analysis suggested by the authors may mean that data on reported child abuse cases should be maintained for a specified time whether or not the report is substantiated. In some states a finding that a family or individual is eligible for services, even though abuse could not be confirmed, is removed from the data base after 60 days. Currently, too little is understood about the variables pertaining to child death to explain or prevent it, and some important data will probably be lost. However, the effectiveness of active surveillance will be further compromised by the introduction of data contaminated by flawed collection or reporting procedures, and by agency policies which do not allow adequately for the shared processing of information. Consequently, agency changes regarding the types of information collected and how it is to be maintained will require careful consideration and planning to assure successful implementation.

The issue of confidentiality deserves special consideration. With such sensitive information and the need to protect the rights of families, this area requires careful, ongoing attention. The danger of an innocent family becoming the subject of public discussion is real. The danger of damaging a legal case against a guilty perpetrator is just as real. Riley (1989) suggests that each member of the interdisciplinary review team be required to sign a statement proscribing unauthorized use of information obtained through the review process. Clearly, policies and regulations for collecting vital information can be implemented with the necessary care given to confidentiality. Anxiety about confidentiality must not be the basis for inaction.

Much of the information used in this study came from newspaper articles, that is, informa-

tion which was unavailable through official channels was available through the public media, demonstrating that newspapers can be a vital source of information. Because of the public outcry that accompanies child deaths, newspaper reporters frequently use their investigative skills to develop a story. Sometimes the death of a child motivates a reporter to investigate all infant deaths in a community or state. The team responsible for investigating the deaths of all young children may acquire information from newspapers (or through a newspaper clipping service) that is not available elsewhere. While the public discussion of these issues in newspapers may raise questions regarding personal rights to privacy, collecting data from newspaper accounts does not raise the thorny issues involved in protecting confidentiality.

The establishment of a state level data base on child deaths conjures up the image of large computer systems exchanging and processing information. The authors have had numerous experiences with state agencies attempting to integrate their separate, self-contained, computerized data bases to produce much needed information. These attempts are always expensive and protracted undertakings, and they usually fail. The approach suggested by the authors is simpler, more cost-effective, and yields more useful results. In most states in a given year the number of child death cases is small and the pertinent information resides both in computers and in files. The task of bringing this information together is more a human task than a computer task, and the analysis of the information within this data base is easily accomplished by a good public health researcher and a desk top computer.

Although the first function of Active Surveillance is the investigation of child deaths, the information obtained may be used by state and local agencies for their own purposes. Agencies participating in the Active Surveillance process, for example, may use collective data to determine the degree to which they provide an effective community safety-net to protect vulnerable children and families. However it is to be used, information regarding the involvement of community agencies prior to the death of a child is a critical data variable in Active Surveillance, and it is imperative that it be collected in each case.

The collaboration of state agencies in collecting information suggests another use for Active Surveillance, viz., as a measure of the effectiveness of primary prevention programs. No state or community of which the authors are aware has implemented or evaluated its primary prevention efforts on the basis of the findings of an interdisciplinary review team. This is due in part to the difficulty of such an endeavor, and much of the difficulty lies in the vague and complex nature of defining child abuse. By restricting attention to child abuse fatalities, assessing prevention strategies and their effects becomes manageable. Collecting data on abuse by type, age of victim, and geographic location will allow for better targeting of prevention efforts and will make tracing their effects feasible. Of the deaths that occurred in this study, 60% took place in four metropolitan communities representing 46% of the state's population. This demonstrates the positive value of targeting these four communities for intensive prevention programs.

Finally, Active Surveillance would make each child abuse fatality a relatively unambiguous event, amenable to definition and study, making it useful as a measurement standard between states and between nations. As data collection and reporting improve, states and nations may assess their progress by monitoring child abuse fatalities, just as infant mortality rates are used in assessing progress in public health around the world.

CONCLUSION

Active Surveillance offers an opportunity for each of the state agencies concerned with child abuse to follow each abuse fatality, collecting pertinent information and adjusting policy accordingly. While Active Surveillance does require inter-agency cooperation, it can be done

without large and sophisticated computer networks. This study of child abuse fatalities in Kansas demonstrates the value of Active Surveillance in assessing the relevant characteristics of child abuse victims and perpetrators, and in turn, using this information to guide prevention oriented policies and programs. Finally, using Active Surveillance, states and nations may monitor their success in preventing child abuse fatalities just as they now use infant mortality to monitor progress in public health, thus creating a stable, reliable national and international standard for measuring progress in eliminating one type of child abuse.

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Résumé—L'étude des cas de maltraitance fatale fournit des données importantes pour formuler des politiques sociales. Dans le Kansas, on a corélaté 104 certificats de naissance et de décès avec certaines données puisées dans le registre d'enfants maltraités. Il en ressort le tableau suivant: parents très jeunes lors de la première grossesse, familles monoparentales, faible scolarité de la mère, services prénataux inadéquats et prodigués trop tard, complications durant la grossesse et poids inférieur de l'enfant à sa naissance. Les auteurs recommandent un programme de surveillance active pour recueillir systématiquement des données sur la maltraitance fatale, afin d'accumuler des données démographiques sur les victimes et les agresseurs et de préciser la cause du décès. Ce modèle diminue les chances de méprendre ces fatalités pour des accidents et permet aux autorités de faire un suivi, tout en recueillant des données et modifiant les politiques sociales. Les auteurs sont d'avis qu'un tel programme de surveillance active permet de jauger le succès des mesures préventives, tout comme on se sert de taux de mortalité pour mesurer le progrès des programmes de santé publique. Ainsi, disposerait-on d'un baromètre fiable et permanent pour mesurer le progrès par rapport à la prévention des fatalités causées par la maltraitance.

Resumen—Estudiar cuidadosamente las muertes de infantes y niños pequeños relacionadas con abuso puede ofrecer información necesaria para la formulación de una buena política gubernamental. Se correlacionaron los certificados de nacimiento y defunción con información del Registro Estatal de Abuso y Negligencia a los Niños, sobre 104 muertes asociadas al abuso. Resultados significativos incluyen: edad muy joven de los padres en su primer embarazo; alta tasa de padres y madres solteros; las madres de las víctimas tenían logros significativamente más bajos; cuidado pre-natal tardío e inadecuado; complicaciones durante el embarazo y menor peso al nacer de las víctimas. Los autores sugieren Vigilancia Activa como un modelo para recoger información relacionada con las muertes infantiles. Usando la Vigilancia Activa, un equipo revisor examina la información de las agencias estatales asociadas con los niños y las familias para revisar o determinar la causa de la muerte, y para recoger datos demográficos sobre las víctimas y los perpetradores. La Vigilancia Activa disminuye la posibilidad de mal identificar las muertes relacionadas con abuso como accidentales, y le permite a las agencias estatales hacerle un seguimiento a las muertes por abuso, regociendo información pertinente y ajustando conjuntamente la política. Los autores defienden que, usando la Vigilancia Activa, los estados y las naciones pueden supervisar si tiene éxito la prevención de las muertes por abuso a los niños de la misma forma que ahora se usa la mortalidad infantil para supervisar el progreso de la salud pública creando así una medida estable y confiable para evaluar el progreso para eliminar un tipo de abuso a los niños.



Department of Health and Environment
Azzie Young, Ph.D., Secretary

Reply to:

Testimony presented to
Senate Judiciary Subcommittee on Civil Procedures

by

The Kansas Department of Health and Environment

Senate Bill 477

Perhaps one of the most tragic of all child deaths is when the death is not anticipated, or occurs from no apparent cause. In this situation the grief and sense of guilt is intense. The death forces the child's family and community to face ask numerous questions. When outwardly healthy infants die in their sleep or apparently healthy children die unexpectedly, the parents feel they have done something wrong, while others are suspicious of abuse and neglect.

Through the expansion of the age categories for mandatory autopsies and reporting as outlined in S. B. 477, answers to these questions should be available to the parents, community, law enforcement and social service. Requiring these autopsies should eliminate the recording of "dead on arrival", "cause unknown", or potentially erroneous causes of death on the death certificate.

It must be recognized, however, that the cause of death, based on autopsy findings, may not be the final answer. Missouri, along with Colorado, Georgia, Maryland, Michigan, Minnesota, Oregon, South Carolina, and Vermont have instituted multidisciplinary team-review systems in cases of death reflected in this bill. Missouri's efforts came as the result of a 1990 maltreatment death. Following an initial autopsy, a general pathologist concluded, although the body was discolored from bruises head to toe, that the cause of death was peritonitis from a ruptured intestine, a natural disease process. Due to persistence of the child's family member and in coordination with a chief county medical examiner, a second autopsy was completed with a ruling that the child had been kicked and punched in the stomach with such brute force that his intestines had ruptured. The step father was subsequently charged with murder.

*Civil Procedure Subcommittee
March 4, 1992*

More close to home, was the case of Jose Lumbrera, of Garden City, Kansas. Five of his siblings had previously died in Texas. Authorities had certified one case of death as pneumonia or SIDS, one as blood poisoning, one as acute heart failure and two as aspiration, or choking on vomit. The pathologist, Eva Vachal, felt these were "wastebasket diagnoses". Vachal's autopsy showed Jose seemed perfectly healthy, yet there were unusual pinpoint hemorrhages around the boy's eyelids and on the membrane covering each eye. The only explanation was a sudden cutoff of oxygen and a sharp rise in blood pressure. That meant asphyxiation. Vachal came to a chilling conclusion: Jose had been smothered. Jose's mother was subsequently charged with murder and was sentenced to life in prison.

Based on the Center for Disease Control estimates, approximately 5 of the 50 deaths attributed to Kansas SIDS deaths and 3-4 of the 7-10 unexplained deaths to Kansas children ages 1-9, may be a result of child maltreatment. Increasing the mandatory autopsy age category to include the 1-9 year olds and death review process amendment will support the a system similar to that being implemented by Missouri and the other nine states previously mentioned.

RECOMMENDATIONS:

- 1) Delete exceptions to the mandatory autopsies for religious reasons in line with American Academy of Pediatrics recommendations.
- 2) Support the expansion of the age group for child deaths requiring autopsies from 0-1 to 0-9.
- 3) Amend Section 2 (a) from "under circumstances in which death is not anticipated" to "under circumstances in which the death is unexplained" to exclude accidental deaths such as motor vehicle estimated at about 100 per year.
- 4) Amend Section 2 (b) to reflect that autopsies completed under the circumstances outlined in this bill should include a cranial autopsy, more appropriately termed an internal cranial examination, not just for children under the age of one as is stated in the current amendment. This requirement is consistent with the Sudden Infant Death Autopsy Protocol prepared by KDHE in October, 1988.
- 5) Amend Section 2 (d)(a) to read internal cranial examination.
- 6) Amend Section 2 (e) to include the requirement that the autopsy report AND a summary of the circumstances surrounding the death, prepared by the attending physician and coroner should be submitted to KDHE. The autopsy report in isolation does not provide adequate information for a case review. Additional information may be needed by KDHE, but this procedure should be outlined in the rules and regulations to this section that will be promulgated by the Secretary of Health and Environment.

- 7) Amend Section 2 (e) to include the requirement that the autopsy report AND a summary of the circumstances surrounding the death, prepared by the attending physician and coroner for ALL children, as outlined in this bill, irrespective of the payor source, should be submitted to KDHE.

SUMMARY

The Kansas Department of Health and Environment strongly supports efforts to obtain data and information related to unexplained deaths among children in order to implement public health strategies to improve the health of Kansas children. KDHE supports a revised SB 477 which incorporates the above recommendations. No fiscal resources were included for this activity in the Governor's budget.

Testimony presented by: Linda Kenney, Acting Director
Bureau of Family Health
March 4, 1992



STATE OF KANSAS

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Testimony of
Deputy Attorney General Edwin A. Van Petten
Before the Senate Judiciary Sub-Committee on Civil Law
RE: Senate Bill 756
March 4, 1992

Mr. Chairman and Members of the Committee:

I would like to thank you for this opportunity to address this sub-committee regarding Senate Bill 756, as this provision has been supported by the Attorney General's Victims' Rights Task Force for a number of years, and the principle of such a crime has been seen as a necessity not only by the task force, but by the adult care community.

You will see that with my testimony is a redraft which I think serves to clarify the language of the act somewhat, and would ask that you consider these amendments to Senate Bill 756 at the time the bill is passed out of committee.

Words cannot describe adequately the necessity for a measure such as this, as the cruelties that are imposed upon dependent adults from time-to-time are totally beyond description. In a recent situation in which the Kansas Bureau of Investigation was assisting our office with an investigation, we have found a number of incidents which

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occurred in a health care facility in the state of Kansas which perfectly illustrate the need for a law to be passed such as the one now before your committee.

One incident occurring in 1990 involved a nurse who was upset with an older male patient for certain actions he had committed while a patient at the adult care facility. In attempting to get even with him for his cantankerous actions, a catheter was forcibly removed without deflating the bulb on the end, causing the patient excruciating pain and immense blood loss. Another situation involved the same nurse who was upset at a retarded adult for defecating in her bed. This retarded adult was restrained to a wheelchair and set outside in the bright sun for an entire afternoon. The next day this patient was treated at a local hospital for severe burns and temporary blindness. In neither of these situations is there a criminal statute which adequately applies for the prosecution, as the actions taken are not battery nor assault and do not fit the mold of what we normally think of as "criminal activity."

In another investigation of an adult care home, we have found a situation where valuables owned by patients at the facility have been converted to the personal use of individuals employed at the facility. It is virtually impossible to prove theft in such situations as consent is always the defense and the victims are either so confused as to be unable to testify, or at the time the case is filed are

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non-verbal. We feel that the measures set forth in Senate Bill 756 could address this exploitation of an adult and give some teeth to what would otherwise merely be a measure enforced through administrative action.

While further examples could be given, I feel that you can easily see the need for criminal punishments in the situations given. I would attempt to further impress upon you that this is a matter that cannot wait and needs to be addressed by you this session of the legislature. It is not a complex issue, it is merely one that is needed.

Thank you for your time. I would be glad to answer any questions you have.

5-3/4

(Suggested redraft)

An act concerning crimes and punishment; creating the crime of mistreatment of a dependent adult and prescribing a penalty therefor.

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

Section 1. (a) Mistreatment of a dependent adult is knowingly and intentionally committing one or more of the following acts:

(1) Infliction of physical or mental injury, unreasonable confinement, intimidation, cruel punishment, or an omission or deprivation of goods or services by a caretaker or another person which are necessary to maintain physical and mental health;

(2) failure of a caretaker or another person to maintain reasonable care and treatment which are necessary to ensure the safety and well-being and to avoid physical or mental harm or illness; and

(3) taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person;

(b) For purposes of this section:

(1) "Dependent adult" means an individual 18 years of age or older who is unable to protect their own interest. Such term shall include:

(A) Any resident of an adult care home including but not limited to those facilities defined by K.S.A. 39-923 and amendments thereto;

(B) any adult cared for in a private residence;

(C) any individual kept, cared for, treated, boarded or otherwise accommodated in a medical care facility;

(D) any individual with mental retardation or a developmental disability receiving services through a community mental retardation facility or residential facility licensed under K.S.A. 75-3307b and amendments thereto; or

(E) any individual kept, cared for, treated, boarded or otherwise accommodated in a state psychiatric hospital or state institution for the mentally retarded;

(c) Mistreatment of a dependent adult is a class D felony.

Section 2. This act shall take effect and be in force from and after its publication in the statute book.



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March 5, 1992

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Senator Richard R. Rock
State Capitol, Room 401-S
Topeka, Kansas 66612

RE: Senate Bill 358 as Applied to Senate Bill 756

Dear Senator Rock:

I have reviewed the provisions of Senate Bill 358, specifically regarding the amendment to K.S.A. 21-3412, the crime of battery, and determined its effect on the provisions of Senate Bill 756. I do not see any conflict in the two acts, as Senate Bill 756 deals only with "dependent adults" as defined in the act, and would provide for a more specific and more serious crime. The less specific provisions of K.S.A. 21-3412, as amended by Senate Bill 358, would not be in conflict with Senate Bill 756, nor would it address the concerns for which Senate Bill 756 was proposed.

While the provisions do not specifically overlap, I do understand Senator Parrish's concern with regard to the possibility existing, and would be more than happy to further address the issue if she so desires. However, I do not foresee a problem in the enforcement of either act due to the reasons above set forth.

I would again reiterate the tremendous injustices being committed to dependent adults in these situations and would further request action this session on Senate Bill 756.

Thank you for your time and consideration regarding this matter.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL
ROBERT T. STEPHAN

Edwin A. Van Petten
Deputy Attorney General

EAV:mr

Civil Procedure Subcommittee
3/4/92 Attachment 6 1/1

Testimony on SB 756
Creating the Crime of Abuse, Neglect or Exploitation

before the
Senate Judiciary Subcommittee on Civil Procedure
March 4, 1992

by the
Kansas Department on Aging

The Kansas Department on Aging supports SB 756. Current law makes it a crime to fail to report abuse, but it does not make it a crime to commit abuse. Abuse, neglect and exploitation against adults should be a crime in Kansas.

Rationale for SB 756

At least 29 other states have statutes creating the crime of adult abuse. A chart prepared by the National Conference on State Legislatures is attached. For example, Mississippi in January 1991 prosecuted its first case of abuse pursuant to a 1990 law; a former nursing home aide was sentenced to six months in jail. On July 5, 1991, a 19-year-old woman and her husband were the first to be indicted in Texas under a 1989 law for allegedly abusing a woman. Advocates for older adults in Mississippi and Texas believe that these cases will be turning points in preventing abuse and neglect of other victims.

The criminalization of adult abuse is one of several approaches in dealing with the problem of abuse. Governor Finney has proposed in her FY 1993 SRS budget the addition of 12 new adult protective service workers to investigate allegations of abuse and neglect. Governor Finney has also recommended that KDOA continue in FY 1993 a program started in FY 1991 to expend new federal funds to create better public awareness of the problem of elder abuse. Also, Governor Finney has proposed in FY 1993 to expand in-home services, which will benefit caregivers helping people who are at risk of abuse. These approaches will benefit many abused persons through prevention or treatment of problems.

SB 756 would provide one more tool in our fight against abuse. Not all abuse can be successfully prevented or treated through public awareness and social services. Many older Kansans are the victims of exploitive, neglectful or violent caregivers or relatives who ought to be prosecuted by the criminal justice system rather than treated with social services.

Provisions of SB 756

Section 1(b)(2) defines neglect. Abuse can be prosecuted under existing statutes as assault and battery; however, SB 746 increases the ability to prosecute abuse, neglect, and exploitation cases.

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There is an advantage in having abuse defined as a crime, especially in the case of neglect. It was precisely the legal gap in prosecuting neglect that motivated Texas to pass its tough law in 1989.

Section 1(b)(3) defines exploitation. According to the New York Times, December 16, 1991, financial exploitation of the elderly is likely to continue growing as the number of older Americans rises. The recession and drug abuse are cited by law-enforcement officials as the major motivation for exploitation. SB 756 provides Kansas a means to fight exploitation.

Section 1(c) of the bill specifies the crime as a class D felony. A felony penalty is more appropriate and more effective than a misdemeanor penalty. Montana's Elder Abuse Prevention Act has a misdemeanor penalty, but adult protective service workers have not found it an effective deterrent.

Conclusion

Any individual who steals from, abuses, or neglects an older adult has committed a serious crime that must be viewed as such, regardless of the relationship between the offender and the victim. By criminalizing adult abuse, Kansas will make it clear that abuse is a public concern, not a mere private, family affair.

SB 756 is not a panacea for the problem of abuse; it is a way of dealing with a social problem that cannot always be solved by social service programs. We ask the legislature to allow Kansas to stand up publicly against adult abuse, neglect and exploitation.

State Legislative Response to Crimes Against the Elderly

by Donna Hunzeker

National Conference of State Legislatures
William T. Pound, Executive Director

1050 Seventeenth Street, Suite 2100
Denver, Colorado 80265

444 North Capitol Street, N.W., Suite 500
Washington, D.C. 20001

• May 1990

the legislature an opportunity to make sure the language of a single statute would work for people both outside and in extended care facilities, according to a legislative staff spokesman.

The Resident Abuse Act approved by both houses in New Mexico in 1989 would have created a separate statute and penalties for abuse in institutional settings. The measure was vetoed by the governor. Representative J. Paul Taylor, sponsor of the house bill, said he thinks the state should distinguish abuse that occurs in institutional settings and provide special protections for those who are abused in institutions. According to Representative Taylor, nursing homes generally have supported his proposals to protect the elderly, but they "couldn't live with" the penalties created in this bill. The governor vetoed it on the basis that ample statutory authority for prosecuting those charged with elder abuse already exists and that the measure would encourage unwarranted litigation and burden the court system.

Penalties for Elder Abuse

While nuances in definitions and reporting of abuse distinguish states' adult protective services statutes, what really sets states apart is whether they have established distinct penalties for elder abuse. Twenty-eight state statutes have penalties for abuse of an elderly person. Such abuse frequently is classified as a felony and can result in prison time. Table 1 summarizes elder abuse penalties set by state statute.

In 1989, Alabama, for example, created several classes of crime for abuse and neglect of the elderly. Specifically, the legislation requires determination of both whether the abuse or neglect was *intentional* or *reckless*, and whether the resulting injury was *serious*. Intentional abuse or neglect resulting in serious physical injury is a Class B felony that can result in from two to 20 years in prison. Alabama also created a Class A misdemeanor for emotional abuse, defined in the statute as "the willful or reckless inflicting of emotional or mental anguish or use of physical or chemical restraint, medication or isolation as punishment or as a substitute for treatment or care of any protected person." (Ala. Code Chapter 9, Sec. 38-9-1. See Appendix A.) A Class A misdemeanor conviction can result in not more than one year of incarceration.

In 1988, Illinois lawmakers supplemented the Elder Abuse and Neglect Act with an addition to the criminal code that made abuse and gross neglect of a resident of a long-term care facility a Class 3 felony. In addition, the licensee or owner of the facility can be fined up to \$10,000 if it is demonstrated that he or she failed to exercise reasonable care in hiring, training, or supervising an employee who committed abuse or gross neglect.

Delaware also has included in its adult protective services statute a fine for facility board members or managers if they fail to take corrective action in a situation where an elderly resident is abused.

Rhode Island enacted legislation in 1988 to penalize care facilities for abuse perpetrated by its employees. A facility can be fined up to \$5,000 when someone "responsible for care" commits abuse resulting in bodily injury and up to \$15,000 for abuse resulting in serious bodily injury.

Representative Alfred W. Cardente, who sponsored the 1988 bill as well as many other elder advocate measures during his 14 years in the Rhode Island House, said the measure to impose facility fines had surprisingly little opposition from nursing homes in the state. Most nursing homes feel they benefit as well from laws tough on elder abuse, he said.

Rhode Island's penalty for the perpetrator also is stiffer when that person is "responsible for care," regardless of whether the care is in a facility setting. At least six other states specify a caregiver in their penalty statutes, and other states suggest as much. Five states specify abuse in a health or extended-care facility in their penalty statutes.

Table 1.
Statutory Penalties for Adult Abuse

State	Crime Class	Penalty
Alabama	Class B felony Class C felony Class A misdemeanor	Two to 20 years One year one day to 10 years Not more than one year
Arizona	Endangerment, injury, or neglect by caretaker: Class 1 misdemeanor	Not more than six months
Arkansas	Class D felony Class B misdemeanor Class C misdemeanor	Determinate sentences not to exceed six years Not less than five years or more than 20 Not less than three years or more than 10
Delaware	Patient or resident abuse, neglect: Class A misdemeanor Serious injury: Class D felony Death: Class A felony Board member, manager who fails to take corrective action: Class A misdemeanor	10 years, plus fine or other court conditions Life imprisonment Not more than two years, plus fine or other court conditions
Florida	2nd Degree felony 3rd Degree felony 1st Degree misdemeanor	Maximum 15 years, \$10,000 Maximum five years, \$5,000 Maximum one year, \$500
Georgia	Misdemeanor	
Hawaii	See Table 2 for special provisions	
Illinois	Abuse, neglect in long-term care facility: Class 3 felony "Business offense": Class 4 felony Criminal neglect, financial exploitation of elderly: Class 2, 3, or 4 felony	Two to five years, \$10,000 One to three years, \$10,000
Kentucky	Caretaker abuse, neglect, exploitation: Class C felony Class A misdemeanor	Five to 10 years Not more than 12 months
Maryland	Caregiver abuse, neglect: misdemeanor Abuse of facility residents' funds: misdemeanor	Fine not exceeding \$5,000 or imprisonment for not more than five years or both. (In addition to other sentence for conviction arising from same facts and circumstances) Fine not exceeding \$500
Massachusetts	Attorney General may impose civil penalty on person who abuses, neglects, mistreats patient, resident of facility	Not specified
Nebraska	Knowing and intentional abuse of vulnerable adult: Class IV felony	Up to five years' imprisonment, or \$10,000, or both
Nevada	Gross misdemeanor (unless more severe common penalty applies)	Not less than one year nor more than six years
New Hampshire	Gross misdemeanor unless more severe penalty applies	Not more than one year
North Carolina	Abuse or neglect in health care or residential care facilities causing serious bodily injury: Class C felony for intentional conduct; Class G felony for culpably negligent conduct; Class H felony for conduct which proximately causes injury	Up to 50 years Up to 15 years Up to 10 years
Ohio	Assault, abuse, neglect of "functionally impaired," Assault by caretaker: 4th degree felony Repeat offense by caretaker: 3rd Degree felony; Caretaker reckless failure to provide care resulting in physical harm: 1st Degree misdemeanor; Repeat offense: 4th Degree felony. Caretaker reckless failure to provide care: 2nd Degree misdemeanor; Repeat offense: 4th Degree felony	18 months to five years Two to 10 years

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State	Crime Class	Penalty
Oregon	*Criminal mistreatment*: 1st Degree: Class C felony 2nd Degree: Class A misdemeanor	Maximum five years Maximum one year
Pennsylvania	Abuse, neglect, mistreatment in long-term health facility Pattern of harassment in long-term health facility	\$3,000, three years, or both \$500, one year, or both
Rhode Island	See Table 2 for special provisions	
South Carolina	Misdemeanor	Not less than \$500 or more than \$5,000, or imprisonment of not less than 90 days or more than five years
South Dakota	Abuse: Class 6 felony Theft by exploitation: Class 1 or Class 2 misdemeanor	Not more than one year One year jail or \$1,000 or both. 30 days' jail or \$100 or both. Restitution also may be ordered
Tennessee	Willful abuse, neglect, exploitation: Class A misdemeanor	Not more than 11 months 29 days, or fined more than \$1,000, or both
Texas	1st Degree felony 3rd Degree felony Class A misdemeanor	Five years to life Two to 10 years Maximum one year jail, fine not to exceed \$2,000, or both
Utah	3rd Degree felony	Not to exceed five years (unless firearm used)
Vermont	Abuse/exploitation of elderly Abuse/exploitation of elderly by caregiver	Fine of not more than \$10,000, imprisonment not more than one year, or both Same as above; however, court may on motion of party on its own motion defer such sentence and place defendant on probation
West Virginia	Abuse, neglect by one with care, custody, or control over incapacitated adult: guilty of felony	Two to 10 years penitentiary; not more than 12 months' jail or \$1,500 (at court's discretion)
Wisconsin	Cruel maltreatment: Class A misdemeanor Abuse, neglect, or ill-treatment of residents of facilities: Class E felony	Fine not to exceed \$10,000, or imprisonment not to exceed nine months, or both Fine not to exceed \$10,000, or imprisonment not to exceed two years, or both
Wyoming	Abuse, neglect, exploitation, abandonment: misdemeanor	Not more than \$1,000, or one year county jail, or both Repeat conviction: state penitentiary not more than five years

States listed are the only ones known to have set penalties in elder-specific or adult protection laws.

In its 1989 enactment concerning "criminal neglect and financial exploitation of an elderly or disabled person," the Illinois General Assembly created a Class 4 felony for adult abuse "business offenses." The resulting penalty is imprisonment for one to three years and a fine of \$10,000; or the judge may impose a larger fine if the financial exploitation involved more than \$10,000.

An NCSL analysis of state statutes has found that 14 states include financial exploitation among offenses for which a special penalty can apply or have created a separate, specific penalty for financial abuse. Florida, for example, created a 3rd Degree felony for "improper or illegal use or management of the funds, assets, property, power of attorney or guardianship of such an aged person or disabled adult for profit" (Fla. Stat. § 415.111 [1989]). To be convicted of this offense could carry a maximum sentence of five years in prison and a \$5,000 fine.

Like Illinois, Maryland deals separately with financial exploitation that takes place in an institution. This measure creates a misdemeanor for "abuse of a facility resident's funds."

By including financial exploitation in its 1989 statute that sets penalties, Alabama now can prosecute cases that before might have fallen through the cracks of the criminal code, according to Stephens in the Alabama Attorney General's Office. Conning elderly boarding home residents has been too common, according to Stephens, who described situations where an elderly resident might consent to a payee

arrangement for social security or other income but might not be aware of the implications of that arrangement and might not be receiving comparable services in return.

Enhanced Penalties

Enhanced penalties for crimes committed against the elderly have gained favor in state legislatures in recent years. Sixteen states now have some form of enhanced penalties, most added to the books since 1987. Table 2 provides more detail on enhanced penalties for crimes against the elderly.

Where enhanced penalties for crimes against elderly persons have been criticized as patronizing, some states have referred more generically to "vulnerable adults." Regardless, the philosophy behind such measures has been "for those who prey on weaker people to pick on someone their own size," according to NOVA's Stein.

Colorado included in its statute the following justification for enhanced penalties for crimes committed against the elderly:

The general assembly recognizes that fear of crime is one of the major personal concerns of elderly and handicapped persons and that elderly and handicapped persons are more vulnerable to and disproportionately damaged by crime because they are less able to escape offenders and are more likely to receive serious injury. The elderly and handicapped are particularly impacted by crimes of robbery, because they tend to suffer the greatest relative deprivation -- financially, physically and psychologically -- as a result of the crimes against them. Elderly persons and the handicapped are seldom as physically or emotionally equipped to protect themselves or aid in their own security as are their younger counterparts in society. At the same time, they are far more susceptible than other age groups to the adverse long-term effects of robbery. The loss of money or material goods through strong arm robbery (by physical force) represents a substantial financial impact upon most elderly and handicapped victims. The general assembly therefore finds that the penalty for the crime of robbery against an elderly or handicapped person should be more severe than the penalty for robbery of other members of society. (Colo. Rev. Stat. Sec. 18-4-304; see Appendix B.)

Colorado uses similar statutory language to explain enhanced penalties for theft and assault as well.

In at least two states, a "caregiver" who abuses or assaults an elderly person is the one for whom the enhanced penalty applies.

Rhode Island has created a felony offense when assault or battery of a person 60 years or older causes serious bodily injury. When a caregiver commits such an assault, the penalty increases. (See Table 2.) Ohio also has enacted enhanced penalties that are akin to elder abuse laws. Penalties are set for assault or abuse by a caregiver and become further enhanced for repeat offenses. A repeat assault by a caretaker could result in imprisonment for up to 10 years in Ohio. (See Table 1.)

Other states impose enhanced penalties for crimes other than those described in adult abuse/protection laws, and at least a few states have provided for broad application of enhanced penalties when an elderly person is the crime victim.

Since 1987, California has imposed a two-year enhanced sentence for burglary, robbery, kidnapping, kidnapping for ransom, extortion or robbery, rape, sodomy, or mayhem against a person 65 or older (as well as those blind, paraplegic, quadriplegic, or under 14 years.) California law also specifies that assault

Adult abuse: should it be a crime in Kansas?

by Lyndon Drew

Kansans can break the law by not reporting adult abuse, but it is not a crime to commit adult abuse.

Assault or rape an older person is a criminal act under current law, of course, but for lack of a specific law against adult abuse, more subtle abuses — economic exploitation, mental abuse and physical neglect — go unpunished.

Two state initiatives are under way to correct this oversight. The Silver Haired Legislature has sponsored a bill that would make adult abuse a class A misdemeanor. The Attorney General's Victims' Rights Task Force is also drafting a bill to be introduced in the 1992 Kansas Legislature.

Historically, the police, the courts, and the public have been slow to treat abuse within a family setting the same as abuse between unrelated individu-

als. That's becoming less so as more and more states draft laws to protect victims of domestic violence and child and adult abuse.

Prosecutions becoming more common

Prosecution of elder abuse cases has just begun in some states. For example, Mississippi prosecuted its first case a year ago. A former nursing home aide was sentenced to six months in jail for felony abuse and battery of a vulnerable adult.

In July in Texas, a 19-year-old woman and her husband were the first to be indicted under a 1989 law for allegedly abusing Margaret Embry.

Lawyer Linda Mazzagatti, a former assistant district attorney who was appointed Embry's guardian, told Newsweek magazine: "I used to pros-

ecute people for mistreatment of animals. . .and those people who mistreated those animals treated them better than Ms. Embry was treated."

Mazzagatti and advocates for the elderly expect the case to be a turning point in preventing abuse and neglect of other elders. They expect to see more indictments under the same law.

"It's going to change the way people care for their mothers and fathers and grandmothers and grandfathers," Mazzagatti said. "If they don't do it out of love or a sense of obligation, then they will do it out of fear of going to jail."

Treatment or punishment or both

In the debate over whether to criminalize adult abuse, several issues have emerged. Treating adult abuse with protective services or prosecuting abuse as a crime are usually treated as alternative strategies.

For example, a critic of the Texas statute, Penelope Hommel, executive director for Social Gerontology in Ann Arbor, Michigan says lawmakers should focus on funding public care programs to avoid neglect in the first place.

On the other hand, a recent study in Massachusetts tends to suggest that respite care and other care programs might not address the primary cause of caregiver abuse.

Researchers found that the primary causes of caregiver abuse were not related to caregiver stress, but were related to caregiver dependence and deviance. Caregivers who were dependent on elderly relatives for financial assistance, household repairs, transportation and housing were more prone to be abusers.

The report suggested a variety of approaches to reduce abuse by reducing abuser dependence, such as assistance with finding employment, separate housing and psychological counseling. At the same time, the report suggested the need for legal penalties to deter potential abusers.

The debate to criminalize adult abuse

At least 28 states already have statutory penalties for adult abuse. While adult protective statutes differ somewhat in the definition and reporting requirements, most classify adult abuse as a felony with penalties that could include prison time.

Making adult abuse a criminal act is popular with law enforcement officials, according to a 1988 survey of adult abuse issues among law enforcement agencies conducted by the Police Executive Research Forum and the American Association of Retired Persons.

"Defining adult abuse as a crime was among the highest ranked initiatives police would like policy makers to consider in setting legislative priorities," the report concluded.

Scott Harshbarger, a county prosecutor in Massachusetts, voices the opinion of a growing segment of the law enforcement community: "Any individual who steals from, abuses, or assaults an older American has committed a serious crime that must be viewed as such, regardless of the relationship between the offender and the victim."

Says Harshbarger, "Prosecution aids in therapy; the leverage is crucial to get offenders to enter into treatment and to acknowledge wrongdoing. Prosecution also validates the victim and removes the stigma of inferiority, helplessness, and sense of guilt."

But officials who represent state units on aging have been more lukewarm in their support of making adult abuse a crime. In a 1991 survey of 40 officials by the U.S. General Accounting Office, in-home services to prevent and treat adult abuse was stressed as the best answer to the problem. Officials ranked legal protections for the elderly as the fourth most effective of eight factors in treating adult abuse.

Expanding the law to cover neglect

The states have always done a better job of prosecuting direct forms of abuse, such as a physical beating, because this can be prosecuted as "assault and battery" under existing criminal statutes.

It is in the area of abuse by neglect, which comprises the largest share of abuse cases, that problems arise. Traditionally, this type of abuse has not been covered by the criminal code and must be addressed in special adult abuse legislation.

The Dallas Area Agency on Aging advisory council commissioned a task force on elder abuse in 1988 that played a role in amending Texas law to cover caregiver neglect. The resulting law states in part:

"A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or ... by omission, engages in conduct that causes to a child, elderly individual, or invalid individual (1) serious bodily injury; (2) serious physical or mental deficiency or impairment; (3) disfigurement or deformity; or (4) bodily injury.

Setting the penalty

The definitions of adult abuse differ among the states that have adopted laws and so do the range of penalties against those convicted of violating the law. Even so, most of these states regard adult abuse a serious crime — a felony.

Officials in Montana say that an abuse law should carry a serious penalty to do what it is supposed to do — prevent abuse. In Montana, a person found guilty of violating the Elder Abuse Prevention Act can be sentenced on a first conviction to only six months in jail and fined \$500, the equivalent of a misdemeanor crime.

"It's not really much of a deterrent," said Laurie Peterson Yamamoto of the state's office of Adult Protective Services. "I believe the law is not as tough as it needs to be."

Because of the law's light penalties,

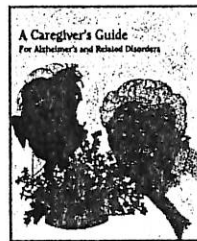
Police Detective Ron Cummings of Billings, Montana, said that if he suspects a person may be guilty of elder abuse, he investigates the case as an assault or as a theft, both possible felony offenses with stiffer penalties.

Kansas laws regarding abuse of children also take a tougher stance. For example, endangerment of a child

is a class A misdemeanor, but abuse of a child is a class D felony. Abandonment of a child is a class E felony.

Whatever the outcome in Kansas, observers predict that state governments will feel increasing pressure to protect their older and disabled citizens, and states with such laws will prosecute more often.

Caregiver's guide for Alzheimer's released



It is not widely known that Alzheimer's is at the center of a health care crisis in Kansas. About one-half of all nursing home admissions are precipitated by dementia, the majority of those Alzheimer's.

Meanwhile, three-fourths of all Alzheimer persons are cared for at home, where there is a critical need for basic care information and community support. As many as 35,000 Kansans are afflicted with the disease.

These facts prompted KDOA and Kansas State University Cooperative Extension Service over the last year to work together to develop a comprehensive, yet easy-to-read Alzheimer guide for the home caregiver.

The result is a "Caregiver's Guide for Alzheimer's and Related Disorders". The bright green book has a distinctive cover drawing originally created by artist Elizabeth Layton for the Topeka Chapter of the Alzheimer's Association. The self-portrait of the artist with her husband, Glenn, features yellow ribbons and a bouquet of forget-me-nots, a reminder not to forget those who can't remember.

The guide's 12 chapters cover basic topics such as how to communicate with the Alzheimer person, how to cope with difficult behavior, how to locate resources in the community to assist the caregiver, and how and when to select nursing home care.

But the guide also includes a lot of information not available in other Alzheimer caregiver guides. For example, it has chapters titled "Putting financial and legal affairs in order" and "Medications for treating symptoms," two areas concern to many caregivers. The guides also deals with important sensitive topics such as the use of restraints, the danger of caregivers becoming abusers, or the rights of nursing home residents.

The guide is meant to help caregivers develop a practical caregiving plan. To make that task easier, each chapter includes a "Caregiver's checklist" of key actions steps to be undertaken by the caregiver. Although designed mainly for care in the home, the book is expected to prove useful as a training tool for professional caregivers in nursing homes, adult day care centers, home health agencies and elsewhere. Caregivers dealing with other types of dementia will also find it helpful.

The guide is now available free upon request to individuals and groups in Kansas. Copies can be ordered from KDOA, your county extension agent, or through the publications catalog of the Kansas Department of Health and Environment. The price for out-of-state orders is \$5 per copy, plus \$1.25 for postage and handling, available only from KDOA. Working on the team that prepared the guide were Cooperative Extension Service's Carolyn Wilken and KDOA's Lyndon Drew, Candace Davis, Alice Hamilton Nida and Paul Showalter.

Christian Science Committee on Publication For Kansas

820 Quincy Suite K
Topeka, Kansas 66612

Office Phone
913/233-7483

To: Senate Judiciary Subcommittee on Civil Procedure

Re: SB 756

It is requested that SB 756 be amended by adding, after line 3 on page 2:

No person shall be considered to be abused, neglected or exploited for the sole reason that such person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such person is a member or adherent.

The proposed amendment, while not identical, is similar to the wording of adult abuse reporting statutes and other Kansas laws and would allow those responsible for the care of a adult to provide spiritual treatment without fear of being guilty of a crime.



Keith R. Landis
Committee on Publication
for Kansas

Civil Procedure Subcommittee
March 4, 1992
Attachment 8

1-913-296-1150



Mental Health Association of South Central Kansas

430 North Woodlawn • Wichita, Kansas 67208 • (316) 685-1821

March 3, 1992

Senator Winter
Senate Judiciary Subcommittee
on Civil Procedure
Kansas State Legislature
Topeka, Kansas

Dear Senator Winter & members of the Subcommittee:

We are writing to voice our support of SB 756 which addresses the issue of adult abuse and makes crimes against vulnerable adults a felony offense.

Abuse and neglect of elderly and dependent adults is of growing concern in our local and national communities. Estimates indicate that 3-5% of all elders are abused. Experts fear even these figures may be too low. Without intervention, these statistics will continue to climb and the incidence of adult abuse will certainly increase.

Often the abuse, whether physical, psychological, financial, or neglect, remains hidden and unresolved. Services for both the victim and the abuser are inadequate. Additional caseworkers, services, and effective legislation are essential in order to break the cycle of abuse.

We have an opportunity and responsibility, through legislation, to positively impact the lives of older and dependent adults. We urge you to seriously consider and lend your support to SB 756. Only with action, can we end this national disgrace.

Sincerely,

Rose Mary Mohr

Rose Mary Mohr Ph. D.
Mental Health Association
of South Central Kansas

Carol Manning

Carol Manning R.N.
Mental Health Association
of South Central Kansas

Civil Procedure Subcommittee

March 4, 1992

Attachment 9

1/1

Senate Bill No. 588
Senate Judiciary Committee

Testimony of Kay Farley
Child Support Coordinator
Office of Judicial Administration

Senator Winter and members of the committee:

I am pleased to be here today to discuss 1992 Senate Bill 588 with you.

This bill amends parentage, child in need of care, and juvenile offender statutes to make it clear that both parents have a duty to support children and, further, that child support enforcement procedures are to be used to enforce these duties of support.

In general, we support the concept of the bill.

However, we do have a concern about the procedure set out in the bill for establishing the support obligations. In particular, the procedure outlined in the bill will cause two hearings where one hearing should suffice for establishing the support obligation. Also, we believe that the procedure would establish a precedent that will negatively impact on the Kansas Child Support Guidelines. The Kansas Child Support Guidelines require that the parties provide income information to the court prior to the court making a determination of the support obligation. Also, the guidelines, to be in compliance with the federal IV-D regulations, also require the court to consider all income of the parties. To set the initial support obligation based on the assumption that the parties only earn minimum wages is contrary to the procedure established for all other cases in setting a support obligation.

I invite your attention to new section 10 on page 11 and section 25 on page 31. These sections direct judges hearing cases to assume that both parents are employed at minimum wage as well as giving other assumed conditions by which to apply the guidelines. Later, this bill permits modification of an initial order entered using these statutory assumptions without requiring a showing of material change of circumstances (see lines 25 through 35, page 13 and lines 28 through 38, page 33). I believe that both parents should be notified in advance to be prepared to make full disclosure of their income at the initial child support hearing, thereby saving judicial time and resources.

I recommend passage of this bill with the amendments that I have presented.

Thank you for the opportunity to discuss SB 588 with you.

*Civil Procedure Subcommittee
March 4, 1992
Attachment 10*

district attorney.

(b) *Form of summons.* The summons shall be issued by the clerk dated the day it is issued, contain the name of the court and caption of the case and be in substantially the following form:

(Name of Court)

In the Interest of _____ Case No. _____
(Name[s])

Date of birth _____

Each a child under 18 years of age

S U M M O N S

TO:

(Names)

(Relationship)

(Addresses)

(Names)	(Relationship)	(Addresses)
_____	_____	_____
_____	_____	_____
_____	_____	_____

A petition has been filed in this court, a copy of which is attached.

On _____, 19____, at _____ o'clock _____m. the above parent(s) and any other person having legal custody are required to appear before this court at _____, or prior to that time file your written response to the petition with the clerk of this court.

Failure to respond or to appear before the court at the above time will not prevent the court from entering judgment that each child is a child in need of care if it finds judgment should be granted and removing the child from the custody of parents or any other present legal custodian until the further order of the court. *The court may order one or both parents to pay child support.* If, after a child has been adjudged to be a child in need of care, the court finds a parent or parents to be unfit, the court may make an order permanently terminating the parent's or parents' parental rights.

so at this hearing parents must be prepared to establish the amount of annual income they receive.

_____, an attorney, has been appointed as guardian *ad litem* for the child or children. Each parent or legal custodian has the right to appear and be heard personally either with or without an attorney. The court will appoint an attorney for any parent who is financially unable to hire one.

Date _____, 19____ Clerk of the District Court

by _____

(Seal)

Sec. 7. K.S.A. 1991 Supp. 38-1543 is hereby amended to read as follows: 38-1543. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

A hearing hereunder shall be held within 48 hours, excluding Saturdays, Sundays and legal holidays, following a child having been

10-714

1 .en into protective custody.

2 (c) Whenever it is determined that a temporary custody hearing
3 is required, the court shall immediately set the time and place for
4 the hearing. Notice of a temporary custody hearing shall be in sub-
5 stantially the following form:

6 (Name of Court)

7 (Caption of Case)

8 NOTICE OF TEMPORARY CUSTODY HEARING

9 TO:

10 (Names)

(Relationship)

(Addresses)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

15 On _____, _____, 19____, at _____ o'clock ____m. the court
16 (day) (date)

17 will conduct a hearing at _____ to determine if the above named child
18 or children should be in the temporary custody of some person or agency other than
19 the parent or other person having legal custody prior to the hearing on the petition
20 filed in the above-captioned case. *The court may order one or both parents to pay
21 child support.*

so at this hearing parents must be prepared to establish the amount of annual income they receive.

22 _____, an attorney, has been appointed as guardian *ad litem* for the
23 child or children. Each parent or other legal custodian has the right to appear and
24 be heard personally, either with or without an attorney. An attorney will be appointed
25 for a parent who can show that the parent is not financially able to hire one.

26 Date _____, 19____ Clerk of the District Court
27 by _____

28 (Seal)

29 REPORT OF SERVICE

30 I certify that I have delivered a true copy of the above notice to the persons above
31 named in the manner and at the times indicated below:

32 Name	33 Location of Service (other than above)	34 Manner of Service	35 Date	36 Time
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

37 Date Returned _____, 19____

38 (Signature)

39 (Title)

40 (d) Notice of the temporary custody hearing shall be given at
41 least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of

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the party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice in substantially the following form:

(Name of Court)

(Caption of Case)

CERTIFICATE OF ORAL NOTICE OF TEMPORARY CUSTODY HEARING

I gave oral notice that the court will conduct a hearing at _____ o'clock _____ m. on _____, 19____, to the persons listed, in the manner and at the times indicated below:

Name	Relationship	Date	Time	Method of Communication (in person or telephone)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I advised each of the above persons that:

- (1) The hearing is to determine if the above child or children should be in the temporary custody of a person or agency other than a parent;
- (2) the court will appoint an attorney to serve as guardian *ad litem* for the child or children named above;
- (3) each parent or legal custodian has the right to appear and be heard personally either with or without an attorney; and
- (4) an attorney will be appointed for a parent who can show that the parent is not financially able to hire an attorney; and
- (5) the court may order one or both parents to pay child support

so at this hearing parents must be prepared to establish the amount of annual income they receive.

(Signature)

(Name Printed)

(Title)

(f) The court may enter an order of temporary custody after determining that: (1) The child is dangerous to self or to others; (2) the child is not likely to be available within the jurisdiction of the court for future proceedings; or (3) the health or welfare of the child may be endangered without further care.

(g) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary

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1 38-1564. (a) After the entry of any dispositional order, the court may
 2 rehear the matter on its own motion or the motion of any interested
 3 party. Upon notice to all interested parties and after the rehearing,
 4 the court may enter any dispositional order authorized by this code,
 5 *except that a child support order which has been registered under*
 6 *section 12 and amendments thereto may only be modified pursuant*
 7 *to section 12 and amendments thereto.*

8 (b) Before entering an order placing the child in the custody of
 9 a person other than the child's parent, the court shall require notice
 10 of the time and place of the rehearing to be given to all the child's
 11 grandparents at their last known addresses or, if no grandparent is
 12 living or if no living grandparent's address is known, to the closest
 13 relative of each of the child's parents whose address is known. Such
 14 notice shall be given by restricted mail not less than 10 business
 15 days before the rehearing. The provisions of this subsection shall
 16 not require additional notice to any person otherwise receiving notice
 17 of the rehearing pursuant to K.S.A. 38-1536 and amendments
 18 thereto.

19 New Sec. 10. ~~(a) In determining the amount of a child support~~
 20 ~~order under the Kansas code for care of children, the court shall~~
 21 ~~apply the Kansas child support guidelines adopted pursuant to K.S.A.~~
 22 ~~20-165 and amendments thereto. Except as provided in subsection~~
 23 ~~(b), the court shall presume in initially applying the guidelines that:~~

24 (1) Both parents have only gross earned income equal to 40 hours
 25 per week at the federal minimum wage then in effect;

26 (2) neither parent's income is subject to adjustment for any
 27 reason;

28 (3) the number of children is as alleged in the petition;

29 (4) the age of each child is as alleged in the petition or, if un-
 30 known, is between seven and 15 years;

31 (5) no adjustment for child care, health or dental insurance or
 32 income tax exemption is appropriate; and

33 (6) neither parent is entitled to any other credit or adjustment.

34 (b) A presumption in subsection (a)(1), (a)(2), (a)(5) or (a)(6) may
 35 be overcome by stipulation of the parties or by a preponderance of
 36 evidence showing that use of the presumption in applying the guide-
 37 lines would result in economic hardship and that the party cannot
 38 be adequately protected by section 12 and amendments thereto. A
 39 presumption in subsection (a)(3) or (a)(4) may be overcome by stip-
 40 ~~ulation of the parties or by a preponderance of evidence.~~

41 New Sec. 11. When child support is ordered pursuant to the
 42 Kansas code for care of children, a separate journal entry or judgment
 43 form shall be made for each parent ordered to pay child support.

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1 this section, the county or district attorney shall take the actions
2 permitted or required in subsections (a) and (d) on behalf of the
3 secretary, unless otherwise requested by the secretary.

4 (f) A child support order registered pursuant to this section shall
5 have the same force and effect as an original child support order
6 entered under chapter 60 of the Kansas Statutes Annotated including,
7 but not limited to:

8 (1) The registered order shall become a lien on the real estate
9 of the judgment debtor in the county from the date of registration;

10 (2) execution or other action to enforce the registered order may
11 be had from the date of registration;

12 (3) the registered order may itself be registered pursuant to any
13 law, including but not limited to the revised uniform reciprocal
14 enforcement of support act (1968);

15 (4) if any installment of support due under the registered order
16 becomes a dormant judgment, it may be revived pursuant to K.S.A.
17 60-2404 and amendments thereto; and

18 (5) the court shall have continuing jurisdiction over the parties
19 and subject matter ~~and, except as otherwise provided in subsection~~
20 ~~(g), may modify any prior support order when a material change in~~
21 ~~circumstances is shown irrespective of the present domicile of the~~
22 ~~child or parents. The court may make a modification of child support~~
23 ~~retroactive to a date at least one month after the date that the motion~~
24 ~~to modify was filed with the court.~~

25 ~~(g) If a motion to modify the child support order is filed within~~
26 ~~three months after the date of registration pursuant to this section~~
27 ~~and if no motion to modify the order has previously been heard,~~
28 ~~the court shall apply the Kansas child support guidelines adopted~~
29 ~~pursuant to K.S.A. 20-165 and amendments thereto without re-~~
30 ~~quiring any party to show that a material change of circumstances~~
31 ~~has occurred, without regard to any previous presumption or stip-~~
32 ~~ulation used to determine the amount of the child support order,~~
33 ~~and irrespective of the present domicile of the child or parents.~~
34 ~~Nothing in this subsection shall prevent or limit enforcement of the~~
35 ~~support order during the three months after the date of registration.~~

36 New Sec. 13. (a) The remedies provided in this code with respect
37 to child support are in addition to and not in substitution for any
38 other remedy.

39 (b) This section and sections 10, 11 and 12 and amendments
40 thereto shall be part of and supplemental to the Kansas code for
41 ure of children.

42 Sec. 14. K.S.A. 1991 Supp. 38-1610 is hereby amended to read
43 as follows: 38-1610. (a) Except as provided in subsection (b), any

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(b) Form. The summons shall be issued by the clerk, dated the day it is issued, contain the name of the court and the caption of the case and be in substantially the following form:

(Name of Court)

In the Matter of _____, Respondent Case No. _____

Date of birth _____

A _____ male _____ female under the age of 18 years.

S U M M O N S

TO: _____
(Juvenile)

(Father)

(Mother)

(Other having custody-relationship) (Address)

A complaint has been filed in this court, a copy of which is attached.

On _____, 19____, at _____ o'clock _____m. the above-named juvenile and a parent and any other person having legal custody are required to appear before this court at _____. Failure to appear may cause the juvenile to be taken into custody and brought before the court.

The juvenile will be required to admit or deny the statements in the complaint. You have the right to hire an attorney to represent the above juvenile. If you do not hire an attorney, the court will appoint an attorney for the juvenile. The juvenile, parent or other person having legal custody of the juvenile may be required to repay the court for the expense of the appointed attorney. *The court may order one or both parents to pay child support.*

Date _____, 19____ Clerk of the District Court by _____

(Seal)

Sec. 18. K.S.A. 38-1632 is hereby amended to read as follows: 38-1632. (a) Length of detention. Whenever an alleged juvenile offender is taken into custody and is thereafter taken before the court or to a juvenile detention facility or youth residential facility designated by the court, the juvenile shall not remain detained for more than 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the initial detention was imposed, unless the court determines after hearing, within the forty-eight-hour period, that further detention is necessary.

so at this hearing parents must be prepared to establish the amount of annual income they receive.

(b) Waiver of detention hearing. The right of a juvenile to a

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2 etention hearing may be waived if the juvenile and the attorney
 3 for the juvenile consent in writing to waive the right to a detention
 4 hearing and the judge approves the waiver. Whenever the right to
 5 a detention hearing has been waived, the juvenile, the attorney for
 6 the juvenile or the juvenile's parents may reassert the right at any
 7 time not less than 48 hours prior to the time scheduled for adju-
 8 dication by submitting a written request to the judge. Upon request,
 9 the judge shall immediately set the time and place for the hearing,
 10 which shall be held not more than 48 hours after the receipt of the
 11 request excluding Saturdays, Sundays and legal holidays.

12 (c) *Notice of hearing.* Whenever it is determined that a detention
 13 hearing is required the court shall immediately set the time and
 14 place for the hearing. Notice of the detention hearing shall be given
 15 at least 24 hours prior to the hearing, unless waived, and shall be
 16 in substantially the following form:

(Name of Court)

(Caption of Case)

NOTICE OF DETENTION HEARING

17 TO: _____
 18 (Juvenile)
 19 _____
 20 (Father)
 21 _____
 22 (Mother)
 23 _____
 24 (Other having custody- (Address)
 25 relationship) _____

26 On _____, 19____, at _____ o'clock _____m. there will
 27 (day) (date)

28 be a hearing for the court to determine if there is a need for further detention of
 29 the above named juvenile. Each parent or other person having legal custody of the
 30 juvenile should be present at the hearing which will be held at _____.

31 You have the right to hire an attorney to represent the above juvenile. Upon failure
 32 to hire an attorney the court will appoint an attorney for the juvenile and the juvenile,
 33 parent or other person having legal custody of the juvenile may be required to repay
 34 the court for the expense of the appointed attorney. *The court may order one or*
 35 *both parents to pay child support.*

36 Date: _____, 19____
 37 Clerk of the District Court
 38 by _____

(Seal)

REPORT OF SERVICE

so at this hearing parents must be prepared to establish the amount of annual income they receive.

39 I certify that I have delivered a true copy of the above notice on the persons
 40 named in the manner and at the times indicated below:

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Location of Service (other than above)	Manner of Service	Date	Time
---	-------------------	------	------

Date Returned: _____, 19____

(Signature)

(Title)

(d) *Oral notice.* When there is insufficient time to give written notice, oral notice may be given and is completed upon filing a certificate of oral notice with the clerk in substantially the following form:

(Name of Court)

(Caption of Case)

CERTIFICATE OF ORAL NOTICE OF DETENTION HEARING

I gave oral notice that the court will hold a hearing at _____ o'clock ____m. on _____, 19____, to the persons listed, in the manner and at the times indicated below:

Name	Relationship	Date	Time	Method of Communication (in person or telephone)
------	--------------	------	------	---

I advised each of the above named persons that:

- (1) The hearing is to determine if the above named juvenile shall be detained;
 - (2) each parent or person having legal custody should be present at the hearing;
 - (3) they have the right to hire an attorney of their own choice for the juvenile;
 - (4) if an attorney is not hired, the court will appoint an attorney for the juvenile;
- and
- (5) the juvenile, parent or other person having custody of the juvenile may be required to repay the court for the expense of the appointed attorney; and
 - (6) *the court may order one or both parents to pay child support;*

so at this hearing parents must be prepared to establish the amount of annual income they receive.

(Signature)

(Name Printed)

(Title)

(e) *Hearing, finding, bond.* At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney for the juvenile, and may recess the hearing for 24 hours to obtain attendance of the attorney appointed. At the detention hearing, if the court finds the juvenile is dangerous to self or others, the juvenile may be detained in a juvenile

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1 Detention hearing has been waived, the juvenile, the attorney for
 2 the juvenile or the juvenile's parents may reassert the right at any
 3 time not less than 48 hours prior to the time scheduled for adju-
 4 dication by submitting a written request to the judge. Upon request,
 5 the judge shall immediately set the time and place for the hearing,
 6 which shall be held not more than 48 hours after the receipt of the
 7 request excluding Saturdays, Sundays and legal holidays.

8 (c) *Notice of hearing.* Whenever it is determined that a detention
 9 hearing is required the court shall immediately set the time and
 10 place for the hearing. Except as otherwise provided by subsection
 11 (b)(1) of ~~section 7~~ *K.S.A. 1991 Supp. 38-1691 and amendments*
 12 *thereto*, notice of the detention hearing shall be given at least 24
 13 hours prior to the hearing, unless waived, and shall be in substan-
 14 tially the following form:

(Name of Court)

(Caption of Case)

NOTICE OF DETENTION HEARING

18 TO: _____
 19 (Juvenile) _____
 20 _____
 21 (Father) _____
 22 _____
 23 (Mother) _____
 24 _____
 25 (Other having custody- (Address)
 26 relationship) _____

27 On _____, 19____, at _____ o'clock _____m.
 28 (day) (date)

29 there will be a hearing for the court to determine if there is a need for further
 30 detention of the above named juvenile. Each parent or other person having legal
 31 custody of the juvenile should be present at the hearing which will be held at
 32 _____.

33 You have the right to hire an attorney to represent the above juvenile. Upon failure
 34 to hire an attorney the court will appoint an attorney for the juvenile and the juvenile,
 35 parent or other person having legal custody of the juvenile may be required to repay
 36 the court for the expense of the appointed attorney. *The court may order one or*
 37 *both parents to pay child support.*

38 Date: _____, 19____ Clerk of the District Court
 39 by _____

(Seal)

REPORT OF SERVICE

41 certify that I have delivered a true copy of the above notice on the persons
 42 ve named in the manner and at the times indicated below:
 43

so at this hearing parents must be prepared to establish the amount of annual income they receive.

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Name	Location of Service (other than above)	Manner of Service	Date	Time
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Date Returned: _____, 19____

_____ (Signature)

_____ (Title)

(d) *Oral notice.* When there is insufficient time to give written notice, oral notice may be given and is completed upon filing a certificate of oral notice with the clerk in substantially the following form:

(Name of Court)

(Caption of Case)

CERTIFICATE OF ORAL NOTICE OF DETENTION HEARING

I gave oral notice that the court will hold a hearing at _____ o'clock _____m. on _____, 19____, to the persons listed, in the manner and at the times indicated below:

Name	Relationship	Date	Time	Method of Communication (in person or telephone)
_____	_____	_____	_____	_____

- I advised each of the above named persons that:
- (1) The hearing is to determine if the above named juvenile shall be detained;
 - (2) each parent or person having legal custody should be present at the hearing;
 - (3) they have the right to hire an attorney of their own choice for the juvenile;
 - (4) if an attorney is not hired, the court will appoint an attorney for the juvenile;
- and
- (5) the juvenile, parent or other person having custody of the juvenile may be required to repay the court for the expense of the appointed attorney; and

(6) the court may order one or both parents to pay child support.

so parents must be prepared to establish the amount of income they receive at this hearing.

_____ (Signature)

_____ (Name Printed)

_____ (Title)

(e) *Hearing, finding, bond.* At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney for the juvenile, and may recess the hearing for 24 hours to obtain attendance of the attorney appointed unless the juvenile is detained in jail pursuant to subsection (b)(1) of section 7 K.S.A. 1991 Supp. 38-1691 and amendments

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1 under the same procedure as for a hearing on a complaint. If
 2 the court finds at the hearing that the juvenile offender violated a
 3 condition of probation or placement, the court may extend or modify
 4 the terms of probation or placement or enter another authorized
 5 disposition, *except that a child support order which has been reg-*
 6 *istered under section 27 and amendments thereto may only be mod-*
 7 *ified pursuant to section 27 and amendments thereto.*

8 New Sec. 24. (a) If a party denies the existence of the parent
 9 and child relationship between that party and the juvenile, the court
 0 may stay child support proceedings, if any are pending in the case,
 1 with respect to that alleged parent and child relationship until the
 2 dispute is resolved by agreement, by a separate action under the
 3 Kansas parentage act, or otherwise. Nothing in this section shall be
 4 construed to limit the power of the court to carry out the purposes
 5 of the Kansas juvenile offenders code.

6 (b) When there is a dispute with respect to a parent and child
 7 relationship, the court or the custodian of the juvenile may consent
 8 to examinations of the juvenile including, but not limited to, with-
 9 drawal of blood or other body fluids or tissues, for the purpose of
 0 resolving the parentage dispute.

1 (c) This section shall be part of and supplemental to the Kansas
 2 juvenile offenders code.

3 New Sec. 25. ~~(a)~~ In determining the amount of a child support
 4 order under the Kansas juvenile offenders code, the court shall apply
 5 the Kansas child support guidelines adopted pursuant to K.S.A. 20-
 6 165 and amendments thereto. ~~Except as provided in subsection (b),~~
 7 the court shall presume in initially applying the guidelines that:

8 (1) Both parents have only gross earned income equal to 40 hours
 9 per week at the federal minimum wage then in effect;

0 (2) neither parent's income is subject to adjustment for any
 1 reason;

2 (3) the number of children is as alleged in the complaint;

3 (4) the age of each child is as alleged in the complaint or, if
 4 unknown, is between seven and 15 years;

5 (5) no adjustment for child care, health or dental insurance or
 6 income tax exemption is appropriate; and

7 (6) neither parent is entitled to any other credit or adjustment.

8 (b) A presumption in subsection (a)(1), (a)(2), (a)(5) or (a)(6) may
 9 be overcome by stipulation of the parties or by a preponderance of
 0 evidence showing that use of the presumption in applying the guide-
 1 lines would result in economic hardship and that the party cannot
 2 adequately be protected by section 27 and amendments thereto. A
 3 ~~presumption in subsection (a)(3) or (a)(4) may be overcome by stip-~~

4 ~~ulation in subsection (a)(3) or (a)(4) may be overcome by stip-~~

~~on of the parties or by a preponderance of evidence.~~

ew Sec. 26. When child support is ordered pursuant to the

Kansas juvenile offenders code, a separate journal entry or judgment form shall be made for each parent ordered to pay child support. The journal entry or judgment form shall be entitled:

"In the matter of _____ and _____"

(obligee's name)

(obligor's name)

and shall contain no reference to the official file or social file in the case except the facts necessary to establish personal jurisdiction over the parent, the name and date of birth of each child, and findings of fact and conclusions of law directly related to the child support obligation. If the court issues an income withholding order for the parent, it shall be captioned in the same manner.

New Sec. 27. (a) A party entitled to receive child support under an order issued pursuant to the Kansas juvenile offenders code may file with the clerk of the district court in the county in which the judgment was rendered the original child support order and the original income withholding order, if any. If the original child support or income withholding order is unavailable for any reason, a certified or authenticated copy of the order may be substituted. The clerk of the district court shall number the child support order as a case filed under chapter 60 of the Kansas Statutes Annotated and enter the numbering of the case on the appearance docket of the case. Registration of a child support order under this section shall be without cost or docket fee.

(b) If the number assigned to a case under the Kansas juvenile offenders code appears in the caption of a document filed pursuant to this section, the clerk of the district court may obliterate that number and replace it with the new case number assigned pursuant to this section.

(c) The filing of the child support order shall constitute registration under this section. Upon registration of the child support order, all matters related to that order, including but not limited to modification of the order, shall proceed under the new case number. Registration of a child support order under this section does not confer jurisdiction in the registration case for custody or visitation issues.

(d) The party registering a child support order shall serve a copy of the registered child support order and income withholding order, if any, upon the interested parties by first-class mail. The party registering the child support order shall file, in the official file for each child affected, either a copy of the registered order showing the case number or a statement that includes the caption, new

1 e number and date of registration of the child support order.

2 (e) If the secretary of social and rehabilitation services is entitled
3 to receive payment under an order which may be registered under
4 this section, the county or district attorney shall take the actions
5 permitted or required in subsections (a) and (d) on behalf of the
6 secretary, unless otherwise requested by the secretary.

7 (f) A child support order registered pursuant to this section shall
8 have the same force and effect as an original child support order
9 entered under chapter 60 of the Kansas Statutes Annotated including,
10 but not limited to:

11 (1) The registered order shall become a lien on the real estate
12 of the judgment debtor in the county from the date of registration;

13 (2) execution or other action to enforce the registered order may
14 be had from the date of registration;

15 (3) the registered order may itself be registered pursuant to any
16 law, including but not limited to the revised uniform reciprocal
17 enforcement of support act (1968);

18 (4) if any installment of support due under the registered order
19 becomes a dormant judgment, it may be revived pursuant to K.S.A.
20 60-2404 and amendments thereto; and

21 (5) the court shall have continuing jurisdiction over the parties
22 and subject matter and, ~~except as otherwise provided in subsection~~
23 ~~(g),~~ may modify any prior support order when a material change in
24 circumstances is shown irrespective of the present domicile of the
25 child or parents. The court may make a modification of child support
26 retroactive to a date at least one month after the date that the motion
27 to modify was filed with the court.

28 ~~(g) If a motion to modify the child support order is filed within~~
29 ~~three months after the date of registration pursuant to this section~~
30 ~~and if no motion to modify the order has previously been heard,~~
31 ~~the court shall apply the Kansas child support guidelines adopted~~
32 ~~pursuant to K.S.A. 20-165 and amendments thereto without re-~~
33 ~~quiring any party to show that a material change of circumstances~~
34 ~~has occurred, without regard to any previous presumption or stip-~~
35 ~~ulation used to determine the amount of the child support order,~~
36 ~~and irrespective of the present domicile of the child or parents.~~
37 ~~Nothing in this subsection shall prevent or limit enforcement of the~~
38 ~~support order during the three months after the date of registration.~~

39 New Sec. 28. (a) The remedies provided in this code with respect
40 to child support are in addition to and not in substitution for any
41 other remedy.

42 (b) This section and sections 24, 25, 26 and 27 and amendments
hereto shall be part of and supplemental to the Kansas juvenile



KANSAS CHILD SUPPORT ENFORCEMENT ASSOCIATION

March 4, 1992

Kansas State Senate
Judiciary Committee
Civil Subcommittee
State Capitol Building
Topeka, Kansas 66612

Dear Subcommittee Members:

The Kansas Child Support Enforcement Association (KCSEA) thanks the Senate Judiciary Committee, Civil Subcommittee for the opportunity to appear as proponent for the following items of legislation:

SB 588 - Foster Care Juvenile Offender Support Amendments.

SB 732 - Immediate Income Withholding Order Modifications.

KCSEA is a broad based non-profit organization whose membership is open to any individual with an interest in child support in the State of Kansas, including family law academicians, court clerks, SRS and Court Trustee employees and both custodial and non-custodial parents.

Sincerely,

Brian M. Farley
Board of Directors
Chairman, Legislative Committee

BMF:sh

Civil Procedure Subcommittee
March 4, 1992
Attachment 11

1/1

SOCIAL AND REHABILITATION SERVICES
Child Support Enforcement Program

Senate Bill 588

(Support orders in foster care and juvenile offender cases)

Sample cases, comparing support amounts computed:

- o In juvenile court using the presumptions of SB 588 (Column 5)
- o In a modification using actual incomes, where there are no other factors or adjustments (Column 6)
- o In a modification using actual incomes, where there are special factors or adjustments (Column 7)

1	2	3	4	5	6	7
CASE	M/F	COMMENTS	INCOMES	JUVENILE CT. MODIFICATION WORKSHEET	- NO ADJUST.	MOD'N
=====	====	=====	=====	=====	=====	=====
APPLE	M		722	110	~	106
APPLE	F	Not served; income unknown	0	110	~	0
			<u>722</u>			
BOOT	M	Defaulted; \$0 income	0	128	0	0
BOOT	F	Pays ins; \$150 spec. needs	1583	128	282	132
			<u>1583</u>			
CLOCK	M	Not served; income unknown	0	110	0	0
CLOCK	F	2 other children at home	654	110	99	67
			<u>654</u>			
DOOR	M		780	110	~	118
DOOR	F		912	110	~	139
			<u>1692</u>			
EGG	M	Pays ins; \$88 spec. needs	675	128	115	27
EGG	F	Order assigned to SRS	0	128	0	0
			<u>675</u>			
FLOWER	M		912	236	~	283
FLOWER	F		1962	236	~	609
			<u>2874</u>			

Civil Procedure Subcommittee
March 4, 1992
Attachment 12 *4/1*

Juvenile Court
1 child, 1. 18

IN THE JUDICIAL DISTRICT OF THE
DISTRICT COURT OF COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF:

MOTHER ONE-TEEN

AND

CASE NO. 92 D 111

FATHER ONE-TEEN

CHILD SUPPORT WORKSHEET

		Parent A	Parent B
A.	Income Computation - Wage Earner		
1.	Domestic Gross Income	\$730	\$730
B.	Income Computation - Self Employed		
1.	Self-Employment Gross Income	\$0	\$0
2.	Reasonable Business Expenses (-)	\$0 (-)	\$0
		=====	=====
3.	Domestic Gross Income	\$0	\$0
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME		
1.	Domestic Gross Income	\$730	\$730
2.	Court-Ordered Child Support Paid (-)	\$0 (-)	\$0
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0
4.	Court-Ordered Maintenance Received (+)	\$0 (+)	\$0
		=====	=====
5.	CHILD SUPPORT INCOME	\$730	\$730
D.	COMPUTATION OF CHILD SUPPORT		
1.	Child Support Income	\$730	\$730
			= \$1,460
2.	Proportionate Shares of Combined Income	50.0%	50.0%
3.	Basic Child Support Obligation:		

Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Obligation
Number Per-Age Category	0	0	1	0
Total Amount	\$0	\$0	\$255	\$255

In the Matter of the Marriage of
 ONE-TEEN and ONE-TEEN
 Case No. 92 D 111

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$255
7. Parental Child Support Obligation	\$128		\$128
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$128		\$128

E. CHILD SUPPORT ADJUSTMENTS

	CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED	
				PETITIONER	RESPONDENT
1.	<input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2.	<input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3.	<input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4.	<input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5.	<input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6.	<input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7.	<input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8.	<input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
				=====	=====
9. TOTAL				\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$128	\$128
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$128	\$128

13-2/39

In the Matter of the Marriage of
 ONE-TEEN and ONE-TEEN
 Case No. 92 D 111

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$255
7. Parental Child Support Obligation	\$128		\$128
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$128		\$128

E. CHILD SUPPORT ADJUSTMENTS

	CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED	
				PETITIONER	RESPONDENT
1.	<input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2.	<input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3.	<input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption -	\$0	\$0
4.	<input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5.	<input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6.	<input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7.	<input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8.	<input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
				=====	=====
9. TOTAL				\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$128	\$128
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$128	\$128

13-3/39

1 child, -15

IN THE JUDICIAL DISTRICT OF THE
DISTRICT COURT OF COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF:

MOTHER ONE-MIDDLE

AND

CASE NO. 92 D 11

FATHER ONE-MIDDLE

CHILD SUPPORT WORKSHEET

		Parent A		Parent B	
A.	Income Computation - Wage Earner				
1.	Domestic Gross Income	\$730		\$730	
B.	Income Computation - Self Employed				
1.	Self-Employment Gross Income	\$0		\$0	
2.	Reasonable Business Expenses (-)	\$0	(-)	\$0	
		=====		=====	
3.	Domestic Gross Income	\$0		\$0	
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1.	Domestic Gross Income	\$730		\$730	
2.	Court-Ordered Child Support Paid (-)	\$0	(-)	\$0	
3.	Court-Ordered Maintenance Paid (-)	\$0	(-)	\$0	
4.	Court-Ordered Maintenance Received (+)	\$0	(+)	\$0	
		=====		=====	
5.	CHILD SUPPORT INCOME	\$730		\$730	
D.	COMPUTATION OF CHILD SUPPORT				
1.	Child Support Income	\$730	=	\$1,460	
2.	Proportionate Shares of Combined Income	50.0%		50.0%	
3.	Basic Child Support Obligation:				
	Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
	Number Per-Age Category	0	1	0	0
	Total Amount	\$0	\$219	\$0	= \$219

13-4/39

In the Matter of the Marriage of
 ONE-MIDDLE and ONE-MIDDLE
 Case No. 92 D 11

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation			\$219
7. Parental Child Support Obligation	\$110		\$110
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$110		\$110

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$110	\$110
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$110	\$110

Juvenile Court
1 child, -6

IN THE JUDICIAL DISTRICT OF THE
DISTRICT COURT OF COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF:

MOTHER ONE

AND

CASE NO. 91 D 1

FATHER ONE

CHILD SUPPORT WORKSHEET

		Parent A	Parent B		
A.	Income Computation - Wage Earner				
1.	Domestic Gross Income	\$730	\$730		
B.	Income Computation - Self Employed				
1.	Self-Employment Gross Income	\$0	\$0		
2.	Reasonable Business Expenses (-)	\$0 (-)	\$0 (-)		
		=====	=====		
3.	Domestic Gross Income	\$0	\$0		
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1.	Domestic Gross Income	\$730	\$730		
2.	Court-Ordered Child Support Paid (-)	\$0 (-)	\$0 (-)		
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0 (-)		
4.	Court-Ordered Maintenance Received (+)	\$0 (+)	\$0 (+)		
		=====	=====		
5.	CHILD SUPPORT INCOME	\$730	\$730		
D.	COMPUTATION OF CHILD SUPPORT				
1.	Child Support Income	\$730	\$730		
			= \$1,460		
2.	Proportionate Shares of Combined Income	50.0%	50.0%		
3.	Basic Child Support Obligation:				
	Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
	Number Per-Age Category	1	0	0	0
	Total Amount	\$187	\$0	\$0	= \$187

13-6/39

In the Matter of the Marriage of
 ONE and ONE
 Case No. 91 D 1

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	=====\$0
5. Work-Related Child Care Costs	\$0	+	=====\$0
			=====\$0
6. Parents' Total Child Support Obligation ----->			\$187
7. Parental Child Support Obligation	\$94		\$94
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$94		\$94

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED PETITIONER	RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$94	\$94
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$94	\$94

2 children
1, 7-17
1, 16-18

IN THE JUDICIAL DISTRICT OF THE
DISTRICT COURT OF COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF:
MOTHER TWO-MID-HI AND FATHER TWO-MID-HI

CASE NO. 92 D 23

FATHER TWO-MID-HI

CHILD SUPPORT WORKSHEET

A. Income Computation - Wage Earner		Parent A	Parent B	
1.	Domestic Gross Income	\$730	\$730	
B. Income Computation - Self Employed				
1.	Self-Employment Gross Income	\$0	\$0	
2.	Reasonable Business Expenses (-)	\$0 (-)	\$0	
		=====	=====	
3.	Domestic Gross Income	\$0	\$0	
C. ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1.	Domestic Gross Income	\$730	\$730	
2.	Court-Ordered Child Support Paid (-)	\$0 (-)	\$0	
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0	
4.	Court-Ordered Maintenance Received (+)	\$0 (+)	\$0	
		=====	=====	
5.	CHILD SUPPORT INCOME	\$730	\$730	
D. COMPUTATION OF CHILD SUPPORT				
1.	Child Support Income	\$730	\$730	
			= \$1,460	
2.	Proportionate Shares of Combined Income	50.0%	50.0%	
3.	Basic Child Support Obligation:			
Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
Number Per-Age Category	0	1	1	0
Total Amount	\$0	\$173	\$202	= \$375

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In the Matter of the Marriage of
 TWO-MID-HI and TWO-MID-HI
 Case No. 92 D 23

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$375
7. Parental Child Support Obligation	\$188		\$188
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$188		\$188

E. CHILD SUPPORT ADJUSTMENTS

	CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED	
				PETITIONER	RESPONDENT
1.	<input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2.	<input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3.	<input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4.	<input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5.	<input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6.	<input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7.	<input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8.	<input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
				=====	=====
9. TOTAL				\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$188	\$188
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$188	\$188

13-9/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER APPLE-JN

AND

FATHER APPLE-JN

CASE NO. 93 JN 2

CHILD SUPPORT WORKSHEET

A.	Income Computation - Wage Earner	Parent A		Parent B	
1.	Domestic Gross Income	\$730		\$730	
B.	Income Computation - Self Employed				
1.	Self-Employment Gross Income	\$0		\$0	
2.	Reasonable Business Expenses (-)	\$0	(-)	\$0	
		=====		=====	
3.	Domestic Gross Income	\$0		\$0	
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1.	Domestic Gross Income	\$730		\$730	
2.	Court-Ordered Child Support Paid (-)	\$0	(-)	\$0	
3.	Court-Ordered Maintenance Paid (-)	\$0	(-)	\$0	
4.	Court-Ordered Maintenance Received (+)	\$0	(+)	\$0	
		=====		=====	
5.	CHILD SUPPORT INCOME	\$730		\$730	
D.	COMPUTATION OF CHILD SUPPORT				
1.	Child Support Income	\$730		\$730	
			=	\$1,460	
2.	Proportionate Shares of Combined Income	50.0%		50.0%	
3.	Basic Child Support Obligation:				
	Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
	Number Per-Age Category	0	1	0	0
	Total Amount	\$0	\$219	\$0	= \$219

13-10/39

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0 =====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0 =====
			\$0
6. Parents' Total Child Support Obligation ----->			\$219
7. Parental Child Support Obligation	\$110		\$110
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0 =====
	=====		=====
9. Net Parental Support Obligation	\$110		\$110

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED PETITIONER	RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$110	\$110
2. Total Child Support Adjustments	\$0 =====	\$0 =====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$110	\$110

13-11/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER APPLE

AND

FATHER APPLE

CASE NO. 93 D 2

CHILD SUPPORT WORKSHEET

	Parent A	Parent B		
A. Income Computation - Wage Earner				
1. Domestic Gross Income	\$722	\$0		
B. Income Computation - Self Employed				
1. Self-Employment Gross Income	\$0	\$0		
2. Reasonable Business Expenses (-)	\$0 (-)	\$0 (-)		
	=====	=====		
3. Domestic Gross Income	\$0	\$0		
C. ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1. Domestic Gross Income	\$722	\$0		
2. Court-Ordered Child Support Paid (-)	\$0 (-)	\$0 (-)		
3. Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0 (-)		
4. Court-Ordered Maintenance Received (+)	\$0 (+)	\$0 (+)		
	=====	=====		
5. CHILD SUPPORT INCOME	\$722	\$0		
D. COMPUTATION OF CHILD SUPPORT				
1. Child Support Income	\$722	\$0		
		= \$722		
2. Proportionate Shares of Combined Income	100.0%	%		
3. Basic Child Support Obligation:				
Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
Number Per-Age Category	0	1	0	0
Total Amount	\$0	\$106	\$0	= \$106

In RE
 APPLE and APPLE
 Case No. 93 D 2

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0 =====
5. Work-Related Child Care Costs	\$0	+	\$0 =====
6. Parents' Total Child Support Obligation ----->			\$106
7. Parental Child Support Obligation	\$106		\$0
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0 =====
9. Net Parental Support Obligation	\$106		\$0

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$106	\$0
2. Total Child Support Adjustments	\$0 =====	\$0 =====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$106	\$0

13-13/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER BOOT-JN
AND
FATHER BOOT-JN

CASE NO. 93 JN 4

CHILD SUPPORT WORKSHEET

		Parent A		Parent B	
A.	Income Computation - Wage Earner				
1.	Domestic Gross Income	\$730		\$730	
B.	Income Computation - Self Employed				
1.	Self-Employment Gross Income	\$0		\$0	
2.	Reasonable Business Expenses (-)	\$0 (-)		\$0	
		=====		=====	
3.	Domestic Gross Income	\$0		\$0	
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1.	Domestic Gross Income	\$730		\$730	
2.	Court-Ordered Child Support Paid (-)	\$0 (-)		\$0	
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)		\$0	
4.	Court-Ordered Maintenance Received (+)	\$0 (+)		\$0	
		=====		=====	
5.	CHILD SUPPORT INCOME	\$730		\$730	
D.	COMPUTATION OF CHILD SUPPORT				
1.	Child Support Income	\$730	=	\$730 \$1,460	
2.	Proportionate Shares of Combined Income	50.0%		50.0%	
3.	Basic Child Support Obligation:				
	Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
	Number Per-Age Category	0	0	1	0
	Total Amount	\$0	\$0	\$255	\$255

13-14/39

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$255
7. Parental Child Support Obligation	\$128		\$128
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$128		\$128

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$128	\$128
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$128	\$128

13-15/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER BOOT-NO ADJ
AND
FATHER BOOT-NO ADJ

CASE NO. 93 D 4

CHILD SUPPORT WORKSHEET

	Parent A	Parent B		
A. Income Computation - Wage Earner				
1. Domestic Gross Income	\$0	\$1,583		
B. Income Computation - Self Employed				
1. Self-Employment Gross Income	\$0	\$0		
2. Reasonable Business Expenses (-)	\$0 (-)	\$0		
	=====	=====		
3. Domestic Gross Income	\$0	\$0		
C. ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1. Domestic Gross Income	\$0	\$1,583		
2. Court-Ordered Child Support Paid (-)	\$0 (-)	\$0		
3. Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0		
4. Court-Ordered Maintenance Received (+)	\$0 (+)	\$0		
	=====	=====		
5. CHILD SUPPORT INCOME	\$0	\$1,583		
D. COMPUTATION OF CHILD SUPPORT				
1. Child Support Income	\$0	\$1,583 = \$1,583		
2. Proportionate Shares of Combined Income	%	100.0%		
3. Basic Child Support Obligation:				
Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
Number Per-Age Category	0	0	1	0
Total Amount	\$0	\$0	\$282	\$282

13-16/39

RE
 DOT-NO ADJ and BOOT-NO ADJ
 Case No. 93 D 4

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$282
7. Parental Child Support Obligation	\$0		\$282
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$0		\$282

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED PETITIONER	RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$0	\$282
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$0	\$282

13-17/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER BOOT

AND

FATHER BOOT

CASE NO. 93 D 4

CHILD SUPPORT WORKSHEET

	Parent A	Parent B		
A. Income Computation - Wage Earner				
1. Domestic Gross Income	\$0	\$1,583		
B. Income Computation - Self Employed				
1. Self-Employment Gross Income	\$0	\$0		
2. Reasonable Business Expenses (-)	\$0 (-)	\$0 (-)		
	=====	=====		
3. Domestic Gross Income	\$0	\$0		
C. ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1. Domestic Gross Income	\$0	\$1,583		
2. Court-Ordered Child Support Paid (-)	\$0 (-)	\$0 (-)		
3. Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0 (-)		
4. Court-Ordered Maintenance Received (+)	\$0 (+)	\$0 (+)		
	=====	=====		
5. CHILD SUPPORT INCOME	\$0	\$1,583		
D. COMPUTATION OF CHILD SUPPORT				
1. Child Support Income	\$0	\$1,583		
		= \$1,583		
2. Proportionate Shares of Combined Income	%	100.0%		
3. Basic Child Support Obligation:				
Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
Number Per-Age Category	0	0	1	0
Total Amount	\$0	\$0	\$282 =	\$282

In RE
 BOOT and BOOT
 Case No. 93 D 4

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$125
			\$125
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$407
7. Parental Child Support Obligation	\$0		\$407
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$125
	=====		=====
9. Net Parental Support Obligation	\$0		\$282

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	-\$150
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	-\$150

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$0	\$282
2. Total Child Support Adjustments	\$0	-\$150
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$0	\$132

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER CLOCK-JN

AND

FATHER CLOCK-JN

CASE NO. 92 JN 5

CHILD SUPPORT WORKSHEET

A.	Income Computation - Wage Earner		Parent A		Parent B
1.	Domestic Gross Income		\$730		\$730
B.	Income Computation - Self Employed				
1.	Self-Employment Gross Income		\$0		\$0
2.	Reasonable Business Expenses	(-)	\$0	(-)	\$0
			=====		=====
3.	Domestic Gross Income		\$0		\$0
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1.	Domestic Gross Income		\$730		\$730
2.	Court-Ordered Child Support Paid	(-)	\$0	(-)	\$0
3.	Court-Ordered Maintenance Paid	(-)	\$0	(-)	\$0
4.	Court-Ordered Maintenance Received	(+)	\$0	(+)	\$0
			=====		=====
5.	CHILD SUPPORT INCOME		\$730		\$730
D.	COMPUTATION OF CHILD SUPPORT				
1.	Child Support Income		\$730	=	\$1,460
2.	Proportionate Shares of Combined Income		50.0%		50.0%
3.	Basic Child Support Obligation:				
	Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
	Number Per-Age Category	0	1	0	0
	Total Amount	\$0	\$219	\$0 =	\$219

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	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0 +		\$0 =====
5. Work-Related Child Care Costs	\$0 +		\$0 =====
6. Parents' Total Child Support Obligation ----->			\$219
7. Parental Child Support Obligation	\$110		\$110
8. Adjustment for Ins. and Child Care (-)	\$0 (-)		\$0 =====
9. Net Parental Support Obligation	\$110		\$110

E. CHILD SUPPORT ADJUSTMENTS

	CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED	
				PETITIONER	RESPONDENT
1.	[_]	[_]	Long Dist. Visitation Costs	\$0	\$0
2.	[_]	[_]	Time Spent w/Non-Custodial	\$0	\$0
3.	[_]	[_]	Income Tax Exemption	\$0	\$0
4.	[_]	[_]	Special Needs	\$0	\$0
5.	[_]	[_]	Agreement Past Minority	\$0	\$0
6.	[_]	[_]	Cost-of-Living Differential	\$0	\$0
7.	[_]	[_]	Residence with Third Party	\$0	\$0
8.	[_]	[_]	Overall Financial Condition	\$0	\$0
				=====	=====
9. TOTAL				\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$110	\$110
2. Total Child Support Adjustments	\$0 =====	\$0 =====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$110	\$110

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER CLOCK-NO ADJ

AND

FATHER CLOCK-NO ADJ

CASE NO. 93 D 5

CHILD SUPPORT WORKSHEET

		Parent A		Parent B	
A.	Income Computation - Wage Earner				
1.	Domestic Gross Income	\$0		\$654	
B.	Income Computation - Self Employed				
1.	Self-Employment Gross Income	\$0		\$0	
2.	Reasonable Business Expenses (-)	\$0 (-)		\$0	
		=====		=====	
3.	Domestic Gross Income	\$0		\$0	
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1.	Domestic Gross Income	\$0		\$654	
2.	Court-Ordered Child Support Paid (-)	\$0 (-)		\$0	
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)		\$0	
4.	Court-Ordered Maintenance Received (+)	\$0 (+)		\$0	
		=====		=====	
5.	CHILD SUPPORT INCOME	\$0		\$654	
D.	COMPUTATION OF CHILD SUPPORT				
1.	Child Support Income	\$0	=	\$654	
				\$654	
2.	Proportionate Shares of Combined Income		%	100.0%	
3.	Basic Child Support Obligation:				
	Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
	Number Per-Age Category	0	1	0	0
	Total Amount	\$0	\$99	\$0	= \$99

13-22/39

	PARENT A	PARENT B
4. Health and Dental Ins. Premium	\$0 +	\$0 =====
5. Work-Related Child Care Costs	\$0 +	\$0 =====
6. Parents' Total Child Support Obligation ----->		\$99
7. Parental Child Support Obligation	\$0	\$99
8. Adjustment for Ins. and Child Care (-)	\$0 (-) =====	\$0 =====
9. Net Parental Support Obligation	\$0	\$99

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED PETITIONER	RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0 =====	\$0 =====
9. TOTAL			\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$0	\$99
2. Total Child Support Adjustments	\$0 =====	\$0 =====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$0	\$99

13-23/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER CLOCK

AND

CASE NO. 93 D 5

FATHER CLOCK

CHILD SUPPORT WORKSHEET

		Parent A	Parent B
A.	Income Computation - Wage Earner		
1.	Domestic Gross Income	\$0	\$654
B.	Income Computation - Self Employed		
1.	Self-Employment Gross Income	\$0	\$0
2.	Reasonable Business Expenses (-)	\$0 (-)	\$0
		=====	=====
3.	Domestic Gross Income	\$0	\$0
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME		
1.	Domestic Gross Income	\$0	\$654
2.	Court-Ordered Child Support Paid (-)	\$0 (-)	\$0
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0
4.	Court-Ordered Maintenance Received (+)	\$0 (+)	\$0
		=====	=====
5.	CHILD SUPPORT INCOME	\$0	\$654
D.	COMPUTATION OF CHILD SUPPORT		
1.	Child Support Income	\$0	\$654 = \$654
2.	Proportionate Shares of Combined Income	%	100.0%
3.	Basic Child Support Obligation:		
	Age of Children	0 - 6	7 - 15
	Number Per-Age Category	0	1
	Total Amount	\$0	\$67
		=====	=====
		\$0	\$67

Child/ren with Oblgr
2

13-24/39

In RE
 CLOCK and CLOCK
 Case No. 93 D 5

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$67
7. Parental Child Support Obligation	\$0		\$67
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$0		\$67

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$0	\$67
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$0	\$67

\$67

13-25/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER DOOR-JN

AND

FATHER DOOR-JN

CASE NO. 93 JN 6

CHILD SUPPORT WORKSHEET

A.	Income Computation - Wage Earner	Parent A	Parent B
1.	Domestic Gross Income	\$730	\$730
B.	Income Computation - Self Employed		
1.	Self-Employment Gross Income	\$0	\$0
2.	Reasonable Business Expenses (-)	\$0 (-)	\$0 (-)
		=====	=====
3.	Domestic Gross Income	\$0	\$0
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME		
1.	Domestic Gross Income	\$730	\$730
2.	Court-Ordered Child Support Paid (-)	\$0 (-)	\$0 (-)
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0 (-)
4.	Court-Ordered Maintenance Received (+)	\$0 (+)	\$0 (+)
		=====	=====
5.	CHILD SUPPORT INCOME	\$730	\$730
D.	COMPUTATION OF CHILD SUPPORT		
1.	Child Support Income	\$730	\$730 = \$1,460
2.	Proportionate Shares of Combined Income	50.0%	50.0%
3.	Basic Child Support Obligation:		
	Age of Children	0 - 6	7 - 15
	Number Per-Age Category	0	1
	Total Amount	\$0	\$219
			Child/ren with Oblgr 0 \$0 = \$219

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	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$219
7. Parental Child Support Obligation	\$110		\$110
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
	=====		=====
9. Net Parental Support Obligation	\$110		\$110

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED PETITIONER	RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$110	\$110
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$110	\$110

13-27/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOM DOOR

AND

DAD DOOR

CASE NO. 93 D 6

CHILD SUPPORT WORKSHEET

		Parent A	Parent B
A.	Income Computation - Wage Earner		
1.	Domestic Gross Income	\$780	\$0
B.	Income Computation - Self Employed		
1.	Self-Employment Gross Income	\$0	\$2,300
2.	Reasonable Business Expenses (-)	\$0 (-)	\$1,288
		=====	=====
3.	Domestic Gross Income	\$0	\$1,012
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME		
1.	Domestic Gross Income	\$780	\$1,012
2.	Court-Ordered Child Support Paid (-)	\$0 (-)	\$100
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0
4.	Court-Ordered Maintenance Received (+)	\$0 (+)	\$0
		=====	=====
5.	CHILD SUPPORT INCOME	\$780	\$912
D.	COMPUTATION OF CHILD SUPPORT		
1.	Child Support Income	\$780	= \$912 \$1,692
2.	Proportionate Shares of Combined Income	46.1%	53.9%
3.	Basic Child Support Obligation:		
	Age of Children	0 - 6	7 - 15
	Number Per-Age Category	0	1
	Total Amount	\$0	\$257
			Child/ren with Oblgr 0 = \$257

13-28/39

In RE
 DOOR and DOOR
 Case No. 93 D 6

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0 =====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0 =====
			\$0
<hr/>			
6. Parents' Total Child Support Obligation ----->			\$257
7. Parental Child Support Obligation	\$118		\$139
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0 =====
	=====		=====
9. Net Parental Support Obligation	\$118		\$139

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$118	\$139
2. Total Child Support Adjustments	\$0 =====	\$0 =====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$118	\$139

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER EGG-JN

AND

FATHER EGG-JN

CASE NO. 92 JN 7

CHILD SUPPORT WORKSHEET

		Parent A	Parent B
A.	Income Computation - Wage Earner		
1.	Domestic Gross Income	\$730	\$730
B.	Income Computation - Self Employed		
1.	Self-Employment Gross Income	\$0	\$0
2.	Reasonable Business Expenses (-)	\$0 (-)	\$0 (-)
		=====	=====
3.	Domestic Gross Income	\$0	\$0
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME		
1.	Domestic Gross Income	\$730	\$730
2.	Court-Ordered Child Support Paid (-)	\$0 (-)	\$0 (-)
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0 (-)
4.	Court-Ordered Maintenance Received (+)	\$0 (+)	\$0 (+)
		=====	=====
5.	CHILD SUPPORT INCOME	\$730	\$730
D.	COMPUTATION OF CHILD SUPPORT		
1.	Child Support Income	\$730	\$730
			= \$1,460
2.	Proportionate Shares of Combined Income	50.0%	50.0%
3.	Basic Child Support Obligation:		
	Age of Children	0 - 6	7 - 15
	Number Per-Age Category	0	0
	Total Amount	\$0	\$0
			<div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> 16 - 18 1 \$255 = </div>
			Child/ren with Oblgr 0 \$255

RE
 EG-JN and EGG-JN
 Case No. 92 JN 7

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0 +		\$0 =====
5. Work-Related Child Care Costs	\$0 +		\$0 =====
6. Parents' Total Child Support Obligation ----->			\$255
7. Parental Child Support Obligation	\$128		\$128
8. Adjustment for Ins. and Child Care (-)	\$0 (-)		\$0 =====
9. Net Parental Support Obligation	\$128		\$128

E. CHILD SUPPORT ADJUSTMENTS

	CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED	
				PETITIONER	RESPONDENT
1.	[_]	[_]	Long Dist. Visitation Costs	\$0	\$0
2.	[_]	[_]	Time Spent w/Non-Custodial	\$0	\$0
3.	[_]	[_]	Income Tax Exemption	\$0	\$0
4.	[_]	[_]	Special Needs	\$0	\$0
5.	[_]	[_]	Agreement Past Minority	\$0	\$0
6.	[_]	[_]	Cost-of-Living Differential	\$0	\$0
7.	[_]	[_]	Residence with Third Party	\$0	\$0
8.	[_]	[_]	Overall Financial Condition	\$0	\$0
				=====	=====
9. TOTAL				\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$128	\$128
2. Total Child Support Adjustments	\$0 =====	\$0 =====
3. ADJUSTED CHILD SUPPORT OBLIGATION	<u>\$128</u>	<u>\$128</u>

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IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER EGG-NO ADJ

AND

FATHER EGG-NO ADJ

CASE NO. 93 D 7

CHILD SUPPORT WORKSHEET

A.	Income Computation - Wage Earner	Parent A	Parent B	
1.	Domestic Gross Income	\$675	\$0	
B.	Income Computation - Self Employed			
1.	Self-Employment Gross Income	\$0	\$0	
2.	Reasonable Business Expenses (-)	\$0 (-)	\$0	
		=====	=====	
3.	Domestic Gross Income	\$0	\$0	
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME			
1.	Domestic Gross Income	\$675	\$0	
2.	Court-Ordered Child Support Paid (-)	\$0 (-)	\$0	
3.	Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0	
4.	Court-Ordered Maintenance Received (+)	\$0 (+)	\$0	
		-----	-----	
5.	CHILD SUPPORT INCOME	\$675	\$0	
D.	COMPUTATION OF CHILD SUPPORT			
1.	Child Support Income	\$675	\$0	
			= \$675	
2.	Proportionate Shares of Combined Income	100.0%	%	
3.	Basic Child Support Obligation:			
Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
Number Per-Age Category	0	0	1	0
Total Amount	\$0	\$0	\$115	= \$115

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In RE
 EGG-NO ADJ and EGG-NO ADJ
 Case No. 93 D 7

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0 =====
5. Work-Related Child Care Costs	\$0	+	\$0 =====
6. Parents' Total Child Support Obligation ----->			\$115
7. Parental Child Support Obligation	\$115		\$0
<hr/>			
8. Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0 =====
9. Net Parental Support Obligation	\$115		\$0

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
9. TOTAL			=====	=====
			\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$115	\$0
2. Total Child Support Adjustments	\$0	\$0
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$115	\$0

13-33/39

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER EGG

AND

CASE NO. 93 D 7

FATHER EGG

CHILD SUPPORT WORKSHEET

	Parent A	Parent B
A. Income Computation - Wage Earner		
1. Domestic Gross Income	\$675	\$0
B. Income Computation - Self Employed		
1. Self-Employment Gross Income	\$0	\$0
2. Reasonable Business Expenses (-)	\$0 (-)	\$0 (-)
	=====	=====
3. Domestic Gross Income	\$0	\$0
C. ADJUSTMENTS TO DOMESTIC GROSS INCOME		
1. Domestic Gross Income	\$675	\$0
2. Court-Ordered Child Support Paid (-)	\$0 (-)	\$0 (-)
3. Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0 (-)
4. Court-Ordered Maintenance Received (+)	\$0 (+)	\$0 (+)
	=====	=====
5. CHILD SUPPORT INCOME	\$675	\$0
D. COMPUTATION OF CHILD SUPPORT		
1. Child Support Income	\$675	\$0 = \$675
2. Proportionate Shares of Combined Income	100.0%	%
3. Basic Child Support Obligation:		
Age of Children	0 - 6 7 - 15 16 - 18	Child/ren with Oblgr
Number Per-Age Category	0 0 1	0
Total Amount	\$0 \$0 \$115	\$115

In RE
 EGG and EGG
 Case No. 93 D 7

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$78	+	\$0 =====
			\$78
5. Work-Related Child Care Costs	\$0	+	\$0 =====
			\$0
<hr/>			
6. Parents' Total Child Support Obligation ----->			\$193
7. Parental Child Support Obligation	\$193		\$0
8. Adjustment for Ins. and Child Care (-)	\$78	(-)	\$0 =====
	=====		=====
9. Net Parental Support Obligation	\$115		\$0

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	-\$88	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Past Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			-\$88	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$115	\$0
2. Total Child Support Adjustments	-\$88 =====	\$0 =====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$27	\$0

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE: MOTHER FLOWER-JN
AND

CASE NO. 93 JN 8

FATHER FLOWER-JN

CHILD SUPPORT WORKSHEET

A.	Income Computation - Wage Earner		Parent A		Parent B
1.	Domestic Gross Income		\$730		\$730
B.	Income Computation - Self Employed				
1.	Self-Employment Gross Income		\$0		\$0
2.	Reasonable Business Expenses	(-)	\$0	(-)	\$0
			=====		=====
3.	Domestic Gross Income		\$0		\$0
C.	ADJUSTMENTS TO DOMESTIC GROSS INCOME				
1.	Domestic Gross Income		\$730		\$730
2.	Court-Ordered Child Support Paid	(-)	\$0	(-)	\$0
3.	Court-Ordered Maintenance Paid	(-)	\$0	(-)	\$0
4.	Court-Ordered Maintenance Received	(+)	\$0	(+)	\$0
			=====		=====
5.	CHILD SUPPORT INCOME		\$730		\$730
D.	COMPUTATION OF CHILD SUPPORT				

1.	Child Support Income	\$730		\$730
			=	\$1,460
2.	Proportionate Shares of Combined Income	50.0%		50.0%
3.	Basic Child Support Obligation:			

Age of Children	0 - 6	7 - 15	16 - 18	Child/ren with Oblgr
Number Per-Age Category	0	2	1	0
Total Amount	\$0	\$298	\$173	= \$471

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4.	Health and Dental Ins. Premium	\$0	+	\$0
				=====
				\$0
5.	Work-Related Child Care Costs	\$0	+	\$0
				=====
				\$0
6.	Parents' Total Child Support Obligation ----->			\$471
7.	Parental Child Support Obligation	\$236		\$236
8.	Adjustment for Ins. and Child Care (-)	\$0	(-)	\$0
		=====		=====
9.	Net Parental Support Obligation	\$236		\$236

E. CHILD SUPPORT ADJUSTMENTS

	CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED	
				PETITIONER	RESPONDENT
1.	[_]	[_]	Long Dist. Visitation Costs	\$0	\$0
2.	[_]	[_]	Time Spent w/Non-Custodial	\$0	\$0
3.	[_]	[_]	Income Tax Exemption	\$0	\$0
4.	[_]	[_]	Special Needs	\$0	\$0
5.	[_]	[_]	Agreement Past Minority	\$0	\$0
6.	[_]	[_]	Cost-of-Living Differential	\$0	\$0
7.	[_]	[_]	Residence with Third Party	\$0	\$0
8.	[_]	[_]	Overall Financial Condition	\$0	\$0
				=====	=====
9.	TOTAL			\$0	\$0

DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1.	Net Parental Child Support Obligation	\$236	\$236
2.	Total Child Support Adjustments	\$0	\$0
		=====	=====
3.	ADJUSTED CHILD SUPPORT OBLIGATION	\$236	\$236

IN THE FIRST JUDICIAL DISTRICT OF THE
DISTRICT COURT OF ANYWHERE COUNTY, KANSAS

IN RE:

MOTHER FLOWER
AND
FATHER FLOWER

CASE NO. 93 D 8

CHILD SUPPORT WORKSHEET

	Parent A	Parent B	
A. Income Computation - Wage Earner			
1. Domestic Gross Income	\$912	\$2,387	
B. Income Computation - Self Employed			
1. Self-Employment Gross Income	\$0	\$0	
2. Reasonable Business Expenses (-)	\$0 (-)	\$0	
	=====	=====	
3. Domestic Gross Income	\$0	\$0	
C. ADJUSTMENTS TO DOMESTIC GROSS INCOME			
1. Domestic Gross Income	\$912	\$2,387	
2. Court-Ordered Child Support Paid (-)	\$0 (-)	\$425	
3. Court-Ordered Maintenance Paid (-)	\$0 (-)	\$0	
4. Court-Ordered Maintenance Received (+)	\$0 (+)	\$0	
	=====	=====	
5. CHILD SUPPORT INCOME	\$912	\$1,962	
D. COMPUTATION OF CHILD SUPPORT			
1. Child Support Income	\$912	\$1,962	
		= \$2,874	
2. Proportionate Shares of Combined Income	31.7%	68.3%	
3. Basic Child Support Obligation:			
Age of Children	0 - 6	7 - 15 16 - 18	Child/ren with Oblgr
Number Per-Age Category	0	2 1	0
Total Amount	\$0	\$564 \$328 =	\$892

In RE
 FLOWER and FLOWER
 Case No. 93 D 8

	PARENT A		PARENT B
4. Health and Dental Ins. Premium	\$0	+	\$0
			=====
			\$0
5. Work-Related Child Care Costs	\$0	+	\$0
			=====
			\$0
6. Parents' Total Child Support Obligation ----->			\$892
7. Parental Child Support Obligation	\$283		\$609
8. Adjustment for Ins. and Child Care (-)	\$0		(-) \$0
	=====		=====
9. Net Parental Support Obligation	\$283		\$609

E. CHILD SUPPORT ADJUSTMENTS

CONSIDERED	N/A	CATEGORY	AMOUNT PETITIONER	ALLOWED RESPONDENT
1. <input type="checkbox"/>	<input type="checkbox"/>	Long Dist. Visitation Costs	\$0	\$0
2. <input type="checkbox"/>	<input type="checkbox"/>	Time Spent w/Non-Custodial	\$0	\$0
3. <input type="checkbox"/>	<input type="checkbox"/>	Income Tax Exemption	\$0	\$0
4. <input type="checkbox"/>	<input type="checkbox"/>	Special Needs	\$0	\$0
5. <input type="checkbox"/>	<input type="checkbox"/>	Agreement Fast Minority	\$0	\$0
6. <input type="checkbox"/>	<input type="checkbox"/>	Cost-of-Living Differential	\$0	\$0
7. <input type="checkbox"/>	<input type="checkbox"/>	Residence with Third Party	\$0	\$0
8. <input type="checkbox"/>	<input type="checkbox"/>	Overall Financial Condition	\$0	\$0
			=====	=====
9. TOTAL			\$0	\$0

F. DEVIATIONS FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation	\$283	\$609
2. Total Child Support Adjustments	\$0	\$0
	=====	=====
3. ADJUSTED CHILD SUPPORT OBLIGATION	\$283	\$609

istrict attorney.

(b) *Form of summons.* The summons shall be issued by the clerk dated the day it is issued, contain the name of the court and the caption of the case and be in substantially the following form:

(Name of Court)

In the Interest of _____ Case No. _____

(Name[s])

Date of birth _____

Each a child under 18 years of age

S U M M O N S

TO:

(Names)

(Relationship)

(Addresses)

(Names)	(Relationship)	(Addresses)
_____	_____	_____
_____	_____	_____
_____	_____	_____

A petition has been filed in this court, a copy of which is attached.

On _____, 19____, at _____ o'clock _____m. the above parent(s) and any other person having legal custody are required to appear before this court at _____, or prior to that time file your written response to the petition with the clerk of this court.

Failure to respond or to appear before the court at the above time will not prevent the court from entering judgment that each child is a child in need of care if it finds judgment should be granted and removing the child from the custody of parents or any other present legal custodian until the further order of the court. *The court may order one or both parents to pay child support.* If, after a child has been adjudged to be a child in need of care, the court finds a parent or parents to be unfit, the court may make an order permanently terminating the parent's or parent's parental rights.

so at this hearing parents must be prepared to establish the amount of annual income they receive.

_____, an attorney, has been appointed as guardian *ad litem* for the child or children. Each parent or legal custodian has the right to appear and be heard personally either with or without an attorney. The court will appoint an attorney for any parent who is financially unable to hire one.

Date _____, 19____ Clerk of the District Court
by _____

(Seal)

Sec. 7. K.S.A. 1991 Supp. 38-1543 is hereby amended to read as follows: 38-1543. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

A hearing hereunder shall be held within 48 hours, excluding _____ days, Sundays and legal holidays, following a child having been

*Civil Procedure Subcommittee
March 4, 1992
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into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be in substantially the following form:

(Name of Court)

(Caption of Case)

NOTICE OF TEMPORARY CUSTODY HEARING

TO:

(Names) (Relationship) (Addresses)

On _____, 19____, at _____ o'clock ____m. the court
(day) (date)

will conduct a hearing at _____ to determine if the above named child or children should be in the temporary custody of some person or agency other than the parent or other person having legal custody prior to the hearing on the petition filed in the above-captioned case. *The court may order one or both parents to pay child support.*

so at this hearing parents must be prepared to establish the amount of annual income they receive.

_____, an attorney, has been appointed as guardian *ad litem* for the child or children. Each parent or other legal custodian has the right to appear and be heard personally, either with or without an attorney. An attorney will be appointed for a parent who can show that the parent is not financially able to hire one.

Date _____, 19____ Clerk of the District Court
by _____

(Seal)

REPORT OF SERVICE

I certify that I have delivered a true copy of the above notice to the persons above named in the manner and at the times indicated below:

Name Location of Service Manner of Service Date Time
(other than above)

Date Returned _____, 19____

(Signature)

(Title)

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of

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2 ie party, proceed with the hearing at the designated time. If an
3 order of temporary custody is entered and the parent or other person
4 having custody of the child has not been notified of the hearing, did
5 not appear or waive appearance and requests a rehearing, the court
6 shall rehear the matter without unnecessary delay.

7 (e) Oral notice may be used for giving notice of a temporary
8 custody hearing where there is insufficient time to give written
9 notice. Oral notice is completed upon filing a certificate of oral notice
10 in substantially the following form:

(Name of Court)

11 (Caption of Case)

12 CERTIFICATE OF ORAL NOTICE OF TEMPORARY CUSTODY HEARING

13 I gave oral notice that the court will conduct a hearing at _____ o'clock
14 _____m. on _____, 19____, to the persons listed, in the manner and
15 at the times indicated below:

16 Name	17 Relationship	18 Date	19 Time	20 Method of Communication (in person or telephone)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

21 I advised each of the above persons that:

- 22 (1) The hearing is to determine if the above child or children should be in the
- 23 temporary custody of a person or agency other than a parent;
- 24 (2) the court will appoint an attorney to serve as guardian *ad litem* for the child
- 25 or children named above;
- 26 (3) each parent or legal custodian has the right to appear and be heard personally
- 27 either with or without an attorney; and
- 28 (4) an attorney will be appointed for a parent who can show that the parent is
- 29 not financially able to hire an attorney; and
- 30 (5) *the court may order one or both parents to pay child support*

31 so at this hearing parents must be prepared to establish the
32 amount of annual income they receive.

33 _____
(Signature)

34 _____
(Name Printed)

35 _____
(Title)

37 (f) The court may enter an order of temporary custody after
38 determining that: (1) The child is dangerous to self or to others; (2)
39 the child is not likely to be available within the jurisdiction of the
40 court for future proceedings; or (3) the health or welfare of the child
41 may be endangered without further care.

42 (g) Whenever the court determines the necessity for an order of
43 temporary custody the court may place the child in the temporary

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19 New Sec. 10. (a) In determining the amount of a child support
20 order under the Kansas code for care of children, the court shall
21 apply the Kansas child support guidelines adopted pursuant to K.S.A.
22 20-165 and amendments thereto. Except as provided in subsection
23 ~~(b), the court shall presume in initially applying the guidelines that:~~

- 24 (1) Both parents have only gross earned income equal to 40 hours
- 25 per week at the federal minimum wage then in effect;
- 26 (2) neither parent's income is subject to adjustment for any
- 27 reason;
- 28 (3) the number of children is as alleged in the petition;
- 29 (4) the age of each child is as alleged in the petition or, if un-
- 30 known, is between seven and 15 years;
- 31 (5) no adjustment for child care, health or dental insurance or
- 32 income tax exemption is appropriate; and
- 33 (6) neither parent is entitled to any other credit or adjustment.

34 ~~(b) A presumption in subsection (a)(1), (a)(2), (a)(5) or (a)(6) may~~
35 ~~be overcome by stipulation of the parties or by a preponderance of~~
36 ~~evidence showing that use of the presumption in applying the guide-~~
37 ~~lines would result in economic hardship and that the party cannot~~
38 ~~be adequately protected by section 12 and amendments thereto. A~~
39 ~~presumption in subsection (a)(3) or (a)(4) may be overcome by stip-~~
40 ~~ulation of the parties or by a preponderance of evidence.~~

(b) If the appropriate amount of support under the Kansas child support guidelines cannot be determined because any necessary fact is not proven by evidence or by stipulation of the appropriate parties, the court shall apply one or more of the following presumptions:

or

delete

10 New Sec. 12. (a) A party entitled to receive child support under
11 an order issued pursuant to the Kansas code for care of children
12 may file with the clerk of the district court in the county in which
13 the judgment was rendered the original child support order and the
14 original income withholding order, if any. If the original child support
15 or income withholding order is unavailable for any reason, a certified
16 or authenticated copy of the order may be substituted. The clerk of
17 the district court shall number the child support order as a case
18 filed under chapter 60 of the Kansas Statutes Annotated and enter
19 the numbering of the case on the appearance docket of the case.
20 Registration of a child support order under this section shall be
21 without cost or docket fee.

22 (b) If the number assigned to a case under the Kansas code for
23 care of children appears in the caption of a document filed pursuant
24 to this section, the clerk of the district court may obliterate that
25 number and replace it with the new case number assigned pursuant
26 to this section.

27 (c) The filing of the child support order shall constitute regis-
28 tration under this section. Upon registration of the child support
29 order, all matters related to that order, including but not limited to
30 modification of the order, shall proceed under the new case number.
31 Registration of a child support order under this section does not
32 confer jurisdiction in the registration case for custody or visitation
33 issues.

34 (d) The party registering a child support order shall serve a copy
35 of the registered child support order and income withholding order,
36 if any, upon the interested parties by first-class mail. The party
37 registering the child support order shall file, in the privileged official
38 file for each child affected, either a copy of the registered order
39 showing the new case number or a statement that includes the
40 caption, new case number and date of registration of the child sup-
41 port order.

42 (e) If the secretary of social and rehabilitation services is entitled
43 to receive payment under an order which may be registered under

1 this section, the county or district attorney shall take the actions
2 permitted or required in subsections (a) and (d) on behalf of the
3 secretary, unless otherwise requested by the secretary.

4 (f) A child support order registered pursuant to this section shall
5 have the same force and effect as an original child support order
6 entered under chapter 60 of the Kansas Statutes Annotated including,
7 but not limited to:

8 (1) The registered order shall become a lien on the real estate
9 of the judgment debtor in the county from the date of registration;

10 (2) execution or other action to enforce the registered order may
11 be had from the date of registration;

12 (3) the registered order may itself be registered pursuant to any
13 law, including but not limited to the revised uniform reciprocal
14 enforcement of support act (1968);

15 (4) if any installment of support due under the registered order
16 becomes a dormant judgment, it may be revived pursuant to K.S.A.
17 60-2404 and amendments thereto; and

18 (5) the court shall have continuing jurisdiction over the parties
19 and subject matter and, except as otherwise provided in subsection
20 (g), may modify any prior support order when a material change in
21 circumstances is shown irrespective of the present domicile of the
22 child or parents. The court may make a modification of child support
23 retroactive to a date at least one month after the date that the motion
24 to modify was filed with the court.

25 (g) If a motion to modify the child support order is filed within
26 three months after the date of registration pursuant to this section-

27 ~~and if no motion to modify the order has previously been heard,~~
28 the court shall apply the Kansas child support guidelines adopted
29 pursuant to K.S.A. 20-165 and amendments thereto without re-
30 quiring any party to show that a material change of circumstances
31 has occurred, without regard to any previous presumption or stip-
32 ulation used to determine the amount of the child support order,
33 and irrespective of the present domicile of the child or parents.
34 Nothing in this subsection shall prevent or limit enforcement of the
35 support order during the three months after the date of registration.

3

and if the moving party shows
that the support order was
based upon one or more of
the presumptions of section
10,

1) Form. The summons shall be issued by the clerk, dated the
2 day it is issued, contain the name of the court and the caption of
3 the case and be in substantially the following form:

(Name of Court)

5 In the Matter of

6 _____, Respondent Case No. _____

7 Date of birth _____

8 A _____ male _____ female under the age of 18 years.

S U M M O N S

10 TO: _____

11 (Juvenile)

14 (Father)

16 (Mother)

18 (Other having custody-
19 relationship)

(Address)

20 A complaint has been filed in this court, a copy of which is attached.

21 On _____, 19____, at _____ o'clock _____m. the above-named
22 juvenile and a parent and any other person having legal custody are required to
23 appear before this court at _____. Failure to appear may cause the
24 juvenile to be taken into custody and brought before the court.

25 The juvenile will be required to admit or deny the statements in the complaint.
26 You have the right to hire an attorney to represent the above juvenile. If you do
27 not hire an attorney, the court will appoint an attorney for the juvenile. The juvenile,
28 parent or other person having legal custody of the juvenile may be required to repay
29 the court for the expense of the appointed attorney. *The court may order one or*
30 *both parents to pay child support.*

31 Date _____, 19____

Clerk of the District Court

32 by _____

33 (Seal)

34 Sec. 18. K.S.A. 38-1632 is hereby amended to read as follows:
35 38-1632. (a) *Length of detention.* Whenever an alleged juvenile of-
36 fender is taken into custody and is thereafter taken before the court
37 or to a juvenile detention facility or youth residential facility des-
38 ignated by the court, the juvenile shall not remain detained for more
39 than 48 hours, excluding Saturdays, Sundays and legal holidays, from
40 the time the initial detention was imposed, unless the court deter-
41 mines after hearing, within the forty-eight-hour period, that further
42 ntion is necessary.

43 (b) *Waiver of detention hearing.* The right of a juvenile to a

so at this hearing parents must be prepared to establish the amount of annual income they receive.

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1 Detention hearing may be waived if the juvenile and the attorney
 2 for the juvenile consent in writing to waive the right to a detention
 3 hearing and the judge approves the waiver. Whenever the right to
 4 a detention hearing has been waived, the juvenile, the attorney for
 5 the juvenile or the juvenile's parents may reassert the right at any
 6 time not less than 48 hours prior to the time scheduled for adju-
 7 dication by submitting a written request to the judge. Upon request,
 8 the judge shall immediately set the time and place for the hearing,
 9 which shall be held not more than 48 hours after the receipt of the
 10 request excluding Saturdays, Sundays and legal holidays.

11 (c) *Notice of hearing.* Whenever it is determined that a detention
 12 hearing is required the court shall immediately set the time and
 13 place for the hearing. Notice of the detention hearing shall be given
 14 at least 24 hours prior to the hearing, unless waived, and shall be
 15 in substantially the following form:

(Name of Court)

(Caption of Case)

NOTICE OF DETENTION HEARING

19 TO: _____
 20 (Juvenile) _____
 21 _____
 22 (Father) _____
 23 _____
 24 (Mother) _____
 25 _____
 26 (Other having custody- (Address)
 27 relationship) _____

28 On _____, 19____, at _____ o'clock _____m. there will
 29 (day) (date)

30 be a hearing for the court to determine if there is a need for further detention of
 31 the above named juvenile. Each parent or other person having legal custody of the
 32 juvenile should be present at the hearing which will be held at _____.

33 You have the right to hire an attorney to represent the above juvenile. Upon failure
 34 to hire an attorney the court will appoint an attorney for the juvenile and the juvenile,
 35 parent or other person having legal custody of the juvenile may be required to repay
 36 the court for the expense of the appointed attorney. *The court may order one or*
 37 *both parents to pay child support.*

38 Date: _____, 19____ Clerk of the District Court
 39 by _____
 40 (Seal)

so at this hearing parents must be prepared to establish the
 amount of annual income they receive.

REPORT OF SERVICE

41 I certify that I have delivered a true copy of the above notice on the persons
 42 named in the manner and at the times indicated below:
 43

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Location of Service (other than above)	Manner of Service	Date	Time
_____	_____	_____	_____
_____	_____	_____	_____

Date Returned: _____, 19____

(Signature)

(Title)

(d) *Oral notice.* When there is insufficient time to give written notice, oral notice may be given and is completed upon filing a certificate of oral notice with the clerk in substantially the following form:

(Name of Court)

(Caption of Case)

CERTIFICATE OF ORAL NOTICE OF DETENTION HEARING

I gave oral notice that the court will hold a hearing at _____ o'clock _____ m. on _____, 19____, to the persons listed, in the manner and at the times indicated below:

Name	Relationship	Date	Time	Method of Communication (in person or telephone)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I advised each of the above named persons that:

- (1) The hearing is to determine if the above named juvenile shall be detained;
 - (2) each parent or person having legal custody should be present at the hearing;
 - (3) they have the right to hire an attorney of their own choice for the juvenile;
 - (4) if an attorney is not hired, the court will appoint an attorney for the juvenile;
- and
- (5) the juvenile, parent or other person having custody of the juvenile may be required to repay the court for the expense of the appointed attorney; and
 - (6) the court may order one or both parents to pay child support;

so at this hearing parents must be prepared to establish the amount of annual income they receive.

(Signature)

(Name Printed)

(Title)

(e) *Hearing, finding, bond.* At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney for the juvenile, and may recess the hearing for 24 hours to obtain attendance of the attorney appointed. At the detention hearing, if the court finds the juvenile is dangerous to self or others, the juvenile may be detained in a juvenile

1 etention hearing has been waived, the juvenile, the attorney for
2 the juvenile or the juvenile's parents may reassert the right at any
3 time not less than 48 hours prior to the time scheduled for adju-
4 dication by submitting a written request to the judge. Upon request,
5 the judge shall immediately set the time and place for the hearing,
6 which shall be held not more than 48 hours after the receipt of the
7 request excluding Saturdays, Sundays and legal holidays.

8 (c) *Notice of hearing.* Whenever it is determined that a detention
9 hearing is required the court shall immediately set the time and
10 place for the hearing. Except as otherwise provided by subsection
11 (b)(1) of section 7 K.S.A. 1991 Supp. 38-1691 and amendments
12 thereto, notice of the detention hearing shall be given at least 24
13 hours prior to the hearing, unless waived, and shall be in substan-
14 tially the following form:

(Name of Court)

(Caption of Case)

NOTICE OF DETENTION HEARING

TO: _____

_____ (Juvenile)

_____ (Father)

_____ (Mother)

_____ (Other having custody-relationship) _____ (Address)

On _____, _____, 19____, at _____ o'clock _____m.
(day) (date)

there will be a hearing for the court to determine if there is a need for further
detention of the above named juvenile. Each parent or other person having legal
custody of the juvenile should be present at the hearing which will be held at
_____.

You have the right to hire an attorney to represent the above juvenile. Upon failure
to hire an attorney the court will appoint an attorney for the juvenile and the juvenile,
parent or other person having legal custody of the juvenile may be required to repay
the court for the expense of the appointed attorney. *The court may order one or
both parents to pay child support.*

Date: _____, 19____ Clerk of the District Court
by _____

(Seal)

REPORT OF SERVICE

certify that I have delivered a true copy of the above notice on the persons
named in the manner and at the times indicated below;

so at this hearing parents must be prepared to establish the
amount of annual income they receive.

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Name	Location of Service (other than above)	Manner of Service	Date	Time
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Date Returned: _____, 19____

(Signature)

(Title)

(d) *Oral notice.* When there is insufficient time to give written notice, oral notice may be given and is completed upon filing a certificate of oral notice with the clerk in substantially the following form:

(Name of Court)
(Caption of Case)

CERTIFICATE OF ORAL NOTICE OF DETENTION HEARING

I gave oral notice that the court will hold a hearing at _____ o'clock _____ m. on _____, 19____, to the persons listed, in the manner and at the times indicated below:

Name	Relationship	Date	Time	Method of Communication (in person or telephone)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- I advised each of the above named persons that:
- (1) The hearing is to determine if the above named juvenile shall be detained;
 - (2) each parent or person having legal custody should be present at the hearing;
 - (3) they have the right to hire an attorney of their own choice for the juvenile;
 - (4) if an attorney is not hired, the court will appoint an attorney for the juvenile;
- and
- (5) the juvenile, parent or other person having custody of the juvenile may be required to repay the court for the expense of the appointed attorney; and
 - (6) the court may order one or both parents to pay child support.

(Signature)

(Name Printed)

(Title)

so parents must be prepared to establish the amount of income they receive at this hearing.

(e) *Hearing, finding, bond.* At the time set for the detention hearing if no retained attorney is present to represent the juvenile, the court shall appoint an attorney for the juvenile, and may recess the hearing for 24 hours to obtain attendance of the attorney appointed unless the juvenile is detained in jail pursuant to subsection (b)(1) of section 7 K.S.A. 1991 Supp. 38-1691 and amendments

14-11/17

24 New Sec. 25. (a) In determining the amount of a child support
25 order under the Kansas juvenile offenders code, the court shall apply
26 the Kansas child support guidelines adopted pursuant to K.S.A. 20-
27 165 and amendments thereto. ~~Except as provided in subsection (b),
the court shall presume in initially applying the guidelines that.~~

- 28 (1) Both parents have only gross earned income equal to 40 hours
- 29 per week at the federal minimum wage then in effect;
- 30 (2) neither parent's income is subject to adjustment for any
- 31 reason;
- 32 (3) the number of children is as alleged in the complaint;
- 33 (4) the age of each child is as alleged in the complaint or, if
- 34 unknown, is between seven and 15 years;
- 35 (5) no adjustment for child care, health or dental insurance or
- 36 income tax exemption is appropriate; ~~and~~
- 37 (6) neither parent is entitled to any other credit or adjustment.

38 ~~(b) A presumption in subsection (a)(1), (a)(2), (a)(5) or (a)(6) may
39 be overcome by stipulation of the parties or by a preponderance of
40 evidence showing that use of the presumption in applying the guide-
41 lines would result in economic hardship and that the party cannot
42 be adequately protected by section 27 and amendments thereto. A
43 presumption in subsection (a)(3) or (a)(4) may be overcome by stip-~~

(b) If the appropriate amount of support under the Kansas child support guidelines cannot be determined because any necessary fact is not proven by evidence or by stipulation of the appropriate parties, the court shall apply one or more of the following presumptions:

or
delete

delete

1 ~~ulation of the parties or by a preponderance of evidence.~~

14 New Sec. 27. (a) A party entitled to receive child support under
15 an order issued pursuant to the Kansas juvenile offenders code may
16 file with the clerk of the district court in the county in which the
17 judgment was rendered the original child support order and the
18 original income withholding order, if any. If the original child support
19 or income withholding order is unavailable for any reason, a certified
20 or authenticated copy of the order may be substituted. The clerk of
21 the district court shall number the child support order as a case
22 filed under chapter 60 of the Kansas Statutes Annotated and enter
23 the numbering of the case on the appearance docket of the case.
24 Registration of a child support order under this section shall be
25 without cost or docket fee.

26 (b) If the number assigned to a case under the Kansas juvenile
27 offenders code appears in the caption of a document filed pursuant
28 to this section, the clerk of the district court may obliterate that
29 number and replace it with the new case number assigned pursuant
30 to this section.

31 (c) The filing of the child support order shall constitute regis-
32 tration under this section. Upon registration of the child support
33 order, all matters related to that order, including but not limited to
34 modification of the order, shall proceed under the new case number.
35 Registration of a child support order under this section does not
36 confer jurisdiction in the registration case for custody or visitation
37 issues.

38 (d) The party registering a child support order shall serve a copy
39 of the registered child support order and income withholding order,
40 if any, upon the interested parties by first-class mail. The party
41 registering the child support order shall file, in the official file for
42 each child affected, either a copy of the registered order showing
43 the new case number or a statement that includes the caption, new

1 case number and date of registration of the child support order.

2 (e) If the secretary of social and rehabilitation services is entitled
3 to receive payment under an order which may be registered under
4 this section, the county or district attorney shall take the actions
5 permitted or required in subsections (a) and (d) on behalf of the
6 secretary, unless otherwise requested by the secretary.

7 (f) A child support order registered pursuant to this section shall
8 have the same force and effect as an original child support order
9 entered under chapter 60 of the Kansas Statutes Annotated including,
10 but not limited to:

11 (1) The registered order shall become a lien on the real estate
12 of the judgment debtor in the county from the date of registration;

13 (2) execution or other action to enforce the registered order may
14 be had from the date of registration;

15 (3) the registered order may itself be registered pursuant to any
16 law, including but not limited to the revised uniform reciprocal
17 enforcement of support act (1968);

18 (4) if any installment of support due under the registered order
19 becomes a dormant judgment, it may be revived pursuant to K.S.A.
20 60-2404 and amendments thereto; and

21 (5) the court shall have continuing jurisdiction over the parties
22 and subject matter and, except as otherwise provided in subsection
23 (g), may modify any prior support order when a material change in
24 circumstances is shown irrespective of the present domicile of the
25 child or parents. The court may make a modification of child support
26 retroactive to a date at least one month after the date that the motion
27 to modify was filed with the court.

28 (g) If a motion to modify the child support order is filed within
29 three months after the date of registration pursuant to this section

30 ~~and if no motion to modify the order has previously been heard,~~
31 the court shall apply the Kansas child support guidelines adopted
32 pursuant to K.S.A. 20-165 and amendments thereto without re-
33 quiring any party to show that a material change of circumstances
34 has occurred, without regard to any previous presumption or stip-
35 ulation used to determine the amount of the child support order,
36 and irrespective of the present domicile of the child or parents.
37 Nothing in this subsection shall prevent or limit enforcement of the
38 support order during the three months after the date of registration.

and if the moving party shows that
the support order was based
upon one or more of the
presumptions of section 25,

14-14/17

20-302b. District magistrate judges; jurisdiction, powers and duties; appeals. (a) A district magistrate judge shall have the jurisdiction, power and duty, in any case in which

a violation of the laws of the state is charged, to conduct the trial of traffic infractions or misdemeanor charges and the preliminary examination of felony charges. In civil cases, a district magistrate judge shall have concurrent jurisdiction, powers and duties with a district judge, except that, unless otherwise specifically provided in subsection (b), a district magistrate judge shall not have jurisdiction or cognizance over the following actions:

(1) Any action, other than an action seeking judgment for an unsecured debt not sounding in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000, except that in actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction; nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by paragraph (6) of subsection (a);

(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;

(3) actions for specific performance of contracts for real estate;

(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established, except that nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in article 23 of chapter 61 of the Kansas Statutes Annotated, and any acts amendatory thereof or supplemental thereto; and nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

— Insert as Section 31, renumbering following sections (amending ^{same} existing section 31 [repeals]).

(5) actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in the acts contained in article 11 of chapter 60 of the Kansas Statutes Annotated, and any acts amendatory thereof or supplemental thereto;

(6) actions for divorce, separate maintenance or custody of minor children, except that nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to (A) hear any action pursuant to the Kansas code for care of children or the Kansas juvenile offenders code; (B) establish, modify or enforce orders of support pursuant to the

including, but not limited to, orders of support

Kansas parentage act, K.S.A. 23-451 *et seq.*, 39-718a, 39-718b, 39-755 or 60-1610 or K.S.A. 23-4,105 through 23-4,118, 23-4,125 through 23-4,137, 38-1542, 36-1543 or 38-1563, and amendments thereto; or (C) enforce orders granting a parent visitation rights to the parent's child;

- (7) habeas corpus;
- (8) receiverships;
- (9) change of name;
- (10) declaratory judgments;
- (11) mandamus and quo warranto;
- (12) injunctions;
- (13) class actions;
- (14) rights of majority; and
- (15) actions pursuant to the protection from abuse act.

(b) Notwithstanding the provisions of subsection (a), in the absence, disability or disqualification of a district judge, a district magistrate judge may:

- (1) Grant a restraining order, as provided in K.S.A. 60-902 and amendments thereto;
- (2) appoint a receiver, as provided in K.S.A. 60-1301 and amendments thereto;
- (3) make any order authorized by K.S.A. 60-1607 and amendments thereto; and
- (4) grant any order authorized by the protection from abuse act.

(c) In accordance with the limitations and procedures prescribed by law, and subject to any rules of the supreme court relating thereto, any appeal permitted to be taken from an order or final decision of a district magistrate judge shall be tried and determined *de novo* by a district judge, except that in civil cases where a record was made of the action or proceeding before the district magistrate judge, the appeal shall be tried and determined on the record by a district judge.

(d) Upon motion of a party, the administrative judge may reassign an action from a district magistrate judge to a district judge.

History: L. 1976, ch. 146, § 13; L. 1977, ch. 112, § 2; L. 1979, ch. 92, § 12; L. 1979, ch. 80, § 2; L. 1983, ch. 140, § 3; L. 1984, ch. 39, § 31; L. 1985, ch. 115, § 30; L. 1986, ch. 115, § 32; L. 1986, ch. 137, § 1; L. 1986, ch. 137, § 2; L. 1990, ch. 212, § 1; July 1.

Senate Bill 588

Testimony of
James L. Burgess
Presiding Judge, Juvenile Department
18th Judicial District, Sedgwick County

It is unquestioned that a parent must financially, as well as physically and emotionally, be responsible for his or her child. It is equally unquestioned that this responsibility does not end when a juvenile proceeding is filed. While the child support provisions contemplated by this legislation are an attempt to insure parents meet this responsibility, such requirements could have an extremely detrimental effect on court operations.

In our district, there were 1763 juvenile offender cases and 340 child in need of care cases filed in 1991. Our court services officers in the child in need of care section attended 3,597 hearings. Those C.S.O.'s and our clerk's office are involved in the preparation of journal entries for each of those hearings.

To require the court in a juvenile proceeding to be involved in child support matters will have several negative consequences. Parents at most temporary custody proceedings elect not to be represented by counsel. As a result, the burden of securing the financial information from the parties will fall on the C.S.O.'s. In addition, the language of the bill requires two journal entries to be prepared. Our court is unable to keep pace with the journal entries being prepared at this time.

Another critical factor to be considered is time. A large majority of temporary custody hearings are resolved by the parents stipulating to temporary custody. When the issue of support comes into the picture, many hearings which were stipulations will become contested and require the appointment of counsel as parties try to prove an economic hardship and the need for a variance from the guidelines. Similarly, many motions would be filed to seek modifications. The domestic courts would verify that significant numbers of motions filed concern support. There is just not enough available time in the court to deal with the additional demands these issues would create.

Another consideration would be the financial impact on the courts. All qualified parties are entitled to court appointed counsel if they so request and the overwhelming majority of parties in juvenile proceedings qualify. Our budget for court appointed lawyers is the single largest item by far. With the additional time and motions that will be encountered as a result of this legislation, our budget will definitely be effected.

Civil Procedure Subcommittee
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Senate Bill 588
Testimony of James L. Burgess
Presiding Judge, Juvenile Department
18th Judicial District, Sedgwick County

A last, but significant, consideration is the intangible effect of enforcing child support will have on this court's ability to affect change in families. In many juvenile proceedings, there is a significant amount of resistance encountered from the parties, and a great deal of the efforts of the court, C.S.O.'s and social workers are expended in overcoming this resistance. As the domestic court experience has shown us, a great deal of resistance and hostility can be generated over support matters. Our ability to overcome a party's resistance and to become part of the process will be inhibited if we are confronting these people over support and compelling performance through contempt proceedings. The focus for many of the parties in court will be diverted toward the financial aspects of a case and not those matters that are most critical to healing the family.

While the theory behind the child support provisions contained in this legislation is logical, the reality of imposing these requirements on a system already operating at capacity is impossible. We, therefore, oppose those provisions of this legislation which requires the court to determine child support matters in juvenile proceedings.

15-2/2

Senate Judiciary Committee
Testimony
By
Barbara Huff
Executive Director
of
Keys For Networking, Inc.

March 4, 1992

Mr. Chairman and Members of the committee,

I am presenting testimony in support of Senate Bill 689 on behalf of thousands of families in Kansas who have been forced to relinquish custody of their child in order to receive services or treatment.

Our organization, Keys For Networking, Inc. provides information, support, training and advocacy to families who have children that are seriously emotionally disturbed.

I also am the parent of a daughter who is seriously emotionally disturbed.

We are concerned about parents who have children with emotional disabilities in need of a range of services who have, in countless instances, been required to transfer custody of their children to the state for the sole purpose of obtaining necessary services at public expense.

These are not families who have abused, neglected or abandoned their children. Their children and family are simply in need of services, and the parents cannot pay the full cost of care. In other words, family circumstances are not such that, without the need for services, parents would consider relinquishing custody, or the state would consider taking legal custody. It is our experience that families many times do have the capacity to keep their children at home if the services were available. These services are listed on the attachment.

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TESTIMONY OF BARBARA HUFF

March 4, 1992

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We believe that parents should never be presented with a Hobson's choice that requires them to either surrender their children into custody of the state and thereby receive necessary services or retain custody and deny their children the services they require. Parents should be able to retain custody of their children, continue their involvement in decision making on behalf of their children, and work collaboratively with state authorities to secure needed services at public expense.

The decision to relinquish legal custody to the state may become a self-fulfilling prophecy. Although often both parents and professionals are clear that the transfer of custody is voluntary and intended to be of temporary duration, the public perception (and often that of professionals) is that parents who surrender custody to the state are those who do not want their children.

Even middle class parents who seek appropriate care and treatment for their children with serious emotional disorders soon find out that private resources and insurance are quickly used up - particularly if any form of residential treatment is required.

Of the parents who have contacted us over the last three years or so, many had already voluntarily relinquished legal custody of their children. Typically, they were so desperate to get needed care for their children that they didn't stop to question the necessity of this transfer. Most were unaware of the implications and meaning of legal custody in terms of the ability to make critical decisions regarding the future treatment and care of their children.

The experience for families is a painful and emotion one. Not only do they lose control of what happens to their child but, are also forced through child support enforcement to pay for the services while their child is in custody.

We would urge you to pass Senate Bill 689. I would be happy to answer any questions you might have.

KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS

5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

**Testimony on S.B. 689
before the
Senate Committee on Judiciary**

by

**Patricia E. Baker
Associate Executive Director/General Counsel
Kansas Association of School Boards**

March 4, 1992

Mr. Chairman, Committee members, thank you for the opportunity to appear in support of S.B. 689.

The two areas of this proposed legislation which affect local school districts are those dealing with "Family in Need of Services," pp. 3-4 and reporting of truancy, Sec. 46, pp. 58-60. We believe that the opportunity for SRS and school officials to work harmoniously with families in a non-adversarial setting is an extremely positive step. To the extent that taking measures other than a petition alleging a child in need of care will be helpful in ensuring school attendance by our students. Too often, SRS, county and district attorneys and school officials have been in turf wars which are a result of different duties and expectations under our statutes. We would like to see the laws encourage cooperative actions on behalf of students.

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1/2

The change in reporting of truancy will be more effective if school officials believe that action may be taken to work with the student and family in an effort to return the child to school. When the only recourse is a court action, with its attendant delays, too often the child falls through the cracks.

In a related matter, I would like to call the Committee's attention to Senate Bill 632 which is currently in Senate Education. That bill is designed to prohibit school districts from hiring individuals who have committed child abuse. I believe the language of S.B. 632 would not accomplish the desired result, but that the concept is a good one and should be addressed. Under current law, SRS is not authorized to release information to school districts regarding findings of child abuse. If information can be shared, efforts for cooperation between schools and SRS will be enhanced. I am not sure that S.B. 689 is the best place to address the concerns that led to the introduction of S.B. 632 but we would appreciate your consideration of the issue.

Whether the sharing of information is addressed in this bill or somewhere else, we ask your favorable consideration of S.B. 689. Thank you.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna Whiteman, Secretary

Committee on the Judiciary
Wint Winter, Jr., Chairperson

Testimony in Regard to S.B. 689
March 4, 1992

AN ACT concerning child abuse or neglect, amending K.S.A. 21-3612, 38-501, 38-505, 38-506, 38-511, 38-523, 38-553, 38-1303, 38-1504, 38-1505, 38-1510, 38-1513, 38-1519, 38-1520, 38-1521, 38-1525, 38-1526, 38-1529, 38-1531, 38-1533, 38-1534, 38-1553, 38-1555, 38-1556, 38-1562, 39-713c, 65-503, and K.S.A. 1991 Supp. 38-1502, 38-1503, 38-1512, 38-1522, 38-1523, 38-1523a, 38-1524, 38-1527, 38-1528, 38-1542, 38-1563, 38-1583, 39-708c, 60-460, 60-1610, 65-516, 72-962, 72-1113, and 76-6b04 and repealing the existing sections.

Mr. Chairperson, Members of the Committee, I am appearing today in support of S.B. 689 which is a major revision of the Kansas Code for the Care of Children. The bill provides for the provision of services to families struggling to meet the needs of their children in ways that empower the parents and preserve the family. The recommended changes continue and strengthen the ability of the state to intervene in cases where abuse or neglect are alleged but avoid disruption of families by unnecessary and unwise interference in parental custody as a means to obtain services.

Background:

The current code became effective in January, 1983 and has served Kansas well. From the beginning of the code there was recognition that children who commit acts which are prohibited by children but not by adults (status offenses) and children who have been abused or neglected by others were distinguishable. This recognition is evidenced by the fact that when individuals are confirmed as having abused or neglected a child, they are then barred from certain occupations which provide care for children (K.S.A. 65-516); when children are removed from parental authority for reasons other than abuse or neglect, however, the parents are not limited in their contact with children.

Discussion:

The code revisions being recommended after ten years experience stand for the proposition that parents who are not abusive or neglectful deserve more than simply being exempt from the consequences set out in K.S.A. 65-516. They deserve to be spared the stigma of child in need of care proceedings and the loss of custody. They deserve support and assistance in providing their children with a home, with limits, and with care. If the parents are willing and, with some assistance, able to care for their children, the system should be structured to support them.

Therefore K.S.A. 38-1502 has been modified to distinguish children who have or are likely to be abused or neglected from children whose behavior indicates a family in need of services. For children in need of protection from abuse or neglect at the hand of those responsible for their care, state intrusion into the family and the consequent curtailing of parental authority is justified and necessary. Senate Bill 689 defines a child in need of protection as one under 18 who "has been physically, emotionally or sexually abused by a parent,

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Testimony on S.B. 689
March 4, 1992
Page Two

custodian, or caregiver", has been placed for adoption in violation of the law, abandoned, or run twice from a court ordered or designated placement (K.S.A. 38-1502(a)). Physical, mental/emotional abuse, sexual abuse and neglect are precisely defined from a child-centered focus.

The bill defines a family as in need of services when one or more of the children are truant, a status offender, less than 10 and involved in illegal behavior, runaway or otherwise out of control (K.S.A. 38-1502(b)). K.S.A. 72-1113 has been amended to delete truancy referrals to the county or district attorneys. Since truancy may indicate a family is in need of services, referrals will be received by SRS for inquiry and assistance.

For children in need of protection the full use of the parens patriae power of the state is still accessible (K.S.A. 38-1524). When, however, the parents are struggling to do an adequate job and cannot continue to cope without assistance, the state agency would be empowered to offer assistance. We have learned in the past ten years that removing children from the custody of their parents in order to provide services is not a good solution for the child or the family. If the parents are unable or unwilling to avail themselves of the services offered, a child in need of protection petition could than be initiated.

Passage of this bill is consistent with the requirement of both state and federal law that "reasonable efforts" be made to avoid unnecessary placements of children away from their families. The Kansas statutes require that prior to the court authorizing an out-of-home placement of a child, the court must make a finding regarding reasonable efforts (K.S.A. 38-1543, 38-1563). Federal law requires judges to determine whether reasonable efforts have been made to enable children to remain safely at home before they are placed in foster care (P.L. 96-272). Such efforts are a required element of each state's Title IV-E state plan and are a condition of federal funding for individual foster care placements (42 U.S.C. 671(a)(15) and 672(a)(2)).

Two minor amendments have been suggested to increase clarity of the bill. At line 14 on page 3 it is suggested that the religious practice exclusion statement be amended to add the words "or abusive" so that the phrase reads "...shall not for that reason be considered a negligent or abusive parent;" in order to preclude a finding of abuse when a finding of neglect is barred by this passage.

Line 43 of page 3 should add to (b)(4) the words "or is otherwise without the control necessary for the child's physical, mental or emotional health." This would clarify that families in which children are "out of control" are families in need of services.

The Department has no objection to these changes.

Recommendation:

The Department of Social and Rehabilitation Services strongly endorses S.B. 689 and urges the committee to recommend it for passage.

18-2/2

Christian Science Committee on Publication For Kansas

820 Quincy Suite K
Topeka, Kansas 66612

Office Phone
913/233-7483

To: Senate Judiciary Subcommittee on Civil Procedure

Re: SB 689

This bill amends K.S.A. 38-1502 in a manner which makes it appear that the wording in lines 12-17 on page 3, relating to parents who do not provide medical treatment for children because of their religious beliefs, applies only to subsection (D). In present law, that provision applies to neglect and all abuse except sexual abuse.

I will be most appreciative if you will amend this bill in a manner which will make clear that the specified wording applies to subsections (A), (B) and (D). It could apply to (C) also, as it does in present law, but certainly should not apply to (E).

I have discussed this amendment with SRS staff and with your revisor.

The requested amendment would restore the intent of present law regarding this provision.



Keith R. Landis
Committee on Publication
for Kansas

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Article 15.—KANSAS CODE FOR CARE OF CHILDREN

Law Review and Bar Journal References:

"A Quantitative and Descriptive Survey of Evidence Law in the Kansas Appellate Courts," Stanley D. Davis, 37 K.L.R. 715, 780 (1989).

Attorney General's Opinions:

Reporting of abuse or neglect of children; court services officers. 89-100.

Child in need of care petitions; duties of county or district attorney to represent SRS. 90-33.

GENERAL PROVISIONS

38-1501.

Attorney General's Opinions:

Filing of petition on referral by SRS or other person; filing by individual; authority of SRS to file child in need of care petitions. 85-26.

Investigation of reports of suspected child abuse or neglect. 85-150.

Reasonable efforts to avoid placing child in need of care outside home. 89-31.

CASE ANNOTATIONS

5. Cited; existence of confidential relationships pursuant to 38-1514 examined. *State v. Munyon*, 240 K. 53, 54, 726 P.2d 1333 (1986).

6. Cited; review by indigent defense services board of claims by appointed attorneys (22-4522) constitutional. *Clark v. Ivy*, 240 K. 195, 202, 727 P.2d 493 (1986).

7. When child involved in involuntary proceeding may be Indian, notice must be served on tribe or Secretary of Interior. *In re H.D.*, 11 K.A.2d 531, 536, 729 P.2d 1234 (1986).

8. Cited; relinquishment of parental rights under 38-125 et seq. while severance proceeding (38-1581 et seq.) pending examined. *In re A.W.*, 241 K. 810, 812, 740 P.2d 82 (1987).

9. In appeal from magistrate judge's decision, district court must hear case as if originally filed. *In re K.J.*, 12 K.A.2d 188, 190, 737 P.2d 874 (1987).

10. Trial de novo required on appeal to district court (38-1591) from proceeding pursuant hereto. *In re K.J.*, 242 K. 418, 748 P.2d 419 (1988).

11. Cited; legal obligation of county to provide counsel for indigent defendants charged with misdemeanors, hourly rate allowed examined. *Board of Osage County Comm'rs v. Burns*, 242 K. 544, 545, 747 P.2d 1338 (1988).

12. Applicability of minimum contacts rule in 60-308(b) to termination of parental rights (38-1581 et seq.) determined. *In re M.L.K.*, 13 K.A.2d 251, 254, 768 P.2d 316 (1989).

38-1502. Definitions. As used in this code, unless the context otherwise indicates:

(a) "Child in need of care" means a person less than 18 years of age who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727 or subsection (j) of K.S.A. 1989 Supp. 74-8810, and amendments thereto, does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 21-3105 and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian; or

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee.

(b) "Physical, mental or emotional abuse or neglect" means the infliction of physical, mental or emotional injury or the causing of a deterioration of a child and may include, but shall not be limited to, failing to maintain reasonable care and treatment, negligent treatment or maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to subsection (a)(2) of K.S.A. 38-1513 and amendments thereto.

(c) "Sexual abuse" means any act committed with a child which is described in article 35, chapter 21 of the Kansas Statutes Annotated and those acts described in K.S.A. 21-3602 or 21-3603, and amendments thereto, regardless of the age of the child.

(d) "Parent," when used with respect to a child or children, includes a parent, guardian, conservator and every person who has the legal duty to maintain, care for or support the child or children.

(e) "Interested party" means the petitioner, the child, any person found to be an interested party under K.S.A. 38-1541 and amendments thereto.

(f) "Law enforcement officer" means a person who by virtue of his or her employment is vested by law with the duty to maintain public order or to make arrests, whether that duty extend to specific crimes.

(g) "Youth residential facility" means a home, foster home or structured 24-hour-a-day care for children licensed pursuant to article 21 of the Kansas Statutes Annotated.

(h) "Shelter facility" means a public or private facility or home of detention that may be used in accordance with this code for the temporary placement of children in need of care pursuant to a dispositional order.

(i) "Juvenile detention facility" means a secure public or private facility in which lawful custody of accused juvenile offenders which may be maintained.

(j) "Adult correctional facility" means a public or private facility, which is used for the lawful custody of convicted adult criminals.

(k) "Secure facility" means a facility which is operated or structured in such a manner that all entrances and exits are controlled under the exclusive control of the facility, whether or not the facility has freedom of movement within the perimeter of the facility, locked rooms and buildings, and other restraints in order to control the behavior of inmates. No secure facility shall be located in a county jail.

(l) "Ward of the court" means a child in whom the court has acquired jurisdiction upon the filing of a petition pursuant to article 15 and who continues subject to the jurisdiction of the court until the petition is dismissed or the child is discharged as provided in article 15 and amendments thereto.

(m) "Custody," when used with respect to a child or children, means the legal duty to maintain, care for or support the child or children by court order or statute which



Kansas Child Abuse Prevention Council

Topeka Office:
715 West 10th Street
Topeka, Kansas 66612
913/354-7738

Wichita Office:
140 N. Hydraulic, Suite 700
Wichita, Kansas 67214
316/262-8434
PARENT HELPLINE 1-800-332-6378
In Wichita 263-KIDS

Judiciary Subcommittee on
Civil Procedure
Wint Winter, Jr., Chairperson

Testimony in Regard to S.B. 689
March 5, 1992

Mr. Chairperson, Members of the Committee, I am appearing today in support of S.B. 689 which is a major revision of the Kansas Code for Care of Children.

However, KCAPC recommends some suggestions to SB 689. At page 3, lines 12-17, KCAPC recommends inserting this new language:

"Further, a negligent parent is one who unreasonably causes or permits a child under the age of 18 years to be placed in a situation in which the child's life, body, physical and mental health may be injured or be placed in immediate danger."

"An abusive parent is one who intentionally causes or permits a child under the age of 18 years to be placed in a situation in which the child's life, body, physical and mental health may be injured or be placed in immediate danger."

"A court shall not be precluded from entering an order pursuant to subsection (a)(2) of KSA 38-1513 and amendments thereto."

The National Committee for the Prevention of Child Abuse reaffirms its position that children have a right to a healthy and nurturing environment. When the denial by parents due to religious beliefs of available necessary medical care is life threatening or may be disabling, then the child's rights and interests take precedence over the rights and interests of the parents or caregivers.

Thank you very much.

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*Civil Procedure Subcommittee
March 4, 1992
Attachment 20*

Submitted by Mike Paredes, Legal Counsel
Kansas Child Abuse Prevention Council
Topeka, KS

ting Data

THE NATIONAL COMMITTEE FOR PREVENTION OF CHILD ABUSE SUPPORTS A FEDERALLY MANDATED NATIONAL DATA SYSTEM ON CHILDREN AND FAMILIES REPORTED FOR CHILD ABUSE AND NEGLECT TO INCLUDE CASE DATA ON NUMBERS, CHARACTERISTICS AND CPS SYSTEM RESPONSES IN THE FORM OF DECISIONS, SERVICES AND COSTS. (Adopted November, 1989)

Religious Exemption

NCPCA REAFFIRMS ITS POSITION THAT CHILDREN HAVE A RIGHT TO A HEALTHY AND NURTURING ENVIRONMENT. WHEN THE DENIAL BY PARENTS DUE TO RELIGIOUS BELIEFS OF AVAILABLE NECESSARY MEDICAL CARE IS LIFE THREATENING OR MAY BE DISABLING, THEN THE CHILD'S RIGHTS AND INTERESTS TAKE PRECEDENCE OVER THE RIGHTS AND INTERESTS OF THE PARENTS OR CAREGIVERS.

THEREFORE ALL CHILD ABUSE, NEGLECT, AND MEDICAL NEGLECT STATUTES SHOULD BE APPLIED TO PROVIDE EQUAL PROTECTION TO ALL CHILDREN WITHOUT POTENTIAL OR ACTUAL EXEMPTION FOR THE RELIGIOUS BELIEF OF THEIR PARENT OR CARETAKER. (Adopted November, 1990)

SENATE BILL NO. 732
Senate Judiciary Subcommittee on Civil Procedure
March 4, 1992

Testimony of Kay Farley
Child Support Coordinator
Office of Judicial Administration

Senator Rock and members of the subcommittee:

I am pleased to be here today to discuss 1992 Senate Bill 732 with you.

This bill amends the statutes concerning income withholding orders.

The Office of Judicial Administration and the District Court Trustees are in support of this bill. Federal mandates contained in the Family Support Act of 1988 (P. L. 100-485) require states to implement immediate income withholding procedures on Non IV-D cases effective January 1, 1994. This bill would allow Kansas to implement that federal mandate in advance of the federal deadline. Though the federal mandate is referred to as immediate income withholding for all new and modified support orders, federal law does allow for judicial discretion in not ordering an income withholding order. The draft federal regulations state that "wages shall not be subject to withholding" in any case where:

- 1) One of the parties demonstrates to the court that there is good cause not to require immediate withholding; or
- 2) A written agreement is reached between both parties which provides for an alternate arrangement.

We support the change requiring that the notice of intent to apply for issuance of an incoming withholding order need only be sent by first-class mail instead of certified mail. The requirement for service by certified mail has been a real impediment to using this enforcement tool effectively. Obligor who are delinquent in their child support quickly learn not to accept certified mail, thus avoiding service of the notice of intent. Changing the service requirement to first-class mail brings the process of service standard in line with other post-judgment actions. Motions to modify support obligations, visitation schedules, and custody determinations only require service by first-class mail. Garnishments require no notice to the obligor. It seems reasonable that the notice of intent can be served by first-class mail.

Civil Procedure Subcommittee

March 4, 1992

Attachment 21

We would ask that you consider one change to the bill. We would propose that definition of a "support order" in K.S.A. 1991 Supp. 23-4,126 and K.S.A 23-4,106 be amended to allow maintenance only cases to be enforced by the income withholding procedure. District Court Trustees who do a good deal of the child support enforcement work also are empowered to enforce maintenance (formerly alimony) decrees of support. Although the trustees have power to enforce these decrees now, a minor change to K.S.A. 1991 Supp. 23-4,106 and 23-4,126 would permit the trustees to deal as effectively with maintenance support orders as they do with child support. Typically, maintenance orders are enforced by garnishments. The paperwork involved to processing multiple garnishments is burdensome to the Clerks of the District Court, sheriffs, attorneys and employers. It would be a timesaver for all concerned to be able to use the income withholding procedure. The provision contained in the bill allowing judicial discretion for not ordering immediate income withholding if good cause is shown allows alternate payment plans. We would anticipate that the income withholding procedure would mostly be used when a maintenance delinquent occurs.

I have prepared changes to SB 732 which will delete restrictive language at the two sections of the statutes I have just cited. I recommend adoption of these changes so that trustees will be able to use the tool of income withholding, an easier method of support enforcement for adults, as well as for children.

We recommend passage of this bill with the amendments that I have presented.

Thank you for the opportunity to discuss SB 732 with you.

SENATE BILL No. 732

By SRS Task Force

Re Proposal No. 19

2-25

AN ACT concerning enforcement of support; relating to income withholding; amending K.S.A. 23-4,108, 23-4,109, 23-4,111, 23-4,126 and 23-4,136 and K.S.A. 1991 Supp. 23-4,107, 23-4,110, 23-4,113, 23-4,114 and 23-4,130 and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 23-4,107 is hereby amended to read as follows: 23-4,107. (a) Any new or modified order for support entered on or after January 1, 1986, shall include a provision for the withholding of income to enforce the order for support. Except as otherwise provided in subsection (b) or (e), withholding shall take effect only if: (1) There is an arrearage in an amount equal to or greater than the amount of support payable for one month or, if a judgment is granted pursuant to K.S.A. 39-718a or K.S.A. 1989 Supp. 39-718b, and amendments thereto, a lump sum due and owing; and (2) there is compliance with the requirements of subsections (d) and (h).

(b) Except as otherwise provided in subsection (j) or (k), all new or modified orders for support entered on or after October 1, 1990, in title IV-D cases and all new or modified orders for support entered on or after July 1, 1992, in all other cases shall include a provision for the withholding of income to enforce the order of support, and provide for immediate issuance of an income withholding order. The income withholding order shall be issued without further notice to the obligor specifying an amount sufficient to satisfy the order for support and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the order for support is entered.

(c) If the provisions of subsection (b) do not apply, the obligee or public office may file a motion in a title IV-D case requesting an income withholding order be issued regardless of the amount of the arrearage. If no arrearage existed as of the date the notice

Section 1. K.S.A. 1991 Supp. 23-4,106 is hereby amended to read as follows: 23-4,106.

As used in K.S.A. 23-4,105 through 23-4,118:

(a) "Arrearage" means the total amount of unpaid support which is due and unpaid under an order for support, based upon the due date specified in the order for support or, if no specific date is stated in the order, the last day of the month in which the payment is to be made. If the order for support includes a judgment for reimbursement, an arrearage equal to or greater than the amount of support payable for one month exists on the date the order for support is entered.

(b) "Income" means any form of periodic payment to an individual, regardless of source including but not limited to wages, salary, trust, royalty, commission, bonus, compensation as an independent contractor, annuity and retirement benefits and any other periodic payments made by any person, private entity or federal, state or local government or any agency or instrumentality thereof. "Income" does not include: (1) Any amounts required by law to be withheld, other than creditor claims, including but not limited to federal and state taxes, social security tax and other retirement and disability contributions; (2) any amounts exempted by federal law; (3) public assistance payments; and (4) unemployment insurance benefits except to the extent otherwise provided by law. Any other state or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(c) "Income withholding order" means an order issued under this act which requires a payor to withhold income to satisfy an order for support or to defray an arrearage.

(d) "Obligee" means the person or entity to whom a duty of support is owed.

(e) "Obligor" means any person who owes a duty to make payments under an order for support.

Delete

(f) "Order for support" means any order of a court, or of an administrative agency of another jurisdiction, authorized by law to issue such an order, which provides for payment of funds for the support of a child, or for maintenance of a spouse or ex-spouse living with a child for whom an order of support is already being enforced, and includes such an order which provides for modification or resumption of a previously existing order; payment of an arrearage accrued under a previously existing order; a reimbursement order, including but not limited to an order established pursuant to K.S.A. 39-718a or K.S.A. 1989 Supp. 39-718b, and amendments thereto; or an order established pursuant to K.S.A. 23-451 et seq. and amendments thereto.

(g) "Payor" means any person or entity owing income to an obligor or any self-employed obligor.

(h) "Public office" means any elected or appointed official of the state or any political subdivision or agency of the state, or any subcontractor thereof, who is or may become responsible by law for enforcement of, or who is or may become authorized to enforce, an order for support, including but not limited to the department of social and rehabilitation services, court trustees, county or district attorneys and other subcontractors.

(i) "Title IV-D cases" means those cases required by part D of title IV of the federal social security act (42 U.S.C. §651 et seq.), as amended, to be processed by the department of social and rehabilitation services under the state's plan for support enforcement.

Renumber following sections.

21-3/5

1 payments and their disbursement. Certified copies of payment re-
2 cords maintained by a public office or clerk of court shall, without
3 further proof, be admitted into evidence in any legal proceedings
4 which concern the issue of support.

5 Sec. 7. K.S.A. 1991 Supp. 23-4,114 is hereby amended to read
6 as follows: 23-4,114. An obligor whose income is being withheld or
7 who has been served with a notice of intent to apply for issuance
8 of an income withholding order shall provide written notice to the
9 obligee, the public office, or the clerk of court of any new payor or
0 change of address, within seven days of the change. *The obligor*
1 *shall keep the obligee or public office informed of any employment-*
2 *related health benefits coverage for dependents to which the obligor*
3 *has access. Upon request, the obligor shall provide, or shall assist*
4 *the obligee or public office in obtaining, information about the health*
5 *benefits coverage.*

6 Sec. 8. K.S.A. 23-4,126 is hereby amended to read as follows:
7 23-4,126. As used in K.S.A. ~~1985 Supp.~~ 23-4,125 through 23-4,137
8 *and amendments thereto:*

9 (a) "Agency" means the state department of social and rehabil-
0 itation services or its contractors and, when the context requires,
1 either the court or agency of any other jurisdiction with functions
2 similar to those defined in K.S.A. ~~1985 Supp.~~ 23-4,125 through 23-
3 4,137 *and amendments thereto*, including the issuance and enforce-
4 ment of support orders.

5 (b) "Child" means any child, whether older or younger than the
6 age of majority, with respect to whom a support order exists.

7 (c) "Court" means the district court of this state and, when the
8 context requires, either the court or agency of any other jurisdiction
9 with functions similar to those defined in K.S.A. ~~1985 Supp.~~ 23-
0 4,125 through 23-4,137 *and amendments thereto*, including the is-
1 suance and enforcement of support orders.

2 (d) "Income" means income as defined in K.S.A. ~~1985 Supp.~~
3 23-4,106 *and amendments thereto*.

4 (e) "Income derived in this jurisdiction" means any income, the
5 payor of which is subject to the jurisdiction of this state for the
6 purpose of imposing and enforcing income withholding under K.S.A.
7 ~~1985 Supp.~~ 23-4,105 through 23-4,118 *and amendments thereto*.

8 (f) "Jurisdiction" means any state, political subdivision, territory
9 or possession of the United States; the District of Columbia; and
0 the Commonwealth of Puerto Rico.

1 (g) "Obligee" means any person or entity which is entitled to
2 receive support under ~~an order of~~ *a support order* and shall include
3 an agency of another jurisdiction to which a person has assigned the

person's right to support.

(h) "Obligor" means any person required to make payments under the terms of a support order for a child, spouse or former spouse.

(i) "Payor" means payor as defined in K.S.A. 1985 Supp. 23-4,106 and amendments thereto.

(j) "Support order" means any order, decree or judgment for the support of a child, or for maintenance of a spouse or ex-spouse ~~living with a child for whom an order of support is also being enforced,~~ issued by a court or agency of another jurisdiction, whether interlocutory or final, whether prospectively or retroactively modifiable and whether incidental to a proceeding for divorce, annulment, separate maintenance, paternity, guardianship, protection from abuse or otherwise.

(k) "Income withholding order" means an order or notice, regardless of how denominated, which requires a payor to withhold income to satisfy an order to support or to defray an arrearage.

Sec. 9. K.S.A. 1991 Supp. 23-4,130 is hereby amended to read as follows: 23-4,130. (a) *Except as provided in subsection (b),* no later than 10 days after the date a support order is entered pursuant to K.S.A. 23-4,129 and amendments thereto, the agency shall serve upon the obligor, a notice as provided for in subsection (h) of K.S.A. 23-4,107 and amendments thereto. The notice shall also advise the obligor that income withholding was requested on the basis of a support order of another jurisdiction. As appropriate, the agency shall then file the affidavit provided for in subsection (d) of K.S.A. 23-4,107 and amendments thereto. If, in accordance with K.S.A. 23-4,110 and amendments thereto, the obligor contests the issuance of an income withholding order, the court must hold a hearing and render a decision within 45 days of the date of service of the notice on the obligor.

(b) *If the documentation received pursuant to K.S.A. 23-4,129 and amendments thereto indicates that an income withholding order based upon the registered support order has been issued by another jurisdiction and has not been terminated, the agency shall file an affidavit stating: (1) That an income withholding order based upon the registered support order has been issued by another jurisdiction and has not been terminated, (2) that immediate issuance of an income withholding order is required by this act, and (3) a specified amount to be withheld by the payor to satisfy the order for support and to defray any arrearage. The amount specified in the affidavit*

be as near as possible to the amount specified in the most recent income withholding order issued by the other jurisdiction. A copy of the affidavit shall be served by first-class mail upon the

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Department of Social and Rehabilitation Services
Donna L. Whiteman, Secretary

Senate Bill 732

Before the Senate Judiciary Committee (Civil Law Subcommittee)
March 4, 1992

The primary responsibility of the SRS Child Support Enforcement Program is to help children by establishing regular and adequate support payments and enforcing past due obligations. From that perspective, SRS supports Senate Bill 732.

This measure would extend mandatory immediate income withholding for child support to all support orders, beginning in July 1992. Currently, immediate income withholding is only mandatory in Title IV-D (SRS) cases. The Family Support Act of 1988 requires states to have universal immediate withholding in place by January 1, 1994. Early enactment is desirable because it shifts the risk of non-payment away from the child, reduces the social stigma for parents by de-emphasizing the fault basis, and reduces the costs of enforcement if non-payment occurs. The existing "opt-out" provisions would apply in all cases, giving private parties the flexibility they may need.

Aside from universal immediate withholding, this bill makes improvements in existing procedures:

- o Present law requires SRS to apply a complex formula when an employee with more than one withholding order does not earn enough to cover all the normal deductions. Simplifying the formula and having money sent directly to the courts would eliminate a delay in getting support to families. SRS would continue to provide help to employers requesting assistance with the calculations.
- o Some confusion still remains about whether a withholding order is mandatory when arrearages are paid off **after** a notice of intent has been served. SB 732 would clearly state the federal requirement.
- o At present, a notice of intent to initiate withholding must be served by certified mail or personally on the absent parent; this bill would permit the use of first class mail, too.

Finally, the interstate income withholding act, which applies only to Title IV-D cases, would be amended to allow immediate issuance of the Kansas withholding order when a withholding order from another state is already in effect. This usually occurs when the other state has jurisdiction over the absent parent but not over the parent's Kansas employer. To safeguard the absent parent, the Kansas court may require service of the normal interstate notice of intent if the terms of the other state's order are not compatible with Kansas forms or procedures or if the issuing court may have lacked jurisdiction. Federal regulations require CSE services in interstate cases to be equal to those for in-state cases. The proposed change would insure compliance with respect to interstate cases entitled to immediate withholding.

Fiscal Impact. In brief, this measure is expected to free \$33,000-worth of SRS staff time for other tasks and to increase interstate support collections slightly. By insuring timely compliance with federal requirements, this bill would prevent sanctions, which may range from \$600,000 to \$18,000,000 per year, up to an ultimate penalty of \$85,000,000.

For these reasons, SRS urges that Senate Bill 732 be recommended for passage.

Jamie L. Corkhill
Child Support Enforcement (296-3237)

Civil Procedure Subcommittee
3/4/92 Attachment 22



KANSAS CHILD SUPPORT ENFORCEMENT ASSOCIATION

March 4, 1992

Kansas State Senate
Judiciary Committee
Civil Subcommittee
State Capitol Building
Topeka, Kansas 66612

Dear Subcommittee Members:

The Kansas Child Support Enforcement Association (KCSEA) thanks the Senate Judiciary Committee, Civil Subcommittee for the opportunity to appear as proponent for the following items of legislation:

SB 588 - Foster Care Juvenile Offender Support Amendments.

→ SB 732 - Immediate Income Withholding Order Modifications.

KCSEA is a broad based non-profit organization whose membership is open to any individual with an interest in child support in the State of Kansas, including family law academicians, court clerks, SRS and Court Trustee employees and both custodial and non-custodial parents.

Sincerely,

Brian M. Farley
Board of Directors
Chairman, Legislative Committee

BMF:sh

Civil Procedure Subcommittee

March 4, 1992

Attachment 23

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