

Approved: March 18, 1998
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Tim Emert at 3:13 p.m. on March 11, 1998 in Room 521S of the Capitol.

All members were present except: Senator Oleen (excused)
Senator Petty (excused)

Committee staff present: Mike Heim, Legislative Research Department
Gordon Self, Revisor
Mary Blair, Committee Secretary

Conferees appearing before the committee: Melissa Ness, Kansas Children's Service League
Rochelle Chronister, Social Rehabilitation Service (SRS)
Teresa Markowitz, SRS
Keith Landis, Christian Science Committee on Publication For
Kansas
Jim Clark, County and District Attorneys Association

Others attending: see attached list

The minutes of the March 4, 5, & 10 (a.m.) meetings were approved on a motion by Senator Schraad, seconded by Senator Goodwin. Carried.

SB 683 - An act concerning children; relating to children in need of care

Conferee Ness, testifying as a proponent of **SB 683**, presented a detailed overview of the structure and function of the Kansas Children's Service League (KCSL) including its merger, in 1994, with the Kansas Child Abuse Prevention Council. She highlighted the services and advocacy efforts that KCSL focuses on including prevention of child abuse and establishing safe permanent homes for children in need. She discussed the various agencies and foundations which have helped to reform the adoption system in Kansas. She stressed the importance of addressing "more expeditiously" the needs of children who often have to wait too long in the system or who have special needs. She stated that "this bill represents the success as a state we have had in reforming the adoption system from the child's point of view." (attachment 1) Brief discussion followed.

Conferee Chronister, testifying as a proponent of **SB 683**, stated that the bill provides permanency for children. She reviewed changes in the bill which are needed to comply with federal law, Adoption and Safe Families Act, PL 105-89... (attachment 2, page B1 of 1) She noted three points not required by federal law but requested by SRS. (attachment 2, page C1 of 1) She stated that many of the provisions of the federal act are already reflected in Kansas statutes. She further defined the three major issues which the federal act addresses: safety of children when reunifying families paramount; definition of situations where reunification with families are unreasonable; and establishment of time lines for court to determine the most appropriate permanency plan for the child. She urged passage of the bill. (attachment 2, page 1a of 1)

Conferee Markowitz, testifying as a proponent of **SB 683**, addressed specifically, provisions of amendments to the bill. (attachment 2, page 1b of 2 and page 2b of 2) She emphasized SRS's amendment to "require that prosecutors file termination proceeding within 30 days of the court finding that reintegration is not a viable alternative". (attachment 2, page C1 of 1) Following discussion Senator Bond moved to amend the bill to add "within 90 days from filing of the petition to terminate parental rights or permanent guardianship". Senator Goodwin seconded. Motion carried 7-2 with Senators Emert and Pugh voting nay. Following further discussion regarding language changes and additions, Senator Bond moved to pass the technical amendments. Senator Goodwin seconded. Carried.

HB 2820 - Persons convicted of murder or manslaughter, parental rights may be terminated if victim was other parent of child

The Chair stated that there were some technical problems with **HB 2820** (heard at March 9 meeting) which concerned him and he stated he would like Committee to reconsider action on it and to amend it to reconcile it with **SB 683**.

Conferee Landis, testifying as neutral on **SB 683**, pointed out some amendments in the bill “go beyond requirements mandated by the federal legislation” with regard to reintegration and he suggested an amendment to correct this. (attachment 3) Following discussion of this issue, Senator Harrington moved to accept the amendment as proposed by Conferee Landis. Senator Schraad seconded. Carried.

Conferee Clark testified in opposition to **SB 683** stating that the bill is a funded federal mandate which is turned into an unfunded state mandate and cited detailed examples from various portions of the bill to substantiate this. He stated that “this bill attempts to speed the process of permanency by mandating new duties and a 30-day time line on the county and district attorneys, without providing funding to the counties.” (attachment 4)

Written testimony in support of **SB 683** was submitted by Bruce Linos, Executive Director of Children’s Alliance of Kansas. (attachment 5)

Following discussion regarding the issue Conferee Clark raised, Senator Bond made a motion that a county or district attorney may request a designee to act in their behalf with the deadlines specified in SB 683. Senator Harrington seconded. Carried.

Senator Bond moved to reconsider action on HB 2820. Senator Harrington seconded. Carried.

Senator Goodwin moved to amend HB 2820 by directing staff to reconcile it with the existing Child in Need of Care Law and pass it out favorably as amended. Senator Schraad seconded. Carried.

Senator Bond moved to amend SB 683 as amended into HB 2820 and to pass it out favorably as amended HB 2820. Senator Goodwin seconded. Carried.

SB 615 - An act concerning the Kansas code for care of children

The Chair requested Conferee Ness to discuss the amendment to **SB 615** where contractors are added as reporters. Ms. Ness reviewed the bill, discussed the amendment, and suggested Committee “come up with other language”. Following discussion Senator Bond moved to strike “contractors” and pass SB 615 out favorably as amended. Senator Goodwin seconded. Carried.

The meeting adjourned at 4:25 p.m. The next scheduled meeting is March 12.



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Testimony before Senate Judiciary
SB 683

Kansas Children's Service League
March 11, 1998

Kansas Children's Service League (KCSL) a statewide, private, not-for-profit agency, founded in 1893 and dedicated to children and families. In keeping with our tradition of supporting children and their families before a crisis occurs, our organization merged with the Kansas Child Abuse Prevention Council in 1994. Their mission aimed at preventing child abuse and neglect, added an important dimension to the work of Kansas Children's Service League. As an experienced leader in child welfare, KCSL provides a continuum of programs and services, advocates for children, and collaborates with other public and private agencies to increase effectiveness and promote efficiency and quality. Services and advocacy efforts focus on:

➤ **Preventing Child Abuse and Family Crisis**— Strengthening families has proven to be a key element in preventing child abuse and neglect, as well as teen pregnancy and substance abuse. Providing needed supports sets the stage for children and their families to achieve future success. To achieve this, KCSL provides a variety of family services, based on family needs and existing strengths.

➤ **Providing Safe Homes for Children in Crisis**— When circumstances make it impossible for the child to safely remain at home, services must be immediately in place to care for the child. KCSL services provide a safe haven as well as address the child's emotional, physical and practical needs during the time of crisis.

➤ **Establishing Permanent Homes**— Children need the security of a permanent family. KCSL advocates keeping children with their own families, when the child can do so safely. However, if it is determined that a child cannot remain with their families, KCSL is dedicated to ensuring a child moves to a permanent home as soon as possible.

➤ **Advocacy**— Knowing the needs of children creates an obligation to take what we know and place it in the hands of decision makers who determine laws and policies that will impact them. KCSL has a rich history of working with policy makers and community leaders in developing those laws policies.

Clearly, we **represent a group of special interest, NOT a special interest group.** At KCSL we see the effects of the lack of support for our children and families everyday as children who have been victims of child abuse, drug abuse, neglect, & poverty walk through our front doors. This state should be proud of the many reform efforts they have put into place to improve the system of care, and for the foundation they have provided. *With SB 683 we have the opportunity to continue to ensure that the critical reforms this state has set in motion with the changes in the child welfare system continue to move children to permanency safely. In addition, this landmark legislation addresses some of the most challenging barriers to children achieving permanency for children in the state's custody.*

Clearly, Kansas has helped set the standard for moving children into permanent, safe settings through our major initiatives in child welfare of which this legislative body was a part. Beginning with the recodification of the Adoption Laws in this state, to the Governor's Task Force on Adoption, and most recently the partnership investment with the Kellogg Foundation

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Senate Judiciary
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in setting reform in motion that was aimed at changing the adoption system from the child's point of view which resulted in the establishment of Kansas Families for Kids.

In all these various reform efforts that now see us addressing more expeditiously the needs of children who have waited too long in our system or whom have special needs, there have always been barriers to implementation. However, we have been committed as a state to move toward resolution. Such should be the case with this legislation. This bill represents the success as a state we have had in reforming the adoption system from the child's point of view.

Kansas Children's Service League stands in support of SB 683 and we urge you to pass it favorably.

**Presented by: Melissa Ness, JD, MSW
Director of Public Policy, Training, & Legal**

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3-11-98
att #2

**State of Kansas
Department of Social
& Rehabilitation Services**

Rochelle Chronister, Secretary
Janet Schalansky, Deputy Secretary



For additional information, contact:

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<p>Senate Judiciary Committee Wednesday, March 11, 1998</p>
<hr/> <p>Testimony: Senate Bill 683</p> <hr/>
<p>Children and Family Services Teresa Markowitz, Commissioner 785.368.6448</p>

Senate Judiciary
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Kansas Department of Social and Rehabilitation Services
Rochelle Chronister, Secretary

Senate Judiciary Committee
Senate Bill 683

March 11, 1998

Mr. Chairman and members of the committee, I am Rochelle Chronister, Secretary of Social and Rehabilitation Services. I thank you for the opportunity to appear before you today in support of Senate Bill 683.

This is a very important legislation for Kansas children who are abused or neglected. This past fall Congress passed and the President signed landmark legislation for child safety and permanence, The Adoption and Safe Families Act, PL 105 -89. . The last major federal child welfare legislation was 18 years ago when the Adoption Assistance and Child Welfare Act, (PL 96-272) gave rise to many of the current provisions in the Kansas Code for Care of Children.

While the impetus for this Senate Bill 683 is the new federal legislation, the provisions of the Act mirror experiences of many states as they have worked to improve their child welfare systems and ensure that children have permanent families. A good many of the provisions of the federal act are already reflected in Kansas statutes. The additional provisions, which I will ask Teresa Markowitz to address, will improve current laws to protect children and to provide them with permanent families with out undue delay.

The federal Act addresses three major issues: (1) it put to rest any confusion about preservation or reunification of families when child safety is in question, holding child safety to be paramount; (2) it defines situations where attempts to reunify a family is not reasonable; and (3) it establishes time lines for courts to determine the most appropriate permanency plan for the child.

This bill is very important to the children in Kansas who have come into state custody and are in foster care. These children, who have suffered experiences which no child should ever have had to face, deserve the best from the adults who are responsible for their futures--their families, social services, prosecutors, judges, advocates, and legislators. Making timely decisions, based on a child's sense of time, is critical to the child's well being. Historically it has often taken years for termination proceedings to be concluded to free a child for adoption.

I urge your careful attention to this bill. I am asking Teresa Markowitz, Commissioner of Children and Family Services to address more specifically provisions of amendments.

Kansas Department of Social and Rehabilitation Services
Rochelle Chronister, Secretary

Senate Judiciary Committee
Senate Bill 683

March 11, 1998

Mr. Chairman and members of the committee, I am Teresa Markowitz, Commissioner of Children and Family Services, I appreciate the opportunity to address the specific provisions of Senate Bill 683.

As Secretary Chronister has said, this bill is important to the children of Kansas who are in the custody of the state and in foster care. For a long time we have talked the talk about the importance of permanency for children. This legislation is now asking us to walk the walk. The passage of this legislation sends a clear message to all players in the child welfare system--families, social services, prosecutors, judges,-- that it is no longer acceptable to dawdle along in an adult sense of time when a child's future is at stake.

Senate Bill 683 contains the Kansas legislative actions needed to come into compliance with the Adoption and Safe Families Act.

1. Clarifies that child safety is paramount and that efforts to maintain or reintegrate a child with the family is not appropriate when the court has found:
 - o a child has ben subjected to torture, chronic abuse or sexual abuse;
 - o a child has been abandoned;
 - o a parent has assaulted this child or another child;
 - o a parent has killed a child; or
 - o apparent's rights to a sibling have been involuntarily terminated.
2. When the court has found that any of the above is true or that a child has been in foster care for an extended time (defined as 15 out of the last 22 months), and there are no compelling reasons to the contrary, the court may find that reintegration is not a viable alternative. Compelling reasons not to proceed with termination or permanent guardianship include a child is in a stable placement with a relative or that services contained in the case plan as necessary for the safe return for the child have not been made available to the parent with whom reintegration is planned.
3. Provides that foster parents, pre adoptive parents and relatives providing care for the child be given notices of hearings and granted the right to be heard.

4. Establishes "permanent guardianship" as a relationship which is intended to be permanent and self-sustaining. This is not a provision of the Adoption and Safe Families Act, but we believe it is an important permanency provision for a small number of children for whom adoption is not the best plan.
5. Requires a law enforcement background check for adoptive parents. This is currently a requirement for foster parents but not adoptive parents.

In your packet you have:

Attachment A, brief summary of the Adoption and Safe Families Act,

Attachment B, a quick reference of the Adoption and Safe Families Act and corresponding provisions of SB-683.

Attachment C, a description of the three provisions that are included in SB-683 but are not required in the federal Act.

Attachment D, a chart that briefly describes the basis for amendments and where they can be found.

I join in urging your favorable consideration of this legislation.

Adoption and Safe Families Act

Congress has passed and the president has signed the Adoption Support and Safe Families Act - P.L. 105-89. This amends Titles IV-B and IV-E of the social security act related to child welfare, foster care and adoption assistance. The Adoption Support and Safe Families Act emphasizes that child safety is paramount, clarifies that re-unification efforts are not always reasonable and recognizes the urgency of making decisions related to children timely. In Kansas many of the provisions of the act are already in state law and we can be proud that once again Kansas has set the pace for the federal initiatives.

Briefly the Adoption and Safe Families Act has four Titles.

Title I - Reasonable Efforts and Child Safety provisions:

- Child health and safety is paramount.
- Reasonable efforts to preserve and reunify families - when a court finds re-unification is not a reasonable goal the court must conduct a permanency hearing within 30 days. Efforts to re-unify are not required when a child has been subjected to torture, chronic abuse or sexual abuse, the child has been abandoned, a parent has assaulted this child or another child, the parents have killed a child, or parental rights to a sibling has been involuntarily terminated.
- Efforts to adopt - the state must concurrently make reasonable efforts to recruit and approve qualified families and must document efforts to place children in a permanent home (adoption or guardianship).
- Termination of Parental rights - states are required to file a petition to terminate parental rights when the court has determined a child has been in out-of-home placement 15 of the last 22 months or when the court finds reunification is not viable for the reasons listed above.

Title II - Adoption Promotion Provisions

Adoption incentive payments of \$4000.00 per child will be paid to the state for all foster children adopted over a base line number. For children with special needs, an additional \$2,000.00 will be paid.

States must provide medical care for foster children who receive adoption support. Kansas does that now.

A child's eligibility for adoption support will continue if an adoption dissolves due to the death of adoptive parent or for any other reason.

States are not to deny or delay inter-state adoptions.

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Title III - System Accountability and Reform Provisions

Permanency Hearing - States must have a permanency hearing within 12 months of date of entry into foster care (current Kansas law) to determine if child should:

- return home;
- be placed for adoption; or
- be referred for legal guardianship or other permanency plan.

HHS will develop performance outcomes by which the state will be measured.

The number of demonstration grants to states is increased to 10.

Title IV - Additional Provisions

The act re-authorizes the Family Preservation and Family Support Act (IV-B part 2) with additional funding for time limited re-integration services and adoption services. It also re-authorizes the funding for the court improvement project.

The act authorizes:

- a Kinship Care study,
- child welfare agencies to use the federal parental locator services to locate absent parents,
- a study of the relationship of substance abuse to child abuse
- increases to \$5000.00 the amount of savings a youth with an independent living plan can conserve.

Additionally it suggests states should consider standby guardianship provisions for chronically ill parents.

This is a major step forward for children. We are proud that the federal statutes reflect many of the provisions in current Kansas law.

*Adoption and Safe Families Act
AND
Corresponding Kansas Action (SB-683)*

Summary PL 105-89	Kansas Action Needed (SB-683)
1. Child Health and Safety Paramount	1. Amend K.S.A. 38-1502 (definitions) page 4
2. Reasonable Efforts to Preserve, Reunify Families • If not reasonable, permanency hearing within 30 days	2. Amend K.S.A. 38-1563(h) page 7, 38-1565(a) page 8 & 9, 38-1565(c) page 10, 38-1581(a) page 10, and 38-1583 (g) page 13
3. Documentation of Efforts to Adopt	3. No statute changes needed
4. Termination of Parental Rights; File to Terminate When: • out-of-home 15 of most recent 22 • abandonment • parent assaulting child or other child	4. Amend K.S.A. 38-1502 page 4 Amend K.S.A. 38-1565 (a) and (c) page 8 & 10 Amend K.S.A. 38-1581 (c) page 10 & 11
5. Criminal Records Check • check for foster and adoptive parent (governor or legislature may opt out)	5. Amend K.S.A. 59-2132 page 13 & 14
6. Quality Standard of Care	6. No statute changes needed
7. Adoption Incentive Payments	7. No statute changes needed
8. Technical Assistance to Promote Adoptions	8. No statute changes needed
9. Adoption Assistance in Cases of Dissolved Adoptions	9. No statute changes needed
10. Health Care for Adopted Children with Special Needs	10. No statute changes needed
11. Interjurisdictional Adoption	11. No statute changes needed
12. Permanency Hearings	12. Amend K.S.A. 38-1502 page 4 Amend K.S.A. 38-1561 page 4 Amend K.S.A. 38-1562 page 5 Amend K.S.A. 38-1565 page 9
13. Participation in Case Reviews/hearings	13. Amend K.S.A. 38-1562 (b) page 5 Amend K.S.A. 38-1582 (b) page 11
14. Performance Measures	14. No statute changes needed
15. Child Welfare Demonstrations	15. No statute changes needed
16. Reauthorization and Expansion of Family Preservation Program (IV-B part 2)	16. No statute changes needed
17. Kinship Care Report	17. No statute changes needed
18. Federal Parent Locator Service	18. No statute changes needed
19. Coordination of Substance Abuse and Child Protection	19. No statute changes needed
20. Eligibility for Independent Living Services	20. No statute changes needed
21. Standby Guardianship	21. No statute changes needed

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**Adoption and Safe Families Act (PL 105-89)
and
Kansas Senate Bill 683**

Senate Bill 683 brings Kansas into compliance with the Federal Adoption and Safe Families Act.

The following amendments are not required by the federal act but are in the spirit of the Act and benefit children and families:

- 1) **Permanent Guardianship:** Permanent guardianship while not a part of the federal act, provides an alternative for a permanent family for children when reintegration is not a viable alternative and adoption is not in the best interests of the child.

Amendments: K.S.A. 38-1502 (w) and (y) [Page 4, lines 14-27], 38-1562 (c) [Page 5, lines 20-43], 38-1565 (c) [Page 10, lines 11-29], 38-1581 (a) [Page 10, lines 36-38], 38-1582 (a) [Page 11, line 8] and 38-1583 (g) [Page 13, lines 10-17].

- 2) **Requirement That Prosecutors File Termination Proceedings Within 30 Days of the Court Finding That Reintegration Is Not a Viable Alternative:** The timeline of 30 days to file a petition to terminate parental rights following a finding by the court the reintegration is not a viable alternative is not in the federal act but supports the spirit of both federal and state statutes to reduce delay in achieving permanency for children.

Amendments: K.S.A. 38-1562 (c) [Page 5, lines 20-43], 38-1565 (c) [Page 10, lines 11-29], 38-1581 (c) [Page 10, line 43 and Page 11, lines 1-5].

- 3) **Criminal Records Check:** The federal legislation allows the Governor or the legislature to opt out of the requirement to require criminal records checks for foster care and adoptive parents. Kansas statutes currently require such checks for licensed foster parents. SRS, through policy, requires Criminal Record Checks for families adopting children in the custody of the state. The amendment offered in K.S.A. 59-2132 (e) [Page 13, lines 40-43 and Page 14, lines 1-3] extends the provision to all adoptions.

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Senate Bill 683

Section	SB-683	Basis for Amendment
38-1502 (v) (w) (x)(y)(z)	Page 4 Lines 12-31	Amendments (v) through (z) brings us into compliance with federal requirements. (y) reflects input from OJA, Prosecutors and others.
38-1561	Page 4 Lines 35-37	Amendment based on input from OJA and others to more clearly identify the dispositional hearing as a permanency hearing.
38-1562 (b)	Page 5 Lines 7-8, 12-14;	Compliance with federal statute. Reflects response to concerns from OJA, Representative Pauls and Prosecutors. Note: The 30 day filing requirement is not a federal requirement.
38-1562 (c)	Page 5, Lines 20-43	Compliance with federal statute. Reflects response to concerns from OJA, Representative Pauls and Prosecutors. Note: The 30 day filing requirement is not a federal requirement.
38-1563 (h)	Page 7 Lines 23-42	Compliance with federal statute. Reflects input from the Judiciary.
38-1565 (a)	Page 8 Lines 36-43 Page 9 Lines 1-10	Compliance with federal statute. Reflects input from the Judiciary.
38-1565 (b)	Page 9 Lines 36-39	Compliance with federal statute. Reflects input from Prosecutors.
38-1565 (c)	Page 10 Lines 11-29	Compliance with federal statute. Reflects input from Prosecutors. Note: The 30 day filing requirement is not a federal requirement.
38-1581 (a)	Page 10 Lines 36-38	Compliance with federal statute. Reflects input from Prosecutors.
38-1581 (c)	Page 10 Line 8	Reflects input from Prosecutors. Note: The 30 day filing requirement is not a federal requirement.

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SENATE BILL 683

Section	SB-683	Basis for Amendment
38-1582 (b)	Page 11 Lines 14-15, 17-19	Compliance with federal statute. Reflects input from OJA.
38-1583 (g)	Page 13 Lines 10-17	Permanent guardianship is not required by the federal statute, but is authorized. Reflects input from the Supreme Court Task Force on Permanency Planning, Judiciary and Prosecutors as an alternative to adoption which provides children with safe permanent families.
59-2132 (e)	Page 13 Lines 40-43 Page 14 Lines 1-3	This provision is optional for the states. This amendment would expand current practice for families adopting children in the custody of the Secretary to include all children being adopted. Reflects input from child advocates.

Proposed Amendments to Senate Bill 683

At K.S.A. 38-1562(c); K.S.A. 38-1563 (h); and K.S.A. 38-1565(a) the following needs to be added to the list of considerations for determining if reintegration is a viable alternative: “(6) the child has been in extended out of home placement as defined in subsection (z) of K.S.A. 38-1502.”

SJ
3-11-98

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Christian Science Committee on Publication For Kansas

820 Quincy Suite K
Topeka, Kansas 66612

Office Phone
913/233-7483

To: Senate Committee on Judiciary

Re: SB 683

A study of recent federal changes in CAPTA and ASFA legislation results in the conclusion that the amendments in SB 683 on page 7, lines 28-41, and page 8, line 40 to page 9, line 10, go beyond requirements mandated by the federal legislation. These amendments would prevent a finding that reintegration is a viable alternative in placement of a child if one of several specified actions has occurred.

It is our understanding from the federal legislation that reintegration still may be a viable alternative in some cases and that the option to make such a decision should remain available.

We request that page 7, line 28, and page 8, line 40, be amended as follows:

"Reintegration ~~is not~~ may not be a viable alternative ~~when~~ if the."

This change will give the court the opportunity to order proper placement of a child based on the facts of the case.



Keith R. Landis
Committee on Publication
for Kansas

*Senate Judiciary
3-11-98 pm
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EXECUTIVE DIRECTOR, JAMES W. CLARK, CAE • CLE ADMINISTRATOR, DIANA C. STAFFORD

March 11, 1998

TO: Senate Judiciary Committee

FROM: James Clark, Executive Director, KCDAA

RE: Senate Bill No. 683

The Kansas County and District Attorneys Association supports many of the provisions of **SB 683**, as it does **HB 3006**, and as it did **HB 2710**: as they appear to be identical bills in response to federal mandates found in the federal Adoption and Safe Families Act, and as several million federal dollars are dependent on compliance with the Act. Our main concern with the bill(s) is that a funded federal mandate is turned into an unfunded state mandate. The bill is an exercise in reverse alchemy, spinning federal gold into a lump of coal for the counties. For example:

Sec. 2, Line 35, requires a permanency hearing within 30 days of determination that reintegration not an option. **Who sets hearing, who presents evidence, where is the funding?**

Sec. 3, Line 42, mandates the county or district attorney to file a motion to terminate parental rights or permanent guardianship (even though permanent guardianship is offered as one of the new options in the bill) within 30 days. **Where is the funding?. Why, when anyone can file a child in need of care petition, does the bill limit the filing of a motion to terminate?**

Sec. 5, Line 36, another mandate for hearing upon a request from the Secretary for all children in SRS custody prior to July 1, 1998. **Where is the funding, not only for counties to build more courtrooms but for OJA to hire more judges?**

Sec. 5, Line 24, another mandate for county or district attorney to file motion within 30 days to terminate parental rights or for permanent guardianship. **No funding, and additional duty of establishing permanent guardianship added to county or district attorneys.**

Sec. 6, Line 43, again mandates the county or district attorney to file pleadings alleging parent unfit and for termination of parental rights or permanent guardianship within 30 days after court determination reintegration not viable option, even though without initial CINC petition, no such finding occurs. **No funding for county, arbitrary limitation on who can file such pleading** (especially where Sec. 6, Line 35 shows current law allows any interested party to file such pleadings).

Summary: The bill attempts to speed the process of permanency by mandating new duties and a 30-day time line on the county and district attorneys, without providing funding to the counties. More importantly, none of these mandates are required by the federal mandate.

Senate Judiciary
3-11-98 PM
att 4

Toni Schuckman, M.S.
The Salvation Army
President



Bruce Linhos
Executive Director

Stud written testimony 3-11-98 +5

Community Agencies Serving Children and Families

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**Testimony
Senate Judiciary Committee**

March 11, 1998

I appreciate the opportunity to appear before this committee this morning on behalf of S.B. 683. My name is Bruce Linhos and I am the Executive Director of the Children's Alliance. The Children's Alliance is the association of private, non-profit child welfare agencies. The majority of our member agencies provide foster care services and are a part of the adoption network through Lutheran Social Services. Our association has worked for over 40 years to represent the needs of Kansas children.

In the arena of Child Welfare, Kansas has been a recognized leader in its attempts to develop a child welfare system that recognizes the need children have for permanent homes and stability if they are to develop and grow to be productive citizens. Outcomes have been developed in Kansas to insure that children receive the services they require in a timely way. Kansas was identified by the Kellogg Foundation as a state that recognized the importance of permanence in the lives of our children. Permanence not only for children with families that are intact, but also for children in the foster care system.

This bill, S.B. 683 moves us in direction the Legislature and the Department of Social and Rehabilitation Services have been moving this state for the past several years. It moves us toward the realization that children and questions of their permanence must be decided not in terms of "adult time", but rather in terms of "child time". We as the responsible adults need to make certain that we create a system that insures the promise of timely permanence for all children..

The Children's Alliance supports passage of S.B. 683.

*Senate Judiciary
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