

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:30 p.m. on March 3, 2004 in Room 313-S of the Capitol.

All members were except:

Representative Candy Ruff
Representative Dan Williams

Committee staff present:

Russell Mills, Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Dennis Hodgins, Legislative Research Department
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

PROPONENTS:

Representative Frank Miller
Representative Bonnie Huy
Representative Jeff Jack
Camie Russell, Citizen, Southeast Kansas

OPPONENTS:

Judge Thomas H. Graber, District Judge, 30th Judicial District, Sumner County
*Written Testimony Only
*Cindy D'Ercole, Kansas Action For Children
*Sheryl Bussell, Assistant District Attorney, Wyandotte County

Others attending:

See Attached List.

HB 2676 - Members of the House of Representatives and Senate and clergy allowed in CINC hearings as observers if requested by parents or guardians

Ms. Torrence, Revisor of Statutes Office, stated the bill would amend the code for care of children to provide that a parent or guardian of the children, subject to proceedings of the code, could request a member of the Senate or House of Representatives, or a member of the clergy to attend the proceedings as an observer.

PROPONENTS:

Representative Miller, testified in support of his bill, **HB 2676 (Attachment 1)**. He described the on-going experience of a constituent after his children had been taken and placed in foster homes by SRS, and the three year process he has gone through in an effort to get his children back.. He provided data on the cost of maintaining children in foster care programs. He offered a balloon amendment (**Attachment 2**), that would define more specifically the term "clergy" and alert the court to advise all present in the courtroom that the hearing deliberations shall be kept confidential.

Discussion followed regarding: definition of clergy, pros and cons of allowing clergy or representatives in the hearing, and the process to determine when parental rights are severed.

Representative Bonnie Huy, stated the bill simply allows a legislator or a duly ordained minister to be present during CINC court hearings if the family so desires (**Attachment 3**). Legislators continuously hear from constituents whose children have been taken into state custody, pleading for their help. This bill would be one small step toward providing some support to their constituents.

CONTINUATION SHEET

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE at 1:30 p.m. on March 3, 2004 in Room 313-S of the Capitol.

Representative Jeff Jack, testified as an attorney that had been assigned to represent parents in CINC cases, during the past year (Attachment 4). He spoke of the times when he was swamped during the juvenile docket, often moving twenty cases through in an hour. He stated that it would be extremely helpful for parents to be able to have a trusted clergy member, or a willing state representative or senator, to attend a court proceeding with them, to put another set of eyes on the system to help ensure that it works the way it was intended it to work.

Camie Russell, testified of her experiences while she was employed as a foster care contractor from February 2000 to July 2002 (Attachment 5). She spoke of incidences where families were not informed of their rights and not afforded the constitutional right to face their accuser. In many cases children were removed from their homes for highly subjective reasons. Opening court to a legislator or clergy can only help bring more truth to light. She urged passage of **HB 2676**.

OPPONENT:

Thomas H. Graber, District Judge, explained the process that occurs before a child can be separated from their parents or guardian. He opposed **HB 2676** because it does not equally balance the rights of all the parties and limits the ability of the court to address the best interests of all the parties. The language should be expanded to give equal rights to all parties and allow the court to protect their interests. He offered an amendment that would put all the parties on equal footing (Attachment 6). Discussion followed regarding the intent of his amendment and the traffic and limited time frame for cases before the court.. He concluded by saying that the problem within the system is that there are not enough judges that can hear juvenile cases and domestic relations cases. Additional resources are necessary for children's programs in SRS, in order to meet the need for more foster homes and social workers to effectively work each case. In response to a question he stated that there is abuse in the SRS system, however as well intentioned SRS employees may be, their hands are tied due to the practical financial realities.

NEUTRAL:

Written testimony from Cindy D'Ercole, Kansas Action for Children was distributed. They oppose the bill as written stating that there is not a safeguard to protect the best interest of the child or children involved (Attachment 7).

Written testimony was distributed from Sheryl Bussell, Assistant District Attorney, Wyandotte County who suggested changing the language slightly, so it would leave the courts some discretion to have control over the conditions of their court hearings (Attachment 8). She urged consideration of amendment of the bill before favorable action.

The hearing was closed on **HB 2676** and the meeting adjourned at 3:20 p.m. The next meeting will be March 4, 2004.

C. FRANK MILLER
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TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: EDUCATION
 HEALTH AND HUMAN
 SERVICES
 ETHICS AND ELECTIONS
 LEGISLATIVE POST AUDIT

Wednesday March 3, 2004

House Federal and State Affairs Committee
 Honorable William G. Mason, Chairman

Testimony in Support of HB 2676 - Courtroom Access

It is my pleasure to come before this committee to testify in support of HB2676. This is a simple bill, but much needed to open Child In Need Of Care (CINC) courtroom hearings to legislators and clergy. It is the opinion of this legislator that the wall of secrecy that surrounds SRS and CINC cases has led to abusive treatment of both children and parents.

Allow me briefly to tell you the story of Mr. X, who at the age of 19 lost his right leg to bone cancer. Two of X's four boys were sexually molested by his now estranged wife's brother more than three years ago, while he and his family were living in another State. The brother confessed and was tried, convicted and sentenced. X left his wife and brought his family back to Kansas. He made the mistake of leaving his boys with his sister while he voluntarily attended Valley Hope, Augusta, Ks. for counseling and treatment for alcoholism. From both my observations and those of his pastor he was cured of alcoholism. During the time he was gone (about 2 weeks) his sister reported the situation to the administration of the school where she worked as an aide. The School reported the case to the SRS as required by law, and the boys were subsequently taken by SRS and put into Foster Care.

To my knowledge little effort was ever made to give Mr. X and his mother custody of the boys. Three years have now gone by at a cost to Kansas and the Federal Government of about \$350,000, which would have been enough to buy X a home and provided him with a full time nanny. (See attached chart) For a time he was allowed occasional visitation with his boys - however none is allowed today. His youngest son has been adopted out and parental rights severed, the other two boys are still in foster care, but currently Mr. X has no contact with them and has no knowledge of their location. The oldest son had trouble with the law while under the supervision of foster care, and is now in a juvenile detention center and possibly will serve jail time until he is 23. Most of Mr. X's government disability pay is being garnered by SRS, leaving Mr. X in a financial strait and living with his recently widowed mother.

During this three year period Mr. X has been required to: attend Parenting Classes; -- take an Anger Management Course; -- attend the Girard Alcohol treatment center a second and unnecessary time for this treatment; -- participate in outpatient alcohol counseling; -- attend other general counseling sessions; -- take a lie-detector test; -- and take an ABLE test. All of this offered with the expectation that X would get his boys back..

Today, Mr. X attends church regularly and because he is very musically gifted performs concerts in various churches in the community. He is not lazy and works in construction at various jobs, he even built the deck on my new home. Needless to say he is not a very happy person and has told me "I feel I have been stripped of my constitutional rights as a parent and an American Citizen". **Note: Mr. X was not been proven guilty of anything other than neglect for having trusted his sister!**

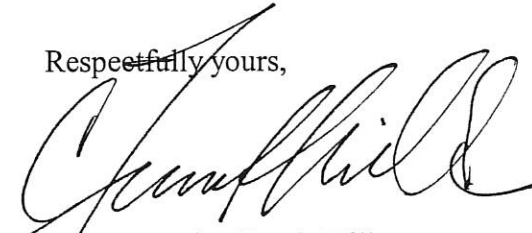
This story is repeated many times in Kansas, but few people ever hear the details. I tell this story as a prelude to what prompted me to author HB 2676. Mr. X on one occasion asked me and X's church minister to attend one of his hearings. The attorney, handling X's case, asked the judge for permission to allow us to remain in the courtroom as observers. The judge in accordance with K.S.A. 38-1552, asked if any of the interested parties objected. An objection was raised so the pastor and I were ordered out of the courtroom. I found this experience insulting, frustrating, and demeaning. Legislators are elected and sworn in to uphold the constitution of the United States and of Kansas, and trusted to represent their constituents about the taxes they must pay, -- and the laws they must obey, -- **but cannot be trusted to sit in a courtroom when one of their constituents cries for help!**

This bill would help correct this injustice and for this reason I respectfully ask the committee to support HB-2676.

Mr. Chairman I have two amendments that I would like to submit to the committee. The first amendment would define more specifically the term "clergy" now mentioned in the bill. The second amendment would alert the court to advise all present in the courtroom that the hearing deliberations shall be kept confidential.

Mr. Chairman and Committee I stand for questions.

Respectfully yours,



Representative Frank Miller

Cost of Child In Need Of Care (CINC) Services 1999-2003
Report to Health and Human Services Committee - January 16, 2003
Prepared by the Department of Social and Rehabilitation Services

Fiscal Year	Family Preservation (FP)				Adoption (AD)				Foster Care (FC)			
	(FP) Total Funding Millions	(FP) Number of Families	(FP) Ave. Cost Per Family Per Year	Percent Federal Funding %	(AD) Total Funding Millions	(AD) Average Monthly Children	(AD) Ave. Cost Per Child Per Year	Percent Federal Funding %	(FC) Total Funding Millions	(FC) Average Monthly Children	(FC) Ave. Cost Per Child Per Year	Percent Federal Funding %
1999	\$9.457	2,849	\$3,319	3.27%	\$25.708	1,067	\$24,094	31.07%	\$111.939	4,968	\$22,532	76.60%
2000	\$12.185	3,436	\$3,546	28.70%	\$21.876	1,397	\$15,659	59.01%	\$84.366	3,776	\$22,343	80.19%
2001	\$12.985	3,812	\$3,406	71.38%	\$40.305	1,443	\$27,931	47.63%	\$94.039	3,662	\$25,680	67.20%
2002	\$10.554	2,731	\$3,865	71.14%	\$28.156	1,546	\$18,212	45.49%	\$91.940	3,264	\$28,168	58.90%
2003	\$9.373	2,570	\$3,647	75.31%	\$32.335	1,608	\$20,109	54.08%	\$88.406	3,046	\$29,024	60.42%
Increase by same number:		2,132								2,132		
	\$47.020	4,702							\$61.884			
									Difference:		\$14.864	
									Saving to the State of Kansas in millions:		\$7.432	

HOUSE BILL No. 2676

Representative Frank Miller
Proposed amendment
March 1, 2004

By Representatives F. Miller, Burroughs, Dahl, Faber, Goico, Howell,
Huebert, Huy, Kauffman, Long-Mast, McCreary, Merrick, Judy Mor-
rison, Siegfried and D. Williams

2-2

11 AN ACT concerning children in need of care; relating to the confiden-
12 tiality of proceedings; amending K.S.A. 38-1552 and repealing the ex-
13 isting section.

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

15 Section 1. K.S.A. 38-1552 is hereby amended to read as follows: 38-
16 1552. The court may exclude from any hearing all persons except the
17 guardian *ad litem*, interested parties and their attorneys, officers of the
18 court and the witness testifying. Upon agreement of all interested parties,
19 the court shall allow other persons to attend the proceedings, unless the
20 court finds the presence of the persons would be disruptive to the pro-
21 ceedings. *Upon the request of a parent or guardian, the court shall allow*
22 *members of the senate and house of representatives and* ~~(clergy)~~ *to attend*
23 *the proceedings as observers.*

24 Sec. 2. K.S.A. 38-1552 is hereby repealed.

25 Sec. 3. This act shall take effect and be in force from and after its
26 publication in the statute book.

a regular or duly ordained minister of religion, as such terms are defined in K.S.A.
60-429, and amendments thereto,

The court shall advise all persons present of the confidential nature of the
proceedings.

STATE OF KANSAS

Bonnie Huy
Representative, 87th District
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HOUSE OF REPRESENTATIVES
87TH DISTRICT

Thursday, March 4, 2004

House Federal and State Affairs Committee
Honorable William G. Mason, Chairman

Testimony in Support of HB 2676

Mr. Chairman and Committee Members, I appear before you in support of HB 2676. This bill simply allows a legislator or a duly ordained minister to be present during CINC court hearings if the family so desires.

Currently, should the SRS, guardian ad litem, or social worker object (and there is always an objection to the presence of an advocate for the family) that person is prohibited from being in the courtroom.

A judge from Fort Wayne, Indiana, has opened all CINC court hearings to the public stating that, "Sunshine is good for children." I would add that sunshine is not only good for children, but good for the parents, the family and the community.

Three Indiana judges have allowed TV cameras into their CINC court hearings.

Closed courtrooms, confidential files and total statutory immunity create an attitude unbecoming a system purportedly serving the best interests of children and the community. The veil of secrecy only serves to protect the system rather than children and families.

Legislators continuously hear from constituents whose children have been taken into state custody (and often for the flimsiest reasons) pleading for our help. They do not understand that we are totally shut out of the process.

HB 2676 would be one small step toward allowing legislators to provide some support for their constituents by being an objective party in the courtroom. If legislators cannot be trusted to be in the courtroom as an observer, then perhaps we cannot be trusted to represent our constituents.

I ask for your support of this common sense legislation, HB 2676.

HS Federal & State Affairs
March 3, 2004
Attachment 3

JEFF JACK
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SELECT COMMITTEE ON KANSAS
SECURITY

Testimony in support of HB 2676

My name is Jeff Jack, and I am the representative for the seventh district, which comprises most of Labette County. I am an attorney, and the father of two young children. During the past year, I was on the Labette County contract, assigned to represent parents in Child in Need of Care cases.

I support HB 2676. In representing parents in CINC cases, I have seen too many instances where parents have no where to turn except for their court appointed attorney. Though I know that I conscientiously tried to represent my clients, and I am sure that my colleagues did, as well, I also know that I was often swamped during the juvenile court docket, often moving twenty cases through in an hour.

The parents of children taken into state custody are often shell-shocked; most have never dealt with the system before, many don't know why their children were taken from them, and all of them are extremely upset and agitated. Often, the rules make no sense to them, and they don't understand why things are happening to them and their children. While SRS and the courts sometimes do a good job explaining things, other times there is no explanation, or confusing explanations, and the potential for abuse of the system is great. I believe it would be extremely helpful for such parents to be able to have a trusted clergy member, or a willing state representative or senator, to attend a court proceeding with them, to hear what is said, to help the parent remember what happens, and to put another set of eyes on the system to help ensure that it works the way we intend it to work.

House Bill 2676 Courtroom Access

Honorable Representative Bill Mason
Federal and State Affairs Committee

My name is Camie Russell; I am a life long resident of Kansas.
I thank you for the opportunity to speak today.

In 1996, I became a relative placement for my three nephews and we received permanent guardianship in 2000. It was an unpleasant and eye opening experience. One I would not have believed had I not witnessed it first hand. I vowed I would do something to make things better for kids and families caught in the system.

It seemed part of my destiny, when a foster care contractor offered me employment. I closed my business of 20 years and accepted the calling. I was sure I could make a difference from the "inside". My employment from February 2000 to July 2002 provided me an abundance of information and experiences, in Kansas, Oklahoma, and Missouri, very few of which let me sleep well at night.

Families are not informed of their rights; they are often intimidated into making uninformed decisions. Parents are not afforded the constitutional right to face their accuser. They are often not allowed any access to the case file to know what is being documented about them. I saw misleading information placed in both child and foster family files.

The option of family conference prior to placement with strangers is not occurring on any consistent basis. Without such conferencing, small children are whisked away to foster homes leaving grandparents and other relatives in the dark. The birth parents have a difficult time getting social workers to return their calls and the grandparents and other relatives are seldom given the time of day. They feel they have no rights, no power, and no one they can turn to that will listen.

Nearly half the children removed from their homes are removed for reasons other than abuse and neglect. Taking children from their homes is an emotionally traumatic and abusive experience. It should require just cause. Too often, children are being removed for highly subjective reasons. A personality clash with a social worker is almost certain misery for these families. Contrary to existing law, children ARE being removed because of the family financial conditions. Children ARE removed because the home does not meet the housekeeping standards of the investigating worker.

Too often, children are not getting visits with parents or siblings.

This system touts safety...yet our children are dying in it. I challenge the safety percentages reported. I do this because I worked in a Child Placing Agency and know the inconsistency with which work was done, and critical incidents reported. Children are being placed in foster homes without foster parents receiving the information needed to provide for safety.

It is quite arrogant of us to take children and then not provide any better care for them. We have a dysfunctional system of care from the roots, to the ends of each branch.

I know you hear horror stories about our foster care system. I would tell you that not only is it very likely that most of stories you hear are true, but that for every one you hear there are perhaps hundreds more that have been covered up by the secrecy our laws allow. Anytime a system is afforded this type of power with little accountability; corruption is likely to flourish. Opening court to a legislator or clergy can only help bring more truth to light. Only the guilty fear the truth. Please... as a first step support HB 2676.

I stand for questions.

TESTIMONY IN REGARD TO H.B. NO. 2676

BEFORE THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

BY THOMAS H. GRABER, DISTRICT JUDGE
ON MARCH 3, 2004

I oppose the proposed amendment of K.S.A. 38-1552 by H.B. 2676 because it does not equally balance the rights of all of the parties and limits the ability of the court to address the best interests of all of the parties. All of the Child in Need of Care Code involves a balancing of rights and interests. The language of the proposed amendment as it now exists ignores the need for balancing.

The language should be expanded so that a child or the child's guardian ad litem could request the attendance of members of the senate and house of representatives and clergy to attend the proceedings.

The amendment should also include a right for any parent, guardian, child or a child's guardian ad litem to object to the request of another party and to have their interests protected if the court finds that they have shown good cause for denying the request objected to.

Attached hereto as exhibit "A" is some proposed language that would give equal rights to all parties and allow the court to protect their interests.

As a practical matter, in the majority of proceedings the parents are not together and have separate attorneys and interests. The effect of the existing language included in H.B. 2676 is that one parent or another might make a request and the attendance would be required. The other parent could believe that his/her rights would

threatened because he/she believes the request is made to prejudice the court against him/her with outside influences and he/she would have no way to protect themselves.

A child might want to request the attendance of and under the existing language the child would not have an equal right to make a request for a member of the senate or the house of representatives or clergy and to have them attend.

If a child had an objection to the attendance of a member of the senate or the house of representatives or clergy because they believe that the party requested to attend is an advocate for the parent and might unduly influence the court or would unduly inhibit them in the proceedings neither the child nor the child's guardian ad litem could protect the child's interests.

The suggested language in exhibit "A" would put all the parties on an equal footing and give them an opportunity to protect their rights or interests from abuse.

HOUSE BILL No. 2676

By Representatives F. Miller, Burroughs, Dahl, Faber, Goico, Howell, Huebert, Huy, Kauffman, Long-Mast, McCreary, Merrick, Judy Morrison, Siegfried and D. Williams.

2-2

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19 court and the witness testifying. Upon agreement of all interested parties,
20 the court shall allow other persons to attend the proceedings, unless the
21 court finds the presence of the persons would be disruptive to the pro-
22 ceedings. Upon the request of a parent or guardian, the court shall allow
23 members of the senate and house of representatives and clergy to attend
24 the proceedings as observers.

25 Sec. 2. K.S.A. 38-1552 is hereby repealed.

26 Sec. 3. This act shall take effect and be in force from and after its
27 publication in the statute book.

-----Upon the request of a parent, guardian, child, or guardian ad litem, the Court shall allow members of the Senate and House of Representatives and clergy to attend the proceedings as observers unless a parent, guardian, child, or guardian ad litem objects to their attendance and the Court finds good cause for denying the request.

WRITTEN TESTIMONY ONLY

March 3, 2004

To: Kansas House Committee on Federal and State Affairs
From: Cindy D'Ercole, Sr. Policy Analyst
Re: HB 2676

Kansas Action for Children, Inc.
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Celebrating 25 years
of child advocacy

The child welfare system in Kansas, and in other states, can be confusing and complicated for all participants. Court proceedings in particular are often unfamiliar and intimidating for individuals.

Kansas Action for Children supports efforts to make the child welfare system in Kansas more "user friendly." However, we do not support HB 2676 as written.

As written, there is not a safeguard to protect the best interest of the child or children involved.

The bill would mandate that the court allow members of the Senate, House and clergy to attend the proceeding as observers at the request of a parent or guardian. To make sure that *both* the interests of the parents and the children involved are protected, **we would propose including language that would allow the child or their guardian to object.** If the court found the objection to be valid, the court would not be required to allow the advocate for the parent to attend.

Although the ultimate goal is reunification, families are often placed in adversarial roles during court proceedings. It is clear that all parties, including parents, need support and guidance during this difficult process.

This highlights an opportunity to make a greater impact through prevention and family support programs that **can help families before they enter the child welfare system.** Attached is information on strengthening prevention programs from a Kansas Action for Children special report.

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Strengthen Prevention Programs

Child Protective Service Reform

With the number of investigations of abuse and neglect by Kansas Child Protective Services (CPS) in recent years reaching nearly 26,000, the time for systematic reform is now.

Kansas needs to transform CPS so it not only has the capacity to protect children who need to be removed from the home but is also equipped to serve families at risk so most children can be safe at home. CPS must also be ready to respond to different family situations through different remedies.

The traditional CPS model functions like a light switch. If reported child maltreatment is substantiated with evidence, the light goes on and the flow of services begins. As a result of overwhelming caseloads and limited resources, if the case does not fall within the definition of abuse or neglect, the light goes off and families' needs are not addressed. Experts say some situations in the latter category could benefit from attention to prevent CPS involvement in the future.

An emphasis should be placed on developing a continuum of family support and prevention programs to avoid crisis-oriented interventions in the first place. Several states are implementing CPS reforms that seek to both protect children and support families. The key elements of these efforts include:

Multi-tiered response

In a multi-tiered response system, reports of abuse and neglect are evaluated according to the severity of the threat to the child. Cases where there seems to be sexual and/or serious physical abuse and neglect are referred for a traditional investigation and possible removal of the child. Cases where there seems to be no immediate threat to the child receive a family assessment and are referred to appropriate services.

Family assessment

A family assessment is an important component of these reforms. In the traditional CPS investigation, the caseworker's

primary responsibility is to obtain the facts that can be the basis for a court's finding of abuse or neglect. The role of the caseworker doing a family assessment is quite different, since the emphasis is on determining if services can be provided that will allow the child to remain safe at home.

Community-based staff and community collaborations

In these reforms, CPS staff is often placed in communities with significant numbers of abuse and neglect reports. CPS staff also involves community organizations in collaborative efforts. In some cases, teams made up of CPS staff and workers from other public and private agencies work with the family to develop a plan and provide supports and services.

A plan based on these reform efforts should be developed and piloted in two or three Kansas communities. Such a plan could build on the experience of the Case Management Project, which has been coordinated by the Children's Alliance. It could make use of current SRS staff and include contracting with community-based service providers.

While the improvements outlined above deal with the "front end" or before children and families enter the system, changes are also needed to the "back end" or after entering the system.

Fragmentation of service

Many families served by the CPS are also receiving services from other state and local agencies (e.g. health, mental health, housing, income supports). Families are caught in a maze of agencies whose caseworkers have little or no communication, and whose services are not coordinated to provide the families with a full array of needed supports.

Better coordination across agencies in the form of intake resource centers could get services to people who need them most. A good example is the Children, Youth and Families Resource Center in Topeka. It serves as a "one-stop shop" for families to gain access to the full continuum of care from a variety of agencies.

What's good for the child is good for the state

Children deserve a safe and stable environment. CPS reform will allow the state to solve problems before they get out of hand. Investing in prevention programs now will save the state money later.



Strengthen Prevention Programs

Family Preservation

Until we have a continuum of family support and prevention programs that can serve low and high-risk families, the child welfare system will continue to feel pressure from having thousands of children in out-of-home placements. Currently, family support and prevention services in Kansas are underdeveloped.

Intervention versus prevention

Family Preservation is a critical prevention-oriented program within SRS. Still, the agency's Web site describes it as "intensive in-home services offered to families who are in imminent danger of having a child come into the custody of the department and removed from their home unless the family can make the changes necessary to provide adequate care and safety." A prevention-focused approach would include serving families who are at risk of child abuse and neglect with programs such as the ones below.

What services are available?

In Kansas, the continuum of support services includes:

■ Healthy Start Home Visitors Program

Offers home visits to all pregnant women and mothers with infants under age one, with priority given to high-risk families. Home visitors provide information and referrals to support services, and screen for child abuse and neglect.

■ Parents As Teachers

An early childhood parent education and family support program serving families with children ages birth to three. The program is designed to enhance child development and school achievement through parent education accessible to all families.

■ Early Head Start and Head Start

Comprehensive child development programs which serve children from birth to age five, pregnant women and their families. They are child-focused programs and have the overall goal of increasing the school readiness of young children in low-income families.

■ Four-Year-Old-At-Risk Program

Provides early education services to four-year-olds who are considered at risk due to poverty, teen parents, minor developmental delays, limited English skills or other risk factors.

Features of programs proven effective with high-risk families:

- Initiated prenatally or at birth
- Voluntary participation
- Intensive (at least once a week) and long-term (3-5 years)
- Comprehensive, focusing on parents, parent-child interactions and child development
- Emphasis on linking families to a range of community services
- Ongoing and intensive staff training and evaluation

Gaps in services

Although the programs outlined above provide valuable services, the state lacks a continuum of care, especially at birth and for children between three- and five-years-old. Even when programs exist, many children do not have access because of limited service areas and limited funds.

Access for all

KAC has advocated for funding for programs such as Healthy Start and Parents as Teachers to make those programs available to all interested families. But many communities still lack those programs or have long waiting lists.

Better coordination

In addition to limited funds, lack of statewide coordination of family support and prevention programs is a serious problem. Existing programs are funded through several state agencies including SRS, Juvenile Justice Authority, Department of Health and Environment, Office of the Attorney General and the Department of Education. Statewide planning and coordination present ongoing challenges within those programs.



What's good for the child is good for the state

Perhaps nowhere is it clearer that prevention pays off than when comparing the costs of family preservation versus foster care. It costs about \$4,000 a year to provide preservation services to a family with three children, but it can cost \$75,000 a year if those children end up in foster care.

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DISTRICT ATTORNEY
Nick A. Tomasic
March 3, 2004

Chairman, Federal and State Affairs Committee
Kansas House of Representatives
Room 313 S
Capitol Building
Topeka, KS

RE: HB 2676

Ladies and Gentlemen:

I am writing to comment about the proposed change to K.S.A. 38-1552 in this legislation. Many times, by agreement of the parties, we have persons who are not interested parties coming in to observe proceedings in juvenile court here in Wyandotte County. We have even had a reporter from the Kansas City Star, upon agreement to protect the identities of the participants, come and sit in to see what happens in these types of cases. I have permission from Judge Grosko to extend our invitation to any of you who wish to come and sit in for a day to watch the proceedings. He normally will order that persons who come to observe keep the matters which they observe confidential, and we have never had a problem with that. The problem that I see is that the title of the statute "Confidentiality of Proceedings" is a statement of long-time public policy in our state, i.e., that matters pertaining to abuse and neglect allegations in families are matters that are thought to be private, and that allowing open access to hearings of this type would not be in the best interest of children or families in our state. Ironically, there were two of the clergy who came to observe proceedings in which I was involved about four years ago involving allegations that a father used a "stun gun" on his children. The children told professionals later that the "stun gun" came from the ministers' desk at the church, and that the minister told their father that this was proper discipline. After that disclosure, the ministers were not allowed to return to court. About two years later, those same ministers, a husband and wife, were charged in the death of their adopted son, whom they claimed they were disciplining by binding the child with duct tape. While we want to welcome persons who are legitimately there in court to support and assist these families, it is wise to allow the judges to maintain some discretion over the conduct of these proceedings.

I would suggest that if you could change the language slightly, to leave the courts some discretion to have control over the conditions of these court hearings. For example:

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K.S.A.38-1552. The court may exclude from any hearing all persons except the guardian ad litem, interested parties and their attorneys, officers of the court and witness testifying. Upon agreement of all interested parties, the court shall allow other persons to attend the proceedings, *and upon the request of a parent or guardian, or the guardian ad litem, the court shall allow members of the senate and house of representatives and a member of the clergy to attend the proceedings as observers*, unless the court finds the presence of the persons would be disruptive to the proceedings.

Thank you for your consideration of my comments today. I would urge consideration of amendment of the bill before favorable action.

Sincerely,

Sheryl A. Bussell