

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on March 15, 2005 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office
Carol Doel, Committee Secretary

Conferees:

Barb Hinton, Legislative Post Auditor
Representative Bill McCreary
Representative Ed O'Malley
Tim Madden, Department of Corrections

Others attending:

See attached list

Chairman Edmonds called the meeting to order and opened the floor for bill introductions.

There were no bill introductions and the Chairman recognized Bill McCreary who came to the committee to answer any question which the committee might have regarding **HB 2231** a bill allowing a defendant to petition the court to modify certain drug offense prison sentences to certified drug abuse treatment programs. Representative McCreary stated that there are 506 inmates who are eligible under this bill and the average sentence is 19.3 months. Representative McCreary indicated that he was concerned that if this bill is not passed, there will be people out on the streets with no rehabilitation. He further stated that it makes more sense to allow them to have their sentence modified and put into a drug rehabilitation program before they are released into society.

The Chair opened the public hearing on **SB 19** and recognized Barb Hinton, Legislative Post Auditor who testified on behalf of her office and the Legislative Post Audit Committee in support of the bill. **SB 19** would make the responses to all surveys administered by the Committee during the course of an audit confidential by law. Under current law, such survey responses generally become public records once the audit is completed. This bill offers protection for both employees and employers in the agencies audited.

(Attachment 1) Ms. Hinton also provided for committee review a copy of a discussion memo which took place December 7, 2004 regarding "protecting the confidentiality of people who report or allege mismanagement, waste, abuse, inefficiencies, or other problems within agencies that are audited".

(Attachment 2) Ms. Hinton also attached a copy of a proposed amendment to **SB 19**. (Attachment 3)

No other person wished to address the bill and Chairman Edmonds closed the public hearing on **SB 19**. With some of the issues raised regarding **SB 19** the Chairman wished to examine the bill more closely and named a subcommittee of Chairman Edmonds, Representative Wilk, and Representative Burroughs to examine the issue and report back to the committee.

The Chairman opened the floor for public hearing on **HB 2374** a bill concerning adoption; creating a task force to promote adoption and recognized Representative O'Malley as a proponent of the bill. Representative O'Malley expressed his desire to for the state to encourage adoption and this could be done by 1) encouraging couples to become adoptive parents and/or 2) encouraging women faced with unintended pregnancies to choose adoption. (Attachment 4)

Written testimony supporting **HB 2374** was presented by Stuart Little, PH.D representing the Kansas Children's Service League (Attachment 5) and by Mike Farmer representing the Kansas Catholic Conference. (Attachment 6)

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on March 15, 2005 in Room 313-S of the Capitol.

No other person wished to address **HB 2374** and the Chair closed the public hearing.

The Chairman opened **HB 2374** for committee discussion.

Representative Wilk made a conceptual motion to amend **HB 2374** by allowing the appointing authority for five days to make the appointments and allow the sunset date of February 15, 2006. Motion was seconded by Representative Dahl.

Chairman Edmonds stated that Section 2 of **HB 2374** made the bill effective on publication of the statute book which might be advisable.

Representative Wilk amended his motion to make the bill effective on publication of the statute book.. Vote was taken. Amendment was adopted.

Representative Wilk moved that **HB 2374** be moved out favorable for passage. The motion was seconded by Representative Dahl. Vote was taken. Motion carried.

Chairman Edmonds opened the floor for discussion on **HB 2231** which was previously heard on March 14th dealing with a defendant may petition the court to modify certain drug offense prison sentences to certified drug abuse treatment programs.

Representative Siegfroid offered an amendment to **HB 2231** which would limit the treatment phase to persons who have been incarcerated in violation of K.S.A. 65-4160 or 65-4162. Representative Kinzer seconded the motion. A copy of the balloon to amend **HB 2231** was provided to the committee. (Attachment 7)

Briefing was requested on **K.S.A. 65-4160** and **65-4162**. Mary Torrence from the Office of the Revisor related that the two sections deal with possession of certain controlled substances. One deals with such substances heroine, cocaine, etc. and the other section deals with synthetic drugs on a comparable level such as methamphetamines.

Representative McCreary was consulted regarding amending the bill and he responded that he would accept the balloon as friendly.

Tim Madden, Department of Corrections stood before the committee to address any questions which were asked. He stated that the Department of Corrections is neutral on the bill. The only concern which they have is whether or not there is enough money to fund the bill.

Back on the Siegfroid motion, vote was taken. Motion passed.

Representative Myers made a motion to pass the amended **HB 2231** out favorable for passage. Representative Miller seconded the motion.

Representative Huy made a substitute motion to table **HB 2231**. Representative Dahl seconded the motion. Vote was take. Motion failed.

Returning to the motion by Representative Myers to pass the amended **HB 2231** out for passage, vote was taken. Motion carried. **HB 2231** was moved out favorable for passage.

With no further business before the committee, Chairman Edmonds adjourned the meeting.



LEGISLATURE OF KANSAS
LEGISLATIVE DIVISION OF POST AUDIT

800 SOUTHWEST JACKSON STREET, SUITE 1200
TOPEKA, KANSAS 66612-2212
TELEPHONE (785) 296-3792
FAX (785) 296-4482
E-MAIL: lpa@lpa.state.ks.us
www.kslegislature.org/postaudit

Testimony for the House Federal and State Affairs Committee on SB 19

Barb Hinton, Legislative Post Auditor

March 15, 2005

Mr. Chairman and members of the Committee, thank you for allowing me to appear before you in support of SB 19. I'm testifying on behalf of my office and the Legislative Post Audit Committee, which introduced the bill.

SB 19 would make the responses to all surveys we administer during the course of an audit confidential by law. Under current law, such survey responses generally become public records once the audit is completed. As described below, this bill offers protection for both employees and employers in the agencies we audit:

Protecting employees: In their survey responses, employees sometimes report or make allegations of mismanagement, waste, inefficiencies, abuse, or other potential problems. When the audit is completed, agency managers can—and occasionally have—come to our offices to review those survey responses. Most often it happens when we've been asked to review serious personnel or managerial problems at an agency. Even when employees don't put their names on the surveys, management often can figure out who made the comments. Even the knowledge that agency management can review what an employee writes in a survey creates a chilling effect.

Protecting employers: If employees make unsubstantiated allegations against their bosses in their survey responses, those allegations also become part of the public record after the audit is completed. Someone could use that information to try to damage the employer's credibility or reputation.

As part of my testimony, I've included the **attached memorandum** to the Legislative Post Audit Committee, which provides the rationale for why I think this bill represents an important step in promoting good government in Kansas.

I would urge the Committee to give favorable consideration to this bill

FEDERAL AND STATE AFFAIRS

Date 3-15-05

Attachment 1

DISCUSSION MEMO

From: Barb Hinton, Legislative Post Auditor
To: Members, Legislative Post Audit Committee
Subject: Protecting the confidentiality of people who report or allege mismanagement, waste, abuse, inefficiencies, or other problems within agencies we audit
Date: December 7, 2004

Legislative Post Audit is seeking to address an issue we've faced for years:

- **how to encourage State employees to be more open and candid about the problems they think exist in their agencies**
- **how to protect those employees who do speak out from being identified and potentially retaliated against** (the Whistleblowers Act offers a recourse to employees who are retaliated against for talking with our audit staff, but that recourse is only after-the-fact)
- **how to balance the desire to accomplish the first 2 goals against the State's long-standing policy of openness and accountability**

Background

Under the Kansas Open Records Act (KORA), all workpapers that support our audit findings become public after the audit report is issued, except for information that is confidential or privileged by law or that can be discretionarily closed under one of the exemptions in KORA. Documents and other materials collected or prepared that do not support our audit findings are discarded in accordance with a records retention schedule we've adopted.

The primary problem we face is with information we solicit from employees through surveys. Over the years, State employees have told us they often don't feel they can be candid about the problems they perceive in their agencies because those documents become public records and officials from their agencies can review them. Even when surveys aren't signed, agency officials often can figure out who the respondent was.

Current Protections

Under KORA, we can discretionarily close some information we receive during audits. The sections of the law that apply to our situations:

K.S.A. 45-221(a)(5) allows us to close any "information which would reveal the identify of any undercover agent or any informant reporting a specific violation of law." <u>According to Attorney General staff, this section generally would relate to information we solicit from an employee.</u>	This section allows us to make confidential those parts of a survey (or interview) that allege violations of law. <u>However, much of what employees report to us falls more into the broad category of mismanagement, waste, or abuse, not violations of law.</u>
--	--

FEDERAL AND STATE AFFAIRS

Date 3-15-05

Attachment 2

<p>K.S.A. 45-221(a)(14) allows us to close any “correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.” <u>Attorney General staff say this section generally relates to unsolicited information we receive from an employee.</u></p>	<p>This section allows us to make confidential anything a private individual sends to us. <u>However, it’s not clear that a person sending us something in their role as a State employee would be considered a “private individual” under this section. Also, it’s not clear whether the term “correspondence” would cover surveys.</u></p>
<p>K.S.A. 45-221(a)(30) allows us to close “public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.”</p>	<p>This section allows us to make confidential those parts of a survey in which an employee alleges something about another employee’s personal life (i.e., someone is having an affair). <u>According to the AG’s Office, however, the courts have interpreted this section very narrowly, typically allowing closure only when there’s demonstrable harm.</u></p>

We can and have used these exemptions to try to protect employees’ confidentiality, but they aren’t sufficient or specific enough in many situations we’re faced with to protect employees’ identity when they report or make allegations of mismanagement, waste, inefficiencies, abuse, or other potential problems within the agency being audited.

What Other States Have Done To Protect Employees’ Identities

We obtained information from 14 other state audit offices. (SEE ATTACHED)

The laws in 10 of those states make all audit workpapers confidential, so they have no need for additional protections.

The laws in 4 of those states—Montana, Georgia, Utah, and Minnesota—are similar to Kansas. The **Utah Legislative Auditor General’s Office** has specific statutory authority to close records to protect the identity of employees who allege certain problems within their agencies, as follows:

“The following records in the custody or control of the legislative auditor general shall be protected records under Title 63, Chapter 2, Government Records Access and Management Act:...(b) Records and audit workpapers to the extent they would disclose the identify of a person who during the course of a legislative audit, communicated the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected.”

The Auditor General's attorneys have said the "best case scenario for documenting this protection would be for the individual to request, in writing, to have their identity protected. Also defensible is an auditor's written note indicating that the individual gave the information to the auditor on the condition that their identity would be protected. Finally, the auditor's contemporaneous notes could also give evidence that confidentiality was sought. For example, in the interview record, the auditor could note that 'the person closed the door and whispered, indicating that he did not want to be overheard.'"

The **Minnesota Legislative Auditor's Office** is able to protect certain data as follows:

"Data on individuals that could reasonably be used to determine the identity of an individual supplying data for an audit are private if the data supplied by the individual were needed for an audit and the individual would not have provided the data to the legislative auditor without an assurance that the individual's identity would remain private, or the legislative auditor reasonably believes that the subject would not have provided the data."

Proposed Protection

We are proposing that the Legislature amend the Legislative Post Audit Act to make confidential all survey responses received during the course of an audit approved by the Committee. This authority would be more specific than the current exemptions allowed under KORA. Jim Wilson is preparing draft legislation for the Committee's consideration at the December 13th meeting.

It's important to keep in mind that, under generally accepted government auditing standards, we can't consider an allegation of wrongdoing that someone might report in a survey response to constitute sufficient evidence—it often can simply point us to certain documents to look at or questions to ask. If we find an allegation to be true and report the problem as a finding in our audit, the audit work we do that supports the finding **still will be kept in the public workpapers.**

Summary of Workpaper Confidentiality Provisions in Selected States

State	WPs Confidential?	Provisions
Kansas	Sometimes	Only workpapers containing info exempted under open records law or other law; all others public at time of report release
Montana	Sometimes	Montana law similar to current Kansas law.
Georgia	Sometimes	Georgia law is similar to current Kansas law
Utah	Sometimes	All records presumed to be public, but state law allows auditors to protect certain info from surveys or interviews if the respondent requests anonymity
Minnesota	Sometimes	All records presumed to be public, but state law allows auditors to protect certain info from surveys or interviews if the respondent requests anonymity
Texas (Sunset Commission)	Yes	State law makes all WPs confidential
Texas (St. Auditor's Office)	Yes	State law makes all WPs confidential
South Carolina	Yes	State law makes all WPs confidential
Arizona	Yes	State law makes all WPs confidential
Mississippi	Yes	State law makes all WPs confidential
Oregon (Secretary of State Audits Division)	Yes	State law makes all WPs confidential
Colorado	Yes	State law makes all WPs confidential (Committee can direct their release)
Florida	Yes	State law makes all WPs confidential (Committee can direct their release)
Nebraska	Yes	State law makes all WPs confidential (Committee can direct their release)
Wyoming	Yes	WPs strictly confidential; no provision for release.

Sources: Correspondence with individual audit office officials as well as "Question of the Month" responses solicited from NCSL's National Legislative Program Evaluation Society members, April-June, 2004. See following detailed responses.

PROPOSED AMENDMENT TO SENATE BILL NO. 19

On page 1, following line 34, by inserting new material to read as follows:

"Sec. 1. K.S.A. 2004 Supp. 46-1106 is hereby amended to read as follows: 46-1106. (a) (1)

A financial-compliance audit shall be conducted each year of the general purpose financial statements prepared by the division of accounts and reports for its annual financial report. This audit shall be conducted in accordance with generally accepted governmental auditing standards. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable.

(2) In addition, separate written audit reports on the financial management practices of the office of the state treasurer and the pooled money investment board shall be prepared addressing the adequacy of financial management practices and compliance with applicable state laws. The separate audit of the pooled money investment board also shall include a comparative investment performance review and an analysis of the investment program, including an evaluation of investment policies and practices and of specific investments in the pooled money investment portfolio. The analysis of the specific investments in the pooled money investment portfolio shall review whether such investments meet the investment priorities of safety, liquidity and performance. The performance of such investments shall be measured by comparison to an appropriate market index.

(3) Copies of the reports of audits conducted pursuant to this subsection (a) shall be furnished to the governor, director of accounts and reports, director of the budget, each state agency, the legislative post audit committee and other persons or agencies as may be required by law or by the specifications of the audit.

FEDERAL AND STATE AFFAIRS

Date 3-15-05

Attachment 3

(4) Any additional costs associated with preparing the separate additional reports on the office of the state treasurer and the pooled money investment board shall be borne by the office of the state treasurer and the pooled money investment board in accordance with K.S.A. 46-1121, and amendments thereto.

(b) Including financial-compliance audit work conducted as part of the audit conducted pursuant to subsection (a), financial-compliance audit work shall be conducted at each state agency at least once every three years as directed by the legislative post audit committee. Written reports on the results of such auditing shall be furnished to the governor, director of accounts and reports, director of the budget, the state agency which is audited, the legislative post audit committee and such other persons or agencies as may be required by law or by the specifications of the audit.

(c) Books and accounts of the state treasurer and the director of accounts and reports, including the bond register of the state treasurer, may be examined monthly if the legislative post audit committee so determines, and such examination may include detailed checking of every transaction or test checking.

Any person receiving tax information under the provisions of subsection (a) or (b) shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(d) The post auditor shall report immediately in writing to the legislative post audit committee, governor and attorney general whenever it appears in the opinion of the post auditor that there may have occurred any violation of penal statutes or any instances of misfeasance, malfeasance

or nonfeasance by a public officer or employee disclosed by any audit or audit work conducted under the legislative post audit act. The post auditor shall furnish the attorney general all information in the possession of the post auditor relative to any report referred to the attorney general. The attorney general shall institute and prosecute civil proceedings against any such delinquent officer or employee, or upon such officer or employee's official bond, or both, as may be needed to recover for the state any funds or other assets misappropriated. The attorney general shall also prosecute such ouster and criminal proceedings as the evidence in the case warrants. Any person receiving tax information under the provisions of this subsection shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality.

(e) The post auditor shall immediately report to the committee on surety bonds and insurance when any audit or audit work conducted under the legislative post audit act discloses a shortage in the accounts of any state agency, officer or employee.

(f) In the discharge of the duties imposed under the legislative post audit act, the post auditor may require state agencies to preserve and make available their accounts, records, documents, vouchers, requisitions, payrolls, canceled checks or vouchers and coupons, and other evidence of financial transactions.

(g) In the discharge of the duties imposed under the legislative post audit act, the post auditor or firm conducting a financial-compliance audit or conducting any other financial-compliance audit or audit work shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, of any person or state agency subject to the legislative post audit act or in

the custody of any such person or state agency. Except as otherwise provided in this subsection, the post auditor or firm conducting a financial-compliance audit or other ~~financial-compliance~~ audit or audit work under the legislative post audit act and all employees and former employees of the division of post audit or firm performing a financial-compliance audit or other ~~financial-compliance~~ audit or audit work shall be subject to the same duty of confidentiality imposed by law on any such person or state agency with regard to any such books, accounts, records, files, documents and correspondence, and any information contained therein, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the post auditor and on firms conducting financial-compliance audits or any other financial-compliance audits or audit work under the legislative post audit act and all employees of the division of post audit and all employees of such firms shall be subject to the provisions of subsection (d), and the post auditor may furnish all such books, accounts, records, files, documents and correspondence, and any information contained therein to the attorney general pursuant to subsection (d). Upon receipt thereof, the attorney general and all assistant attorneys general and all other employees and former employees of the office of attorney general shall be subject to the same duty of confidentiality with the exceptions that any such information contained therein may be disclosed in civil proceedings, ouster proceedings and criminal proceedings which may be instituted and prosecuted by the attorney general in accordance with subsection (d), and any such books, accounts, records, files, documents and correspondence furnished to the attorney general in accordance with subsection (d) may be entered into evidence in any such proceedings. Nothing in this subsection shall be construed to supersede any requirement of federal law.

(h) Any firm or firms which develop information in the course of conducting a financial-compliance audit or other ~~financial-compliance~~ audit or audit work under the legislative post audit act which the post auditor is required to report under subsection (d) or (e) shall immediately report such information to the post auditor. The post auditor shall then make the report required in subsection (d) or (e).";

And by renumbering sections accordingly;

Also on page 1, in line 41, by striking "is" and inserting "and K.S.A. 2004 Supp. 46-1106 are";

On page 1, in the title, in line 11, following the semicolon, by inserting "access to information and records for audits;"; in line 12, following "46-1119" by inserting "and K.S.A. 2004 Supp. 46-1106"; also in line 12, by striking "section" and inserting "sections"



REP. EDWARD J. O'MALLEY JR.
STATE OF KANSAS, 24TH DISTRICT

Testimony to the House Federal and State Affairs Committee
HB 2374 – Task Force to Promote Adoption
Rep. Ed O'Malley
March 15, 2005

As many of you know, my wife and I adopted our daughter Kate, who was born on November 4, 2003.

Since Kate was born, I have often wondered what the state could do to encourage adoption in Kansas. There are two approaches to encouraging adoption – 1) encourage couples to become adoptive parents and/or 2) encourage women faced with unintended pregnancies to choose adoption.

While encouraging couples to become adoptive parents is a worthwhile goal, my effort here today is more focused on encouraging women faced with unintended pregnancies to choose adoption.

HB 2374 would establish a task force aimed at promoting adoption in Kansas. The task force would be made up of 11 individuals appointed by the Governor, Speaker, Senate President, Minority Leader of the House and Minority Leader of the Senate.

The bill states:

It shall be the duty of the task force to provide statewide policy recommendations aimed at encouraging adoption. Specifically, the task force shall conduct an analysis of adoption in Kansas focused on the following questions:

- (1) Is the current adoption tax credit adequate enough to encourage adoption?
- (2) Does the current adoption tax credit adequately offset adoption expenses incurred by adoptive parents?
- (3) What primary issues factor into the decision of birth parents when faced with an unintended pregnancy?

A task force, made up of legislators and members of the public, could best answer those questions. Answers to those questions could lead to innovative legislation aimed at enabling women to choose adoption. The task force report would be due to the legislature by December 1, 2005 after which time the task force would disband.

Mr. Chairman and members of the committee, I encourage your favorable and timely support for HB 2374.

STUART J. LITTLE, Ph.D.

Little Government Relations

March 15, 2005

Testimony in Support of House Bill 2374

Chairman Edmonds and Members of the House Federal and State Affairs Committee:

I appear today for Kansas Children's Service League (KCSL), the state's contracted provider of adoption services. KCSL supports HB 2374 and all efforts the State can take to positively impact private and public adoption of children in Kansas.

KCSL has provided adoption services for over 110 years, beginning with the Orphan Train movement in the early 20th century, and continuing today as the statewide contractor for adoption services. Our experience spans private, infant adoption (including work with birth mothers and their families), recruiting, preparing and supporting families who adopt special needs children; and finding families for those children who are traditionally more difficult to place, i.e. older children, sibling groups, and children with significant behavioral, medical or emotional needs. KCSL will continue to provide adoption services under the new child welfare contracts that will take effect on July 1, 2005.

KCSL adoption services are focused on the following priorities:

1. Children deserve to grow up in safe, nurturing, and permanent family environment
2. Engagement of a child's birth family, when possible and appropriate, is critical to adoption success, particularly for older children.
3. Adoptive families need and deserve the support of their families, communities and professionals as they open their homes and hearts to children.
4. The needs of adopted children, and adoptive families change over time, so support systems must be adaptable, easily accessible, and responsive.
5. Policy and "system" barriers that aren't required to ensure safety or quality adoption practice should be continually reviewed for potential enhancements. Individuals involved in adoption practice must continually balance timely permanency with safety and sufficient preparation for both the child and adoptive family. Any administrative, legislative or agency policy that has the potential for unnecessary delays should be looked at carefully.

KCSL concurs with the intent of HB 2374 to study adoption credit viability as an incentive. If the Committee desires to expand the focus of the task force, KCSL's experience in the public sector with primarily older children and children with issues making them harder to place, suggestions a couple of additional issues should be included in the task force charge.

1. Adoption subsidy for children adopted through the public system. As the number of adoptions increase in Kansas, it strains the limited dollars available for families who open their homes to special needs children.
2. Post adoption support. Evidenced based practice research indicates that services that are flexible, community-based, and readily accessible prevent adoption disruption. Our

experience suggests that while larger communities have some services specifically focused for adoptive families, the majority of our state does not.

3. How to manage inherent delays throughout systems that are involved in adoption, including potential delays within the social service system, as well as capacity issues in other parts of the system, i.e. full court dockets, limited attorney resources who specialize in adoption, etc.

Thank your for time and support for HB 2374. We support this necessary examination of the adoption system in Kansas.



Kansas Children's Service League

Giving Kids Our Best. For Over 100 Years.

FAST FACTS

Agency Background

Kansas Children's Service League is a private, not-for-profit agency serving children and families with offices and affiliates throughout Kansas. Founded in 1893, The League 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. The League's services and advocacy efforts focus on keeping children safe, families strong, and communities involved.

The League has regional offices located in five Kansas cities: Garden City, Kansas City, Manhattan, Topeka and Wichita, as well as satellite offices in 24 Kansas communities and one in Kansas City, Missouri.

Our Mission

To protect and promote the well-being of all Kansas children.

Our History

The League has its roots in two parent agencies: The Kansas Children's Home Society, founded in Topeka in 1893, and The Christian Service League, founded in 1906 in Wichita. Both agencies concentrated on finding permanent homes for orphaned or abandoned children and foster homes for children whose parents were temporarily unable to care for them. The two agencies merged in 1926. The newly combined agency continued its tradition of providing direct services to children and families and directing a strong child advocacy program.

During the 1940s, 1950s and 1960s The League's most visible work was infant adoption. By the 1970s, societal changes lead to decreases in the number of babies placed for adoption. In response, The League developed a broader range of services to meet the changing needs of children and families. Among these services was Head Start, which The League

still provides in 13 Western Kansas Counties. In 1993, the Kansas Committee for the Prevention of Child Abuse merged with The League, bringing the Parent Helpline, parent support groups, and a statewide network of child abuse prevention affiliates to the agency. By the early 1990s a new prevention program, Healthy Families, was developed to support at-risk parents of newborns.

In 1996, Kansas became the first state in the nation to extensively privatize its child welfare services. Kansas Children's Service League joined this public/private partnership providing family preservation and foster care in Region 3, an 18-county area that includes the cities of Topeka, Manhattan and Salina, and as a subcontractor for adoption services. In the second round of contract awards, The League was re-awarded foster care in Region 3 and awarded the statewide adoption contract. These contracts are in effect through June 30, 2005.

The League is a charter member of the Child Welfare League of America and the statewide chapter of Prevent Child Abuse America; it has achieved national accreditation from the Council on Accreditation; and is a member of 15 United Way agencies across the state.

Agency Snapshot

Number of employees (approximate): 450

Number of children & families served annually: 50,000

Top Administrators:

Wm. Clark Luster, President/CEO

Gary Endicott, Board Chair

Central Office:

1365 North Custer, P.O. Box 517

Wichita, KS 67201

(316) 942-4261



Kansas Children's Service League

Giving Kids Our Best. For Over 100 Years.

SERVICES BY LOCATION

Statewide

- Adoption Search
- Adoptive and Foster Family Preparation and Support
- Advocacy
- Coming Home Kansas Adoptive & Foster Home Recruitment
- Community Resource Library
- E-learning Solutions
- Governor's Conference for the Prevention of Child Abuse & Neglect
- Miss Kansas Speaks
- Parent Helpline
- Parents Helping Parents/Kinship Support
- Pacesetters for Kids

Cimarron

315 N. 2nd,
P.O. Box 1117, 67835
(620) 855-3889

- Head Start

Clay Center

503 Grant, 67432
(785) 632-6688

- Foster Care

Concordia

P.O. Box 361, 66901
(785) 243-8935

- Foster Care

Deerfield

203 E. 6th,
P.O. Box 303, 67838
(620) 426-2180

- Head Start

Garden City

705 Ballinger, 67846
(620) 276-3232

- Early Head Start
- Head Start

Hays

2717 Canal Blvd.,
Suite G, 67601
(785) 628-7505

- Adoption Services

Hugoton

304 E. 6th, 67951
(620) 544-7016

- Head Start

Hutchinson

400 W. Second St.,
Suite D, 67501
(620) 664-5000

- Healthy Families

129 W. Second,
67501
(620) 728-1990

- Adoption Services

Johnson

505 N. Main,
P.O. Box 577, 67862
(620) 492-1432

- Head Start

Junction City

700 N. Jefferson St.,
P.O. Box 3023, 66441
(785) 762-2606

- Case Management
- Foster Grandparent Literacy Program

Kansas City, Ks.

444 Minnesota Ave.,
Suite 220, P.O. Box
171273, 66117
(913) 621-2016

- Adoption Services

Kansas City, Mo.

3200 Wayne, 64109
(913) 621-2016

- Adoptive & Foster Home Recruitment

Kingman

208 W.B.,
P.O. Box 208, 67068
(620) 532-1871

- Head Start

Leoti

108 W. Broadway,
P.O. Box 14, 67861
(620) 375-4933

- Head Start

Liberal

1200 W. 11th,
P.O. Box 32, 67901
(620) 624-9220

- Head Start

Manhattan

217 Southwind Place,
66503
(785) 539-3193

- Adoption Services
- Foster Care
- Parent Education

Marysville

1106 Center, 66508
(785) 562-2921

- Foster Care

Olathe

520 S. Harrison,
Suite 206
66061
(913) 397-7655

- Healthy Families

Pittsburg

824 E. 4th St.,
Suite 2, 66762
(620) 232-1031

- Adoption Services

Pratt

900 School St.,
P.O. Box 8748, 67124
(620) 672-3994

- Head Start

Salina

901 Westchester,
P.O. Box 2123, 67401
(785) 825-2677

- Foster Care
- Oasis Program

Satanta

800 Tecuensch,
P.O. Box 808, 67870
(620) 649-2754

- Head Start

Scott City

211 Main,
P.O. Box 112, 67871
(620) 872-5618

- Head Start

Stafford

318 E. Broadway,
P.O. Box 96, 67578
(620) 234-6180

- Head Start

Topeka

3616 SW Topeka
Blvd., P.O. Box 5268,
66605-0268
(785) 274-3100

- Adoption Services
- Foster Care

400 SW Oakley,
66606
(785) 235-1611

- Healthy Families

Ulysses

921 N. College,
67880
(620) 356-4180

- Head Start

Wichita

1365 N. Custer,
P.O. Box 517, 67201
(316) 942-4261

- Children, Youth & Family Counseling
- Family Life Education
- Healthy Families
- Parent Education

1919 Amidon,
Suite 100, 67203
(316) 821-0100

- Adoption Services

1720 E. Morris,
Suite 107, 67211
(316) 660-5369

- Case Management



6301 ANTIOCH • MERRIAM, KANSAS 66202 • PHONE/FAX 913-722-6633 • WWW.KSCATHCONF.ORG

Testimony in Support of HB2374

Chairman Edmonds and members of the committee:

Thank you for the opportunity to give testimony in support of House Bill 2374, which would establish a task force to promote adoption in Kansas. My name is Mike Farmer and I am the Executive Director of the Kansas Catholic Conference, the public policy office of the Catholic Church in Kansas.

In our view the goals of the proposed task force are laudable: "to provide statewide policy recommendations aimed at encouraging adoption", and "the task force shall conduct an analysis of adoption in Kansas..."

The choice of adoption is a wonderful choice, but positive messages supporting this choice in our society appear to be limited. In an article written for the Pro-Life Activities Office of USCCB (the United States Conference of Catholic Bishops) entitled, *Celebrating the Good Message of Adoption* by Brenda Destro, an adjunct professor at the John Paul II Institute, she states, "Most Advocates of women's rights present a mixed message" about adoption. "They do not advocate against adoption, but they do not support it either." Ms. Destro feels that this lack of support may be due to adoption's focus, which is "the best interests of the child".

Her article outlines the history of adoption and traces it back to ancient times. She also discusses how the laws governing adoption evolved, from being viewed only as a legal contract to being seen as a sacred covenant, a promise that is not only the foundation of kinship and family, but also the basis of God's relationship with his children. "The themes of faith, covenant, and sacrifice in adoption found in the Old Testament are precursors to our Christian understanding of family and adoption". This attitude also reflects the teaching of the Catholic Church on marriage and family.

MOST REVEREND RONALD M. GILMORE, S.T.L., D.D.
DIOCESE OF DODGE CITY

MOST REVEREND JOSEPH F. NAUMANN, D.D.
Chairman of Board
ARCHDIOCESE OF KANSAS CITY IN KANSAS

MOST REVEREND PAUL S. COAKLEY, S.T.L., D.D.
DIOCESE OF SALINA

MOST REVEREND JAMES P. KELEHER, S.T.D.
BISHOP EMERITUS - ARCHDIOCESE OF KANSAS CITY IN KS

MICHAEL P. FARMER
Executive Director

FEDERAL AND STATE AFFAIRS

MOST REVEREND EUGENE J. GERBER, S.T.L., D.D.
BISHOP EMERITUS - DIOCESE OF WICHITA

MOST REVEREND GEORGE K. FITZSIMONS, D.D.
BISHOP EMERITUS - DIOCESE OF SALINA

Date 3-15-05
Attachment 6

In her article Ms. Destro tells of how in the early 1970's the American Catholic community was moving toward implementing a model of adoption that used covenants, but several years after *Roe v. Wade* the rate of adoption dropped by 50%. The need for adoption dwindled, and many adoption agencies closed their doors for lack of clients.

Now as marriages are delayed and infertility rates rise, the need for adoption has dramatically increased, but now there are not enough babies in America available to meet the demand. Also in the clamor to adopt quickly the process has become more like a business and the child is seen as property. The child's needs have become secondary to the adult's wants. Ms. Destro sees policies and practices that evolved over hundreds of years to protect children, and to help families, diminish.

Ms. Destro says that in current adoption practices society is failing to see adoption as a covenant. She states: "Children are not the property of their parents. They cannot be bought, sold, bartered, or claimed simply on the basis of a biological tie. Nor should they be the subjects of social experimentation. Rights in adoption have corresponding responsibilities. To make adoption work, all involved must make a sacred promise to one another and to God that everyone will be protected, most especially the innocent child".

The Kansas Catholic Conference strongly endorses the creation of a task force on adoption and the stated goals. In assessing the situation in Kansas it is our hope that current practices in the adoption process be included in the study. We must ensure that adoption in Kansas meets a high standard of practice that cares for and protects the child as well as the biological and adoptive families.

Thank you,

Mike Farmer
Executive Director

HOUSE BILL No. 2231

By Representative McCreary

1-31

9 AN ACT concerning crimes, punishment and criminal procedure; relat-
10 ing to the nonprison sanction of a certified drug abuse treatment pro-
11 gram; amending K.S.A. 2004 Supp. 21-4603d and 21-4729 and re-
12 pealing the existing sections.
13

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

15 New Section 1. ~~(a) Persons who were convicted of a felony violation~~
16 ~~of K.S.A. 65-4160 or 65-4162, on or after July 1, 1993, but sentenced~~
17 ~~prior to November 1, 2003, and who meet the requirements of K.S.A.~~
18 ~~2004 Supp. 21-4729, and amendments thereto, may have such person's~~
19 ~~sentences modified according to the provisions of this section.~~

20 (b) (1) The department of corrections shall conduct a review and
21 prepare a report on all persons who committed such crimes during such
22 dates. A copy of the report shall be transmitted to the inmate, the county
23 or district attorney for the county from which the inmate was sentenced
24 and the sentencing court.

25 (2) The department of corrections shall complete and submit to the
26 appropriate parties the report on all imprisoned inmates who were con-
27 victed of a felony violation of K.S.A. 65-4160 or 65-4162, on or after July
28 1, 1993 but sentenced prior to November 1, 2003, and who have greater
29 than 180 days to serve on such inmates' sentence prior to such inmates'
30 initial release date. The department of corrections shall review inmates
31 based on such inmate's custody or security classification in the following
32 order: Minimum, within 60 days of the effective date of this act; medium,
33 within 90 days of the effective date of this act; and maximum, within 120
34 days of the effective date of this act.

35 (c) The reports on those inmates who would be eligible for modifi-
36 cation of sentence as determined by the department of corrections shall
37 be deemed to be correct unless objection thereto is filed by either the
38 person or the prosecution officer within the 60-day period provided to
39 request a hearing. If an objection is filed, the sentencing court shall de-
40 termine if the person is eligible for a modification of sentence. The bur-
41 den of proof shall be on the prosecution officer to prove that the person
42 is not eligible for such modification of sentence.

43 (d) (1) Within 60 days of the issuance of such report, the inmate shall

(a) A person convicted of a felony violation of K.S.A. 65-4160 or 65-4162, on or after July 1, 1993, and sentenced therefor prior to November 1, 2003, may have such person's sentences modified according to the provisions of this section if:

(1) The person's sole crime of which convicted and for which incarcerated is such violation of K.S.A. 65-4160 or 65-4162; and

(2) such person meets the requirements of K.S.A. 2004 Supp. 21-4729, and amendments thereto.