

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 22, 2005 in Room 313-S of the Capitol.

All members were present except:  
Michael Peterson- excused

Committee staff present:  
Jerry Ann Donaldson, Kansas Legislative Research  
Jill Wolters, Office of Revisor of Statutes  
Cindy O'Neal, Committee Secretary

**HB 2457 - civil procedure; services of process, by delivery with return receipt**

Representative Jack made the motion to report HB 2457 favorably for passage. Representative Colloton seconded the motion.

Representative Jack made the substitute motion to strike all language except Section 2 of the bill. Representative Colloton seconded the motion. The motion carried.

Representative Jack made the motion to report Substitute HB 2457 favorably for passage. Representative Colloton seconded the motion. The motion carried.

**HB 2352 - revised Kansas code for care of children**

Representative Kiegerl expressed thanks to the Chairman & committee for working with him while he offered his amendments at yesterday's meeting.

The Chairman announced that the committee would continue working on amendments proposed by Representative Ward.

With permission of the second, Representative Ward changed his motion on page 5, line 7 in subsection (z) by striking "what" and replacing it with "the," also ending the sentence at "efforts" and striking "were made and why further efforts could or could not have prevented or shortened the separation of the family." The motion carried 9-4.

Representative Ward made the motion to amend on page 6 to allow 18 year olds to write a letter to the court to cease jurisdiction over them, mandate the court hold a hearing to review living plans for that child. Representative Colloton seconded the motion. The motion failed 5-11.

Representative Ward made the motion to direct the clerk of the court to close the case once a letter has been received requesting the case be close. Representative Garcia seconded the motion. It was discussed that at the age of twenty-one the court automatically ceases jurisdiction. The motion failed.

Representative Ward made the motion to amend on page 7 lines 10-13 to require judges base transfer decisions on evidence and witness testimony, apply only after adjudication and to cross reference K.S.A 6-609 subsection (a)(c). Representative Crow seconded the motion.

Chairman O'Neal divided the motion.

A. Transfer of cases and change of venue, the motion failed.

B. Apply to only to after adjudication cases, with permission of the second Representative Ward withdrew his motion.

Representative Ward made the motion to allow district attorney's office and secretary of SRS to have agreements as to placement. Representative Davis seconded the motion. The motion carried.

Representative Ward made the motion to allow for supervised visits between a child and parents at least once in 72 hour period after the being brought into protective custody. Representative Garcia seconded the motion.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 22, 2005 in Room 313-S of the Capitol.

Professor Levy stated that this could cause problem if the parent is the one accused of abuse or if there is an ongoing investigation during that time frame. The motion carried.

Representative Ward moved to require the courts to order child support in temporary custody orders. Representative Jack seconded the motion. Representative Crow suggested that the subsection reference Section 72 which is the child support guidelines. With permission of the second Representative Ward added the reference to Section 72. The motion carried.

Representative Ward made the motion to have the rules of evidence apply throughout the entire process. Representative Garcia seconded the motion. The motion carried.

Representative Ward moved that a second set of notices would be sent to all interested parties. Representative Crow seconded the motion. The motion carried.

Representative Colloton was concerned that it was taking quite a bit of time for school records to be transferred when a child changes schools and made the motion that the secretary of SRS or a contract provider shall transfer school records at the same time that the child transfers (Attachment 1). Representative Loyd seconded the motion. The motion carried.

Representative Pilcher-Cook made the motion to include in the bill that an officer or employee of the department or anyone who contacts the department and willfully and knowingly makes false reports would be charged with a class B misdemeanor (Attachment 2). Representative Watkins seconded the motion. The motion carried.

Chairman O'Neal received a request from Representative Landwehr to have the committee consider extending the time for an additional 1 year if all interested parties or do not object, with reviews by the court occurring every four months (Attachment 3) .

Representative Loyd moved the proposed amendment with the word "interested" being struck. Representative Jack seconded the motion. The motion carried.

Representative Pauls made the motion to report HB 2352 favorably for passage, as amended. Representative Colloton seconded the motion. The motion carried.

The committee meeting adjourned at 5:45 p.m. The next meeting was scheduled for March 3, 2005 at 3:30 p.m. in room 313-S.

1 secretary shall immediately notify the state board of education, or a des-  
2 ignee of the state board, and the school district in which the child is  
3 residing that the child is in need of an education advocate. As soon as  
4 possible after notification, the state board of education, or its designee,  
5 shall appoint an education advocate for the child.

6 (b) ~~As used in this section, the terms exceptional child, special edu-~~  
7 ~~cation, and education advocate have the meanings respectively ascribed~~  
8 ~~thereto in the special education for exceptional children act, K.S.A. 72-~~  
9 ~~961 et seq., and amendments thereto.~~

10 New Sec. 14. (a) *Of the child. (1) Psychological or emotional.* During  
11 proceedings under this code, the court, on its own motion or the motion  
12 of the guardian *ad litem* for the child, a party or interested party, may  
13 order an evaluation and written report of the psychological or emotional  
14 development or needs of a child who is the subject of the proceedings.  
15 The court may refer the child to a state institution for the evaluation if  
16 the secretary advises the court that the facility is a suitable place to care  
17 for, treat or evaluate the child and that space is available. The expenses  
18 of transportation to and from the state facility may be paid as a part of  
19 the expenses of temporary care and custody. The child may be referred  
20 to a mental health center or qualified professional for evaluation and the  
21 expenses of the evaluation may be considered as expenses of the pro-  
22 ceedings and assessed as provided in this code. If the court orders an  
23 evaluation as provided in this section, a parent of the child shall have the  
24 right to obtain an independent evaluation at the expense of the parent.

25 (2) *Medical.* During proceedings under this code, the court may or-  
26 der an examination and report of the medical condition and needs of a  
27 child who is the subject of the proceedings. The court may also order a  
28 report from any physician who has been attending the child stating the  
29 diagnosis, condition and treatment afforded the child.

30 (3) *Educational.* During proceedings under this code, the court may  
31 order the chief administrative officer of the school which the child attends  
32 or attended to provide to the court information that is readily available  
33 which the school officials believe would properly indicate the educational  
34 needs of the child. The order may direct that the school conduct an  
35 educational needs assessment of the child and send a report of the as-  
36 sessment to the court. The educational needs assessment may include a  
37 meeting involving any of the following: The child's parents; the child's  
38 teachers; the school psychologist; a school special services representative;  
39 a representative of the secretary; the child's court-appointed special ad-  
40 vocate; the child's foster parents, legal guardian and permanent custodian;  
41 a court services officer; and other persons that the chief administrative  
42 officer of the school or the officer's designee considers appropriate.

43 (b) *Physical, psychological or emotional status of parent or custodian.*

If the secretary or a provider who contracts with the secretary is the  
custodian of the child and changes the placement of the child from one school  
district to another or to another school within the same district, it shall be the  
duty of the secretary or contract provider to transfer, or make provision for the  
transfer, of all school records of such child to the district or school to which the  
child is transferred. Such school records shall be transferred at the same time  
that the child is transferred or as soon as possible thereafter.

(c)

**HOUSE BILL No. 2352**

By Committee on Judiciary

2-8

Proposed amendment  
Representative Pilcher-Cook  
February 22, 2005

House Judiciary  
2-22-05  
Attachment 2

9 AN ACT creating the revised Kansas code for care of children; amending  
10 K.S.A. 5-512, 28-170a, 38-140, 38-538, 38-1604, 38-1608, 38-1664, 38-  
11 1813, 39-754, 39-756, 39-756a, 39-1305, 59-2129, 65-516, 65-6205, 72-  
12 962, 72-1113, 72-53,106, 72-5427 and 75-7025 and K.S.A. 2004 Supp.  
13 20-164, 20-302b, 20-319, 21-3604, 21-3612, 21-3721, 21-3843, 23-605,  
14 28-170, 28-172b, 39-709, 44-817, 59-3059, 59-3060, 60-452a, 60-460,  
15 60-1610, 65-1626, 75-4319, 75-4332, 75-7023 and 76-729 and repeal-  
16 ing the existing sections; also repealing K.S.A. 38-1501, 38-1504, 38-  
17 1505a, 38-1510, 38-1511, 38-1512, 38-1513, 38-1513a, 38-1514, 38-  
18 1515, 38-1516, 38-1517, 38-1518, 38-1519, 38-1520, 38-1521,  
19 38-1522b, 38-1523, 38-1523a, 38-1524, 38-1525, 38-1526, 38-1527, 38-  
20 1528, 38-1529, 38-1530, 38-1531, 38-1532, 38-1533, 38-1534, 38-1535,  
21 38-1536, 38-1537, 38-1541, 38-1542, 38-1543, 38-1544, 38-1545, 38-  
22 1546, 38-1551, 38-1552, 38-1553, 38-1554, 38-1555, 38-1556, 38-1557,  
23 38-1558, 38-1559, 38-1561, 38-1562, 38-1563, 38-1564, 38-1565, 38-  
24 1566, 38-1567, 38-1568, 38-1569, 38-1570, 38-1581, 38-1582, 38-1584,  
25 38-1585, 38-1586, 38-1587, 38-1591, 38-1592, 38-1593, 38-1594, 38-  
26 1595, 38-1596, 38-1597, 38-1598, 38-1599 and 38-15,100 and K.S.A.  
27 2004 Supp. 38-1502, 38-1503, 38-1505, 38-1522, 38-1552a, 38-1583,  
28 38-15,101 and 75-4319b.

29  
30 *Be it enacted by the Legislature of the State of Kansas:*

31 New Section 1. Sections 1 through 78 and amendments thereto,  
32 K.S.A. 2004 Supp. 38-1505b and 38-1505c, and amendments thereto, and  
33 K.S.A. 38-1506, 38-1507 and 38-1508, and amendments thereto, shall be  
34 known as and may be cited as the revised Kansas code for care of children.  
35 Proceedings pursuant to this code shall be civil in nature and all pro-  
36 ceedings, orders, judgments and decrees shall be deemed to be pursuant  
37 to the parental power of the state. The code shall be liberally construed  
38 to carry out the policies of the state which are to:

39 (a) Consider the safety and welfare of a child to be paramount in all  
40 proceedings under the code;

41 (b) provide that each child who comes within the provisions of the  
42 code shall receive the care, custody, guidance control and discipline that  
43 will best serve the child's welfare and the interests of the state, preferably

1 (e) *Violations.* (1) Willful and knowing failure to make a report re-  
 2 quired by this section is a class B misdemeanor. It is not a defense that  
 3 another mandatory reporter made a report.

4 (2) Intentionally preventing or interfering with the making of a report  
 5 required by this section is a class B misdemeanor.

6 (f) *Immunity from liability.* Anyone who, without malice, participates  
 7 in the making of a report to the secretary or a law enforcement agency  
 8 relating to a suspicion a child may be a child in need of care or who  
 9 participates in any activity or investigation relating to the report or who  
 10 participates in any judicial proceeding resulting from the report shall have  
 11 immunity from any civil liability that might otherwise be incurred or  
 12 imposed.

13 New Sec. 19. (a) No employer shall terminate the employment of,  
 14 prevent or impair the practice or occupation of, or impose any other  
 15 sanction on, any employee because the employee made an oral or written  
 16 report to, or cooperated with an investigation by, a law enforcement  
 17 agency or the secretary relating to harm inflicted upon a child which was  
 18 suspected by the employee of having resulted from the physical, mental  
 19 or emotional abuse or neglect or sexual abuse of the child.

20 (b) Violation of this section is a class B misdemeanor.

21 New Sec. 20. The secretary shall adopt rules and regulations govern-  
 22 ing the reporting of suspected child abuse or neglect that occurs in an  
 23 institution operated by the secretary. Such rules and regulations shall  
 24 specify those types of incidents which are required to be reported.

25 New Sec. 21. (a) *Investigation for child abuse or neglect.* The sec-  
 26 retary and law enforcement officers shall have the duty to receive and  
 27 investigate reports of child abuse or neglect for the purpose of determin-  
 28 ing whether the report is valid and whether action is required to protect  
 29 a child. Any person or agency which maintains records relating to the  
 30 involved child which are relevant to any investigation conducted by the  
 31 secretary or law enforcement agency under this code shall provide the  
 32 secretary or law enforcement agency with the necessary records to assist  
 33 in investigations. In order to provide such records, the person or agency  
 34 maintaining the records shall receive from the secretary or law enforce-  
 35 ment: (1) A written request for information; and (2) a written notice that  
 36 the investigation is being conducted by the secretary or law enforcement.  
 37 If the secretary and such officers determine that no action is necessary  
 38 to protect the child but that a criminal prosecution should be considered,  
 39 such law enforcement officers shall make a report of the case to the  
 40 appropriate law enforcement agency.

41 (b) *Joint investigations.* When a report of child abuse or neglect in-  
 42 dicates: (1) That there is serious physical harm to, serious deterioration  
 43 of or sexual abuse of the child; and (2) that action may be required to

(3) An officer or employee of the department or a person who contracts  
 with the department to provide services pursuant to the code who willfully and  
 knowingly makes a false report pursuant to this section or makes a report that  
 such person knows lacks factual foundation is a class B misdemeanor.

**HOUSE BILL No. 2352**

By Committee on Judiciary

2-8

Proposed amendment  
Representative Brenda Landwehr  
February 15, 2005

House Judiciary  
2-22-05  
Attachment 3

9 AN ACT creating the revised Kansas code for care of children; amending  
10 K.S.A. 5-512, 28-170a, 38-140, 38-538, 38-1604, 38-1608, 38-1664, 38-  
11 1813, 39-754, 39-756, 39-756a, 39-1305, 59-2129, 65-516, 65-6205, 72-  
12 962, 72-1113, 72-53.106, 72-5427 and 75-7025 and K.S.A. 2004 Supp.  
13 20-164, 20-302b, 20-319, 21-3604, 21-3612, 21-3721, 21-3843, 23-605,  
14 28-170, 28-172b, 39-709, 44-817, 59-3059, 59-3060, 60-452a, 60-460,  
15 60-1610, 65-1626, 75-4319, 75-4332, 75-7023 and 76-729 and repeal-  
16 ing the existing sections; also repealing K.S.A. 38-1501, 38-1504, 38-  
17 1505a, 38-1510, 38-1511, 38-1512, 38-1513, 38-1513a, 38-1514, 38-  
18 1515, 38-1516, 38-1517, 38-1518, 38-1519, 38-1520, 38-1521,  
19 38-1522b, 38-1523, 38-1523a, 38-1524, 38-1525, 38-1526, 38-1527, 38-  
20 1528, 38-1529, 38-1530, 38-1531, 38-1532, 38-1533, 38-1534, 38-1535,  
21 38-1536, 38-1537, 38-1541, 38-1542, 38-1543, 38-1544, 38-1545, 38-  
22 1546, 38-1551, 38-1552, 38-1553, 38-1554, 38-1555, 38-1556, 38-1557,  
23 38-1558, 38-1559, 38-1561, 38-1562, 38-1563, 38-1564, 38-1565, 38-  
24 1566, 38-1567, 38-1568, 38-1569, 38-1570, 38-1581, 38-1582, 38-1584,  
25 38-1585, 38-1586, 38-1587, 38-1591, 38-1592, 38-1593, 38-1594, 38-  
26 1595, 38-1596, 38-1597, 38-1598, 38-1599 and 38-15.100 and K.S.A.  
27 2004 Supp. 38-1502, 38-1503, 38-1505, 38-1522, 38-1552a, 38-1583,  
28 38-15.101 and 75-4319b.

30 *Be it enacted by the Legislature of the State of Kansas:*  
31 New Section 1. Sections 1 through 78 and amendments thereto,  
32 K.S.A. 2004 Supp. 38-1505b and 38-1505c, and amendments thereto, and  
33 K.S.A. 38-1506, 38-1507 and 38-1508, and amendments thereto, shall be  
34 known as and may be cited as the revised Kansas code for care of children.  
35 Proceedings pursuant to this code shall be civil in nature and all pro-  
36 ceedings, orders, judgments and decrees shall be deemed to be pursuant  
37 to the parental power of the state. The code shall be liberally construed  
38 to carry out the policies of the state which are to:  
39 (a) Consider the safety and welfare of a child to be paramount in all  
40 proceedings under the code;  
41 (b) provide that each child who comes within the provisions of the  
42 code shall receive the care, custody, guidance control and discipline that  
43 will best serve the child's welfare and the interests of the state, preferably

1 also enter an order restraining any alleged perpetrator of physical, sexual,  
 2 mental or emotional abuse of the child from residing in the child's home;  
 3 visiting, contacting, harassing or intimidating the child; or attempting to  
 4 visit, contact, harass or intimidate the child, other family members or  
 5 witnesses. Such restraining order shall be served by personal service pur-  
 6 suant to subsection (a) of section 32, and amendments thereto, on any  
 7 alleged perpetrator to whom the order is directed.

8 (1) The court shall not enter an order removing a child from the  
 9 custody of a parent pursuant to this section unless the court first finds  
 10 probable cause that:

11 (A) The child is likely to sustain harm if not immediately removed  
 12 from the home;

13 (B) allowing the child to remain in the home is contrary to the welfare  
 14 of the child; and

15 (C) reasonable efforts have been made to maintain the family unit  
 16 and prevent the unnecessary removal of the child from the child's home  
 17 or that an emergency exists which threatens the safety of the child.

18 (2) Such findings shall be included in any order entered by the court.  
 19 If the child is placed in the custody of the secretary, upon making the  
 20 order the court shall provide the secretary with a written copy.

21 New Sec. 39. (a) At any time after filing a petition, but prior to an  
 22 adjudication, the court may enter an order for continuance and informal  
 23 supervision without an adjudication if no party or interested party objects.  
 24 Upon granting the continuance, the court shall include in the order any  
 25 conditions with which the parties or interested parties are expected to  
 26 comply and provide the parties or interested parties with a copy of the  
 27 order. The conditions may include appropriate dispositional alternatives  
 28 authorized by section 50, and amendments thereto.

29 (b) An order for informal supervision may remain in force for a period  
 30 of up to six months and may be extended, upon hearing, for an additional  
 31 six-month period for a total of one year. ~~A~~

32 (c) The court after notice and hearing may revoke or modify the order  
 33 with respect to a party or interested party upon a showing that the party  
 34 or interested party, being subject to the order for informal supervision,  
 35 has substantially failed to comply with the terms of the order, or that  
 36 modification would be in the best interests of the child. Upon revocation,  
 37 proceedings shall resume pursuant to this code.

38 (d) Persons subject to the order for informal supervision who suc-  
 39 cessfully complete the terms and period of supervision shall not again be  
 40 proceeded against in any court based solely upon the allegations in the  
 41 original petition and the proceedings shall be dismissed.

42 (e) If the court issues an order for informal supervision pursuant to  
 43 this section, the court may also enter an order restraining any alleged

For a child under an order for informal supervision who remains in the custody of such child's parent, such one year period may be extended if no interested party objects, upon hearing, for up to an additional one year, with reviews by the court occurring at least every four months.

1 perpetrator of physical, mental or emotional abuse or sexual abuse of the  
2 child from residing in the child's home, visiting, contacting, harassing or  
3 intimidating the child, other family member or witness; or attempting to  
4 visit, contact, harass or intimidate the child, other family member or wit-  
5 ness. The restraining order shall be served by personal service pursuant  
6 to subsection (a) of section 32, and amendments thereto, on any alleged  
7 perpetrator to whom the order is directed.

8 (f) Lack of service on a parent shall not preclude an informal super-  
9 vision under the provisions of this section. If an order of informal super-  
10 vision is entered which effects change in custody, any parent not served  
11 pursuant to section 32, and amendments thereto, who has not consented  
12 to the informal supervision, may request reconsideration of the order of  
13 informal supervision. The court shall hear the request without unneces-  
14 sary delay. If the informal supervision order effects a change in custody,  
15 efforts to accomplish service pursuant to section 32, and amendments  
16 thereto, shall continue.

17 New Sec. 40. (a) After a hearing and a finding that discovery pro-  
18 cedures, as described in K.S.A. 60-226 through 60-237, and amendments  
19 thereto, will expedite the proceedings, the judge may allow discovery  
20 subject to limitations.

21 (b) Upon request of any party or interested party, any other party or  
22 interested party shall disclose the names of all potential witnesses.

23 New Sec. 41. All proceedings under this code shall be disposed of  
24 without unnecessary delay. Continuances shall not be granted unless good  
25 cause is shown.

26 New Sec. 42. (a) ~~Adjudication.~~ Proceedings pertaining to adjudica-  
27 tions under this code shall be open to attendance by any person unless  
28 the court determines that closed proceedings or the exclusion of that  
29 person would be in the best interests of the child or is necessary to protect  
30 the privacy rights of the parents.

31 (1) The court may not exclude the guardian *ad litem*, parties and  
32 interested parties.

33 (2) Members of the news media shall comply with supreme court  
34 rule 10.01.

35 (b) ~~Disposition.~~ Proceedings pertaining to the disposition of a child  
36 adjudicated to be in need of care shall be closed to all persons except the  
37 guardian *ad litem*, interested parties and their attorneys, officers of the  
38 court, a court appointed special advocate and the custodian.

39 (1) Other persons may be permitted to attend with the consent of  
40 the parties or by order of the court, if the court determines that it would  
41 be in the best interests of the child or the conduct of the proceedings,  
42 subject to such limitations as the court determines to be appropriate.

43 (2) The court may exclude any person if the court determines that

Except as provided in subsection (d),



1 such person's exclusion would be in the best interests of the child or the  
2 conduct of the proceedings.

3 (c) *Preservation of confidentiality.* If information required to be kept  
4 confidential by K.S.A. 2004 Supp. 38-1505b, and amendments thereto, is  
5 to be introduced into evidence and there are persons in attendance who  
6 are not authorized to receive the information, the court may exclude those  
7 persons during the presentation of the evidence or conduct an *in camera*  
8 inspection of the evidence.

9 *New Sec. 43.* (a) In any proceedings under this code, parents, per-  
10 sons with whom the child has been residing pursuant to subsection (d)  
11 of section 36, and amendments thereto, and guardians *ad litem* may stip-  
12 ulate or enter no contest statements to all or part of the allegations in the  
13 petition.

14 (b) Prior to the acceptance of any stipulation or no contest statement,  
15 other than to names, ages, parentage or other preliminary matters, the  
16 court shall ask each of the persons listed in subsection (a) the following  
17 questions:

18 (1) Do you understand that you have a right to a hearing on the  
19 allegations contained in the petition?

20 (2) Do you understand that you may be represented by an attorney  
21 and, if you are a parent and financially unable to employ an attorney, the  
22 court will appoint an attorney for you, if you so request?

23 (3) One of the following: (A) Do you understand that a stipulation is  
24 an admission that the statements in the petition are true or (B) Do you  
25 understand that a no contest statement neither admits nor denies the  
26 statement in the petition but allows the court to find that the statements  
27 in the petition are true?

28 (4) Do you understand that, if the court accepts your stipulation or  
29 no contest statement, you will not be able to appeal that finding, the court  
30 may find the child to be a child in need of care and the court will then  
31 make further orders as to the care, custody and supervision of the child?

32 (5) Do you understand that, if the court finds the child to be a child  
33 in need of care, the court is not bound by any agreement or recommen-  
34 dation of the parties as to disposition and placement of the child?

35 (c) Before accepting a stipulation the court shall find that there is a  
36 factual basis for the stipulation.

37 (d) Before an adjudication based on a no contest statement, the court  
38 shall find from a proffer of evidence that there is a factual basis.

39 (e) If all persons listed in subsection (a) do not stipulate or enter no  
40 contest statements, the court shall hear evidence as to those persons,  
41 unless such persons are in default. If a person is in default, the matter  
42 may proceed by proffer as to that person.

43 *New Sec. 44.* (a) In all proceedings under this code, the rules of

(d) *Attendance at proceedings.* The office of judicial administration shall implement a policy for each judicial district in which such judicial district shall implement proceedings under the code in which the court may exclude from any proceeding all persons except the guardian ad litem, interested parties and their attorneys, officers of the court, the witness testifying, the child's foster parents and up to two people, both of whom have participated in a parent advocate orientation program approved by the judicial administrator, and designated by the parent of the child. Such parent advocate orientation program shall include but not be limited to information concerning the confidentiality of the proceedings; the child and parent's right to counsel; the definitions and jurisdiction pursuant to the code; the types and purposes of the hearings; options for informal supervision and dispositions; placement options; the parent's obligation to financially support the child while the child is in the state's custody; obligations of the secretary; obligations of entities that contract with the department for family preservation, foster care and adoption; the termination of parental rights; the procedures for appeals; and the basic rules regarding court procedure. Upon agreement of all parties and interested parties, the court shall allow other persons to attend the proceedings, unless the court finds the presence of the persons would be disruptive to the proceedings. The court shall not remove the parent's designee or designees from any proceeding unless such designee becomes disruptive in such proceeding.