

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Vice-Chairman Arlen Siegfroid at 1:30 P.M. on February 14, 2006 in Room 313-S of the Capitol.

All members were present except:

- Representative Judy Loganbill- excused
- Representative Ray Merrick- excused
- Representative Candy Ruff- excused
- Representative Kenny Wilk- excused

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:

- Representative JoAnn Pottorf
- Representative Bonnie Huy
- Bradley Post - Attorney
- Bob Keeshan - Attorney

Others attending:

See attached list

Vice-Chairman Siegfroid opened the floor for bill introductions and recognized Representative Cox who requested a bill regarding identity theft.

With no objections this bill was accepted for introduction.

The Vice-Chair opened the meeting for public hearing on **HB 2670** - relating to visitation by grandparents.

Representative Pottorf spoke to the committee supporting **HB 2670** relating that the bill is important because it grants the right of visitation to grandparents who are otherwise not allowed to see their grandchildren. It provides for the child's best interest by allowing a building on and strengthening of a previously established relationship between the child and grandparents as well as maintains that visitation rights should always be granted in the best interests of the child. (Attachment 1)

Representative Huy also supports **HB 2670** and delivered testimony regarding the importance of grandparents visitation rights both to the child and the grandparent. (No Written Testimony)

Bradley Post, an attorney from Wichita, Ks. addressed the committee and stated that this would provide visitation rights for grandparents. Mr. Post opined that rights should be protected in visitation or parenting orders when requested by a party or a grandparent. He further related that the proposed amendments would not change the laws or requirement for the Court to find the visitation rights would be in the child's best interests and that a substantial relationship has been established. (Attachment 2)

Bob Keeshan, a practicing attorney in Topeka appeared before the committee to support **HB 2670**. It is his opinion that the bill will insure that grandparents can intervene and request visitation rights upon meeting constitution and statutory requirements of K.S.A. 60-1616, and it is in the child's best interest that a substantial relationship between the child and grandparent is established and that the court give material weight and deference to the position of a fit parent. (Attachment 3)

With no other person wishing to address the bill, Vice-Chairman Siegfroid closed the public hearing on **HB 2670**.

Attention was directed to the minutes of the Federal and State Affairs Committee from January 26th, January 31st, February 2nd and February 3rd.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 14, 2006 in Room 313-S of the Capitol.

Representative Dillmore made a motion to adopt the minutes of January 26th, January 31st, February 2nd and February 6th as read. Representative Brunk seconded the motion. Minutes adopted.

With no further business before the committee, Vice-Chairman Siegfried adjourned the meeting.

Testimony

HB 2670

Visitation Rights of Grandparents

Thank you Mr. Chairman for allowing me to speak on HB 2670 today. This bill is important because it grants the right of visitation to grandparents who are otherwise not allowed to see their grandchildren. It provides for the child's best interest by allowing a building on and strengthening of a previously established relationship between the child and grandparent. The bill maintains that visitation rights should always be granted in the best interests of the child.

FEDERAL AND STATE AFFAIRS

Date 2-14-06

Attachment 1

In support of PROPOSED HOUSE BILL NO. 2670

K.S.A. 38-129 and 60-1616 provide for visitation rights of grandparents. These rights should be protected in visitation or parenting orders when requested by a party or a grandparent. All authorities agree grandparents may play an important role in protecting the best interests of minor children. When divorce actions are filed, it is especially important for children to maintain the grandchild/grandparent relationships which exist and to have those relationships continued. Kansas statutes have long recognized the importance of the bond between grandparents and grandchildren.

In the early stages of litigation between parents, the grandparent-grandchild relationship usually continues. It may become more difficult depending on parental support. When resentment or bitterness results in high conflict or alienation during litigation, it may even be extended to grandparents. An early written order protecting grandparent visitation at the time parental custody and visitation orders are first issued will usually be supported by both parties. Grandparents may then more easily remain neutral and offer support for both parents as well as their grandchildren.

Some judges refuse to recognize and determine grandparent visitation in pending divorce and custody actions between parents. Kansas statutes do not require a separate lawsuit for grandparent visitation rights but some judges have refused to permit a simple motion to intervene in a pending action. If a grandparent is forced to file a separate lawsuit for visitation rights, it may appear or be claimed the lawsuit is filed against a parent. If alienation of a minor becomes involved, a party might use the fact a separate lawsuit has been filed. This should be prevented. Also, the cost and expense of an additional lawsuit to continue a substantial relationship which may have existed for years makes no sense.

The proposed amendments would not change the laws or requirement for the Court to find the visitation rights would be in the child's best interests and that a substantial relationship has been established.

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Attachment 2

I am Bob Keeshan, a practicing attorney in Topeka, former substitute Family Law Professor, Washburn Law School (1983) and a proud grandparent.

I appear to support HB 2670. Justice Fontron of the Kansas Supreme Court once said "One of the joys of childhood is having grandparents. Similarly, grandparents treasure the happiness which children bring to their declining years."

Presently judges can deny intervention and requests for visitation and there is little viable remedy when a judge denies a permissive intervention.

HB 2670 will insure that grandparents can intervene and request visitation rights upon meeting constitutional and statutory requirements of K.S.A. 60-1616; that it be in a child's best interest, that a substantial relationship between the child and grandparent has been established and that the court give material weight and deference to the position of a fit parent.

I would be glad to take any questions.