

Approved: March 15, 201200

(February 16, 2012)

MINUTES OF THE HOUSE CHILDREN AND FAMILIES COMMITTEE

The meeting was called to order by Chairperson Mike Kiegerl at 9:05 AM on Thursday, February 16, 2012, in Room 142-S of the Capitol.

All members were present:

Committee staff present:

June Christensen, Committee Assistant
Renaee Jefferies, Office of the Kansas Revisor of Statutes
Jay Hall, Kansas Legislative Research Department

Conferees appearing before the Committee:

Proponents:

Chris Brown, Parent
James Cleary, Parent
Stacie Ralston, Parent
Donna Roberts, Founder, ACRA-A Child's Rights Association
Valerie Rosproy, Parent

Written Testimony

Zachery Brown

Opponents:

Amy Boydston, Child Advocacy Centers
Sky Westerlund, Kansas Chapter of the National Association of Social workers
Brian Dempsey, Deputy Director of Children and Family Services, SRS
Mark Gleeson, Director of Trial Court Programs, Office of Judicial Administration

Others in attendance:

See attached list.

Chairperson Kiegerl introduced Representative Phil Hermanson to introduce **HB 2137- enacting the parental reform act.** Representative Hermanson explained that the proposed bill would help protect a child from being placed with an abuser and, instead, with the protective parent and

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CONTINUATION SHEET

Minutes of the HOUSE CHILDREN AND FAMILIES Committee at 9:00 AM on Thursday,
February 16, in 142-S of the Capitol.

would have more investigation before removing a child from the home. There is a balloon amendment to address clerical issues. ([Attachment 1](#)).

Chairperson Kiegerl opened the hearing on the proposed bill.

Chairperson Kiegerl introduced Renae Jefferies, who reviewed the bill and accompanying fiscal note and proposed balloons. She explained the various changes and answered questions. ([Attachment 2](#)).

Chairperson Kiegerl opened the hearing, informing those testifying that there was a five-minute time limit.

Chris Brown, parent, spoke to the committee in favor of the proposed bill. He explained that his family consisted of three sons, ages 16, 12, and 14, whose custody was given to their mother, but the children wanted to live with him. He cited physical abuse and emotional problems of the mother and said he believed the proposed bill would alleviate some of the issues with the abusive parent and judiciary system. ([Attachment 3](#)). Written testimony from his son, Zachery, was also presented. ([Attachment 4](#)).

Donna Roberts, Founder, ACRA-A Child's Rights Association, addressed the committee and said she had lobbied for *Jessica's Law* in 2005 and is presently an advocate for many families where one parent has lost custody of the children because of alleged emotional or sexual abuse. She, with the help of an attorney, Richard Ducate, drafted the proposed bill, which she hopes will not only protect the children but parents' rights as well. She answered questions regarding the bill. ([Attachment 5](#)).

Representative Rubin clarified the stages of abuse – low, which is mainly civil and domestic cases; clear and convincing evidence, which is less than criminal; and criminal, which is beyond a reasonable doubt.

Valerie Rosproy, parent, expressed support for the proposed bill and said her parental rights were terminated after reporting physical and sexual abuse by their father. The father was given full custody of the children, and despite the children telling that they are still being abused, SRS and the court system have not done anything about it and the children remain with him. ([Attachment 6](#)).

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CONTINUATION SHEET

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Kathy Winters, grandparent, testified on behalf of her daughter, whose children were removed from the home but would not allow her, as a grandparent, to have custody of the children. They are now with an abusive father, and officials in charge have not done anything. She urged the committee to support the bill to keep other children from going through what her family has. (Attachment 7).

Opponent Testimony:

Amy Boydston, Executive Director of Children's Advocacy Centers, spoke and said the main objection of her group was the requirement related to the forensic interviewing of children. Upon questioning, she said the Center probably could support other parts of the bill. (Attachment 8).

Sky Westerlund, National Association of Social Workers, also spoke in opposition to the proposed bill. They suggested that the verbiage in section (h) (1) regarding the interview process, specify that it be a *licensed social worker* instead of a person trained and competent to conduct the interview. (Attachment 9).

Brian Dempsey, Deputy Director of Children and Family Services for the Department of Social and Rehabilitation Services, spoke in opposition of the proposed bill. Its main objection is the cost that would be incurred for training, videotaping interviews, and a child advocacy center. It is estimated to be \$715,575 with an additional cost of \$17,050 for digital equipment (does not include maintenance or replacement costs). (Attachment 10).

Mark Gleeson, Director of Trial Court Programs, Office of Judicial Administration, also spoke in opposition to the proposed legislation. He presented written testimony from Judge Harold Flaigle, that expressed concerns with the guardian ad litem (GAL) who would represent what the child wants as opposed to a social worker or other person who would advocate what was best for the child. Other concerns were the provision to allow parents access to all of the child's records and that therapists could not make recommendations for termination of parental rights unless they are an expert in a particular field. (Attachment 11 and 12).

Because he had driven from Colorado and was not present for the proponent portion of the testimony, James Cleary, parent, was allowed to address the committee. He spoke in favor of the proposed bill and told of his family's situation of ten children, saying that four of his daughters, unknown to the parents, had been abused by an uncle. The children were removed from the

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home, and despite testimony from a psychiatrist and retention of several attorneys, efforts to get them back have been futile. (Attachment 13).

Written Testimony

Ms. Stacie Roulsten did not speak but presented written testimony.

Chairperson Kiegerl said he would attempt to have this case looked at, but he informed those who had testified that if any action were taken on the bill, it would not be retroactive to the current cases. He will meet with Representatives Wolf and Gatewood, and they will determine if the bill will be worked. Fiscal issues may be a determinant.

The next meeting will be on call of the chair.

The meeting adjourned at 10:35 a.m.

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