

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:35 p.m. on March 13, 2003 in Room 313-S of the Capitol.

All members were present except: Representative Tom Burroughs
Representative Ray Cox
Representative John Edmonds
Representative Joann Freeborn
Representative Candy Ruff

Committee staff present: Russell Mills, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Rose Marie Glatt, Committee Secretary

Conferees appearing: **Proponents:**
Representative Bonnie Huy
Representative Frank Miller
Joan Gordon, Private Citizen
Elisa Breitenbach, Private Citizen
Vickie Burris, Parent
Winnie Cline, Citizens For Change, Family Advocate
Judy Mitchell, Caring and Sharing Grandparents
Mike Lazzo, Attorney, Sedgewick County
Don Burchett, Minister, Int'l Pentecostal Holiness Church
Wade Hampton Bowie

Others attending: See Attached

HB 2300 - Children in need of care; family preservation; access to records and reports by legislators; information to parents upon child being taken into custody; testing for SRS employees and foster care parents; placement with relatives

HB 2354 - Child in need of care; family preservation; legislator access to CINC records and child abuse and neglect records

Representative Huy spoke to the committee about the difficulty that families have experienced with SRS Child Protective Services ([Attachment 1](#)). Legislators receive complaints about tactics of social services that include falsified reports of child abuse, coercive and leading interviews with children to obtain untrue disclosures of abuse, deception, threats, impossible expectations placed upon parents even after initial problems have been addressed and resolved, and numerous other indignities.

HB 2354 is supported by a coalition of legislators and makes four major changes:

- Strengthens the language concerning the SRS use of family preservation with children in protective or temporary custody.
- Allows legislators access to Children In Need of Care records.

- After a child is found to be in need of care, requires that the court utilize family preservation services prior to removing the child from the custody of the parents, except in certain situations.
- Requires the Secretary of SRS to provide to the legislature an annual report on family preservation services.

It is past time for child welfare reforms in Kansas and she urged the committee to support **HB 2354**.

Representative Frank Miller drafted **HB 2300** in response to the many complaints he received from people regarding the services of SRS (Attachment 2). He described three cases in which the actions of SRS were questionable. When he tried to investigate these cases, he was told the information was confidential and believes that the main problem with SRS is that the whole organization is shrouded in a veil of secrecy that leaves legislators with little information other than that provided by the alleged perpetrator, parent, or guardian.

He suggested that the ten changes explained in **HB 2300** will help make the SRS more responsible and sensitive to the lifetime needs of the children they are entrusted to protect. He acknowledged that SRS has one of the toughest jobs in the Kansas government, however the intent of his bill is to remove some of the secrecy surrounding the agency and get it more focused on family preservation.

Joan Gordon spoke to the committee regarding her granddaughter Hailey House (Attachment 3). She was taken from her home on January 23, 2001 and placed in a foster home because of a hotline report to SRS from her babysitter. She provided the dateline for activities and court hearings over the next three months and fifteen days. Hailey was returned home when the case was cleared from the courts and her father's name removed from the molester's list. The costs to the family were almost \$33,000. She urged the committee to consider child welfare reform.

Elisa Breitenbach, reported that the children of Kansas are in great crisis due to the inability to communicate with SRS (Attachment 4). She was advised by the a member of the judicial office that the legislators of certain committees have a tool with which they can open any SRS records for investigative reasons. She informed him that was not the case. There are twelve states that have open justice. She had documentation that shows that it is not harmful to children to open up third party records or to have open hearings. She urged the committee to take action to protect the children of the state.

Vickie Burris rose in support of both bills before the committee (Attachment 5). She related a story about the experience she and her daughter had with SRS. **HB 2300** would address the funding issues regarding Family Preservation and provide parents with written documentation when a child is taken into custody. **HB 2354** would require SRS to report statistics annually to the legislators. She asked the committee for their support. Included in her testimony was a petition with over 600 names, which read "*We the undersigned hereby request that our Honorably Elected Officials support all legislation that minimizes government intervention into families and supports the strengthening of parental rights and the preservation of families*" (The first page is included in her testimony, the remainder are on file in 170-W, the office of Representative Mason, Chairman of the Federal and State Affairs Committee.

Winnie Cline expressed her support of **HB 2300** and **HB 2354** (Attachment 6). She testified that children's problems have not disappeared and there is continuing abuse of children and family rights in Kansas. They must lift the veil of secrecy that surrounds the Child In Need of Care cases that hide the inexcusable abuses of families and children in the state.

Judy Mitchell spoke in support of **HB 2300** and **HB 2354** and applauded many of the changes that would result from the new bills (Attachment 7). She suggested that there was a huge difference between discipline and beating, however she expressed concern that to some SRS employees there was no difference. Without passing legislation that addresses these issues they cannot go forward with their goal of making every child safe in Kansas.

Mike Lazzo is under contract with the State of Kansas, and represents indigent parents in Children In Need of Care cases on a court appointed basis (Attachment 8). He confirmed that the testimony that had been presented expressed real frustrations that people have in the system. The proposed House Bills would provide needed reform to the CINC system in allowing Legislators access to CINC records and requiring SRS to prepare an annual report about family preservation services. He voiced his opinion on various parts of the bills.

Reverend Don Burchett, testified about two people's experiences with the SRS system (Attachment 9). He has worked closely with these people and followed their progress toward regaining their children from the Child In Need of Care program. He voiced concern over SRS's ultimate power, leaving no apparent recourse for the families of children under their charge. He urged the committee to pass legislation that would change the bureaucracy of SRS.

Wade Hampton Bowie, Jr. appeared as a private citizen taking a neutral position. A resume was included that attests to his expertise in the child care system. He stated that he has witnessed many incidents where there was very egregious actions, behaviors and misdirected activities on the part of different participants in various stages of the Child in Need of Care Program and questioned if the "system" have means in place that identifies and regularly applies remedial action to correct the failures or inadequacies of the individuals responsible. He offered comments on ten sections of the proposed legislation for the committee's consideration (Attachment 10).

Mr. Lasso was asked to describe the benefit of a new facilitation project in Wichita using remediation between SRS and parents, grandparents or guardians of the child. It was a pilot project based on successful programs in other states. He agreed to provide information on those programs at the committee's request.

In response to a question about the effectiveness of the two proposed bills, Mr. Bowie and Mr. Lasso stated that the bills were good as far as they went, however there were larger problems. The length of time children stayed in the system was too long, little control over the mediation process and lack of training for staff in understanding evidence instead of making emotional decisions. The current language has minimal standards and the guidelines need to use more specific terms, like substantial risk or imminent harm before a child is taken out of the home.

Discussions followed regarding the qualifications and real life experiences of social workers that make the decisions that carry grave consequences for families. There was dialogue over the question of whether it is proper in our justice system to remove children from the family and home when there is not enough evidence to convict the parent of a crime.

Testimony was distributed from Concerned Women For America regarding the Children's Internet Filtering Protection (Attachment 11)

The hearing was closed on **HB 2300 & HB 2354**. The meeting adjourned at 3:20 p.m. with the next meeting scheduled for March 18, 1:30 p.m., room 313-S at the Capitol

CONTINUATION SHEET