

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 6, 2006 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

Conferees appearing before the committee:
Representative Bill Otto
Leslie Kaufman, Kansas Cooperatives Council
Jim Clark, Kansas Bar Association
Representative Steve Brunk
Racheal Priner, Triplett, Woolf & Garretson
Jill Bremyer-Archer, American Academy of Adoption Attorneys
Alex Jackson, Individual
Rick Macias, Attorney
Jamie Corkhill, Attorney for Department of Social & Rehabilitative Services
Cindy D'Ercole, Kansas Action for Children

Chairman O'Neal opened the hearing on **HB 2704 - number of small claims procedures filing per year.**

Representative Bill Otto appeared as the sponsor of the proposed bill. The practice among some individuals and businesses is to wait till the end of the filing deadline and then pick the largest claims to file because they are limited to ten and want those ten to be profitable. Currently small claims are limited to ten per year and has been for some time. The number twenty is just a number that he suggested and would agree to eliminating the number of small claims one can file per year. (Attachment 1)

Leslie Kaufman, Kansas Cooperatives Council, reminded members that they supported an increase in the dollar amount one is allowed to file in small claims court. They also support the proposed bill and would not have a problem limiting the number of available filings to 20 or totally removing the cap all together. (Attachment 2)

Jim Clark, Kansas Bar Association, appeared in opposition to the expansion of the total number of claims one can file because it might increase the number of cases filed by 100 percent. (Attachment 3)

The hearing on **HB 2704** was closed.

The Chairman opened the hearing on **HB 2665 - in adoption proceedings, in termination of parental rights, court shall consider the best interest of the child.**

Representative Steve Brunk appeared as the sponsor of the bill which would protect children in adoption cases. (Attachment 4)

Racheal Priner, Triplett, Woolf & Garretson, would like the courts to consider what is in the best interest of the child in adoption cases as they do in other types of placements and divorce custody cases. The proposed bill would protect children's rights. Current adoption laws place the entire process upon the validity of the mother. Many times the mother will not be truthful and say that she doesn't know who the biological father is or gives a false name. Sometimes, after the adoption has been decreed the biological father finds out that the mother gave birth and wants custody of his child thereby disrupting the family it's been adopted into. (Attachment 5)

She cited *In re Adoption of S.E.B., 257 Kan.266 (1995)* states that the "best interest" of a child is not a stated factor for the Court to consider with terminating the rights of a biological parent.

CONTINUATION SHEET

MINUTES OF THE House Judiciary Committee at 3:30 P.M. on February 6, 2006 in Room 313-S of the Capitol.

Jill Bremyer-Archer, American Academy of Adoption Attorneys, has requested from other members of the Academy how their states handle adoptions and will forward that information on to the committee once it is received. She suggested that the committee take a look at the Uniform Adoption Act proposed by the National Conference of Commission on Uniform State Laws, who suggest that the best interest of the child should, at least, be considered. (Attachment 6)

Alex Jackson, Individual, relayed his story of adopting a new born in June of 2004 with the final decree being issued in August of 2004. When the child was one year old they received a call from an attorney representing someone who claimed to be the child's biological father. Paternity tests have been taken and if it's determined that the child is actually his, the biological father is planning to remove the child from his home in Kansas and move to New York City. This has happened because the birth mother gave false information to the adoption attorney regarding the biological father. By the time the tests are concluded the child will be 3 years of age, having spent those years being in a happy, healthy and loving home. He is concerned with the possibility of that child being taken from the only home he has ever known and sent to live in another state with a stranger. (Attachment 7)

Rick Macias, Attorney, stated that Kansas is an adoption friendly state and has super due processes in place to protect the adopting parents. He explained that the proposed bill would be retroactive because a decree could be entered and many years later the biological parent could step up and petition for custody. The proposed bill will not prevent the controversy from occurring but would at least require the court to factor in what the best interest of the child is. Sometimes the best interest isn't necessarily having the child stay with the adopted parents. (Attachment 8)

Staff suggested that on page 3, line 23 the "may" should be stricken.

The hearing on **HB 2665** was closed.

The hearing on **HB 2706 - person who is in arrearages on child support may have their drivers license suspended.**

Jamie Corkhill, Attorney for Department of Social & Rehabilitative Services, stated that the proposed bill would increase drivers license sanctions for non-payment of child support. Kansas currently ranks 37th in state performance for collecting child support. Currently, drivers licenses can be restricted during a contempt proceeding, but they are expensive to do and would like to be able to do it administratively.

The bill would notify drivers who are seriously delinquent in paying support that their license will be taken if they do not contact SRS and work out a payment schedule. The goal is to encourage individuals to pay their support not take driving privileges away. (Attachment 9)

Ms. Corkhill stated that the Division of Motor Vehicle requested that a change be made in the bill that would simplify the administrative review when a name is submitted to them. She would provide a balloon at a later date.

Cindy D'Ercole, Kansas Action for Children, appeared as a proponent of the proposed bill. Kansas does not do an adequate job in the collection and enforcement of child support. One reason is that we do not have the tools other states use to collect support arrearages. The proposed bill would apply to a very small portion of debtors. Studies show that those individuals who pay child support have more contact with their children than those who don't pay. (Attachment 10)

The hearing on **HB 2706** was closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for 3:30 p.m. on Wednesday, February 8, 2006 in room 313-S.