

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

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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.