

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:40 p.m. on March 12, 2003 in Room 313-S of the Capitol.

All members were present except: Representative Ray Cox
Representative Joann Freeborn
Representative Becky Hutchins

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

Conferees appearing before the committee:

OPPONENTS:

Candy Shively, Deputy Secretary, Integrated Service Delivery, SRS
Ron Pascal, Sedgewick County District Attorney's Office
Mark Gleeson, Office of Judicial Administration
Gary Brunk, Kansas Action For Children (written testimony only)
Elisa Marie Breitenbach (written testimony only)

Others attending: See Attached

HB 2300 - Child 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

Staff reviewed the bills and the Chairman opened the hearing on **HB 2300** and **HB 2354**.

Candy Shively, Deputy Director, Integrated Service Delivery, SRS appeared in opposition to **HB 2300**. She stated that several of the elements of the bill added to the complexities of delivery of service, overlooked particular kinds of situations and created some unintended consequences (Attachment 1). She reviewed specific sections of the bill offering rebuttal or suggestions for eleven sections.

Currently the Judicial Council is in the process of the reexamination of the children in need of care code and plan to present formalized recommendations to the Legislature during the 2004 session. Many of their recommendations may apply to several of the issues addressed in the bill. SRS has reviewed many of the recommendations that will be made by the Judicial Council in order to make improvements in the child welfare system.

At the request of a committee member, Ms Shively agreed to check on the council's progress to determine their proposed time frame.

The Chairman reviewed the fiscal note.

Ms. Shively reviewed the reasons that SRS opposed **HB 2354** (Attachment 2). They believe that Family Preservation is a valuable program, however it is expensive and often much less intrusive services are effective in preventing out of home placement. The bill also provides that legislators be allowed to review and copy SRS and law enforcement records upon receipt of written authorization from the parents. Release of confidential information is prohibited by the federal Child Abuse Prevention and Treatment Act and could threaten the loss of federal funds to Kansas.

Ron Pascal, Sedgwick County District Attorney's Office rose in opposition to **HB 2354**. He talked about the issue of releasing confidential information and the resulting negative impact it would have on investigators. He questioned on whose authority court orders relating to children in need of care would be issued and how the additional expense and work load would be handled. He outlined their concerns regarding **HB 2300** and urged the committee to wait for the Judicial Council's report before moving any legislation.

Mark Gleeson, Family and Children Program Coordinator, Office of Judicial Administration, stated that **HB 2354** and **HB 2300** present significant challenges to the State's ability to comply with federal Adoption and Safe Families Act, to the resources of the Kansas Judicial Branch, and to the potential safety of the children the state is obligated to protect (Attachment 3). He voiced concern over the language in Section 9, the loss of federal funds when Kansas is out of compliance with the Adoption and Safe Families Act, and the tremendous expenses of restricted mail service and a family conference prior to making a placement.

It was noted that Gary Brunk, Kansas Action For Children, had presented written testimony (Attachment 4). Included in his testimony was a brochure on *The Best Interest of the Child - Emerging Issues in Child Welfare* (Jan. 2003). (Copy on file in the office of Kansas Action for Children).

Discussion followed regarding the pros and cons of the release of confidential information, the open records policy in Alaska and Iowa, responsible parties for child support, process of a child being placed in protective custody, amount of time a guardian spends with child before court hearings, qualifications of an administration hearing officer and the standards used to determine placing someone's name on a perpetrator's list.

Written testimony was received after the hearing from Elisa Marie Breitenbach, (Attachment 5). Copies were distributed to committee.

The meeting adjourned at 3:10 with the next meeting scheduled for March 13, 1:30 pm. in room 313-S at the Capitol.

CONTINUATION SHEET