Kansas
Department for Children and Families
Strong Families Make a Strong Kansas

House Judiciary Committee

March 17, 2015

Testimony on:

SB 157

Written Testimony By:

Phyllis Gilmore

Secretary

Kansas Department for Children and Families

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Testimony of:

Phyllis Gilmore, Secretary
Kansas Department for Children and Families
Topeka, Kansas

Testimony on:

SB 157

Chairman Barker, Vice Chair Macheers, Ranking Member Carmichael, and Members of the Committee:

SB 157 revises Section 2 of K.S.A. 38-2201 by adding paragraph (d) which provides that nothing in the Code for Care of Children shall be construed to permit any person to compel a parent to medicate a child if the parent is acting in accordance with medical advice from a physician. It further provides that the actions of a parent in those circumstances shall not constitute a basis to determine that a child is a Child in Need of Care, removal of custody of child from parent, or for the termination of parental rights without a specific showing there is causal relationship between the actions and harm to the child.

DCF supports in concept the ability of a parent, with the advice of a physician, to treat and medicate the parent's child as determined most appropriate to address the medical needs of the child. When children are placed in the custody of the Secretary, K.S.A. 38-2217 generally controls the process by which they obtain and consent to various health services for the child. The statute provides specific scenarios in which a person can consent to medical services on behalf of the child before the termination of parental rights, consent when rights are not terminated, but parents are not available or refuse to consent (subject to limitations) and certain situations when consent of the parent is not required. There is also a distinction for procedures and consents prior to and subsequent to adjudication. This should be considered as it relates to the proposed language addition in SB 157.

DCF is neutral with respect to SB 157. Thank you for the opportunity to submit written testimony about this proposed legislation.