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The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Chairman King and Members of the Committee

Thank you for the opportunity to appear today. My name is Elizabeth Sweeney-Reeder and I am here to testify in opposition to Senate Bill 204.

As a prosecutor I have represented the State in Child in Need of Care (CINC) actions for over 9 years now. During that time, hundreds of children have passed through the Miami County District Court; most to be reunited with their families. Unfortunately many children have not been able to be returned to their birth parents, due to the parent's drug use, mental instability, and/or criminal activity to include abuse of their own children.

Senate Bill 204 proposes an amendment to K.S.A. 38-2255 that requires a party who shows up late to a visit to still be granted the total amount of time originally set for that visit. I am opposed to this for several reasons.

First, I am generally not in favor of adding legislation where another remedy is available. If a parent or interested party is not receiving the visitation that they believe they should, there are currently ways to address this. An example would be filing a motion within the CINC case to determine that reasonable efforts are not being made to accomplish the case plan goal or if the court has ordered a certain amount of visitation and that order is not being followed, a motion to hold the Department of Children and Families (DCF) in contempt. I would suspect that the amount of visitation due an individual could also be addressed within the DCF regulations and/or the contract with the foster care providers.

Secondly, the proposed wording of the statute leaves a lot of room for abuse. What is showing up late? Does this include parents or individuals who show up 55 minutes late for an hour long visitation? Is being late for any reason acceptable? What if I just chose not to show up on time because I don't like my

caseworker? What if I am late because I am visiting my boyfriend in jail or using drugs? What if I show up high or otherwise intoxicated to the visit? Does the worker still have to give me my whole visit time or allow me to make up my time because of my poor decisions?

Finally, it has been my experience that the individuals who are occasionally late to a visit because of car problems, traffic or illness, do get their visitation time extended or made up. These are legitimate reasons and can happen to any of us. It is the parents who repeatedly arrive late or do not arrive at all, who have their visits cancelled or ended on time/cut short. These are the individuals who are putting their own needs ahead of their children. These are the parents who end up not reintegrating with their children.

For most visits a child has to be transported. In some cases they are in the car for hours, only to have their hopes dashed when the parent doesn't show up. If the parent shows up late, the children know that. The children have had to wait for them long periods of time and the children are disappointed that the parent did not put them first. What will the effect be on the children with the passage of this bill?

Once again, thank you for this opportunity to testify. I will stand for questions at the appropriate time.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. Sweeney-Reeder".

Elizabeth H. Sweeney-Reeder
Miami County Attorney