

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:30 p.m. on March 3, 2004 in Room 313-S of the Capitol.

All members were except:

Representative Candy Ruff  
Representative Dan Williams

Committee staff present:

Russell Mills, Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Dennis Hodgins, Legislative Research Department  
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

PROPONENTS:

Representative Frank Miller  
Representative Bonnie Huy  
Representative Jeff Jack  
Camie Russell, Citizen, Southeast Kansas

OPPONENTS:

Judge Thomas H. Graber, District Judge, 30<sup>th</sup> Judicial District, Sumner County  
\*Written Testimony Only  
\*Cindy D'Ercole, Kansas Action For Children  
\*Sheryl Bussell, Assistant District Attorney, Wyandotte County

Others attending:

See Attached List.

**HB 2676 - Members of the House of Representatives and Senate and clergy allowed in CINC hearings as observers if requested by parents or guardians**

Ms. Torrence, Revisor of Statutes Office, stated the bill would amend the code for care of children to provide that a parent or guardian of the children, subject to proceedings of the code, could request a member of the Senate or House of Representatives, or a member of the clergy to attend the proceedings as an observer.

**PROPONENTS:**

Representative Miller, testified in support of his bill, **HB 2676** (Attachment 1). He described the on-going experience of a constituent after his children had been taken and placed in foster homes by SRS, and the three year process he has gone through in an effort to get his children back.. He provided data on the cost of maintaining children in foster care programs. He offered a balloon amendment (Attachment 2), that would define more specifically the term "clergy" and alert the court to advise all present in the courtroom that the hearing deliberations shall be kept confidential.

Discussion followed regarding: definition of clergy, pros and cons of allowing clergy or representatives in the hearing, and the process to determine when parental rights are severed.

Representative Bonnie Huy, stated the bill simply allows a legislator or a duly ordained minister to be present during CINC court hearings if the family so desires (Attachment 3). Legislators continuously hear from constituents whose children have been taken into state custody, pleading for their help. This bill would be one small step toward providing some support to their constituents.

Representative Jeff Jack, testified as an attorney that had been assigned to represent parents in CINC

## CONTINUATION SHEET

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cases, during the past year (Attachment 4). He spoke of the times when he was swamped during the juvenile docket, often moving twenty cases through in an hour. He stated that it would be extremely helpful for parents to be able to have a trusted clergy member, or a willing state representative or senator, to attend a court proceeding with them, to put another set of eyes on the system to help ensure that it works the way it was intended it to work.

Camie Russell, testified of her experiences while she was employed as a foster care contractor from February 2000 to July 2002 (Attachment 5). She spoke of incidences where families were not informed of their rights and not afforded the constitutional right to face their accuser. In many cases children were removed from their homes for highly subjective reasons. Opening court to a legislator or clergy can only help bring more truth to light. She urged passage of HB 2676.

### **OPPONENT:**

Thomas H. Graber, District Judge, explained the process that occurs before a child can be separated from their parents or guardian. He opposed HB 2676 because it does not equally balance the rights of all the parties and limits the ability of the court to address the best interests of all the parties. The language should be expanded to give equal rights to all parties and allow the court to protect their interests. He offered an amendment that would put all the parties on equal footing (Attachment 6). Discussion followed regarding the intent of his amendment and the traffic and limited time frame for cases before the court.. He concluded by saying that the problem within the system is that there are not enough judges that can hear juvenile cases and domestic relations cases. Additional resources are necessary for children's programs in SRS, in order to meet the need for more foster homes and social workers to effectively work each case. In response to a question he stated that there is abuse in the SRS system, however as well intentioned SRS employees may be, their hands are tied due to the practical financial realities.

### **NEUTRAL:**

Written testimony from Cindy D'Ercole, Kansas Action for Children was distributed. They oppose the bill as written stating that there is not a safeguard to protect the best interest of the child or children involved (Attachment 7).

Written testimony was distributed from Sheryl Bussell, Assistant District Attorney, Wyandotte County who suggested changing the language slightly, so it would leave the courts some discretion to have control over the conditions of their court hearings (Attachment 8). She urged consideration of amendment of the bill before favorable action.

The hearing was closed on HB 2676 and the meeting adjourned at 3:20 p.m. The next meeting will be March 4, 2004.