

Approved: 3/10/94
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Jerry Moran at 12:30 p.m. on February 22, 1994 in Room 527-S of the Capitol.

All members were present except: Senator Feleciano (excused)
Senator Harris (excused)
Senator Petty (excused)
Senator Oleen (excused)
Senator Rock (excused)

Committee staff present: Mike Heim, Legislative Research Department
Gordon Self, Revisor of Statutes
Darlene Thomas, Committee Secretary

Conferees appearing before the committee:

Carolyn Hill, Youth and Adult Services, Social and Rehabilitation Services
Paul Morrison, Attorney, Johnson County
Patricia Bledsoe, Kansas Coalition Against Sexual and Domestic Violence
Dorothy Miller, Safe House, Pittsburg
Jim McHenry, Ph.D. Kansas Children's Service League
Marilynn Ault, Battered Women's Task Force
Mike Gillespie, Kansas Peace Officer's Association
Lee Woodard, Sedgwick County Law Library
Roger Theis
Ron Miles, Board of Indigents' Defense
Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence

Others attending: See attached list

SB 807--family violence prevention programs

Paul Morrison, Attorney, Johnson County testified in support of SB 807 and answered questions from the Committee. He said one of the things that affected children at a very young age was domestic violence. Mr. Morrison said SB 807 would help fund domestic violence centers.

Patricia Bledsoe, Kansas Coalition Against Sexual and Domestic Violence testified in support of SB 807 and provided written testimony (Attachment No. 1).

Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence provided written testified in support of SB 807 (Attachment No. 2).

Dorothy Miller, Executive Director, Safehouse, Inc. testified in support of SB 807 and provided written testimony (Attachment No. 3).

James McHenry, Ph.D, Kansas Children's Service League testified in support of SB 807 and provided written testimony (Attachment No. 4).

Marilynn Ault, Battered Women Task Force testified in support of SB 807 and provided written testimony (Attachment No. 5).

Mike Gillespie, Kansas Peace Officers Association testified in support of SB 807.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY, Room 527-S Statehouse, at 12:30 p.m.
on February 22, 1994.

Carolyn Hill, Youth and Adult Services, Social and Rehabilitation Services provided written testimony in support of SB 807 (Attachment No. 6).

Chairman Moran closed the hearings on SB 807.

SB 788--county law libraries; attorney registration fees and law library fees
SB 790--registration of attorneys in certain counties; fees

Lee Woodard, Sedgwick County Law Library Board of Trustees testified in support of SB 788 and SB 790 and provided written testimony (Attachment No. 7). He said SB 788 would increase court costs and SB 790 would increase annual registration fee by lawyers.

Roger Theis testified in support of SB 788 and SB 790 and provided written testimony (Attachment No. 8).

Ron Miles, State Board of Indigents' Defense Services suggested amendments to SB 788 and SB 790 and provided written testimony (Attachment No. 9). He requested the State Board of Indigents' Defense Services be exempt from SB 788 and SB 790.

A motion was made by Senator Harris, seconded by Senator Ranson to amend SB 788 and SB 790 to exclude the State Board of Indigents' Defense Services and amend the two bills together. The motion carried.

SB 741--guardians and conservators; evaluations and notice given by psychologists

John Peterson, Kansas Association of Professional Psychologists testified in support of SB 741 and provided written testimony (Attachment No. 10). He said the suggested changes are on page 2, line 21 "...examination by a physician *or* psychologists." and page 4, line 40 "...clinic, private psychiatrist ~~or~~, physician *or* psychologist..."

Chip Wheelen, Kansas Medical Society testified in opposition to SB 741 and provided written testimony (Attachment No. 11).

Meeting adjourned at 1:30 p.m.

The next meeting is scheduled for February 23, 1994.

GUEST LIST

COMMITTEE: Senate Judiciary Committee

DATE: 2/22/94

[illegible]

**KCSDV**

KANSAS COALITION AGAINST SEXUAL & DOMESTIC VIOLENCE

820 Quincy, Suite 416 Topeka, KS. 66601 (913) 232-9784

Mr. Chairman and Members of the Committee:

My name is Patricia Bledsoe. I am the Executive Director of the Kansas Coalition Against Sexual and Domestic Violence (KCSDV).

My purpose in being here today is to represent KCSDV in its support of Senate Bill No. 807 which, if approved, will make available funding for family violence prevention programs in Johnson, Sedgwick, Shawnee and Wyandotte counties.

The Kansas Coalition Against Sexual and Domestic Violence is comprised of 28 programs across the State of Kansas. All of the 103 counties in Kansas are served by one of the KCSDV programs. It might be helpful to some of you to know that when I am making reference to member programs, I am including shelters in Kansas which provide a safe location for victims of sexual assault and domestic violence. I use the word "programs" as a way of identifying the broad range of services beyond just safe housing available through KCSDV members.

This year the Kansas Legislature has prioritized the very real need to effectively combat crime in Kansas. I have no doubt, both as a person who has worked in shelter programs for the past several years and as a Clinical Masters Social Worker, that in order to fight and to prevent crime in Kansas, we must recognize and address the strong connection between the crimes committed on the streets of our communities and the crimes committed in the homes.

In 1992, KCSDV programs responded to more than 35,000 crisis calls and sheltered 2,920 women and 3,208 children. In addition, the programs provided 12,039 women and 6,311 children services other than shelter.

I know that there are others out there. Women and their children who remain in violent homes because they do not know where to go for help. Others who are forced to leave their friends, their workplace and their families to seek help in shelters as much as two hours from their homes because no closer shelter is available to them. I know that far too often shelters are filled to capacity due to an increasing demand on their services, yet there is no money to allow them to increase the numbers they can house or to create additional shelters.

Patricia Bledsoe
2/22/94
attachment 1-1

The lack of stable general revenue funding for domestic violence programs in the State of Kansas is particularly disturbing when we examine cost efficiency in prevention of crime. I know, for example, that children's exposure to domestic violence not only leads to emotional and developmental problems, but also has a profound impact on juvenile crime. Children who experience domestic violence, either by witnessing the abuse of others in their families or by being victims themselves, are more likely to: attempt suicide; abuse drugs and alcohol; run away from home; engage in teenage prostitution and other delinquent behavior; and commit sexual assault crimes. (Commonwealth of Massachusetts, Dept. of Youth Services, 1985)

The time to act on this problem is now. Domestic Violence programs have the opportunity to have direct access to victims of domestic violence who are highly at-risk. Through programs offering intervention, a significant number of women and their children have an opportunity to be protected from constant exposure to violence. An example of what can happen came from one of the shelters in the State of Kansas (Pittsburg, KS). Over 93% of the women receiving services from its program in 1992 left their abusive situation and relocated with their children away from the abusive situation. I know of no other social service approach that can so dramatically impact the potential for future crime problems than domestic violence shelters and the programs they offer.

The Kansas Coalition Against Sexual and Domestic Violence will continue to serve victims of domestic violence in an effort to reduce current and future crimes in the home, as well as those on the streets.

It is imperative that we all recognize that domestic violence programs cannot meet the needs of victims without adequate, continuous funding. As a representative of KCSDV, I urge you to support Senate Bill No. 807.

Thank you.

Patricia A. Bledsoe, LSCSW
Executive Director, KCSDV

FEB-22-94 TUE 11:52 AM CRISIS CENTER

9135598467

P. 01

KCSOV**KANSAS COALITION AGAINST
SEXUAL & DOMESTIC VIOLENCE**

P. O. BOX 1341

PITTSBURG, KS 66762

316-232-2757

1972
Lawrence

TO: Senate Judiciary Committee

1974
Wichita

RE: SB No. 807 - By Committee on Judiciary

1976
Emporia
Lawrence
Wichita
HutchinsonFROM: The Kansas Coalition Against Sexual and Domestic
Violence (KCSOV)1977
Topeka
McPherson

Senator Moran and Committee Members;

Thank you for the opportunity to speak before you regarding
SB 807.1978
KOLACToday I represent the Kansas Coalition Against Sexual and
Domestic Violence.1979
KADVP
Lawrence
Pittsburg
Grand Park

The Coalition applauds your efforts to remedy the critical funding shortages which will quickly be felt by all domestic violence programs across Kansas. The shortfalls in the Family Violence Prevention Fund which are a result of reduced contributions from fines and forfeitures will create great hardship by FY '95 to already underfunded programs; perhaps even leading to reduced services, or the closing of some shelter programs in Kansas. The Family Violence Prevention Fund is one of a few sources which provide sustaining operational monies, and certainly has been depended on for a small portion of most program budgets.

1980
Salina
Manass City
Dorado

Senators Bond, Petty and other members of this committee: Your foresight in trying to avert this hardship to programs, and ultimately to victims, is greatly appreciated. The concept to replace lost funding is a sound one.

1981
Edge City
Grant Bend
Jordan City
Liberal1982
Hays
Winfield
Ottawa City

However, there are a few stipulations in SB 807 that are problematic for Kansas domestic violence programs.

1983
Topeka
Venetia1985
Hickory1988
Tehison

SB 807 will not remedy the funding problem for programs operating in the other 101 counties. You have already heard of the magnitude of domestic violence in Kansas, those statistics represent people (primarily women and children) who in desperation, and out of fear, turn to shelter programs for help to get out of dangerous and sometimes LETHAL environments. The danger and need for services in rural counties is no less than it is in the urbanized areas. The Coalition urges you to amend SB 807 to include all counties.

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FEB-22-94 TUE 11:53 AM CRISIS CENTER

9135398467

P. 02

KCSDV p. 2.
Re: SB 807

Secondly, SB 807 calls for the development of county entities to administer the funds generated from docket fees within those counties. There are two primary concerns regarding this section.

1) If SB 807 is opened up to include all counties, each county will be tempted to begin a program of its own. KCSDV, along with The Crime Victim's Compensation Board (the administrator of Family Violence Prevention Funds) has encouraged the the current service model (regional) for shelters and discouraged program development in each county. Currently, all 105 counties are served by one of the 30 shelter programs in Kansas. Allowing programs to develop in each county will, in fact, dilute funding even more. Existing programs need funded

2) There are already in existence administrative bodies who oversee the distribution of funds to domestic violence programs; The Crime Victim's Compensation Board (Attorney General's office), The Crime Victims Assistance Fund (Attorney General's office), and Victims of Crime Act (SRS) Oversight by one body rather than 105 separate entities is not only significantly easier, but allows for a comprehensive and consistent service plan across the state.

The Coalition, in following the leadership of most other states, is developing a statewide plan for the provision of intervention and prevention programs which coordinates and standardizes services. The first phase of developing standards for program credentialing is already completed and programs are undergoing the credentialing process. In fact, by the time a program submits their application for FY '96 funding, they must be fully credentialled by the Coalition. Targeting only a few counties for supplementary funding will upset the balance and consistency we have spent a decade developing.

Therefore, KCSDV recommends amending SB 807 in the following ways;

- 1) Allow any county to participate.
- 2) Deposit collected funds into an existing fund for distribution, for example, The Family Violence Prevention Fund administered through Crime Victims Compensation Board, or directly to KCSDV.
- 3) That all programs eligible for funds through this program be fully credentialled through KCSDV.

#3

Senate Judiciary Committee
February 22, 1994
Re: SB 807

Chairman Moran and Committee Members,

On behalf of Safehouse and shelter programs across the state, I want to thank you for holding this hearing, as funding for shelter programs is desperately needed. When salaries, operating costs, and cost per unit of service is compared with other social service agencies, it becomes clear that domestic violence shelters are probably the most underfunded of all social service agencies in the state. I have no doubt that the shelter programs in these 4 counties could significantly enhance their service provision if this bill passes as it now reads. Unfortunately that will not do anything for domestic violence services in the other 101 counties. There are other shelters, like Safehouse, covering more rural counties that are just as busy, if not more so. A 1992 statistical comparison gives us the following information:

	Shawnee BWTF	Crawford Safehouse	Sedgwick WCC	Johnson Safehome
Total # Served	433	1918	480	2563
Shelter Units	3523	4738	6530	6333
Sheltered, New	335	582	480	271

These statistics show Safehouse in Pittsburg as second highest in total number of victims served, and as sheltering more new clients than any shelter listed. When considering this from a funding perspective, please keep in mind that our service provision requires a lot of time and expense for traveling and advocating throughout the 12-county region we serve. Furthermore, our 1992 budget was approximately 1/2 of the Women's Crisis Center's budget, in large part due to their ability to access Block Grant monies unavailable to rural county shelter programs. Although I didn't have access to all the necessary statistics to provide you with a 1993 comparison, I believe it would be very similar to 1992. **For these reasons, I urge you to amend SB 807 to provide such funding to shelter programs statewide.**

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Additionally, I request your reconsideration of administration of these funds. Currently, Family Violence Prevention Funds are distributed through the Crime Victim Compensation Board. By having this Board administer the funds raised by this bill, the 5% administrative costs could be cut and used for direct service provision.

Funding for shelter programs is necessary across the state. I thank you for your efforts to find additional funds for domestic violence services in these 4 counties, and urge you to include the other 101 counties in our state.

Thank you for your consideration. If I can be of further assistance in this matter, you can reach me at (316) 231-8692, or 8251.

Respectfully submitted,

Dorothy Miller,
Executive Director
Safehouse, Inc.
101 E. 4th, Suite 214 #10
Pittsburg, KS 66762



Testimony Before the Senate
Judiciary Committee
SB 807
February 22, 1994

Presented by: Kansas Children's Service League

Kansas Children's Service League is a statewide agency whose mission is to promote the well-being of children by strengthening the quality of their family life through the provision of prevention, early intervention, treatment, advocacy and placement services.

The Kansas Children's Service League wishes to endorse the intention of SB 807, which would bolster resources dedicated to the prevention of family violence. With reports of domestic violence rising within our state, strategies that address this social crisis deserve our support.

Using support from the Crime Victim's Assistance Fund and private donors, KCSL initiated a pilot project last year with the Crisis Center, Inc. in Manhattan. Termed "Circles of Affection", this project places a child specialist on staff at the Crisis Center's Shelter to work directly with the children and their mothers who are served there. Reports from both the Center and the project's independent evaluator confirm the significant positive impact of the joint venture.

It is our impression that SB 807 would encourage collaborative projects such as "Circles of Affection." A study of child maltreatment prevention conducted by the Kansas Legislative Research Department last fall concluded that attention should be paid to building prevention and early intervention services into existing programs and systems rather than trying to create them as separate entities. This conclusion affirms the value of the kind of alliances anticipated by SB 807.

Presented by: James McHenry, Ph.D., Assoc. Ex. Dir.

DISTRICT OFFICE
2053 KANSAS AVE.
P.O. BOX 5314
TOPEKA, KS 66605
913-232-0543
913-232-0858 (FAX)

FIELD OFFICES

227 SOUTHWIND PLACE
MANHATTAN, KS 66502
913-539-3193

JUNCTION CITY
913-762-5066

EMERGENCY
YOUTH SHELTER
2600 S.E. 23RD
TOPEKA, KS 66605
913-234-5424
913-234-8316 (FAX)

EMERGENCY CHILDREN'S
SHELTER
802 BUCHANAN
TOPEKA, KS 66606
913-232-8282
913-232-4142 (FAX)

CHILD ABUSE
PREVENTION
715 W. 10TH STREET
TOPEKA, KS 66612
913-354-7738
913-354-7739 (FAX)

100 YEARS
OF SERVICE
TO CHILDREN



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#5

Battered Women Task Force

Domestic Violence and Sexual Assault Programs

at the YWCA

Box 1883 • Topeka, KS 66601 • (913) 354-7927

TESTIMONY RE SB 807

2/24/94

Members of Senate Judiciary Committee

On behalf of the Topeka YWCA/Battered Women Task Force, I urge you to support this effort to increase funding for Domestic Violence Programs in Kansas.

In 1993 our staff and volunteers received 3,255 crisis calls from domestic violence victims. We housed 499 in our emergency shelter because they were not safe in their own homes. Of those 499, 269 were children who fled with their mothers. Shelters like ours exist so that women and their children will have a safe place to heal, consider their options and gain support to make decisions about their future.

Shelters are vital because it is a frightening fact that 75% of the women who are seriously injured or killed are assaulted at the time they leave not because they stay. Leaving an abusive relationship can be a very dangerous experience and these victims need lots of help in getting away from abusers.

Our program offers a 24 session intervention program for batterers and we currently have 70 enrolled in that phase of our program. 75% of those batterers report that they grew up in homes where they witnessed repeated violence between their parents. An early financial investment in stopping the intergenerational cycle of violence would have resulted in less cost to all of us now.

We are so very concerned about the children growing up in violent homes. Our agencies do as much outreach and public education in schools and youth groups as we can. We also do direct programming with children while they are in Shelter and while they come to support groups with their Moms. Helping provide a safe non-violent home and direct intervention for kids is a key to preventing future problems. Children from violent homes are more likely to have delays in developmental growth, problems with trust that affect all relationships, abuse drugs, attempt suicide, have antisocial, destructive behaviors, difficulty concentrating in school and a distorted sense of appropriate behavior.

As you can imagine, all of this intervention cannot be done entirely by volunteers and we need financial help to impact this alarming problem in our communities. It seems appropriate that individuals who are breaking Kansas laws should help in the financing of the work Domestic Violence programs are doing in Kansas. If we do not invest more in curbing domestic violence now we will continue to pay for the havoc in the future.

I urge you to vote in favor of SB 807.

Respectfully,

Marilynn Ault
Marilynn Ault
Program Director

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#6

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Donna L. Whiteman, Secretary

Senate Judiciary Committee
Testimony on Senate Bill 807

February 22, 1994

SRS Mission Statement

"The Kansas Department of Social and Rehabilitation Services empowers individuals and families to achieve and sustain independence and to participate in the rights, responsibilities and benefits of full citizenship by creating conditions and opportunities for change, by advocating for human dignity and worth, and by providing care, safety and support in collaboration with others."

TITLE

An Act concerning family violence prevention programs in certain counties; relating to additional court costs; family violence prevention funds and providing for reimbursement from such funds to certain agencies; amending K.S.A. 19-101e and 28-172a and repealing the existing sections.

Mr. Chairman, I am pleased to provide you with this testimony in support of Senate Bill 807 which establishes the family violence prevention funds and program. The bill provides that Johnson, Sedgwick, Shawnee or Wyandotte counties may create a family violence prevention program to help implement and coordinate funding for nonprofit corporations that deal with the prevention of family violence.

Family violence is a sensitive problem because it involves such value-laden ideas as home and family. Both home and family are no more immune to violence than any other aspect of American life. Violence in the home strikes at the heart of our society. Children who are abused or who live in homes where parents are battered carry the terrible lessons of violence with them into adulthood. Violence is learned behavior. A great proportion of people who portray abusive and violent behavior were raised themselves in violent households.

EFFECT OF PASSAGE

The provisions of Senate Bill 807 will have little immediate effect on the Department, the long range effect would be positive intervention for social services and juvenile delinquency.

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Page 2

RECOMMENDATION

The Department of Social and Rehabilitation Services recommends favorable consideration of Senate Bill 807.

Carolyn Risley Hill
Commissioner
Youth and Adult Services
Social and Rehabilitation Services

(913) 296-3284

#7

POINTS IN SUPPORT OF SENATE BILL NO. 788
AND SENATE BILL NO. 790

Lee H. Woodard, Chairman
Sedgwick County Law Library Board of Trustees (February 22, 1994)

I. The Sedgwick County Law Library ("SCLL") serves an important local and regional purpose.

- A. The SCLL is the largest law library west of Topeka, and is frequently used as a resource by attorneys throughout southern and western Kansas.
- B. The SCLL is essential for the provision of quality to legal services to small business and individuals represented by solo practitioners and small law firms. The resulting increased quality in submissions to the Courts also tends to increase the quality of judicial decisions.
- C. The SCLL is extensively used by the general public.
 - 1. High school students who are assigned projects requiring the use of the law library;
 - 2. Students from Wichita State University and elsewhere seeking to obtain paralegal degrees.
 - 3. Individuals who handle their own legal problems or representation.

II. The Problem.

Historically Court filing fees represented about 75% of the SCLL's income. In 1992, SCLL's income from these fees started to decrease, the existing shortfall is more than \$8,000 per month. At the same time expenses are increasing. As a result, the SCLL has operated at a deficit for 18 of the 24 months in 1992-1993.

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III. Action already taken by the Sedgwick County Law Library Board of Trustees and Sedgwick County Lawyers.

- A. In November, 1992: the Board of Trustees increased the registration fees to be paid by Sedgwick County lawyers from \$50.00 to \$75.00, effective January 1, 1993.
- B. In March, 1993: the Board of Trustees cut back the titles to be acquired by the Library. This resulted in decreased expense of almost \$2,000 per month.
- C. September, 1993: the Board of Trustees eliminated one and one-half staff positions and cut back on the hours the Library would be open. (Under the new hours, the Law Library is open from 8:00 a.m. to 7:00 p.m.; Monday through Thursday, 8:00 a.m. to 5:00 p.m. on Friday; and 11:00 a.m. to 3:00 p.m. on Saturday.
- D. September, 1993: the Board of Trustees renegotiated its lease with a substantial savings in rent.
- E. November, 1993: the Wichita Bar Association, pursuant to a request by the Board of Trustees, agreed to a seventeen percent (17%) increase in rent to be paid to the Sedgwick County Law Library.

IV. The Proposed Senate Bills Are Necessary In Order To Allow The Sedgwick County Law Library To Continue To Provide Existing Services. Failure of the Law Library to continue operations will have a severe adverse impact on the quality of affordable legal services, not only in Sedgwick County, but in the region. It would also deprive the public of a valuable resource.

#8

Remarks by Roger Theis In Favor of
Senate Bills No.s 788 and 790 (February 22, 1994).

I wish to emphasize today the importance of a comprehensive county law library from the perspective of a frequent user. My credentials to speak on this issue come from the fact that I am a daily user of the Sedgwick County Law Library. My practice largely consists of writing briefs on matters before the trial and Appellate Court, both state and federal. The quality of a lawyer's representation of a client's cause is directly dependant upon the quality of the legal resource materials at his/her disposal. It is therefore imperative that regional law libraries, such as that in Sedgwick County, have the ability to provide thorough and up-to-date materials across the broad spectrum of the law to serve the interests of Kansas citizens.

The Sedgwick County Law Library is the fourth largest such library in the state and the only comprehensive law library serving southern and western Kansas. The library is utilized extensively by sole and small firm practitioners from Wichita and surrounding areas. It also is a magnet for lawyers from small towns throughout the southern half of the state. From my own observation I can attest to the fact that it is heavily used by lay persons alike who seek to plead their own causes. It truly has a broad constituency that is vitally dependent upon its services and resources.

Equal justice in the courts and the promotion of the rule of law can only be achieved if the litigants before the Court have equal access to the legal resources necessary to effectively

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present their cases. A thorough Sedgwick County Law Library, accessible to small firms and citizens alike, levels the playing field by insuring that every person has at his/her disposal the same legal resources available to large law firms and large corporations that often employ their services. Its role in "democratizing" the legal process cannot be overstated.

In order to maintain even ~~the~~ status quo, the Sedgwick County Law Library must have access to additional sources of revenue to meet ever increasing publishing costs. These escalating costs have already forced the library to cut back its staff, including terminating the services of a trained and respected law librarian, to shorten its hours of operation, and to eliminate a number of titles from its selections. Without the ability to increase revenues to at least keep pace with rising costs, further cut backs in volumes and hours of operation will be the only option. Such a contingency would come at the expense of the legal rights of thousands of Kansas citizens and should not be allowed to occur.

A strong regional law library is not merely an aid to the legal community but it is a public resource in the true sense of the term. I urge your favorable consideration of the pending legislation to improve the quality of justice in the Courts of this state.

#9

SENATE COMMITTEE ON JUDICIARY

TESTIMONY OF RON MILES

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

Thank you, Mr. Chairman and Members of the Committee. My name is Ron Miles and I serve as director for the state board of indigents' defense services. I come to you today to suggest amendments to Senate Bills 788 and 790.

BACKGROUND INFORMATION

Currently, the state has public defender offices in Wichita, Topeka, Olathe, Junction City, Salina and Garden City. These offices employ 54 attorneys for indigents' defense representation in those respective counties and judicial districts. The law library trustees in Wichita, Olathe, Salina and Garden City have assessed our public defenders the registration fee provided by law. The state board has picked up the tab for the public defenders working in those counties. The fee ranges from \$30 per attorney in Garden City to \$75 in Wichita. Our annual expenditure for the registration fee is about \$2,000.00. The bills under consideration will increase our costs for these fees.

CROSS-DISTRICT ASSIGNMENT

Our problem is this: On many occasions, judges from non-public defender districts will request assistance from my office regarding a high profile case or one in which all of the local attorneys have been conflicted out. We are normally able to find a public defender who is available to handle these extra cases. This out-district assignment saves the state money because a salaried attorney is handling the case. There may be times, however, that the clerk of district court will require a registration fee for the public defender.

COSTS TO THE REGIONAL DEFENSE SYSTEM

A second problem we will encounter is that associated with the regionalization of defense services. The board has adopted rules and regulations which will go into effect on March 28, 1994 and which allow the agency to expand the role of the public defender system. Under the regional plan, six regional public defenders will coordinate defense services within each of six geographic regions in the state. Ideally, high cost cases will be handled by experienced public defender and/or assigned counsel and the lesser felonies will be represented by assigned counsel or contract counsel, as determined by the regional defender. The regional defender may be appointed to any case within that particular region. In western Kansas, 41 counties comprise the region. Public defenders could be expected to represent clients in each of those 41 counties, and could be required to pay a registration fee in each of those 41 district courts.

EXEMPTION OF PUBLIC DEFENDERS RECOMMENDED

The amendments suggested on the following page will have only a slight effect on the total operating budgets of the law libraries but without these amendments, the fiscal impact to the board will be substantial, especially considering the effects on the regional defense delivery system.

Thank you for your consideration of this request.

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BOARD OF INDIGENTS' DEFENSE SERVICES

LANDON STATE OFFICE BUILDING
900 JACKSON, ROOM 304
TOPEKA, KANSAS 66612-1255

(913) 296-4505

COMMITTEE ON JUDICIARY

SENATE BILL NOS. 788 & 790

Amendments Suggested by State Board of Indigents' Defense Services

Senate Bill 788 should be amended as follows:

Page 1, Line 39-42.

Sec. 1 (c)... All attorneys required to register, except those employed as public defenders by the state board of indigents' defense services, shall pay to the clerk at the time of registering an annual registration fee of not less than \$10 nor more than \$75 \$125, as determined by the trustees of the law library. Public defenders are exempt from the registration fee during their employment with the state board of indigents' defense services.

Senate Bill 790 should be amended as follows:

Page 2, Line 35:

Sec. 1

(d) Each attorney, except as provided in subsection (f), shall pay to ~~the~~ such clerk at the time of registering an annual registration fee of \$10, except that in counties having:

(1)...(4).

Page 3, Line 35:

New (f) Attorneys employed by the state board of indigents' defense services as public defenders are exempt from registration fees during their employment with the state board of indigents' defense services.

#10

TESTIMONY BEFORE THE SENATE JUDICIARY COMMITTEE

February 22, 1994

SENATE BILL 741

Mr. Chairman, members of the Committee, I am pleased to appear today in support of Senate Bill 741, on behalf of the Kansas Association of Professional Psychologists, a professional association of licensed doctoral level psychologists. Licensed psychologists are independent practitioners who diagnose and treat mental disorders and are recognized in our statutes as having qualifications to make determinations for civil commitment, competency to stand trial, criminal insanity and a variety of other areas.

SB-741 would clarify the Guardianship and Conservatorship statutes to make it clear that a licensed psychologist can file the statement in writing which is required with the filing of a petition. Clarifying because the Guardianship and Conservatorship Act already recognizes that when the issue is adjudicated before a judge that licensed psychologists have an appropriate role. K.S.A. 59-3013 states, "The court shall receive all relevant and material evidence which may be offered, including the testimony or writing findings and recommendations of the hospital, clinic, physician or psychologist who has examined or evaluated the proposed ward or proposed conservatee . . .". SB-741 merely adds the psychologists as an individual who can be involved in the initial evaluation and recommendation to the court at the stage when the petition is being filed.

We'd appreciate your favorable consideration of this proposal.

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2-22-94
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KANSAS MEDICAL SOCIETY

623 SW 10th Ave. • Topeka, Kansas 66612 • (913) 235-2383
WATS 800-332-0156 FAX 913-235-5114

February 22, 1994

To: Senate Judiciary Committee

From: Chip Wheelen, KMS Director of Public Affairs *Chip*

Subject: Senate Bill 741
Evaluations of Persons Alleged to be Disabled

The Kansas Medical Society must oppose SB741 because it could deny a person who is alleged to be disabled the benefit of a differential medical diagnosis. Because of the seriousness of a determination of disability for purposes of appointing a guardian, we believe the person under consideration deserves a complete evaluation by a person licensed to practice medicine and surgery.

This does not diminish the important role performed by a licensed psychologist who may test the person to measure cognitive skills. Such tests are extremely important when used in conjunction with medical tests which measure physiological characteristics or screen for indication of illness or disease. Only by taking into account the patient's overall condition may the physician conclude that the person is indeed disabled rather than temporarily suffering from an illness or condition that interferes with cognition.

One example would be a person who is experiencing mental or emotional symptoms secondary to hyperthyroidism or hypothyroidism. This condition causes what appears to be severe depression but is the result of an endocrine imbalance that is treatable. Another example would be the person who is experiencing an adverse reaction to a medication or combination of drugs which causes mental abnormality or which causes an existing but mild mental disorder to become severe. While these patients may be temporarily disabled, the court's decision would certainly be different from a decision regarding a person who is suffering from untreatable dementia or a permanent mental disorder.

Thank you for considering our comments on this subject. We respectfully request your recommendation that SB741 not be passed.

Senate Judiciary
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