

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on March 8, 2011, in Room 346-S of the Capitol.

All members were present.

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Professor Suzanne Valdez, Kansas Judicial Council
Helen Pedigo, Special Counsel to Chief Justice, Supreme Court of Kansas
Senator Faust-Goudeau, Twenty-Ninth District, Wichita, Kansas
Tanya Keys, Director, Department of Social and Rehabilitation Services
Jim Snyder, Kansas Silver Haired Legislature
Heather Morgan, United Methodist Youthville
Wendel Turner, Concerned Grandparent
Dorothy Zook, President Silverhaired Legislature

Others attending:

See attached list.

The Hearing on **SB 24 – Domestic relations; relating to the recodification of certain domestic relations matters** was opened.

Professor Suzanne Valdez, appeared before the committee in support of the bill on behalf of the Kansas Judicial Council. She explained the background of this bill and how it is intended to only reorganize the domestic relations statutes into a single domestic relations code and is only the first step in the process of the committee's overall goal to update all domestic relations statutes in order to bring them more in line with the current trends and practice within domestic relations law. She stated the committee intentionally avoided including any substantive changes. (Attachment 1)

Joseph Molina, Kansas Bar Association, presented written only testimony in support of the bill. (Attachment 2)

There were no opponents.

The hearing on **SB 24** was closed.

The hearing on **SB 46 – Amending civil procedure code general provisions relating to electronic filing** was opened.

Tamera Lawrence, Assistant Staff Revisor, presented an overview for the committee. (Attachment 3)

Helen Pedigo, Special Counsel to Chief Justice, Supreme Court of Kansas addressed the committee in support of the bill. She explained that electronic filing (E-Filing) is the process of submitting court documents over the internet, rather than on paper, and receiving an electronic response from the court as to the status of the filing and the advantages for the courts and the filers. This bill deletes the language that refers to the clerk keeping papers filed in each case in a wrapper or folder and the requirements of a clerk to initial time and date stamps. Under this amendment, clerks would record the date and time of receipt of all filings. In addition, this bill would clarify that the Supreme Court, rather than the chief judge of a judicial district would issue an order stating when records and information would be maintained in a computer information storage and retrieval system, rather than in dockets and journals. (Attachment 4)

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on March 8, 2011 in Room 346-S.

There was discussion regarding security of the files and Chairman Kinzer stated most of these records are public record and also that at the Federal level it has been working well.

There were no opponents.

The hearing on **SB 46** was closed.

The Hearing on **SB 52 - Concerning grandparent's custody of children** was opened.

Jill Wolters, Senior Staff Revisor, provided the committee with an overview of the bill. ([Attachment 5](#))

Senator Faust-Goudeau, Twenty-Ninth District, Wichita, Kansas, addressed the committee in support of the bill and on behalf of the Kansas Silver Haired Legislature. She explained in 2005, she introduced a bill that became law July 1, 2006, known as the "Grandparents As Caregivers Act", which financially assisted grandparents raising grandchildren. She stated this bill is another attempt to assist grandparents, to help keep children out of foster care, and to keep families together, by requiring the courts to consider grandparents as interested parties to child in need of care proceedings. It would also require that grandparents get notification of court hearings regarding their grandchildren. ([Attachment 6](#))

Tanya Keys, Director, Department of Social and Rehabilitation Services, spoke in support of the bill stating the importance of grandparents and extended family in the life of a child. She stated current law requires grandparents to notify the court if they desire to remain an interested party and this bill removes that requirement. ([Attachment 7](#))

Jim Snyder, Speaker of the Kansas Silver Haired Legislature, addressed the committee in support of the bill that gives grandparents automatic recognition as an "interested party" by the court system. ([Attachment 8](#))

Heather Morgan, United Methodist Youthville, spoke in support of the bill and support grandparents being granted automatic interested party status by the court and believe this change may eliminate some of the concerns they hear from grandparents about not receiving notifications regarding upcoming court hearings. ([Attachment 9](#))

Wendel Turner, Concerned Grandparent, appeared before the committee and told his personal story and frustrations as a grandparent and stated if you are not an "interested party", you are not allowed to even enter the courtroom regarding your grandchildren. ([Attachment 10](#))

Dorothy Zook, President of the Silver Haired Legislature, spoke in support of the bill and the rights of grandparents and stated that sometimes the parents of the children do not tell the grandparents what is going on. ([Attachment 11](#))

Mary Tritsch, AARP Kansas, provided written only testimony in support of the bill. ([Attachment 12](#))

There were no opponents.

The hearing on **SB 52** was closed.

The next meeting is scheduled for March 9, 2011.

The meeting was adjourned at 5:10 p.m.

JUDICIARY COMMITTEE GUEST LIST

DATE: 3-8-11

NAME	REPRESENTING
Jim Taylor	SHL
Wendy Zook	SHL
Ruby Turner	
Wendell Turner	SHL
Jim James	#52, NTP
Heather Morgan	UMY
Jimmy Roe	KCSL
Heather Pedge	Court
Lois Wilson	KS BAR ASSOC.
Natalie Gibson	KSJC
Supreme Valdez	for Judicial Council
JM Hummel	KVC Health Systems
SEAN MILLER	CARDIO STRATEGIES
David Rouner	Keisney & Assoc.
Patrick Vogelsberg	KCDAA



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TO: Representative Lance Kinzer, Chair, House Judiciary Committee
From: Kansas Judicial Council Family Law Advisory Committee
Re: Testimony in support of 2011 Senate Bill 24
Date: March 2, 2011

Professor
Suzanne Valdez

TESTIMONY OF THE JUDICIAL COUNCIL FAMILY LAW ADVISORY COMMITTEE ON 2011 SENATE BILL 24

In March, 2009, the Family Law Advisory Committee (committee) was asked to review and make recommendations on 2009 Senate Bill 27. During discussion on the bill, it became clear that in the near future a comprehensive review and update of the Kansas Parentage Act (KPA) would be advisable. The committee also agreed that many other domestic relations statutes were in need of updating as well. A member of the committee indicated that a report completed by the Kansas Citizens Justice Initiative in 1999 included a recommendation that "the State should publish and distribute to the public a booklet in which all Kansas statutes and court rules relating to family law are reprinted." It was subsequently suggested that rather than try to update all of the domestic relations statutes in a piece-meal fashion, since they are currently

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scattered throughout several chapters of the Kansas statutes, it would be helpful if all the domestic relations statutes could be reorganized into one chapter of the Kansas statutes. Therefore, the committee asked for and received permission from the Judicial Council to draft legislation that would reorganize the domestic relations statutes into one chapter of the Kansas statutes.

The committee began its work by determining which domestic relations statutes and acts should be included in the new domestic relations code and by preparing a list of articles for the statutes that would place the statutes in a logical and organized order. Once the organization was agreed to, the committee worked to break down some of the longer and more confusing statutes (such as K.S.A. 60-1610) into their component parts. This allowed the committee to put the component parts into new sections that could be placed appropriately throughout the new chapter to coincide with the logical flow. The committee believes that this reorganization will result in a more "user-friendly" and better organized domestic relations code that will benefit the general public as well as legal professionals.

While the committee recognized that several statutes and acts, such as the Kansas Parentage Act, could be updated within this reorganization process, it felt that reorganizing the statutes first would better facilitate a comprehensive review and update of the domestic relations statutes in the future. If the committee had tried to update all of the domestic relations statutes as they are now, or while trying to reorganize the statutes, the committee would have been forced to work through several different chapters of the Kansas statutes. Such a piece-meal process has already resulted in overlooked updates and inconsistency between statutes. Reorganizing all of the statutes into one chapter first, prior to a comprehensive review and update of the statutes, will reduce this risk of error and inconsistency.

Conclusion

The committee's overall goal is to update all domestic relations statutes in order to bring them more in line with current trends and practice within domestic relations laws. Senate Bill 24 is just the first step in this process. The bill is intended to only reorganize the domestic relations statutes into a single domestic relations code. The bill includes what would be new statutes resulting from the moving and breaking down of extensive statutes, such as K.S.A. 60-1610, and other statutes containing statutory reference to K.S.A. 60-1610. The committee intentionally avoided including any substantive changes. The result is the bill you have before you now. The Family Law Advisory Committee and the Judicial Council support the bill as drafted.



KANSAS BAR
ASSOCIATION

TO: The Honorable Lance Kinzer
And Members of the House Judiciary Committee

FROM: Joseph N. Molina
On Behalf of the Kansas Bar Association

RE: SB 24 – Domestic Relations Recodification Act

DATE: March 8, 2011

Good afternoon Chairman Kinzer and Members of the House Judiciary Committee. I am Joseph Molina and I submit this written testimony on behalf of the Kansas Bar Association in support of SB 24, the Domestic Relations Recodification Act. This legislation will create a more user-friendly domestic relations code by incorporating the flexibility necessary to deal with complex family issues.

First, let me point out that SB 24 does not make any substantive changes to current Kansas law, it merely organizes the code into a more logical structure. This way when substantive changes to the code are necessary, its organization will foster a smooth transition. And with the advent of new technologies, changes to the code are inevitable. For instance, artificial reproductive issues and surrogacy claims are items that did not exist when the code was rewritten 30 years ago. These issues will need to be addressed and SB 24 will allow for a rational application of these new laws into the code.

Second, the past 25 years have seen domestic relations law grow increasingly complex. Federal involvement in this area has forced the code to evolve in a piecemeal fashion. By doing so we are left with a code that struggles to maintain uniformity. Organizing the code in this fashion is inefficient and confusing. SB 24 will streamline future amendments by coupling like provisions together.

Third, since many of the statutes under the domestic relations umbrella were enacted more than 25 years ago, they have accumulated numerous subparts that were not originally intended to be part of the statute. For instance, K.S.A. 60-1610 was designed to include provisions for what a court can order in a final divorce decree. Now, this law is littered with other divorce issues, both procedural and substantive, that have only a tangential relationship to the original law. SB 24 will provide a logical location for these multiple subparts and allow the original statute to stand alone as it was intended.

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Finally, the Kansas Judicial Council's Family Law Advisory Committee, a group comprised of experts in this area of law, has worked for nearly two years developing this measure. This is a highly effective review process that considers various points of view. As such, SB 24 should be allowed to stand on its own merits, absent any alterations that seek to change substantive law.

On behalf of the Kansas Bar Association, I thank you for the opportunity to provide you with this written testimony.

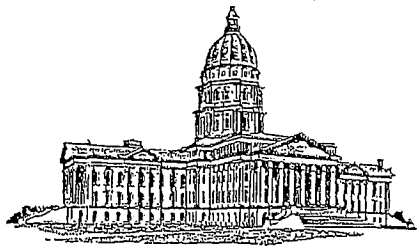
About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 7,000 members, including lawyers, judges, law students, and paralegals. www.ksbar.org

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Interstate Cooperation
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To: Committee on Judiciary
From: Tamera Lawrence, Assistant Revisor of Statutes
Date: March 8, 2011
Subject: SB 46, Electronic filing

SB 46 removes the requirements that court clerks keep papers for each case filed in a wrapper or folder and that the clerk initial the time and date stamp on each paper. The bill does keep the requirement that the clerk shall carefully file and preserve the papers and record the date and time papers are received.

SB 46 also clarifies that the Supreme Court, rather than the chief judge of a judicial district has the authority to order that records be kept in a computer information storage and retrieval system.

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HOUSE JUDICIARY COMMITTEE

Honorable Representative Lance Kinzer, Chair

Testimony in Support of SB 46 – E-filing

March 8, 2011

Mr. Chairman, and committee members, thank you for the opportunity to testify in support of this bill.

The Judicial Branch is moving toward e-filing capability, to allow easier access to the court. This legislation would clarify that the Supreme Court, rather than the chief judge of a judicial district, would issue an order stating when records and information would be maintained in a computer information storage and retrieval system, rather than in dockets and journals. It is anticipated that the statewide rollout of e-filing will be staggered with judicial districts coming online at different times and in phases by different case types. The roll out requires statewide planning and coordination. While individual districts will be consulted about the schedule, this legislative change facilitates the statewide coordination that will be required for successful implementation.

The legislation also deletes language that refers to the clerk keeping papers filed in each case carefully enveloped in a wrapper or folder and that requires to clerk to initial time and date stamps. Under the amendment, clerks would record the date and time of receipt of all filings.

Moving to electronic filing and a paper-on-demand-only court system will increase efficiency for those who file documents with the court, allowing around the clock web access without the costs of creating, mailing, or delivering a paper document. Once fully implemented, this program has the potential to save costs for law enforcement agencies, state agencies, county and district attorneys, and anyone else who files documents with Kansas courts. The court system itself will be able to function more efficiently, reducing retrieval, storage, and data entry costs. Once information is entered about a document, the information will populate other data points, the paper will be electronically routed and stored, and those involved in a court case will automatically receive relevant notifications.

The Senate passed this bill on a vote of 39 – 0. I ask that you consider this bill favorably. Thank you for your time and I'd be happy to answer questions that you may have.

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What is E-Filing?

Electronic filing, or E-Filing, is the process of submitting court documents over the Internet, rather than on paper, and receiving an electronic response from the court as to the status of the filing. It also allows filers to pay filing fees, notify other parties, receive court notices, and retrieve court information electronically.

Today, most court documents are prepared electronically with word-processing software. A paper filing process requires that these documents be printed out and delivered to the courthouse with the appropriate court fees and instructions. At the courthouse, staff reviews the paper documents, process payment, make entries into the court's case management system, and place the paper documents in the file jacket for the case. Paper case files are then routed to the appropriate judge or staff for processing. Eventually, the paper documents may be routed to an appeals court or to archives.

With E-Filing, the document is prepared in the same way by filers, but sent electronically via the Internet. Court documents and related case information are electronically exchanged with the court. The electronic information is retained, organized, and routed to court staff, but all of the work is done directly on computer screens, rather than by referring to paper documents.

Advantages to the Courts

The filing, tracking, and processing of paper court documents creates inefficiencies, redundant activities, and higher costs to the courts throughout Kansas. By way of illustration, the first four cases on the Kansas Supreme Court's October 2009 docket created 9,774 pages of pleadings, briefs, and other documents (counting numbers of copies necessary for service and assuming all parties had copies of the record on appeal). In yet another case on that docket (a civil case appealed after a trial), more than 21,400 pages were created. In one of the more voluminous cases currently on appeal, the record on appeal is approximately 20,000 pages and the briefs already filed (with more to come) total approximately 800 pages. Assuming the parties have duplicate copies of the record on appeal, the standard number of briefs are filed with the court and served on the opposing party, and the responding party files briefs of approximately the same length, this case alone will create approximately 88,800 pieces of paper. If one assumes an extremely conservative cost of 10 cents per page for photocopying, printing, and postage expense, these six cases account for almost \$11,000 in expenses. In FY 2008, there were 491,596 cases filed in Kansas state courts. E-Filing provides courts with the ability to electronically receive and process documents submitted for filing. Since filing and payment procedures will be automated with an E-Filing system, operational efficiency is improved.

Advantages to the Filers

E-Filing enables filers to submit their court documents electronically online and receive responses from the court on the status of their filings without leaving their office or home. Filers no longer need to incur costs related to the delivery and processing of their court documents. Documents can be submitted electronically 24 hours a day, 7 days a week, and 365 days a year, eliminating racing the clock to the courthouse. In addition, E-Filing is cheaper and faster than mail and delivery services. Status information returned electronically by the court ensures filers that their documents were received at the courthouse and allows filers to track action taken on their documents. E-Filing is convenient, saves times, and reduces paperwork.

Preparing the Courts for E-Filing

Approximately 8 years ago, the Kansas Supreme Court and the Office of Judicial Administration adopted a long-term goal of having a fully integrated electronic court system in all 31 Kansas Judicial Districts and the appellate courts. Electronic filing is the next and final step in achieving that goal. Previous steps have included:

Implementation of software driven case management systems (CMS's) used in every district court.

A CMS manages the receipt, processing, storage, and retrieval of data associated with a case and performs actions on the data. For example, statistical information regarding case types and financial information regarding each case are handled through the CMS. In addition, the CMS allows for the creation of an electronic register of action (ROA), which is an electronic docket sheet that itemizes each document filed in a case; the setting of events, such as hearings or trials; and all judicial actions. A CMS—FullCourt—was selected by a previous study committee for implementation in the district courts. Grant funding led to the installation of the FullCourt CMS in 29 judicial districts (103 counties), with counties paying any associated hardware costs. At the time of implementation, two judicial districts, the 3rd (Shawnee County) and 10th (Johnson County), had a CMS written by the information technology staff in each of those courts; both of those counties continue to maintain their systems. As a result, 29 of the 31 judicial districts utilize the same CMS, allowing for uniform reporting and accounting to OJA. In addition, the district courts are able to transfer data to other entities, such as to the Department of Revenue regarding matters that impact the suspension of drivers' licenses. The two judicial districts that do not use Full Court are responsible for writing programs that permit the data transfer in a manner that allows integration of the information with that of the other 29 judicial districts. A portion of case filing fees are paid into a technology fund that pays the maintenance costs for the Full Court software system. The Kansas appellate courts utilize a CMS developed by OJA. Costs of this system are also funded by the technology fund.

Implementation of document imaging and management systems

A document imaging system is a process of scanning paper documents to create an electronic image, and a document management system (DMS) manages the receipt, indexing, storage, and retrieval of those electronic documents by associating them with a case and creating electronic information about the document. Most Kansas judicial districts use the FullCourt document management module; three judicial districts use other software packages—18th (Sedgwick County, using FileNet), 7th (Douglas County, using OnBase), and most counties in the 22nd (Brown, Doniphan, and Marshall Counties, using LaserFiche while Nemaha County, which is also in the 22nd Judicial District, uses the FullCourt DMS). The appellate courts also use the LaserFiche document imaging and management system.

Implementation of electronic methods for fee and fine payments through CitePay USA.

Currently online payments for traffic fines and fees are available statewide. In August 2011, online payments will be available for all types of fines and fees including restitution. Over the counter credit card payments will also be made available then.

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MEMORANDUM

To: Chairman Kinzer and members of the House Judiciary Committee
From: Jill Ann Wolters, Senior Assistant Revisor
Date: March 8, 2011
Subject: SB 52, Grandparents as interested parties

Currently, under the revised Kansas code for care of children, in a child in need of care proceeding, grandparents shall be made an interested party if the grandparent notifies the court of the desire to become an interested party. Grandparents can then participate in the proceedings, receive notice of proceedings, and be represented by an attorney.

SB 52 gives grandparents status as an interested party, without the grandparent notifying the court and requesting interested party status.

House Judiciary
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TOPEKA

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RESOURCES
CHILDREN'S ISSUES
ECONOMIC DEVELOPMENT

Senate Bill 52

House Hearing held on March 8 2011 @ 3:30 pm

House Judiciary Committee

Chairman-Lance Kinzer

Vice Chairman- Representative Joe Patton

Ranking Member-Representative Jan Pauls

Honorable Members of the Committee

Good Morning,

I am testifying in support of SB-52 on behalf of the Kansas Silver Haired Legislature. In 2005, I introduced a bill that became law July 1, 2006, known as the "Grandparents As Caregivers Act", which financially assisted grandparents raising grandchildren.

SB-52 is another attempt to assist grandparents, to keep children out of foster care, and to keep families together. Over the past couple of years, I have heard from grandparents who are not informed about court hearings regarding the placement of their grandchildren. SB-52 would require the courts to consider grandparents as interested parties to children in need of care proceedings. The bill would also require grandparents to receive notification of court hearings regarding their grandchildren.

Once again, this is an attempt to keep children out of foster care and keep families together. I strongly urge your support for SB-52.

Thank You,

Senator Oletha Faust-Goudeau

House Judiciary

Date 3-08-11

Attachment # 6

House Committee on Judiciary

March 8, 2011

Testimony in Support of SB 52

Chairman Kinzer and members of the committee, I am Tanya Keys, Director of Children and Family Services with the Kansas Department of Social and Rehabilitation Services (SRS). Thank you for the opportunity to provide testimony in support of SB 52.

SRS appreciates the importance of grandparents and extended family in the life of a child. Kansas public policy recognizes the role of grandparents by requiring the mailing of the petition in a child in need of care proceeding to the grandparents with whom the grandchild does not reside. Current law requires grandparents to notify the court if they desire to remain an interested party. SB 52 removes the requirement for grandparents to notify the court of their desire to remain an interested party. Grandparents, as interested parties, will be allowed to participate in proceedings involving their families.

SRS supports SB 52 and the improvements it provides to families involved in the child welfare system.

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Rob Siedlecki, Acting Secretary

Department of Social And Rehabilitation
Services

House Committee on Judiciary

March 8, 2011

Testimony in Support of SB 52

Children and Family Services

Tanya Keys, Director

For Additional Information Contact:
Gary Haulmark, Director of Legislative Affairs
Docking State Office Building, 6th Floor North
(785)296-3271

JIM SNYDER, SPEAKER

KANSAS SILVER HAired LEGISLATURE

SENATE BILL 52, MARCH 8, 2011

Mr Chairman, members of the Committee. I am Jim Snyder, Speaker of the Kansas Silver Haired Legislature. Senate Bill 52 was promoted by our organization to further help those Grandparents who, bless their hearts, are caring totally for their grandchildren.

Senate Bill 52 is not a cure all, but it is a step to further insure that Grandparents caring for their Grandchildren will now have automatic recognition as an "interested party" by the court system.

I'll not bother you with lots of talk for we have others here with more pertinent information. However, attached to my remarks is some Statistical Data. The number of Kansas Grandparents and the number of grandchildren is from the 2000 census. However, with the recent economic situation, I feel certain this number has increased quite a bit. And even so, these grandparents are saving Kansas more than \$9 million in keeping these children instead of having foster care==which you can see runs nearly \$25,000 per child per year.

Even though this bill doesn't complete all that is needed, it is a giant step for those Kansans who are doing this for their families. We would hope you would agree and approve this bill in its present form, as it already has completed passage from the Senate by a 39-0 vote.

Also, attached to this ^{are} some examples of why the need for this legislation.

Thank you.

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STATISTICAL DATA REGARDING GRANDPARENTAL CARE OF GRANDCHILDREN

SB 52 - ~~Feb XX, 2011~~ MARCH 8, 2011

Based on 2000 Census data, Kansas has 35,274 children living in households headed by grandparents or other relatives. This includes 17,873 grandparents reporting that they are providing day-to-day care to nearly 30,000 of their grandchildren. Keeping families together helps reduce disruptions for children, and that is important to their long-term success.

In the "Child and Family Services Review Statewide Assessment for Kansas (2005), SRS reported that "placement with relatives or other kin continues to be the preferred placement". Every child kept out of the foster care system in Kansas saves an average of \$24,672 a year that we all pay. (Kansas Department of Social & Rehabilitation Services, January 2007).

Child welfare agencies have discovered the advantage of placing children with extended family. These agencies have found children placed with relatives to be safe and nurtured, and to feel more like they are at home than in foster care.

Grandparents are not just providing short-term care. Three-fourths of Kansas caregiving grandparents have cared for their grandchildren for more than one year, and more than one-third have assumed this role for five years or more. (Kansas Public Health Assn. Inc., KPHA E-News Update, 6/1/06.)

2011-02-03 23:05

Kathy

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816 346 1332

P 5/5

February 4, 2011

I am the grandmother to my grandson, age 8 years old. My grandson lived with me since birth with erratic visitation by his mother.

This year, my grandson was placed in the custody of his mother. Since being placed with his mother, he has run away several times from his mother. He has stated that he does not want to live with his mother.

My grandson was an A student but is now failing in school.

I was told that being a grandparent, I had no rights to adopt or even apply for custody of my grandson.

Grandparents, when they have had significant contact with their grandchildren, should be allowed rights to their grandchildren. This is definitely in the best interests of the children.

Thank you.

Beverly Barker
785-505-1768

Grandchild: Tiana Garrison
Grandmother: Theresa Mabery

In December of 2007, Tiana Garrison's biological mother left Tiana, her younger sister and brother with her uncle, a licensed foster care home. It was found out, uncle was administering corporal punishment and the 3 children were removed, separated and placed in three different foster homes.

In Tiana's next home, the male figure and Tiana had conflict, by now it's 2009 and Tiana was removed again and placed with her sister in a third home. In May of 2010, it was discovered domestic violence had been occurring on a regular basis in the foster home along with the children being unkept, stinking, wearing dirty clothes, home environment dirty, and breeding animals on the property for profit. The children were removed and the Gully's license was revoked from them. Tiana had been telling her grandmother what was taking place and Theresa reported it to Tammy, KVC Therapist, and Jennifer Clark, Case Worker multiple times, but allegations were never investigated. KVC would not work with grandmother or biological father in any situation. All the while, the grandmother had been wanting and making it known to KVC she wanted her granddaughter, Tiana. The biological father's rights were severed in 2010. KVC said it was due to him not getting an apartment in Olathe. He got an apartment in Wyandotte County. They said his neighborhood was not suitable to raise a child. He had consistent daytime appointments for parenting classes which interefered with work schedule. He lost his job and they severed is rights.

Grandmother was told by KVC in 2010 if she wanted Tiana, she had to take all three children. The grandmother agreed and said she would do it. KVC still never gave her granddaughter or made arrangements for a home study or took any initiative towards this end.

Tiana and her sister has been moved to another home and have lived there since May of 2010 with a family that works with KVC and Theresa is now allowed visitation without any conflicts. When trying to visit her granddaughter when granddaughter was with the Gully family, they were always unavailable. Theresa has been in this battle for three years now.

When KVC revoked the foster care license from the Gully's, Judge Sloan ordered visitation be given to the Gully's who had neglected the children. Judge Sloan is urging the family to get their home in order, receive counseling and have their license reinstated to them. KVC stated in court they would not allow this family to get their license back. The courts are looking at other agencies to help them get it back.

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The Judge told KVC if they did not give visitation to the Gully family, KVC would be in contempt of court.

Theresa Mabery has gone through the trouble to get her foster grandparent license and has had it for seven months. She has had quarterly home studies since last February and she has been approved by Missouri. She has done this to no avail. Her granddaughter is still in the custody and care of The State of Kansas. The grandmother has fought this long fight from the State of Missouri. The State of Kansas would have saved thousands and thousands of dollars had they done the right thing and given this child to her grandmother. Where her emotional and physical needs would have been met..

Signed/ Theresa Mabery

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Kathy

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04-04-09

To Whom It May Concern:

Regarding Cassandra Wonsetler, age 8 yrs. old, Case #055639

Individuals and agencies in the state of Kansas have violated our civil and constitutional rights. Even though my wife and I were approved for placement of my granddaughter, Cassie, agencies in Kansas placed her in approximately 8 different foster homes with strangers. We were told that we could not have our granddaughter because we were too old. Discrimination of any kind should not be tolerated. This is against our constitutional and civil rights and should not be tolerated by the state or federal government.

During those 8 different foster homes, our granddaughter, Cassie, told us horrible stories that happened to her while she was placed out of family care into foster care. In one foster home, Cassie was made to stay in a bedroom while the foster home family ate their meals and then when they were finished eating, Cassie was allowed to come out of the room and eat. Cassie almost drowned in a lake when she was pushed out of a boat while the foster mother was asleep in a tent. Cassie has been traumatized to this day because she told us that in one foster home, the foster children handcuffed her hands behind her back, grey tape put across her mouth and then she was placed into a dark closet for a long period of time. This is just a few of the things our granddaughter, Cassie, has told us about foster care. Cassie should have been placed in family care where she would have been loved and cared for. I do believe that Cassie was not placed in our home due to the money these individuals and agencies received from the government. This is child trafficking.

We were finally able to get Cassie back into the home but only after having to pay out approximately \$10,000.00 in legal fees in order to accomplish what should have been our and Cassie's legal rights from the very beginning. These individuals who kept Cassie from her flesh and blood family have committed kidnapping and should be stopped immediately. This is child traffic.

These are crimes against humanity and should be stopped and changed so it never happens to another family.

We would like to be included in any action taken against SRS and KVC.

Our case is no longer in court. Our judge was Judge Amy Hart, Miami County in Paola. I can get the other professionals' names if you would request them.

Respectfully submitted,

Clarence and Marian Wonsetler, 32799 Manor Rd., Paola, Kansas, 66071, #913-256-2231.

Clarence Wonsetler
Marian Wonsetler

Cassie was also threatened not to tell anyone about what happened to her in foster care.

Wanda Robinson Owens
2940 Delavan Avenue
Kansas City, KS 66104
913-281-5961

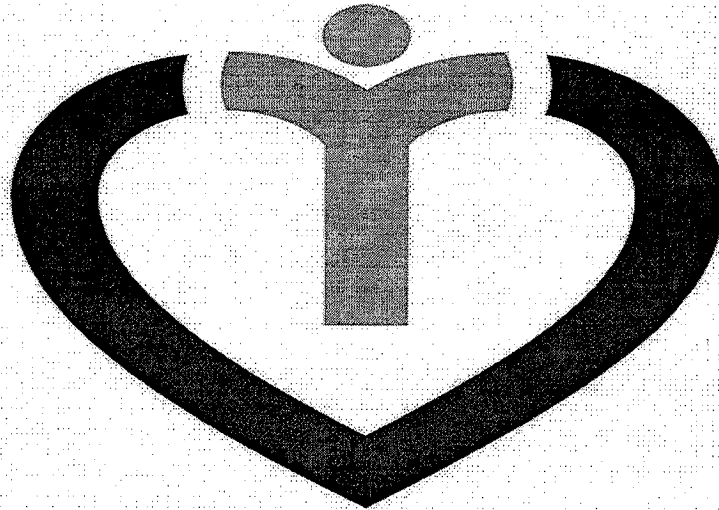
My oldest daughter's two girls were removed from my home because the mother stated to case manager of SRS that I was not keeping the children presentable looking for their visit with her. Both girls were removed from my home and the children have not fared well. The 12 year old was molested while in state custody. The 7 year old was so hysterical when being removed from my home that they diagnosed her as Oppositional Defiant and she has been on medication ever since. she has not been right to this day.

Signed Wanda Robinson Owens

United Methodist Youthville

Child Welfare Services

Testimony in Support of SB 52



Youthville

Giving Children Back Their Childhood

For More Information Contact:

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House Judiciary
Date 3-08-11
Attachment # 9

Chairman Kinzer and Committee Members, thank you for the opportunity today to testify in support of SB 52. While currently grandparents have the right to request to be an interested party in a child in need of care (CINC) proceeding, we hear repeatedly that grandparents are unaware that they need to make this request of the court, or simply fail to make this request. By not making the request of the court, grandparents are not automatically notified of all upcoming hearings and other official notifications in the case. We believe that loving grandparents should be able to play an active part in the lives of their grandchildren and are often wonderful resources in helping the child exit the system and move toward permanency.

We strongly support grandparents being granted automatic interested party status by the court, unless as stated in the bill, that the court believes it would not be in the best interest of the child to grant the grandparents this status. We believe this change may eliminate some of the concerns we hear from grandparents about not receiving notifications regarding upcoming court hearings and will alleviate the need for them to make this request of the court. This bill along with others (SB 81, SB 84, and SB 94), which we hope will also be passed this session, will provide improvements for families who become involved with the child welfare system.

TESTIMONY OF WENDELL TURNER, WICHITA

On the evening of May 4th 2007 there were 2 tragic events that happened in Kansas. The one you know about is that was the night a tornado blew Greensburg away. The other was our 2 youngest grandsons were taken into protective custody by the Wichita Police and SRS. Protective really doesn't describe what they did to those little boys.

The boy's mother had abandoned them and their dad, our son, after years of drug abuse isn't parent material so taking them out of the home seemed like the only way to go. What happened next is where things went wrong.

A neighbor who lived across the street from them called us that evening and said "the police have taken the boys". If she hadn't I don't know what would have happened, maybe no worse than what did happen. I called the Wichita Children's home the next morning because I have several friends on the Wichita Police Dept and they had told me that is where they take them. As soon as I gave my name the lady who answered said, "The boys are here and they are fine". I didn't have to tell her whom I was calling about because the key for correcting any problem for Barry the oldest boy had always been "Call my grandpa" and he was doing that at every opportunity. Everyone there knew who Wendell Turner was. She gave me a name and phone number at SRS and said I should call Monday and they would tell me what to do.

On Monday I called the number I was given and the lady asked if we wanted to be declared as interested parties. I was stunned by that question. We were grandma and grandpa. Of course we were interested parties. We were the most interested parties in the world.

We weren't real concerned yet because the boys had spent about as much time at our house as they had at home and we thought the people who had them only wanted the best for those kids. I have never been so wrong about anything in my life at a time when I needed to be right.

We were notified that the boys would be in court Wednesday and we were to appear. There was no question the boys would be coming home with us so we dusted their room, cleaned their bathroom and grandma fixed their favorite food. When we got to the court house we were in the waiting room and the boys came in with a guy we were to learn was their keeper and

would be with them at all times when they were in Wichita. They broke away from their keeper and came over to us and we hugged them and Troy, the youngest one said how did you know we were here? That poor little boy thought he was lost forever. Their keeper said, "we have to go see the judge" and took them away. After about an hour someone called our name and escorted us into the courtroom. The judge looked up and said, "Are these the grandparents" and that was the last time we were recognized as living in the same world as the rest of that group. We were dismissed and someone gave us a business card and told us someone would be out to see if we could be considered for taking the kids and if our home was a fit place for them to live. They wouldn't be going home with us.

That was when we learned about SRS contractors. SRS had no control over the boy's case. That had been turned over to a contractor called Youthville. Their keeper worked for Youthville. The job he had prior to that was building fences and now he was in charge of our grandkids. To give you some idea what we were dealing with when our granddaughter graduated from WSU Youthville tried to hire her for a case manager. She had worked her way through college as a receptionist for a real estate company. Youthville offered her \$2 an hour less than she had been making. What we were about to deal with were the people that finished at the bottom of their class.

The next day I called the children's home and asked if we could come see the boys. The person, who answered the phone said, "they aren't here, they have been moved to a foster home in Lyons". They had been taken from court to the foster home and no one told us. I couldn't believe it but we were to find that the courts and SRS contractors did a lot of things I couldn't believe.

We were invited to a case plan meeting at Youthville a couple of weeks later and were told we were no longer being considered for the boys being placed with us. When we objected we were told it will do you no good to object because, "GRANDPARENTS DON'T HAVE RIGHTS". We thought they were lying. They weren't. We would be allowed 1hr supervised visits once a month. I never did understand the supervised part.

I won't bore you with the details of what happened next but after writing a lawyer a rather large check the boys came to live with us after 2 ½ months.

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They lived with us for 10 months and out of the blue we were ordered to appear in court. Why I don't know because we weren't allowed to say a word. Everything our lawyer said was discounted as unimportant. The judge said the boys were going back to their dad that day and we had 8 hrs to get them moved over there.

A few weeks later we found out they were having another case plan meeting although we weren't invited which is a violation of the law since we were listed as "interested parties" so we went anyway. We were told we didn't need to be there because it was just a formality. We stayed anyway and when I objected to some of the things they were doing the Youthville case manager ordered us to leave. Since we were such bad people we were no longer allowed to see the boys.

We went back to court to gain visitation rights and were ordered to have counseling before we could see the boys and that took about 5 months and \$750. We now get to see them 6 hours on the 2nd and 4th Sundays of each month. We have spent well over \$6000 and this is all we have.

If for some reason our son loses his parental rights we won't be given a chance to gain custody, they will be taken away and we may never see them again. When parents lose their rights grandparents lose also because there is no law giving grandparents rights and they are cutoff from the children at the same time as the parents.

Barry will graduate from high school in May totally unprepared to support himself. He can't even drive a car. This is a child who had so much potential. I know because I had him tested at WSU when he was 7 years old.

His brother Troy will be going to middle school next year and has no activities except school and video games. He lives on fast food and at 11 years old weighs 200 lbs.

The bill before you doesn't go as far as the Silver Haired Legislature proposed but it's a start. The way the current bill is written if the neighbor hadn't called that night we may not have known what was going on with our grandkids until it was too late to be declared an interested party.

I have talked to many grandparents about this and was amazed at how often this happens. 1 in 10 children live with a grandparent but they can be taken away at anytime with no recourse for the children or grandparents.

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Our lawyer told us we would need to get the law changed if we were to have any chance of staying in the grandkids lives if they were taken again so here we are.

One more thing you may want to consider, grandparents work a lot cheaper than foster-parents and with the need to cut back on cost in the state budget this is good place to start.

Unless you have been there you can't imagine how heart rending it is to have the people you love the most taken away and know there is nothing you can do about it.

Please, I urge you to give children and their grandparents some help.

Wendell Turner

— 4 —

I'm Dorothy Zook from Hesston, Ks and President of the Silver Haired Legislature

Most of us are Grandparents so we have a real interest in Grandparents rights. We want what is best for the child; When there is unfit parents which are not taken good care of there children and are taken away, Usually the Grandparents were the ones taken care of them most of the time before.

But when they go to court the grandparents don't have any say and before they know it SRS has put them into foster homes without even recognizing that Grandparents can give them a stable home also. We have had testimony at our convention of brothers and sisters broken up because most foster homes don't want more than three. Also where Grandparents only had minimal visiting rights after they went to foster parents, this is not right.

Grandparents need to be included in evaluating what custody, visitation or residency arrangements are in the best interest of the child. Grandparents must show by clear and convncing evidence that the child has actually resided with such Grandparents in a stable relationship where they nurtured and supported the childern. Also that children have permanency and stability in their situations and that the continuity of family relationships and connections is preserved.

WHO LOVES GRANDCHILDREN MORE THAN GRANDPARENTS



March 8, 2011

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The Honorable Lance Kinzer, Chairman
House Judiciary Committee

Reference: SB 52- Grandparent's Custody of Children

Good afternoon Chairman Kinzer and members of the House Judiciary Committee. My name is Mary Tritsch and I am the Communications Director for AARP Kansas. AARP is a nonprofit, nonpartisan membership organization dedicated to making life better for people 50 and over. AARP has more than 40 million members nationwide and more than 341,000 members in Kansas. We provide information and resources and engage in legislative, regulatory and legal advocacy. Thank you for allowing us to provide written testimony in support of SB 52.

Grandparents, like everyone, need effective mechanisms to assert their rights. These mechanisms include the enforcement of rights by federal, state, and local agencies that oversee programs for older people or that have the authority to enforce laws and regulations on behalf of older people.

An area of civil justice of particular concern to older people is the legal authority they have as grandparents. An increasing number of children are living with their grandparents or other relatives. According to the 2000 census, the number of children residing in grandparent-headed households was about 4.5 million. Another 1.5 million children are living with other relatives. More than 2.4 million grandparents report that they are responsible for most of the basic needs of grandchildren living with them. Nineteen percent of these grandparents live in poverty. About one-third of these families have no parent present in the home. These relatives are key providers of care and can be a stabilizing force for children whose parents have divorced, become incapacitated, or died.

Many such caregivers, grandparents and other relatives, have partial or total responsibility for children but none of the legal authority necessary to provide care. For example caregiver relatives do not always have the authority to enroll a child in school even if the child resides with the relative full-time. Only about half of the states have laws giving relative caregivers authority to obtain medical treatment for the children in their care; about a fifth of the states provide statutory authority for educational consent. And caregiver relatives with long experience providing full-time care frequently find themselves left out of consideration when decisions are made about permanent child placement. In some states, grandparents and other relatives may have limited standing to petition a court for visitation, even though it may be in the child's best interest to have a continuing relationship with these relatives.

State statutes can specify limited circumstances in which a grandparent or other relative may file a petition for visitation, such as divorce, custody proceedings, or a parent's incarceration or death.

The constitutionality of visitation statutes has been challenged in numerous state courts. The U.S. Supreme Court has ruled that very broad visitation laws are unconstitutional but left open whether more narrowly drawn statutes might meet constitutional requirements.

AARP believes that states should adopt legislation that:

- provides a range of alternatives by which grandparents and other relatives may obtain and exercise the legal authority to make decisions for the children in their care; and
- allows grandparents to petition courts for visitation with grandchildren in cases of divorce, separation of parents, parental incapacity, long-term incarceration, or the death of one or both parents, particularly where the two generations have formed deep bonds critical to the children's well-being.

Therefore, we respectfully request your support for SB 52 which mandates that grandparents shall be an interested party in custody proceedings. We respectfully request this committee's support of this proposed legislation.