

SESSION OF 2007

SUPPLEMENTAL NOTE ON SENATE BILL NO. 118

As Amended by House Committee of the Whole

Brief*

SB 118, as amended, would allow a presiding judge for a case under the Code for Care of Children to read reports prepared pursuant to the court's order for evaluation of development or needs of the child. The court may order a report of or by the following:

- The child;
 - Psychological or emotional;
 - Medical; or
 - Educational;

- The parent or custodian;
 - Physical;
 - Psychological;
 - Emotional; or

- A court appointed special advocate or by the secretary.

The reports would be required to be filed with the court and made available to counsel for any party or interested party prior to any scheduled hearing. The Court would not be permitted to derive facts or conclusions from a report unless the information has been admitted into evidence with the consent of the parties or with the opportunity to examine the person who prepared the report.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The proponents of the bill included Randy Hearrell, Kansas Judicial Council; Judge Daniel Creitz, 31st Judicial District; David Pierce, Attorney; and Sharon Dugger, Kansas CASA. Judge Daniel Mitchell, 3rd Judicial District and Judge James Burgess, 18th Judicial District provided written testimony in support of the bill.

There was no testimony in opposition to the bill.

The bill, as introduced, was limited to providing a presiding judge authority to read a report written by the Court Appointed Special Advocate. The bill was amended by the Committee to expand the authority of a presiding judge for a case under the Code for Care of Children to read reports prepared pursuant to the court's order for evaluation of development or needs of the child.

The House Committee of the Whole deleted the provision whereby reports would be available to counsel for "all parties" and inserted "any party or interested party."

The fiscal note from the Division of Budget states that, according to the Department of Social and Rehabilitation Services, the passage of the bill would eliminate delays in the hearing process that are caused by the new limitation on the court's ability to prepare for hearings. The agency states that there would be no fiscal effect resulting for the passage of this bill. The Office of Judicial Administration states that the passage of the bill would not have a fiscal effect on the Judiciary.