

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.