

CONFERENCE COMMITTEE ON SB 916

July 20, 1993

Hearing Room 137 1:00 pm

Tape 1-2

SENATE MEMBERS PRESENT: Sen. Karsten Rasmussen (Chair) Sen. Ron Cease
Sen. Gordon Smith Sen. Catherine Webber

HOUSE MEMBERS PRESENT: Rep. Ken Baker Rep. Tom Brian Rep. Kate Brown

STAFF PRESENT: Bill Taylor, Committee Counsel Kirk Bailey, Committee
Assistant

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in quotation
marks report a speaker's exact words. For complete contents of the
proceedings, please refer to the tapes.

TAPE 1, SIDE A

009 CHAIR RASMUSSEN: Opens hearing at 1:25 pm.

SB 916: Requires petition for adoption by stepparent to be served to
grandparents including putative grandparents who have established
custody, visitation or other rights.

010 BILL TAYLOR, COMMITTEE COUNSEL: Reviews the bill and the
differences between the House and Senate versions.

019 CHAIR RASMUSSEN: Asks for the House perspective.

120 REP. BAKER: No reason to exclude grandparents based on parents
marital status. Grandparents relationship is well established. If court
meets test the relationship should be preserved.

030 SEN. CEASE: Comments generally as sponsor of the bill. >Reviews
the amendment as it adds putative grandparent as long as they have an
established right. 043 REP. BAKER: Reviews the rights of the parents
and thereby the putative grandparents. 047 CHAIR RASMUSSEN: In order
to establish rights, will putative grandparent have to have established
blood relationship already? 055 REP. BAKER: Yes. Conference Committee
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058 CHAIR RASMUSSEN: so what does this add to the equation of
establishing a grandparent relationship in statute? 059 REP. BAKER:
Doesn't believe this is a legal definition.

075 TAYLOR: Notes there is no definition of "putative"? Reviews letter
from Mark Kramer.

089 CHAIR RASMUSSEN: Has no problem with the concept, but concerned
about the use of putative. 100 REP. BROWN: Does removing putative
take care of the problem? 103 CHAIR RASMUSSEN: Does the committee
have a definition of grandparent? That would address the issue.

108 REP. BRIAN: Suggests language change on lines 26 and on 27;
putative reference potentially defined by "who has established."

121 HOLLY ROBINSON: Reviews statute and definitions of grandparents.
Suggests clearly indicating who may proceed. Problem is from the
underlying the statute. 130 CHAIR RASMUSSEN: reviews removing
particular language. 137 REP. BAKER: Are there other classifications?

139 ROBINSON: Natural grandparents are understood. 143 REP. BAKER:
Asks if adoptive grandparents could be included.

144 ROBINSON: States that they could.

145 REP. BAKER: What if paternity has not been established?

146 ROBINSON: The statute is silent.

160 REP. BRIAN: Presents scenario: how would grandparent establish
right?

165 CHAIR RASMUSSEN: Indicates that they would'".

170 ROBINSON: The underlying statute doesn't provide method to deal
with the problem.

187 REP. BAKER: This is a common problem, and we are eliminating people
who have raised the children in questions.

195 SEN. CEASE: Comments generally on the genesis of the bill.
Notes sensitivity of the issue. Consultation resulted in a provision
that was narrow. The amendment is not a problem for me but may be for
some members of the committee.

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241 REP. BAKER: the limitations are in the time frame. They protect
against abuse. 245 ROBINSON: Suggests resolution: Take language added
from subsection 8 (109.119). If psychological parent status has been
determined independently of visitation rights as a grandparent, the
statutes 109.119 and 109.121 are compatible. 274SEN. CEASE: What
does that do for future cases? -Continuation of visitation rights for
those not in the system. 281 ROBINSON: Believes they would continue.
Reviews the case example further.

300 REP. BAKER: With psychological standards and others, those are
established. What about situation where no one has established rights?

310 SEN. CEASE: That is the issue at hand.

315 REP. BAKER: Would the parent receive notice? 317ROBINSON: How
would you not know adoption proceeding occurring? None of Cease's
situations would be a problem. 340 CHAIR RASMUSSEN: Would be more
comfortable with language in 109.121. Provides reasons. 373 REP.
BROWN: The answer is the modification we made earlier in SB 251. The
standing would be the grandparents winning custody over the paternal
parent. 380 SEN. SMITH: Concurs with Brown, hopes to revisit that
bill and revote. 400 MOTION: REP. BAKER: Moves to AMEND SB 916 on
page 2, lines 26 and 27. -Delete "putative" and insert "or 109.121."
410 SEN. CEASE: Asks Baker to clarify. 414 REP. BAKER: Clarifies
statute.

TAPE 2, SIDE A

013 TAYLOR: Makes reference to line 40, page 2. > Clarifies the Baker
amendment.

020 CHAIR RASMUSSEN: The only other change was in the emergency
clause. 021 SEN. CEASE: That is okay. 041 CHAIR RASMUSSEN: Sattes
that this bill with the amendments is better and broader than SB 251. >
It is improved with the House langauge.

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045 SEN. SMITH: Important to draw the line at some point to determine
the best interest of the child. There must be a limit on the invasion of
a parent/child relationship. 055REP. BROWN: Concur with smith.
Reviews case. 070 TAYLOR: Clarifies the need for technical amendment
to the amendment. >Limit 109.121 to visitation rights. VOTE: In a roll
call vote all members present vote AYE. CHAIR RASMUSSEN: The motion
CARRIES. MOTION: CHAIR RASMUSSEN: Moves that the House concur on the
amended bill and that is be repassed. VOTE: In a roll call vote all
members present vote AYE. CHAIR RASMUSSEN: The motion CARRIES. SEN.
CEASE and REP. BAKER will lead discussion on the Floor. 114 CHAIR
RASMUSSEN: Adjourns hearing at 2:00 pm. Submitted by:
Reviewed by: Katy Yetter Bill Taylor Assistant
Administrator

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