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AP: Kansas court to consider custody case

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TOPEKA (AP) — The Kansas Court of Appeals is set to hear a child custody case next month that addresses the role of case managers in custody matters in the state.

The case, which is scheduled for a May 15 hearing before the appeals court, involves Karen Williams, who lost full custody of her child in March 2011 after a case manager recommended to the judge that custody go to the child's father. Williams said the decision to separate her from her daughter was made based on confidential conversations between the judge and the case manager.

Williams and her attorney argue that she has a constitutional right to a hearing in which the case manager must present the evidence to back up her custody recommendation and allow Williams to respond to it, The Topeka Capital-Journal reported Monday.

"I've not been allowed due process, and I want a day in court," Williams said.

In Kansas, case managers, who work with parents in "high-conflict" relationships on their visitation schedules and custody, are appointed by judges and aren't required to have a professional license.

"The only qualification currently is that a judge appoints them," said Ron Nelson, a Lenexa lawyer who specializes in family law.

Nelson said the use of case managers has been authorized for about 10 years, and concerns about them overstepping their bounds have mounted due to a lack of clear guidelines about their responsibilities and authority. He said the case management concerns are about non-judicial officers making custody decisions that should be the purview of the courts. .

The Legislature is also considering a bill requiring specific qualifications for case managers. It would restrict judges to appointing only licensed psychologists, psychotherapists, counselors, therapists, social workers or lawyers.

Rep. Joe Patton, R-Topeka, a lawyer who serves on the judiciary conference committee, said he has "mixed feelings" about the bill.

"It's certainly very important to have someone qualified," he said. "It's very possible someone can be qualified without a particular license, but as a general rule we want someone qualified."

Cheryl Powers, the case manager on Williams' case, declined to comment on the Williams brief with the hearing pending. But she said she believes the backlash against case managers is coming from a group of disgruntled lawyers.

"There are certain attorneys that are less than happy with the fact that some of us have quasi-judicial powers without a license," she said. "They're attorneys and don't have that much power. They are not happy with that."

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