

February 15, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 232 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 232 is respectfully submitted to your committee.

SB 232 would create the Child Advocate Act and establish the Office of the Child Advocate (OCA). The purpose of the OCA would be to receive and resolve complaints from legislators and persons involved in the child welfare system alleging that the Kansas Department for Children and Families (DCF), the Department's contracting agencies or the Department of Corrections has provided inadequate protection or care of children, as well as assist the Legislature in conducting oversight of the child welfare system to improve the safety and welfare of children in Kansas. The Child Advocate would be appointed by the Governor and subject to confirmation by the Senate for a term that would expire on January 15 of each year in which the entire Senate is sworn in for a new term and would be paid a salary equal to that of a district court judge. The bill would specify the duties of the Advocate and the OCA which would include:

1. Receiving and investigating complaints;
2. Maintaining a public website;
3. Accessing confidential court records;
4. Working with juvenile intake and assessment workers, juvenile community corrections offices, guardians *ad litem*, and court appointed special advocates;
5. Issuing subpoenas to witnesses and taking statements under oath, including using judicial processes to enforce such compulsory processes;

6. Making referrals to appropriate law enforcement agencies and notifying the Abuse, Neglect, and Exploitation Unit of the Office of the Attorney General if a criminal investigation is warranted;
7. Producing various reports and submitting reports to the Legislature; and
8. Recommending changes to the child welfare system.

The bill specifies that no retaliatory action could knowingly be taken against any child or employee of the DCF or the Department of Corrections for any communication made or information given to the OCA. A violation would constitute a class A nonperson misdemeanor. The bill would also amend the Revised Kansas Code for Care of Children to include references to the OCA.

The Office of the Attorney General states that its Abuse, Neglect, and Exploitation (ANE) Unit would be required to file findings of fact or conclusions of law regarding the complaints and assist in investigations of child abuse. Because of these requirements the agency would need \$887,556 from the State General Fund for FY 2024 for 3.00 FTE Attorney positions, 3.00 FTE Investigator positions, and 4.00 FTE Program Consultant positions along with related operating expenditures for the positions. Of the total, salary and benefits would be \$818,544 and operating expenditures would be \$69,012.

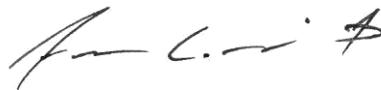
According to the Kansas Department for Aging and Disability Services (KDADS) enactment of the bill would require the agency to have a dedicated staff to research, track down and timely respond to complaint inquiries received from the Office of the Child Advocate regarding children who have crossed over from the Department for Children and Families into KDADS licensed facilities or have been placed by a court into KDADS' custody for care and treatment. The agency estimates that starting in FY 2024 it would need 1.00 FTE position for these purposes at a cost of \$93,000 from the State General Fund annually for salaries and wages, including fringe benefits.

The Judicial Branch indicates that the bill could increase the number of cases filed in district courts because it creates a new crime, which would in turn increase the time spent by judicial and nonjudicial personnel in processing, researching, and hearing cases. Since the crime carries a misdemeanor penalty, there could also be more supervision of offenders by court services officers. In addition, the bill could result in the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund.

According to the Kansas Department of Education, enactment of the bill would not have a fiscal effect on school districts. The Kansas Bureau of Investigation, the Kansas Highway Patrol, the Kansas Department for Children and Families, and the Kansas Department of Corrections report that enactment of the bill would have no fiscal effect on their agencies. The Kansas Department of Health and Environment indicates that enactment of the bill would have no direct effect on the agency as any requests for data or records would be handled from within existing resources. Any fiscal effect associated with SB 232 is not reflected in *The FY 2024 Governor's Budget Report*.

According to the Kansas Association of Counties, the bill could have a fiscal effect on counties depending on how often county law enforcement and prosecutors would work with the new Office, but a precise fiscal effect cannot be estimated. The League of Kansas Municipalities indicates that enactment of the bill could have a negligible fiscal effect on Kansas cities.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt". The signature is fluid and cursive, with a large initial "A" and a stylized "P" at the end.

Adam Proffitt
Director of the Budget

cc: John Milburn, Office of the Attorney General
Kim Holter, Department for Children & Families
Randy Bowman, Department of Corrections
Vicki Jacobsen, Judiciary
Jay Hall, Kansas Association of Counties
Wendi Stark, League of Kansas Municipalities
Karen Clowers, Legislative Services
Leigh Keck, Department for Aging & Disability Services
Amy Penrod, Department of Health & Environment
Sherry Macke, Highway Patrol
Paul Weisgerber, Kansas Bureau of Investigation
Craig Neuenswander, Department of Education