

February 13, 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 182 by Senator Haley

In accordance with KSA 75-3715a, the following fiscal note concerning SB 182 is respectfully submitted to your committee.

SB 182 would create an obligation to pay child support for a defendant convicted of an offense that kills or incapacitates a parent of minor child. The child support obligation would continue until the child is 18 and has graduated from high school, or until the child is 18 and the child's high school class has graduated. The bill lists factors for the court to consider in determining the amount of support obligation and which would be paid to the child's parent or guardian. The judgment would be enforced as a judgment of restitution. If the victim or the victim's family obtained a judgment in a civil suit filed against the defendant before the criminal court ordered the child support obligation, no restitution would be ordered. If the victim or the victim's family obtained a judgment in a civil suit filed against the defendant after the criminal court entered the child support order, the support order would be offset by the amount of the judgment.

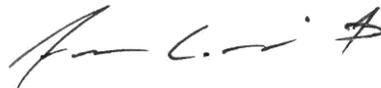
The Office of Judicial Administration indicates that SB 182 could have a fiscal effect on expenditures of the Judicial Branch. The bill's provisions require courts to consider various factors in determining the amount of child support obligation, which would be paid to the child's parent or guardian. Nevertheless, until the courts have had an opportunity to operate under the provisions of SB 182, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

The Department for Children and Families (DCF) indicates that SB 182 would have a negligible fiscal effect on the Child Support Services (CSS) Program. The bill does not state who is responsible for establishing the support. If the intent is that DCF CSS is responsible, training

would occur to determine how to establish the support as it does not utilize the Kansas Child Support Guidelines which CSS normally uses in cases. Also, child support orders do not require persons to utilize CSS services. The responsibility to establish the order could be handled by private counsel or, in counties where available, the District Court Trustee.

The Kansas Department of Revenue indicates the bill would have no fiscal effect on the agency. Any fiscal effect associated with SB 182 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Kim Holter, Department for Children & Families
Vicki Jacobsen, Judiciary