

February 20, 2013

The Honorable Connie O'Brien, Chairperson
House Committee on Children and Seniors
Statehouse, Room 187-N
Topeka, Kansas 66612

Dear Representative O'Brien:

SUBJECT: Fiscal Note for HB 2233 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2233 is respectfully submitted to your committee.

HB 2233 would create the Protective Parent Reform Act concerning custody and visitation orders for children under the jurisdiction of the court as children in need of care or pursuant to domestic relations disputes. The major provisions of the bill would:

1. Require the court to determine if an allegation of child abuse or neglect by the other parent was made in good faith. If the court finds the allegation was made in good faith, the bill would prohibit the court from depriving the parent who made the allegation of custody, visitation, or contact;
2. Prohibit ex-parte communications between the court and both the child's attorneys and other professionals participating in the proceedings;
3. Require an attorney appointed to represent the child serve in the same manner as an attorney representing an adult;
4. Assure the parents are provided with access to all evaluations, including underlying data, and have an opportunity to depose the professional who performed the evaluation;
5. Render inadmissible any expert opinion impugning the parent's motives for alleging abuse or neglect by the other parent unless the testimony meets professional standards and is supported by fact;
6. Prohibit court sponsored programs from making recommendations or reporting to the court unless both parents consent;

7. Require a professional testifying as an expert on abuse or neglect to be qualified on the specific allegations at issue;
8. Require admissible evidence of child abuse or neglect to be considered by the court.

The bill would amend the Kansas Code for Care of Children to limit interviews of alleged child victims to one, except when new information becomes available, and, if possible to use the same interviewer if more than one interview is necessary. The recorded interview would be available for discovery and evidence in civil and criminal cases. The bill would also prescribe the conduct of the interview, including a clock visible on the wall behind the child and a requirement that the videotaped interviews include the full names of each person involved and the date and time of the interview.

HB 2233 would require that the investigator of suspected child abuse or neglect be trained to conduct such an investigation, that any interview by videotape is performed by a person trained to conduct such an interview, and that it is conducted at a child advocacy center, if available.

In preliminary inquiries to determine whether a child may be in need of care, HB 2233 would require the Department for Children and Families to protect the child by requiring the existence of “clear and convincing evidence” of abuse and neglect, rather than “reasonable grounds to believe” abuse and neglect has occurred. The bill would prohibit a child being removed from the home of the parent who is not the alleged perpetrator or if the allegation of abuse or neglect is determined to be unsubstantiated due to the absence of clear and convincing evidence. Finally, the bill would require that investigations of suspected child abuse or neglect include a criminal background check of both parents and any other suspect.

Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$995,380	\$995,380
FTE Pos.	--	--	--	--

The Department for Children and Families states that criminal record checks are rarely purchased for maltreatment allegations. HB 2233 would require a record check for each of the parents or the alleged abusive or neglectful person. An estimated 24,458 reports are estimated to be assigned for maltreatment in FY 2014. The cost of the record checks would be \$856,030, assuming two record checks per case at a cost of \$17.50 per record check. In addition, if the person has lived in another state, an out-of-state check would be needed. Approximately 10.0 percent or 2,446, of the reports are estimated to require an out of state criminal history check. The cost of the out-of-state record checks would be \$122,300, assuming two record checks per

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case at a cost of \$25.00 per check. The total cost of the record checks would be \$978,330. There would also be additional expenditures for video equipment to record the interviews. One digital video recorder per judicial district, 31 cameras, is estimated at a cost of \$550 per district, for a total cost of \$17,050 in FY 2014.

HB 2233 has the potential for increasing the number and complexity of Child in Need of Care and domestic cases and could increase the number of appeals relating to child abuse cases. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2233 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Jackie Aubert, DCF
Mary Rinehart, Judiciary