

February 17, 2014

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2568 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2568 is respectfully submitted to your committee.

HB 2568 would revise a number of statutes governing child support guidelines; custody, visitation, and parenting time; and the dissolution of marriage under the Kansas Revised Family Law Code and the Kansas Parentage Act. The changes that would be implemented are summarized below:

1. The bill would clarify the factors to be considered in determining child custody, and would require the Kansas Supreme Court to consider all relevant factors, in addition to a number of items currently listed in the Parentage Act, when determining the amount and duration of child support;
2. Parties would be prohibited from depriving the court of its jurisdiction to determine whether a party has a duty to support the child;
3. The same rules for child custody and support orders, including the preference for joint custody, would also apply in parentage and divorce cases;
4. The bill would address the court's procedure to order retroactive child support, and allow the court to make modifications to child support orders and associated liens on real property retroactive to the first day of the month following the filing of the motion;
5. Legal fees for attorneys, the child's guardian ad litem, and other expenses such as genetic testing fees and expert witnesses would be specified; and the bill would make clear that attorneys representing public agencies may not receive fees;

The Honorable Lance Kinzer, Chairperson

February 17, 2014

Page 2—HB 2568

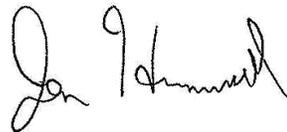
6. The bill would clarify that a court may make an order relating to child custody only if it has jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act, which vests exclusive jurisdiction for child custody cases to the court of the child's home state;
7. The bill would also clarify that district courts must follow the child support guidelines adopted by the Kansas Supreme Court; and
8. A completed domestic relations affidavit and child support worksheet must accompany any motion to modify child support.

HB 2568 would make several technical corrections and adjustments and repeal redundant and conflicting statutes.

The Kansas Department of Children and Families indicates that it does not anticipate any fiscal effect with the enactment of HB 2568 since recodification of the Kansas Family Law Code makes no substantive changes to child support statutes.

The Office of Judicial Administration indicates that HB 2568 could increase expenditures for the Judicial Branch since it would increase time spent by judges hearing child support matters and nonjudicial personnel in processing, researching, and hearing cases. However, until the courts have had an opportunity to operate with the provisions of HB 2568 in place, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J".

Jon Hummell,
Interim Director of the Budget

cc: Jackie Aubert, DCF
Mary Rinehart, Judiciary