

February 15, 2017

The Honorable Steve Alford, Chairperson  
House Committee on Children and Seniors  
Statehouse, Room 187-N  
Topeka, Kansas 66612

Dear Representative Alford:

**SUBJECT:** Fiscal Note for HB 2309 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2309 is respectfully submitted to your committee.

HB 2309 would amend the Kansas Code for Care of Children by requiring that all reports received by the Secretary of the Department for Children and Families, a law enforcement officer, or any juvenile intake and assessment worker, regarding sexual abuse, great bodily harm or death of a child in the custody of the Secretary be made public record and subject to disclosure through the Open Records Act.

Records or documents concerning the child and such child's biological parents which were created prior to such child's adoption would not be made public. The bill would not require that an otherwise privileged communication lose its privileged character. Also, information authorized to be disclosed could not contain information which identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

Estimated State Fiscal Effect				
	FY 2018 SGF	FY 2018 All Funds	FY 2019 SGF	FY 2019 All Funds
Revenue	--	(\$48,305,585)	--	(\$48,934,351)
Expenditure	\$43,387,585	\$82,000	\$49,016,351	\$82,000
FTE Pos.	--	1.00	--	1.00

The Department for Children and Families indicates that the enactment of HB 2309 could result in the loss of \$48.3 million in federal funding for FY 2018, FY 2019 and future years from

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Federal Title IV-E, Title IV-B and federal Child Abuse Prevention and Treatment Act (CAPTA). KSA 38-2212(f) currently addresses public record as it relates to child abuse and neglect which results in a child fatality or near fatality which is permissible under CAPTA federal regulations. HB 2309 would add sexually abused or suffers great bodily harm which is not permissible under CAPTA federal regulations.

Additionally, if HB 2309 were to become law, the Department for Children and Families anticipates there would be litigation regarding making public record reports of sexually abused children or children who have suffered great bodily harm. The Department estimates that the additional litigation would require 1.00 additional FTE attorney. The cost for an attorney would be approximately \$82,000 from the State General Fund which includes salary, benefits and other operating expenditures. Any fiscal effect associated with SB 2309 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,  
Director of the Budget

cc: Jackie Aubert, Children & Families  
Ashley Michaelis, Judiciary