

March 11, 2019

The Honorable Susan Concannon, Chairperson
House Committee on Children and Seniors
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Concannon:

SUBJECT: Fiscal Note for HB 2187 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2187 is respectfully submitted to your committee.

HB 2187 would create the Office of the Child Advocate for Children's Protection and Services within the Department of Administration. The purpose of the Office would be to assure that children are receiving adequate protection and care through services offered by the Department for Children and Families (DCF) and the Kansas Department of Corrections (KDOC). The Office would be administered by the Child Advocate, who would be appointed jointly by the Governor and the Chief Justice of the Kansas Supreme Court with the advice and consent of the Senate. The Child Advocate would hold the office for a term of six years. The Child Advocate would act independently of DCF and KDOC and have its own budget beginning in FY 2020. The bill would require the Department of Administration to provide administrative support and staff for the Office of the Child Advocate for Children's Protection and Services.

The bill outlines the powers of the Office of the Child Advocate for Children's Protection and Services, which would include using the resources of the Office of the Attorney General, as necessary. The Office of the Child Advocate for Children's Protection and Services would be required to develop and implement procedures for receiving, processing, responding to and resolving complaints made by or on behalf of children who are recipients of services from DCF or KDOC. The Office of the Child Advocate for Children's Protection and Services would have the authority to conduct an independent review of any entity within a county that has experienced three or more reports of abuse or neglect in a calendar year. Files maintained by the Office of the Child Advocate for Children's Protection and Services may only be disclosed at the discretion of the Child Advocate. The bill would make several amendments to current law regarding the Office's access to certain files and records.

DCF and KDOC would be required to enter into agreements with the Office of the Child Advocate for Children's Protection and Services to provide funding from available federal and

state funds in FY 2020 and in each subsequent fiscal year. The amounts for each subsequent fiscal year must be adjusted appropriately for increases resulting from inflation or other factors and cannot be less than the amounts provided for FY 2020.

Estimated State Fiscal Effect				
	FY 2019 SGF	FY 2019 All Funds	FY 2020 SGF	FY 2020 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$611,964	\$766,064
FTE Pos.	--	--	--	9.00

The Department of Administration estimates it would require additional expenditures of \$122,741 in FY 2020 for 1.00 new Attorney FTE position. Of the total amount, \$107,741 would be for salaries and wages; \$12,000 would be for other operating expenditures such as communications, rent, printing and office supplies; and \$3,000 would be for one-time costs for office set up including office furniture and IT equipment. The funding source for the expenditures is unknown until financial arrangements with the Department for Children and Families and the Department of Corrections are determined. For the purposes of the table above, the expenditures have been included under all funds.

The Department for Children and Families estimates the bill would require additional expenditures totaling \$396,129 in FY 2020, including \$364,770 from the State General Fund and \$31,359 from federal funds. This amount represents the agency’s costs of complying with the requirements of the Office of the Child Advocate for Children’s Protection and Services. It excludes revenue transfers or other funding that might be provided to the Department of Administration. Currently, there is no authority for DCF to transfer State General Fund dollars to the Department of Administration. This authority would need to be added to HB 2187 or an appropriations bill. The estimate includes \$355,299 for salaries and wages expenditures for 6.00 new FTE positions and \$40,830 for associated other operating expenditures. The 6.00 FTE positions would include the following:

1. 1.00 Management Analyst II FTE position to provide the Office of the Child Advocate for Children’s Protection and Services with names and locations of children under DCF jurisdiction and written reports of child abuse and neglect;
2. 1.00 Administrative Officer FTE position in DCF’s Office of Client Services to coordinate concerns and complaints with the Office of the Child Advocate for Children’s Protection and Services; and
3. 4.00 Program Consultant II FTE positions (one for each region) to compile information from case files upon receiving requests from the Office the Child Advocate for Children’s Protection and Services. DCF notes it receives an average of 52 concerns per week.

DCF indicates that the bill would require case management providers to locate and compile information requested by the Office of the Child Advocate for Children’s Protection and Services.

Any additional costs incurred by providers to comply with requests could affect contract rates with the providers. If this occurs, it would be addressed as part of the consensus caseload process. DCF estimates the fiscal effect in the out-years would be \$390,860 in FY 2021, \$392,467 in FY 2022 and \$394,127 in FY 2023 from all funding sources, including \$359,954, \$361,429 and \$362,952, respectively, from the State General Fund.

The Department of Corrections estimates the provision requiring it to transfer state or federal funds would have a fiscal effect on the agency. However, the fiscal effect cannot be determined until it is known how much the Department would be required to transfer under the agreement with the Office of the Child Advocate for Children's Protection and Services. It is presumed that any funding provided by the Department of Corrections would be diverted from existing resources within current Department of Corrections programs.

The Office of the Attorney General estimates the bill would require additional expenditures of \$247,194 from the State General Fund for FY 2020. The estimate includes \$224,837 for the salaries and wages of 2.00 new Assistant Attorney General FTE positions and \$22,357 for associated operating expenses. The Office of the Attorney General anticipates the legal support required by the Office of the Child Advocate for Children's Protection and Services would be substantial.

The Office of Judicial Administration indicates that the bill could have a fiscal effect on the operations of the court system from increasing the number of juvenile and child in need of care cases; requiring additional supervision of offenders by court services officers; and requiring the Supreme Court to devote time to appoint a Child Advocate and to address any other issues that may arise from establishing the new office. However, the Office of Judicial Administration is unable to estimate the number of additional cases that would occur, or the additional time requirements needed by court service officers and the Supreme Court. Any fiscal effect associated with HB 2187 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Linda Kelly, Corrections
Janie Harris, Judiciary
Colleen Becker, Department of Administration
Jackie Aubert, Children & Families
Willie Prescott, Office of the Attorney General