

Approved February 21, 1990

Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Wint Winter, Jr. at  
Chairperson

10:00 a.m./~~p.m.~~ on January 31, 1990 in room 514-S of the Capitol.

All members were present ~~except~~:

Committee staff present:

Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Office of Revisor of Statutes  
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Tom Sloan, Department of Corrections  
Russ Mower, Safety Coordinator, City of Wichita  
Jack Pearson, Kansas Association of Chiefs of Police  
Ed Lundblade, Kansas Peace Officers Association  
Rick Sabel, Fraternal Order of Police  
Jim Kaup, Leage of Kansas Municipalities  
Lieutenant William Jacobs, Kansas Highway Patrol  
Dr. William Wade, Medical Director of Correction Medical Services  
Richard Morrissey, Division of Health, Kansas Department of Health and Environment  
Chip Wheelen, Kansas Medical Society  
Jeffrey Moots, American Civil Liberties Union of Kansas  
Wayne Wiannecki, AFSCME, Kansas Public Employees Union Council  
James Todd, Kansas State Fire Fighters Association  
Ben Coates, Kansas Sentencing Commission  
Larry Rute, Supreme Court Advisory Commission on Child Support

SB 523 - concerning infectious disease testing

The Chairman opened the hearing for SB 523 by explaining the bill was introduced at the request of the Criminal Justice Coordinating Council. However, SB 523 as written is not what the CJCC intended. The chairman added that another hearing will be held when the legislation as requested is ready. Since the hearing was scheduled for this date on the printed version of SB 523, testimony would be accepted.

Tom Sloan, Department of Corrections, presented testimony on behalf of the Criminal Justice Coordinating Council supporting the concepts of SB 523. (ATTACHMENT I)

Russ Mower, Safety Coordinator, City of Wichita, testified in support of SB 523. (ATTACHMENT II)

Jack Pearson, Kansas Association of Chiefs of Police, testified in support of the concepts in SB 523. (ATTACHMENT III)

Ed Lundblade, Kansas Peace Officers Association, testified in support of the concepts of SB 523. (ATTACHMENT IV)

Rick Sabel, Fraternal Order of Police Lodge #3, testified in support of the concepts of SB 523. (ATTACHMENT V)

Jim Kaup, League of Kansas Municipalities, stated the League's support of the concepts of SB 523.

Lieutenant William Jacobs, Kansas Highway Patrol, testified in support of the concepts of SB 523. (ATTACHMENT VI)

Dr. William Wade, Medical Director of Correction Medical Services, testified in support of the concepts of SB 523.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,

room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on January 31, 1990.

Richard Morrissey, Division of Health, Kansas Department of Health and Environment, testified in support of the concept of SB 523 but with reservations. (ATTACHMENT VII)

Chip Wheelen, Kansas Medical Society, testified in opposition of SB 523. (ATTACHMENT VIII)

Jeffrey Moots, American Civil Liberties Union of Kansas, testified in opposition of SB 523. (ATTACHMENT IX)

Wayne Wianecki, AFSCME, Kansas Public Employees Union Council, testified in support of the concept but not with limitation to a single disease. He echoed the comments of previous conferees.

Written testimony was submitted by Lt. Terry Stevens, Topeka Police Department, in conceptual support of SB 523. (ATTACHMENT X)

Written testimony was submitted by Bev Bradley, Kansas Association of Counties, in conceptual support of SB 523. (ATTACHMENT XI)

Written testimony was submitted by Marla Williams, Kansas Society for Medical Technology Government Liaison Committee, in conceptual support of SB 523 and with suggested amendments. (ATTACHMENT XII)

James Todd, Kansas State Fire Fighters Association, presented the committee with materials in support of the concept of SB 523. (ATTACHMENTS XIII & XIV)

This concluded the hearing for SB 523.

Ben Coates, Kansas Sentencing Commission Executive Director, presented the committee with a draft copy of their Interim Report to the Legislature, February 1, 1990. Mr. Coates then outlined the progress of the Commission. (ATTACHMENT XV)

Larry Rute, a member of the Supreme Court Advisory Commission on Child Support, presented the committee with a briefing of their proposed guidelines. (ATTACHMENT XVI) Mr. Rute also presented the committee with comparison sheets incorporating the proposed changes. (ATTACHMENT XVII)

Senator Moran moved to approve the minutes of January 23, Senator Oleen seconded the motion. The motion carried.

The meeting was adjourned.

COM. EE: SENATE JUDICIARY COMMITTEE

DATE: January 31, 1990

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Rick Sabel	204 W. 5 <sup>th</sup>	F.O.P.
TERRY STEVENS	TOPEKA	TOPEKA P.D.
Jim Suber	MAPLE HILL	Child support payor
Julene Maslow	Topeka	A.G.
Jack Ranson	Ks. City	KACP
Jeff Meets	Topeka	ACLU
Sharon Stephens	Lawrence	KSJAE
Marilyn Lundblade	Newton	KPOA
D. Linda Blade	Newton	KPOA - Newton PD.
Mike Warner	Topeka	Ks. Sent. Comm.
Jackie Corright	"	" " "
Blaine Carter	"	" " "
Robert French	"	Ks Dept H <sup>lth</sup> & Env.
MARVIN Stottkamie	"	KDHE
James A. Jedd	Wichita	KSJJA
Lt. BILL JACOBS	TOPEKA	K.H.P.
BEU BRADLEY	TOPEKA	KS Assoc of Counties
Jim Owens	TOPEKA	SRS
Jamie Corkhill	Topeka	SRS (CSE)
Steve Stan	Topeka	Sely
WAYNE K WIANECI	TOPEKA	APSCME
M. Hawver	"	Cap Journal

January 31, 1990

STATE OF KANSAS



DEPARTMENT OF CORRECTIONS  
OFFICE OF THE SECRETARY  
*Landon State Office Building*  
900 S.W. Jackson—Suite 400-N  
Topeka, Kansas 66612-1284  
(913) 296-3317

Mike Hayden  
Governor

Steven J. Davies, Ph.D.  
Secretary

To: Senate Judiciary Committee

Re: Senate Bill # 523 - An Act concerning infectious disease testing

Summary Outline:

I. Recommended by the Criminal Justice Coordinating Council

- a) Extensive testimony received from law enforcement, representatives of fire fighters and emergency medical personnel, corrections and SRS
- b) infectious diseases: hepatitis B, meningococcol meningitis, mononucleosis, and acquired immune deficiency syndrome

II. Testing and Reporting Requirements:

- a) Whenever probable cause exists to believe employee, contract employee, or volunteer of above group exposed to transmission of body fluids
- b) A court may order person involved to submit to infectious disease testing, if:
  - 1) employing agency alleges person sought to be tested has been requested to voluntarily submit to infectious disease testing and refused
  - 2) court shall hold hearing forthwith and issue its order immediately upon finding of probable cause
  - 3) if testing results in negative reaction, court shall order the person tested to submit to another infectious disease test six months from the date of first test
  - 4) if testing is positive, court, employee at risk, and employer shall be notified
  - 5) cost of any counseling shall be paid by the employing agency

III. Liability limitations

- a) Only persons licensed as health care providers may test for infectious diseases
- b) Results of tests shall be confidential beyond those authorized to

receive results

- c) Health care providers acting in accordance with this bill shall have immunity from any liability

IV. Effective Date

- a) Upon publication in statute book

V. Summary

- a) Confidentiality protected
- b) Employee's right to know protected
- c) Court order required for involuntary testing
- d) Liability of health care providers-immunity provided

# THE CITY OF WICHITA



PERSONNEL DIVISION  
CITY HALL — SECOND FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4531

January 26, 1990

The Honorable Wint Winter, Jr., Chairperson  
Committee on Judiciary  
State Capital, Room 120-S  
Topeka, KS 66603

Re: Senate Bill 523

Dear Senator Winter:

Senate Bill 523 addresses a need long overlooked for the protection of emergency services personnel. Thousands of times each year, police officers, firefighters, and emergency medical personnel respond to assist the citizens of Kansas without regard to a person's medical history. Their response is based only on a person's need. While these emergency responders take precautions to protect themselves from disease exposure, they are sometimes exposed in situations which are difficult or impossible to afford protection.

In one recent case, police officers, firefighters, and Emergency Medical Service personnel responded to assist an assault victim. The police officer who was first to arrive, in an attempt to restrain the victim and prevent further injury, got some of the victim's blood in her mouth. Because the victim did not consent to immediate testing, for the protection of this officer, the officer had to undergo treatment for Hepatitis B and screening for the HIV virus. While we finally learned that the officer had not been exposed, she was unnecessarily traumatized by the experience. Senate Bill 523 would have provided the means for immediate testing and transmission of results to the officer involved, thereby eliminating the concerns of the officer and her family.

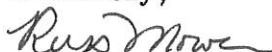
In another situation in Wichita, a fire Lieutenant performed a rescue of an individual who was trapped in a house fire. The victim's only means of escape was via a second story window which the Lieutenant had broken out. In assisting the victim through the window, both the Lieutenant and victim received cuts to their hands, thus exposing the Lieutenant to the victim's blood. The victim had told friends previously that he was found to be positive for the AIDS virus. In spite of this, he refused the Fire Department's request for a blood test. As a result, the Lieutenant went through numerous blood tests, and months of uncertainty.

January 26, 1990  
Page 2

There have been many other cases where the victim has submitted to testing voluntarily and immediate action has been taken for the additional protection of employees. All emergency services personnel in Wichita have been trained in precautions to limit exposures and have been provided with gloves, masks and cleansing solutions necessary to reduce the risk of contracting contagious diseases. Standing orders for emergency personnel require the use of this equipment when the possibility of patient contact exists. Nevertheless, our police officers, firefighters, and emergency medical personnel will still be exposed to infectious diseases on occasion, and we must be able to provide immediate treatment when required and relieve apprehension when no cause for anxiety exists.

The City of Wichita strongly supports Senate Bill 523 and urges your passage of this bill.

Sincerely,



Russ Mower  
Safety Coordinator

RM

Senate Judiciary Committee  
Senate Bill No. 523  
January 31, 1990

The Kansas Association of Chiefs of Police strongly supports and encourages passage of this bill. The Association's intent is not to cause embarrassment to any individual nor to breach the privacy rights of the citizens of Kansas. Our sole interest lies in our sincere desire to provide for the safety and protection of those professionals who must be exposed to hazardous situations in the course of their duties.

Public safety personnel must occasionally come in contact with human body fluids. Contact can occur at accidents, crime scenes, medical emergencies, or while quelling disturbances. While precautions are taken, this contact can and has resulted in the individual being exposed to a contagious disease. Having knowledge of this exposure will allow the public safety employee to seek appropriate medical treatment and to avoid spreading the disease.

Public safety personnel recognize and accept certain risks in their occupations. While risks are minimized whenever possible, they cannot be avoided and the aftermath of situations must be dealt with. That aftermath includes the employee's relations with his or her family. Not having access to medical information not only affects the employee, but the employee's family also. Whether a disease can be cured or not, the employee should be allowed information which can stop the spread of a disease to a spouse or child.

Passage of Senate Bill 523 will allow public safety employees access to information which at present is restricted. The information can be treated in a safe and confidential manner to protect all persons rights.

The Association would recommend one change. Page four could include hepatitis B and change "may" to "shall". This would offer civil protection to medical personnel who would only be following the mandates of the law and it would include a big problem which plagues law enforcement.



GOOD MORNING, Mr. Chairman, members of the Committee:

My name is Lt. Ed Lundblade, Newton Police Department. I'm District Five Representative of the Kansas Police Officer's Association.

I'm here to speak in favor of Senate Bill (SB523). Kansas public safety officers are exposed to an increase in violent crime every year. With this increase comes the potential exposure to victim's body fluids and infectious or deadly disease. It is important to these officers that they be notified when they have been exposed to HIV virus or hepatitis "B".

I have been personally involved in such a situation. I responded to a call in which the victim, a major drug dealer had been badly beaten. Upon arrival the victim was lying in a pool of blood. The ambulance crew and police were administering CPR and first aid. I was later informed by the victim's mother that her son may have an infectious disease. All the officers involved were tested at a Wichita hospital with negative results.

There is a constant fear among public safety officers that their next suspect or victim may be infected with a major disease. Of major concern is the fact they may bring the disease home to their family.

If the officer is exposed and is advised of the exposure he/she can take the necessary steps to reduce the potential infection to the family.

LAW ENFORCEMENT SUPPORTS Senate Bill #523.

Thank You

If the committee has any questions I will be glad to answer them.

Lt. Ed Lundblade  
Newton Police Department

TESTIMONY OF  
OFFICER RICK SABEL  
FRATERNAL ORDER OF POLICE LODGE #3  
SENATE BILL 523  
JANUARY 31, 1990

I am here today representing the Fraternal Order of Police Lodge #3. We fully support Senate Bill 523.

There are several reason that we as law enforcement people support this bill. One has to do with our daily encounter with people who are generally known or suspected to be involved in activity that has a high risk of contracting Acquired Immune Deficiency Syndrome (AIDS) and Hepatitis B. Another reason we support this bill is the potential for the unknown. Not only do we have to deal with the criminal element daily, but we also deal with the general public whether it be at the site of an accident, a first aid call to a home or business or even the assisting of another agency, such as medical personnel who need our assistance in treating an injured person. In all these instances and many more, officers are subject to the possible exchange of bodily fluids.

Two examples are as follows:

On June 30, 1988, I was dispatched to assist Medevac , who wished to treat a very drunk and severely injured man at the rear of a house in the 300 block of Taylor. Upon arrival with my partner, we observed this man who was covered with blood and bleeding profusely from his right wrist. He was very angry and violent and surely would have bled to death if he did not receive prompt medical attention. This subject was very drunk and abusive and when my partner and myself attempted to persuade him to allow Medevac personnel to treat him he responded by flinging his right hand at my partner and myself, covering us with blood. Some of this blood got into and around my eyes and some blood also landed on my partners face. We were eventually able to subdue the individual and provide medical treatment for him. The problem then existed that both my partner and I had to submit to three Hepatitis B shots at periodic intervals for six months and H.I.V. testing on four separate occasions during the same six month period of time. Not only was this time consuming, costly and painful, but one also suffers mental duress.

Another incident occurred on December 20, 1989 and involved another officer of our department who was sent to a location in the 2800 block of California to check on the welfare of a man clad only in a trench coat. Upon arrival this officer observed the subject seated along the curb with no shoes or socks. The temperature outside was well below freezing. This person apparently was suffering from a mental condition and upon the arrival of additional officers was

subdued after a brief altercation. During the handcuffing of the subject, one of the officers was bitten on the leg breaking the skin and possibly transferring bodily fluids.

In both of these incidents officers were attempting to assist the general public who had not committed a crime at the onset of the encounter. The incidents, however, progressed to the point where both individuals were arrested.

The main point of my testimony is the fact that time, money, pain and mental duress could have been avoided had a bill like Senate Bill 523 been passed.

SUMMARY OF TESTIMONY

Before the Senate Judiciary Committee

January 31, 1990

Senate Bill 523

Presented by the Kansas Highway Patrol

(Lieutenant William Jacobs)

Appeared in Support of Senate Bill 523

The Kansas Highway Patrol strongly supports Senate Bill 523. Senate Bill 523, if passed, would permit the court to order the involuntary testing of a person suspected of having an infectious disease, as defined in the pending bill, if the person refuses to voluntarily submit to the test after coming into contact with certain public safety or first responder personnel or volunteers.

The bill would require that the court act in an expedient manner in determining if the test is warranted and in carrying out the provisions of the order.

The court, upon proper application, can also direct subsequent testing of the individual if the test is positive.

Fortunately, the Patrol has experienced only two known and recorded instances in this regard which it became aware of only through the concern and attention to duty on the part of several dedicated individuals.

As you are aware, there are many factors to consider by someone who is exposed to one of these infectious diseases as to personal and family situations. This legislation would also provide for counseling for the officer. The cost of such counseling and any testing would be included by the court in the amount of restitution to be paid by a convicted person.

The Patrol would suggest that on page 4, line 5 of the bill, the word "may" be amended to "shall" to insure that a health care provider would disclose such information dealing with the infectious diseases under law to help lessen the chances of being liable in a civil case. The medical person would then be following the law as directed.

Keeping in mind the number of persons that our officers, and other safety and first responders, come in contact with and the large number of persons who have infectious diseases, the Patrol strongly requests that this committee give favorable consideration to Senate Bill 523.



# State of Kansas

Mike Hayden, Governor

## Department of Health and Environment

Division of Health

Stanley C. Grant, Ph.D., Secretary

Landon State Office Bldg., Topeka, KS 66612-1290

(913) 296-1343  
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### Testimony Presented to Senate Judiciary Committee

by

The Kansas Department of Health and Environment

Senate Bill 523

This bill, which is designed to protect law enforcement officers and emergency medical response teams, is based on two concepts: (1) That laboratory tests are available to establish whether or not a person is infectious for a particular disease, and (2) That preventive treatment regimens are available for the diseases with which this bill is concerned. There is wide variability in the validity of these concepts. To illustrate this, let us individually consider the four diseases named in this bill.

Mononucleosis, also known as infectious mononucleosis and Epstein-Barr disease, is a disease which progresses through our population substantially unchecked. There are no laboratory tests available to establish communicability, there is no preventive treatment, nor is there a specific treatment for the fully-developed disease. The inclusion of mononucleosis in this bill is inappropriate.

With regard to meningococcal meningitis, laboratory tests are available to assist in diagnosis. The test consists of culturing, or attempting to grow, the bacteria which causes the disease. It is not a test for antibody. Culturing the disease agent from a patient does not define communicability with any precision; however, antibiotic treatment is available for persons who are exposed to this disease. The disease is transmitted by aerosolization, not by body fluids. It is appropriate that emergency medical care teams be informed if they have been exposed to this disease, such as by providing unprotected CPR. The same is true for another type of meningitis caused by a bacteria--Haemophilus influenzae meningitis.

Hepatitis B is a disease transmitted by blood and by sexual activities. The rate of hepatitis B infection among medical staff who are regularly exposed to blood, including surgeons and their assistants, dentists, and oral hygienists, is higher than in the population-at-large. Consequently, pre-exposure immunization, which is readily available, is recommended for these persons. Members of emergency medical care teams who are regularly exposed

to blood should be immunized against hepatitis B. For unimmunized persons who are exposed to a possible case of hepatitis B, a preventive treatment with a special immune globulin is available. It is appropriate for medical care workers to know if they have been exposed to a case of hepatitis B. However, the laboratory test to determine communicability is not a test for antibody. The presence of antibody for hepatitis B indicates that the patient is not communicable! The appropriate test to determine communicability is a test for hepatitis B surface antigen.

Finally, AIDS and HIV infection. The epidemic of AIDS has brought us many new challenges, none of which are easily resolved. We are aware of situations in which persons have bitten, spit upon, and otherwise attempted to intimidate law enforcement officers with the threat of infecting them with AIDS. We know of no situations in which HIV infection has been transmitted in this manner. On the other hand, a very small number of medical care workers have been occupationally infected with HIV. These infections have occurred when a series of protective measures known as "universal precautions" were not rigorously pursued. Other than "universal precautions" there is no specific pre-exposure prevention for AIDS. There is no vaccine. Post-exposure treatment is highly limited at this time. However, for medical care personnel who are exposed to HIV infection by a specific means, such as needlestick accident, a regimen of testing has been devised. It should be borne in mind that the post-exposure testing regimen is pursued only when a dramatic or specific exposure occurs.

Accordingly, there are limited circumstances in which it is appropriate for officers or emergency medical care teams to know that they have been exposed to HIV infection. Careful evaluation of the type and extent of exposure should take place.

To summarize, we believe bills of this type must be viewed with great caution. There are severe limitations to the concepts upon which this bill is based. In addition, the sole public health justification for disease reporting in this context lies in the management of those diseases for which an effective intervention exists. This is not the case with AIDS, which is clearly the cornerstone of this bill. The marginal merits within this bill are overshadowed by the conceptual flaws.

Presented by:

Charles Konigsberg, Jr., M.D., MPH  
Director, Division of Health  
January 31, 1990



## KANSAS MEDICAL SOCIETY

1300 Topeka Avenue • Topeka, Kansas 66612 • (913) 235-2383  
Kansas WATS 800-332-0156 FAX 913-235-5114

January 31, 1990

TO: Senate Judiciary Committee  
FROM: Kansas Medical Society *Chip Steelin*  
SUBJECT: Senate Bill 523; Infectious Disease Testing

Thank you for this opportunity to express our opposition to the provisions of SB523. It would appear that someone devoted a great deal of deliberation and time to the due process considerations involved in involuntary testing for certain diseases. Unfortunately, the drafter apparently did not devote similar efforts to the medical considerations involved. For this reason, SB523 is flawed in a number of respects.

The definitions in Section 1 assume that the four listed diseases are similar to one another and that the tests for determination of infection are similar. In fact, the diseases are dissimilar and the tests are different.

Furthermore, the basis for obtaining a court order for involuntary testing is the exposure to "transmission of body fluids" which is not defined. This doesn't make sense when one considers that two of the four diseases listed can be transmitted by other than exposure to body fluids.

It appears obvious that SB523 was drafted in a manner intended to address possible exposure to the human immunodeficiency virus by law enforcement personnel. The other three diseases were included in a manner that erroneously assumes that they are biologically similar to HIV.

The fact of the matter is that if law enforcement or emergency personnel for some reason fail to take recommended precautions and become exposed to the blood of another person, it serves little purpose to test that other person for HIV infection. There is too great a likelihood of a false negative reaction to a screening test. It is for this reason that the person exposed to another's blood should submit to an HIV screen and then be re-tested after six months to a year.

The question as to whether law enforcement and emergency personnel should be informed when possibly exposed to HIV was addressed during the 1989 Session in SB286. That bill was passed by the Senate 39-0 and remains alive in the House Federal and State Affairs Committee.

In other words, SB523 would accomplish very little except perhaps cause unnecessary distress when an involuntarily tested person yields a false positive test result.

It is for the above reasons that we respectfully request that you report SB523 not recommended for passage.

CW:lg

ATTACHMENT VIII

1-31-90  
page 1 of 1

S.B 523

I'm Gordon Risk, president of the American Civil Liberties Union of Kansas. I am also a physician, and I am here to testify against S.B. 523.

This bill is an artifact of the AIDS hysteria that swept this country a couple of years ago. It will benefit no one and will violate the Constitutional right of citizens to be secure in their persons against unreasonable searches and seizures. Since there has never been a documented case of human immunodeficiency virus (HIV) transmission through saliva, (1) and since sexual penetration would fall outside the scope of the employee's or volunteer's duties, that leaves blood as the only vehicle for transmission. As we have learned during the suit of Dr. Veronica Prego against the Health and Hospitals Corporation of New York City, (2) Dr. Prego evidently contracted AIDS through her own negligence or the negligence of another physician, when she stuck herself with a needle. Under this bill, patients would suffer deprivation of Constitutional rights as a consequence of the negligence or substandard practice of the physician or other health care provider. This is manifestly unjust. Furthermore, since homosexuals, or people thought to be homosexual, can be expected to be more frequently singled out for involuntary testing, this bill would deprive them of the equal protection of the laws. The bill also raises due process concerns with regard to evidence needed to order involuntary testing. Since body fluids aren't equal with regard to HIV infectiousness, the degree of contact necessary for testing to be ordered is quite imprecise.

The bill is notable for its callous treatment of the infected individual. Nowhere is it mentioned that he would or should be entitled to counseling with regard to his condition, even though it may have come as news to him, not just to the other numerous individuals who will learn of his condition. The bill is, of course, worthless as a public health measure. You find out about your HIV status by testing yourself, not someone else.

Confidentiality will be breached as a consequence of this bill. People will know, who have no need to know, and lawsuits for damages can be anticipated. One part of Dr. Prego's \$175 million lawsuit against the Health and Hospitals Corporation of New York City is a request for damages on the basis that her identity was disclosed to the public and her ability to practice her profession thereby impaired. Kansas can expect such a suit if this bill is passed, and the public will wonder what they got for their money.

(1) Perry D., Markowitz, J.: Counseling for HIV Testing. Hospital and Community Psychiatry, 39:736, 1988.

(2) The New York Times, January 11-23, 1990.

1/30/90/mf

*Testimony presented by Jeffrey Moots.*



TESTIMONY FROM  
LT. TERRY STEVENS  
TOPEKA POLICE DEPARTMENT

I appear today on behalf of the Topeka Police Department in support of the concept of S.B. 523. Law enforcement officers from our department come into contact, on a daily basis, with situations that have the propensity to allow for the transfer of body fluids from an individual to an officer.

Law enforcement officers routinely respond to traffic accidents, knifings, shootings, and disturbances that result in violence which creates an atmosphere requiring an officer to come into contact with individuals who are unknown to an officer. Law enforcement officers are expected and required to assist victims who have become injured and in many cases affect an arrest of individuals who committed a crime and who might also be injured. Law enforcement officers are continuously involved in investigations which place them in contact with individuals in less than desirable conditions and often times hostile surroundings.

Although we support the Department of Corrections in their effort to introduce this type of legislation, we also have some concerns with present language in S.B. 523. In Section 2(b), the director of the employing agency is the only person allowed to make application to the court for involuntary testing. We would ask that the inclusion of "or designee" be added in an effort to facilitate the requested application. Secondly, the language in the proposed legislation indicates the court will issue an order only after a hearing has been conducted relative to the request. We would ask that the involuntary testing be subject to similar measures currently utilized in applying for and gaining search warrants.

Understandably, the Department of Corrections in drafting the language for S.B. 423, deals with individuals who are, and undoubtedly will be, incarcerated through the application and testing process. Unfortunately, law enforcement agencies must recognize the fact we are working in a highly mobile society. Individuals arrested for criminal activity, with few exceptions, are able to post the required bond and be released from custody in a very short time. This could result in additional days or weeks passing before the preliminary test for an infectious disease could be administered. This creates additional stress not only on the officer but his family. This is especially true if an individual makes comments indicating they are a carrier of an infectious disease.

The Topeka Police Department has taken significant measures in the past few years to substantially reduce the risk of transferring body fluids from individuals to an officer, however, often times the opportunity to put these measures into effect are not available to an officer. The seriousness of an injury or immediate need to react to a violent situation often times require an officer to forego utilizing these protective measures. Because of these concerns, we would ask for your favorable consideration in the passage of S.B. 523 with the requested amendments.



"Service to County Government"

212 S. W. 7th Street  
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**Executive Director**  
John T. Torbert

January 31, 1990

To: Senator Wint Winter, Chairman  
Members Senate Judiciary Committee

From: Bev Bradley, Legislative Coordinator  
Kansas Association of Counties

Re: SB-523

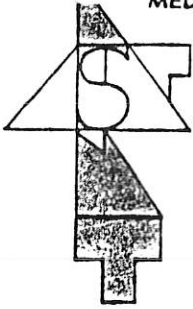
The Kansas Association of Counties has some serious concerns with Senate Bill 523. We wonder why testing for Mononucleosis is considered with the other much more serious diseases listed in the bill. We believe there are yet other serious diseases which are omitted, that would be more dangerous than mono. Perhaps the listing of diseases should be eliminated from legislation and provided through rules and regulations by the Secretary of Health and Environment.

We would like to see the term " body fluids" defined. If someone is spat upon is that reason for a court ordered infectious disease test? "Director of employing agency" is an ambiguous term as it would relate to counties. Who would this person be?

Another concern is centered around the counseling. Is counseling available in all areas of the state by the secretary of health and environment? Is there indeed money appropriated for such purpose as the bill states or will the cost ultimately fall back on local governments?

We do not oppose the concept of this legislation. It is appropriate for health providers and law enforcement people to have some protection. We do believe that the bill needs some refining and more careful attention to details. Thank you for the opportunity to express our concerns.

TSBADS



TESTIMONY ON SENATE BILL No 523  
to  
Senate Judiciary Committee

by  
Marla Williams, M.T., (ASCP)  
KSMT Government Liaison Committee  
3624 S.E. 23 Terrace, Topeka, KS 66605  
(913)233-3054, Res; (913)354-6031, Bus

January 30, 1990

Dear Chairman Winter and Committee Members:

I am a medical technologist supervisor at Stormont-Vail Regional Medical Center Laboratory. As a clinical laboratory scientist, I have the following concerns and recommendations regarding this bill. These views are shared by my pathologist Doctor Roman Hiszczynskij.

In order to comply with actual laboratory practice, the definition of "Infectious disease test" in Section 1 (a) should be changed as follows:  
"Infectious disease test" means a test performed in an approved ~~by the secretary of health and environment~~ laboratory to detect ~~antibodies to~~ evidence of the probable causative agent for the disease acquired immune deficiency syndrome, viral hepatitis B, meningococcal meningitis, ~~or mononucleosis~~ or syphilis.

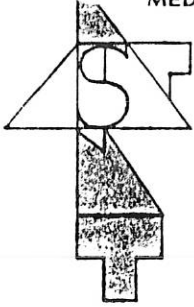
Rationale:

The secretary of health and environment should not approve each test available now and in the future to detect the presence of the listed infectious diseases before such test may be used for the desired purpose. As improved technology becomes available, laboratories may wish to implement the new test if it meets comparison criteria as established by the laboratory director of the approved laboratories.

In addition, a test to detect specific antibodies in blood to the probable causative agent for meningococcal meningitis or mononucleosis is not available in most laboratories. One test for meningococcal meningitis uses antibodies in the test reagent to detect the antigen in the urine or cerebral spinal fluid. The screening test for infectious mononucleosis detects nonspecific heterophile antibodies in the blood. Mononucleosis should be deleted from the list because I do not believe it poses a significant threat of serious illness that could be traced to such a specific exposure as described in the bill. The list of illnesses should however include other viral hepatitis groups in addition to Hepatitis B, such as Hepatitis A, C, D, and others possibly not yet identified but no less serious. Syphilis is another disease that should be added to the list.

Currently confirmatory tests are required to confirm screening test results for HIV and syphilis only. Therefore, Section 1 (b) should read:

"A positive reaction" means a positive test with a positive confirmatory test, if applicable, for the infectious diseases ascribed to in subsection (a) as specified ~~by the secretary of health and environment~~.



Testimony, cont.

Page 2

In Section 2 (a) lines 16-18 should be expanded to read:  
or persons involved to submit to infectious disease testing  
as specified by the local health officer, provided that the court  
makes certain necessary findings as set forth in subsection (b).

Rationale:

I think the court requires the assistance of the local health officer to utilize the appropriate tests for the circumstances involved and to interpret the sometimes complex battery of test results for the court.

For the same reason, Section 2 (d) line 1 should be expanded to read:  
section shall be disclosed to the court which ordered the test  
by the local health officer, the employee...

Section 2 (f) line 27 should be changed to read:  
or (3) a qualified laboratory employee ~~medical/technician~~.

Rationale:

A medical technician is only one among other personnel in the laboratory, such as medical technologists, phlebotomists, or laboratory assistants.

Finally, I recommend that Section 2 (h)(2), line 5 be expanded to read:  
to an AIDS test may not refuse to administer the procedure and  
may disclose such information to other health care...

Thank you sincerely for this opportunity to share with you my suggestions for the needed changes in this bill. These same concerns are held by a number of other laboratorians and members of KSMT who are aware of this bill.



# Federal Emergency Management Agency

National Emergency Training Center

Emmitsburg, Maryland 21727

December 29, 1989

Mr. John A. Earhart  
State Fire Marshal  
700 SW Jackson, Suite 600  
Topeka, KS 66603-3714

Dear Mr. Earhart:

The United States Fire Administration (USFA) has been actively responding to the impact of infectious diseases on the fire service and other emergency response professionals. In August, we held a "Second Forum on Communicable Diseases" with fire service and emergency medical service professionals, infection control experts, physicians, attorneys, and allied Federal agency representatives. We spent three days discussing infection control issues, including vaccination, curriculum development, legal issues, pending Federal legislation, and other salient topics. Several recommendations were developed to address these issues.

One of the recommendations was "That the USFA Administrator notify all emergency response agencies that firefighters and emergency response personnel be offered immunization against vaccine-preventable diseases according to the current Advisory Committee for Immunization Practices Guidelines." We are complying with this recommendation through the attached "Open Letter to All Emergency Response Agencies." This letter is being mailed to all state and metropolitan fire and EMS training agencies, fire and EMS trade media, and major fire and EMS organizations with the request that they distribute it to all of their constituent emergency response agencies.

We are respectfully asking you to do just that -- to distribute this letter to all fire, rescue, EMS departments and emergency response agencies under your jurisdiction. With your help, we can reduce the risk of exposure to infectious disease for firefighters, EMT's, and paramedics across the country.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward M. Wall", is written over the typed name.

Edward M. Wall  
Deputy Administrator  
U.S. Fire Administration

Enclosure

JAN 15 9 53 AM '90



Federal Emergency Management Agency  
United States Fire Administration  
Emmitsburg, Maryland 21727



December 1989

AN OPEN LETTER TO ALL EMERGENCY RESPONSE AGENCIES:

Firefighters, emergency medical technicians, paramedics, and other emergency response personnel face numerous unique circumstances where they are at risk for exposure to blood, body fluids, and other potentially infectious materials. Their awareness and active protection against infectious diseases are vital to the health of these public servants and to the communities they serve.

Acquired Immune Deficiency Syndrome (AIDS), caused by the Human Immunodeficiency Virus (HIV), is perhaps the most widely publicized disease affecting emergency response personnel. Hepatitis-B, however, poses a much greater occupational health risk, as each year 20,000 health care workers become infected and at least 200 health care workers die of work-related Hepatitis-B infections.

The United States Fire Administration (USFA) feels strongly that all health care workers, particularly firefighters, emergency medical technicians, paramedics and other emergency response personnel, be offered immunization against vaccine-preventable diseases, such as Hepatitis-B. The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) agrees and has mandated this for all employees covered by OSHA regulations.

Hepatitis-B is only one of the vaccine-preventable diseases that emergency response personnel need to be concerned with. According to the current Advisory Committee for Immunization Practices Guidelines published by the Centers for Disease Control, "All persons providing health care to older adolescents and adults in private offices, clinics, hospitals, HMOs, and other health care settings should be provided with immunization against influenza; with pneumococcal, Hepatitis-B, measles, and rubella vaccines; and with tetanus and diphtheria toxoids, when indicated." Firefighters, emergency medical technicians, paramedics, and other emergency response personnel fall into this group and should be afforded this protection.

The USFA Office of Firefighter Health & Safety is actively responding to the impact of infectious diseases on the fire service and other emergency response professionals. In August, we held a "Second Forum on Communicable Diseases" with emergency medical and infection control experts, fire service professionals, physicians, attorneys, and allied Federal agency representatives. We spent three days discussing infection control curriculum development, vaccination, related legal issues, pending Federal legislation regarding occupational exposure to infectious diseases, employee rights, and models of fire department record-keeping of exposures. We reviewed the progress of the 1988 Forum recommendations, and developed new recommendations for the coming year. Detailed findings and recommendations have been published in the USFA Report on the Second Forum on Communicable Diseases, which is available from:

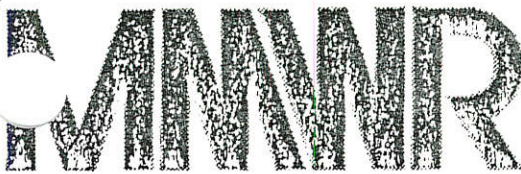
The United States Fire Administration  
Office of Firefighter Health & Safety  
16825 South Seton Avenue  
Emmitsburg, Maryland 21727

06:11:55

It is up to each emergency response agency to ensure that all emergency responders have the training, equipment, and protection to do their job safely. When they are saving lives, they must first protect their own. Make certain that your professionals can do just that.

Sincerely,

Edward M. Wall  
Deputy Administrator, U. S. Fire Administration



## MORBIDITY AND MORTALITY WEEKLY REPORT

- 377 Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings
- 388 Rocky Mountain Spotted Fever — United States, 1987
- 390 Heat-Wave-Related Morbidity and Mortality

*Perspectives in Disease Prevention and Health Promotion*

**Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings**

**Introduction**

The purpose of this report is to clarify and supplement the CDC publication entitled "Recommendations for Prevention of HIV Transmission in Health-Care Settings" (1).\*

In 1983, CDC published a document entitled "Guideline for Isolation Precautions in Hospitals" (2) that contained a section entitled "Blood and Body Fluid Precautions." The recommendations in this section called for blood and body fluid precautions when a patient was known or suspected to be infected with bloodborne pathogens. In August 1987, CDC published a document entitled "Recommendations for Prevention of HIV Transmission in Health-Care Settings" (1). In contrast to the 1983 document, the 1987 document recommended that blood and body fluid precautions be consistently used for all patients regardless of their bloodborne infection status. This extension of blood and body fluid precautions to all patients is referred to as "Universal Blood and Body Fluid Precautions" or "Universal Precautions." Under universal precautions, blood and certain body fluids of all patients are considered potentially infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens.

\*The August 1987 publication should be consulted for general information and specific recommendations not addressed in this update.

Copies of this report and of the MMWR supplement entitled *Recommendations for Prevention of HIV Transmission in Health-Care Settings* published in August 1987 are available through the National AIDS Information Clearinghouse, P.O. Box 6003, Rockville, MD 20850.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES / PUBLIC HEALTH SERVICE

*Update: HIV — Continued*

Universal precautions are intended to prevent parenteral, mucous membrane, and nonintact skin exposures of health-care workers to bloodborne pathogens. In addition, immunization with HBV vaccine is recommended as an important adjunct to universal precautions for health-care workers who have exposures to blood (3,4).

Since the recommendations for universal precautions were published in August 1987, CDC and the Food and Drug Administration (FDA) have received requests for clarification of the following issues: 1) body fluids to which universal precautions apply, 2) use of protective barriers, 3) use of gloves for phlebotomy, 4) selection of gloves for use while observing universal precautions, and 5) need for making changes in waste management programs as a result of adopting universal precautions.

**Body Fluids to Which Universal Precautions Apply**

Universal precautions apply to blood and to other body fluids containing visible blood. Occupational transmission of HIV and HBV to health-care workers by blood is documented (4,5). Blood is the single most important source of HIV, HBV, and other bloodborne pathogens in the occupational setting. Infection control efforts for HIV, HBV, and other bloodborne pathogens must focus on preventing exposures to blood as well as on delivery of HBV immunization.

Universal precautions also apply to semen and vaginal secretions. Although both of these fluids have been implicated in the sexual transmission of HIV and HBV, they have not been implicated in occupational transmission from patient to health-care worker. This observation is not unexpected, since exposure to semen in the usual health-care setting is limited, and the routine practice of wearing gloves for performing vaginal examinations protects health-care workers from exposure to potentially infectious vaginal secretions.

Universal precautions also apply to tissues and to the following fluids: cerebrospinal fluid (CSF), synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid. The risk of transmission of HIV and HBV from these fluids is unknown; epidemiologic studies in the health-care and community setting are currently inadequate to assess the potential risk to health-care workers from occupational exposures to them. However, HIV has been isolated from CSF, synovial, and amniotic fluid (6-8), and HBsAg has been detected in synovial fluid, amniotic fluid, and peritoneal fluid (9-11). One case of HIV transmission was reported after a percutaneous exposure to bloody pleural fluid obtained by needle aspiration (12). Whereas aseptic procedures used to obtain these fluids for diagnostic or therapeutic purposes protect health-care workers from skin exposures, they cannot prevent penetrating injuries due to contaminated needles or other sharp instruments.

**Body Fluids to Which Universal Precautions Do Not Apply**

Universal precautions do not apply to feces, nasal secretions, sputum, sweat, tears, urine, and vomitus unless they contain visible blood. The risk of transmission of HIV and HBV from these fluids and materials is extremely low or nonexistent. HIV has been isolated and HBsAg has been demonstrated in some of these fluids; however, epidemiologic studies in the health-care and community setting have not implicated these fluids or materials in the transmission of HIV and HBV infections (13,14). Some of the above fluids and excretions represent a potential source for nosocomial and community-acquired infections with other pathogens, and recommendations for preventing the transmission of nonbloodborne pathogens have been published (2).



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

February 1, 1990

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296


To Members of the Kansas Legislature:

As Chairman of the Kansas Sentencing Commission, I am pleased to submit a progress report on activities of the Commission to date. I believe the report indicates much activity on the part of the staff and the Commission and shows the desire of everyone involved to meet the goal of a comprehensive grid sentencing plan for the 1991 session of the Legislature as mandated.

I want to commend the Legislature on it's desire to reform the sentencing structure in our state. Over the years, our sentencing structure has lacked relevancy in many areas and has given rise to disparity in sentencing. I believe the goals of the Kansas Sentencing Commission parallel the goals of the Legislature in seeking a system that will protect the public in the best way possible as well as punish those who violate the criminal laws of our state.

I want to thank Ben Coates, Executive Director, and all members of the Sentencing Commission staff for their dedication to prepare the best plan possible. They have spent many extra hours in moving ahead as quickly as possible. I also want to commend the Commission members. Their attendance and concern evidences a desire on the part of each individual to contribute to this effort. It is my hope that the enclosed report will reflect not only the work of the Commission, but the vision of the Legislature in regard to this very important venture.

Very truly yours,

  
Robert T. Stephan  
Attorney General

RTS:bls

ATTACHMENT XV

1-31-90

page 1 of 39





**KANSAS**



**SENTENCING  
COMMISSION**

---

**Interim Report to the  
Legislature**

February 1, 1990

**Draft**

**KANSAS SENTENCING COMMISSION**

Staff:

Executive Director:

Ben Coates

Staff Attorney:

Michael Warner

Data Manager:

Larry Sanders

Managment Analyst:

Blaine Carter

Office Specialist:

Julie Meyer

**Mailing Address:**

**KANSAS SENTENCING COMMISSION**  
Jayhawk Tower  
700 Jackson, Suite 501  
Topeka, Kansas 66603  
(913) 296-0923



# KANSAS



# SENTENCING COMMISSION

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## Interim Report to the Legislature

February 1, 1990

# Draft

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## INTRODUCTION

The Kansas Sentencing Commission was created during the 1989 legislative session through Senate Bill 50. This bill came about as a result of action taken by the Criminal Justice Coordinating Council. The Council felt that sentencing guidelines would encourage respect for the criminal justice system by providing equal and fair sentences for those who commit similar crimes.

The Sentencing Commission is responsible for the development of sentencing guidelines that will serve a number of purposes. Those purposes include:

- o Appropriate sentencing for crimes against persons and property
- o Appropriate presumptive probation and presumptive incarceration wherein individuals will be presumed to be incarcerated in the absence of findings of mitigation or aggravation.
- o Appropriate mandatory probation and mandatory incarceration
- o Minimize sentencing disparity which may presently exist relating to racial or regional biases
- o Advisability of use of good time credits in regard to parole or conditional release
- o Projected role, of the Kansas Parole Board
- o Consideration of current sentencing and release practices and correctional resources

The Sentencing Commission is to submit an interim report to the Legislature by February 1, 1990. A final report and recommended guidelines are to be submitted at the beginning of the 1991 session.

**KANSAS SENTENCING COMMISSION  
MEMBERSHIP**

Attorney General

Robert T. Stephan, Chairperson, Topeka

Chief Justice or Designee

Judge Gary Rulon, Kansas Court of Appeals, Vice Chairperson, Topeka

Secretary of Corrections or Designee

Steven J. Davies, Ph.D., Secretary of Corrections, Topeka

Parole Board Chairperson or Designee

Carla Stovall, Kansas Parole Board Vice-Chairperson, Topeka

Appointments by the Chief Justice

Judge James M. Macnish, Jr., Third Judicial District, Topeka

Judge Richard B. Walker, Ninth Judicial District, Newton

Gary L. Marsh, Court Services Officer, Emporia

Appointments by the Governor

Jillian Waesche, Public Defender, Wichita

Shelley Bloomer, Private Defense Counsel, Osborne

Paul Morrison, Johnson County District Attorney, Olathe

Allen Flowers, Chief of Police, Coffeyville

Dave Meneley, Detective, Topeka

John Burchill, Community Corrections Program Director, Salina

Appointments by the Senate President and the Minority Leader, and the Speaker of the House and the Minority Leader, serve ex officio, without vote

Senator Jerry Moran, Thirty-Seventh District, Hays

Senator Frank Gaines, Sixteenth District, Augusta

Representative Martha Jenkins, Forty-Second District,  
Leavenworth

Representative Kathleen Sebelius, Fifty-Sixth District,  
Topeka

## COMMISSION MEETING SUMMARY

The Commission held its first meeting August 21, 1989 and decided to meet the second and fourth Monday of each month. The Commission later decided to meet the second and fourth Friday when the Legislature is in session and to revert back to the Monday format the rest of the year.

The Commission staff offices are located in Suite 501 of the Jayhawk Towers. All Commission meetings are held in the Senate Room of the Jayhawk Towers. The meeting dates for 1990 are listed below.

January 12	July 9
January 26	July 23
February 9	August 13
February 23	August 27
March 9	September 10
March 23	September 24
April 13	October 8
April 27	October 22
May 14	November 26
June 11	December 10
June 25	

The following summary provides a brief overview of Commission meetings held:

### August 21, 1989

The first meeting was called by the Chairman Attorney General Robert T. Stephan. The primary purpose was to organize the Commission and to hear from those involved in the development of the Commission, as well as, from stakeholders in the Kansas criminal justice system.

### September 11, 1989

The major purpose of the meeting was to interview and hire an Executive Director. Ben Coates, former Chief of Staff from Social and Rehabilitation Services was chosen. The Commission also toured several Kansas Department of Correction facilities.

### September 25, 1989

Kay Knapp, Director of the Institute for Rational Public Policy, and former Director of the Minnesota Sentencing Commission, provided an overview of problems and strategies. Ms. Knapp advised the Commission to adopt a goal statement before getting underway in other activities. Ben Coates began his duties and was given permission to locate office space and hire a staff.

October 5-8, 1989

Four commission members and the Executive Director attended a structured sentencing workshop - The workshop was attended by participants from nine states engaged in various levels of sentencing guidelines development. Kansas made a presentation on Senate Bill 50.

October 9, 1989

Matt Lynch, from the Kansas Judicial Council provided an overview of the status of the work of the Council's Criminal Law Advisory Committee. Commission members were asked to develop a list of goals and objectives, for the next meeting. They were also asked to indicate what subcommittees they would like to see formed and serve on.

October 23, 1989

The Commission reviewed goal statements and tentatively adopted them. Subcommittees were established to work on data collection, crime seriousness and criminal history.

November 13, 1989

Commission staff were introduced. The Criminal History subcommittee announced a series of public hearings. A formal goal statement was adopted.

December 11, 1989

The Commission heard from Kathleen Bogan, Executive Director of the Oregon Sentencing Commission. Ms. Bogan provided an overview of the development of the Oregon guidelines which took effect November 1, 1989. The Kansas Parole Board made a presentation and reviewed the duties of the board. They also spoke about proposed future roles. The Kansas Department of Corrections provided a historical overview of good time practices.

January 12, 1990

The Commission reviewed and tentatively adopted a data collection format. The form will serve as a template for gathering data from field records in each judicial district. There was a review of good time and parole practices in 10 states that have implemented guidelines or some form of determinate sentencing.

January 17 - 19, 1990

The Executive Director and a staff member traveled to Minnesota to gather information from the guidelines staff and Commission. They interviewed staff, a district judge, a probation officer, and a prosecutor. They also attended a Commission meeting.



January 26, 1990

The Commission adopted the severity principles recommended by the Crime Seriousness Subcommittee. They approved the introduction of legislation to allow data collection efforts to occur, and approved the report to the 1990 Legislature. The Commission adopted a policy statement limiting their scope the felony convictions.

## MISSION AND GOAL STATEMENT

The Commission adopted a formal mission and goal statement during their November 13, 1989 meeting. This statement was the product of several previous discussions and is intended to provide a set of guiding principles for future decisions.

The statement adopted is provided below. It should be noted that the order of presentation of the goals does not indicate priority, all goals were held to be of equal importance.

### Mission Statement

The Kansas Sentencing Commission is charged with the development of uniform sentencing guidelines that establish a range of presumptive sentences. These sentences will be based on the assumptions that:

- o Incarceration should be reserved for serious offenders;
- o The primary purposes of a prison sentence are incapacitation and punishment.

### Goals

- o To develop a set of guidelines that promote public safety by incarcerating violent offenders;
- o To reduce sentence disparity to ensure the elimination of any racial, geographical or other bias that may exist;
- o To establish sentences that are proportional to the seriousness of the offense and the degree of injury to the victim;
- o To establish a range of easy to understand presumptive sentences that will promote "truth in sentencing;"
- o To provide state and local correctional authorities with information to assist with population management options and program coordination;
- o To provide policy makers information that will enhance decisions regarding resource allocations.

## COMMISSION'S ONGOING ACTIVITIES

The Commission has created subcommittees to address certain aspects of the guideline development process. These subcommittees are each assigned a staff person and pursue topics as assigned by the chair. A topic is undertaken and initial recommendations are formed. The recommendations are brought to the full Commission for approval and/or modification. Subcommittees are currently pursuing the following areas.

### Data Collection

The Commission must undertake a large data collection effort to have the ability to accurately forecast the impact of proposed sentencing guidelines. The database collected will provide information on current sentencing practices and indicate what factors seem to drive current practices. It should provide an empirical assessment of any racial and geographical disparities. Most importantly, it will provide a database to check the system impact of any changes to current practices.

The data subcommittee reviewed data collection instruments from several other states, but paid particular attention to Oregon's recent effort. The data subcommittee made the following recommendations:

- o gather data on recent convictions to develop a database;
- o all 31 Judicial Districts should be represented;
- o develop a data collection instrument similar to the one used by Oregon;

The Commission reviewed a proposed data collection instrument during their January 12, 1990 meeting, and made final recommendations. This instrument is being field tested and once final corrections are made, will be used in the data collection effort. Much of the data resides in existing data bases. Hopefully, the major portion of data on persons sent to the Department of Corrections will be readily available via a computer transfer. The rest of the data will be collected by teams of data collectors during the next several months. (The most recent version of the proposed data collection instrument can be found in Appendix A).

The Commission has established a rather sophisticated data management system that will maximize machine effort. (an overview of the actual equipment is included in Appendix B).

## Crime Seriousness/Criminal History

Most existing guideline systems assume that there are two major elements that go into deciding a sentence: the seriousness of the offense and the criminal history of the offender. Therefore the Commission has developed subcommittees to address each of these topics. The most frequent conceptualization of these two items is represented in a grid format. The grid assumes that all crimes will be assigned a seriousness ranking or score, and this involves developing a scheme to rank order crimes. This becomes known as the crime seriousness axis. The other axis is the criminal history score, which is made up of weighted factors related to the specific history of an individual offender. The criminal history score should not be related to demographic or socioeconomic factors. There is also the assumption that some cells within the grid should presume specified periods of imprisonment and others should presume probation or some form of community sanction. An example of a "typical" grid is provided in Exhibit A. A real grid would have presumptive ranges of sentences included in each cell.

See Exhibit "A"  
Sample Grid,  
next page

# Exhibit A

## Sample Sentencing Grid

The grid is a 10x6 matrix. The vertical axis is labeled 'Crime Severity Level' with an upward arrow from 'Least Severe' (LEVEL 10) to 'Most Severe' (LEVEL 1). The horizontal axis is labeled 'Criminal History Score' with a leftward arrow from 'Least Severe' (A) to 'Most Severe' (F). A shaded area covers LEVEL 2 through LEVEL 5 for scores F, E, and D, labeled 'Incarceration'. Another shaded area covers LEVEL 7 through LEVEL 9 for scores C, B, and A, labeled 'Presumptive Probation'.

Crime Severity Level	Criminal History Score					
	F	E	D	C	B	A
LEVEL 1						
LEVEL 2	Incarceration					
LEVEL 3						
LEVEL 4						
LEVEL 5						
LEVEL 6						
LEVEL 7			Presumptive Probation			
LEVEL 8						
LEVEL 9						
LEVEL 10						

The crime seriousness subcommittee reviewed the work of several states and came to the following conclusions:

- o The number of classifications of crime should be expanded from the current five levels of felonies.
- o A set of guiding severity principles should be developed and adopted.

These principles should provide a frame of reference to rank order the existing felony offenses.

- o A separate grid for drug offenses may be advisable. This area is highly volatile and may offer some unique sentencing challenges.

To date, the subcommittee has developed the following recommendations:

- 1) There are currently five levels of felony classifications. The subcommittee recommends that the number of felony classifications be expanded to ten. This will provide sufficient range to distinguish between varying levels of crime seriousness. This recommendation is in line with the actions taken by other states.
- 2) The subcommittee reviewed severity principles already in effect in other jurisdictions (most notably, the state of Oregon), and developed the following working principles which were adopted by the full Commission during the January 26, 1990 meeting:
  - a. The primary determinant of crime severity is the harm produced by the criminal conduct. Harm is defined as the actual damage or threat of damage to the societal interests protected by the criminal statute.
  - b. Factors indicating the culpability of the offender should be considered primarily when assessing aggravating and mitigating circumstances.
  - c. Different societal interests have different weights with respect to assessing crime severity:
    1. Society's greatest interest is to protect the individual from physical and emotional injury.
    2. The second most important societal interest is to protect private and public property rights.
    3. The third set of societal interests identified by the subcommittee was to protect/preserve the integrity of governmental institutions, public peace and public morals.

The criminal history subcommittee is working to develop a weighted scale that will indicate the level of past criminal activity that should be counted when determining a sentence. There are a variety of concerns in this area. There is general agreement that socio-economic and demographic factors should not be considered. The subcommittee scheduled a series of public hearings on a statewide basis to gather input. The public was invited to come and tell the subcommittee what factors they thought should be considered. Key actors in the criminal justice system were notified and asked to testify in person or to provide written comments. Public hearings were scheduled as follows:

Pittsburg  
December 7, 1989

Wichita  
December 14, 1989

Topeka  
January 12, 1990

Hays  
February 8, 1990

Garden City  
February 8, 1990

The public hearings focused on several issues namely:

- o What factors should be measured in the scoring process?
- o Are there factors that should not be included in the scoring process?
- o Should prior criminal records be based on arrests, convictions or incarceration?
- o Should misdemeanors be considered?
- o Should all prior misdemeanors and felonies be taken into account, or should they be "forgiven" after a period of time? If they are "forgiven" should all offenses have the same time period?
- o Should prior juvenile adjudications be considered? If so, should all adjudications be considered or just those that would have been felonies if committed by an adult? Should there be a time limit on how long these juvenile convictions will continue to be considered?

- o Should all prior convictions have equal weight, or should there be a differential built in based upon the seriousness of the current offense compared to the seriousness of prior offenses?
- o Should status at the time of conviction be taken into account? Should a distinction be made if someone is already on probation or parole from another conviction?

There have been 13 formal presentations at these hearings, plus several individuals asked questions about the purpose of sentencing guidelines. The subcommittee has also received written comments from 24 individuals.

Many people have experienced concerns that child abuse or spouse abuse be given serious consideration. Many individuals who have commented have experienced personal tragedies and are representing victims organizations.

Once the public hearing period is over, the subcommittee will begin to develop a series of recommendations to address these issues. The criminal history portion of the grid is difficult to construct, many items are difficult to quantify and each decision has a large impact on prison resources.



## FUTURE ISSUES

The Commission is well underway; however, there are a series of difficult tasks to be completed and challenging decisions to be made. These will have a powerful effect on future criminal justice policy. It is not possible to change one part of the system without impacting several others. These decisions will impact a variety of actors and may well shift demands for resources. This effort must be closely coordinated and most segments of the criminal justice community are represented on the Commission. The Commission is deeply committed to involving the public in its deliberations and will continue to keep all interested persons or groups informed as decisions are made. Once a working model is developed, the full Commission will hold a series of public hearings. The public will be invited to comment and to make suggestions for changes.

**Persons interested in providing input  
into this process should contact:**

**Ben Coates  
Executive Director  
Suite 501  
700 Jackson  
Topeka, Kansas 66603  
913-296-0923**

The following segment provides an overview of tasks that must be completed and decisions that must be made before a working model can be developed.

### Tasks to be Completed

- o Develop database - staff must collect and analyze data on several thousand recent convictions. This will require an intensive effort since data will be collected from every judicial district. Much of the effort will require teams to go on site and glean information from court files. This labor intensive effort will be supplemented by an analysis of existing data using the Commission's data management resources. - Estimated completion date August 1990.
- o Rank existing crimes by seriousness level - The crime seriousness subcommittee must rank all existing felony crimes using the severity principles. These rankings must be reviewed and approved by the full Commission. Estimated completion date June 1990.

- o Develop criminal history scoring system - The subcommittee must finish the public hearings and analyze the input received to decide what should be included. Once a scoring process is developed it must be matched with the seriousness ranking axis. There are a series of decisions regarding what will be considered and how much weight will each receive. These decisions will be brought to the full Commission for final approval. Estimated completion date, June 1990.
- o Develop a detailed inventory of resources - Resource information on available prison, jail, community corrections, probation and parole resources will be developed. Community treatment resources will also be analyzed. Estimated date of completion May 1990.
- o Construct a grid - The products of the crime seriousness rankings and the criminal history scores must be meshed. Each cell must be assigned a value and a series of options developed. These options must be tested against the database to assess their impact on current resources. Estimated completion date, November 1990.

#### Decisions That Must be Made

- o Future role of parole board - The Commission must develop recommendations for how release procedures will be handled. There are likely to be more than one set of release procedures in place after the implementation of the guidelines. One set for current sentences and one for post guideline ones. The Commission has looked at how other states have handled this situation, a review of how ten states that adopted structured sentencing practices is included in appendix C.
- o Future role of good time - Like parole this is an area where some decisions must be made. There are powerful arguments pro and con and almost an infinite number of possible good time frameworks. A review of good time in ten states that have adopted structured sentencing policies is included in appendix C.
- o Future role of Court Services Officers and possible modification to the existing presentence report form.
- o How to handle concurrent and consecutive sentences, as well as, existing mandatory imprisonment or probation policies.
- o How to handle drug crimes, will they require a separate grid?
- o How to handle departures from the grid. In most state departures are appealable. If this practice is put in place in Kansas, standards for appeal and appellate procedures must be developed.
- o Future role of sentence modifications due to Kansas Department of Corrections State Diagnostic Reception Center evaluations.
- o How to monitor compliance with the guidelines.

Appendix A

# KANSAS SENTENCING COMMISSION

## Data Collection Form

1. Defendant Name \_\_\_\_\_  
(Last, First, MI)

2. Case Number \_\_\_\_\_

3. County of Conviction \_\_\_\_\_ Judicial District \_\_\_\_\_

4. Sentencing Judge (I.D.#) \_\_\_\_\_

5. Date of Arraignment (MM/DD/YY) \_\_\_/\_\_\_/\_\_\_

6. Date of Conviction (MM/DD/YY) \_\_\_/\_\_\_/\_\_\_

7. Date of Sentencing (MM/DD/YY) \_\_\_/\_\_\_/\_\_\_

8 A. Original Offenses (List up to 5 beginning with most serious offense. List crimes against persons before crimes against property.)

_____	-	_____	_____	_____	_____	____/____/____
_____	-	_____	_____	_____	_____	____/____/____
_____	-	_____	_____	_____	_____	____/____/____
_____	-	_____	_____	_____	_____	____/____/____
_____	-	_____	_____	_____	_____	____/____/____

List total number of different statutory original offenses if more than five. \_\_\_\_\_

8 B. Conviction Offenses (List up to 5 beginning with most serious offense. List crimes against persons before crimes against property.)

K.S.A. Statute Number	Class A-E	Number of Counts	A=Attempt S=Solicitation C=Conspiracy	Sentence Received MIN	MAX
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

List total number of different statutory conviction offenses if more than five. \_\_\_\_\_

9. Detainer filed (in-state or out-of-state) \_\_\_\_\_  
1.) Yes      2.) No      99.) Missing/don't know

10. Basis for conviction (i.e. finding of guilt) \_\_\_\_\_  
1) Plead guilty as charged      5) No Contest  
2) Negotiated plea      97) Other \_\_\_\_\_  
3) Jury trial      99) Missing/don't know  
4) Bench trial

11. Type of legal representation \_\_\_\_\_  
1) Representing self      4) Private counsel  
2) Public Defender      5) Represented, type unknown  
3) Other court appointed counsel      99) Missing/don't know

12. Offender's liberty status at time of sentencing \_\_\_\_\_  
1) Free, OR Bond      4) Incarcerated  
2) Free, on security      5) Absconded/Failure to Appear  
3) Conditional or other release      99) Missing/don't know

13. Specify minimum length of sentence to be served \_\_\_\_\_ (Year(s))  
14. Specify maximum length of sentence to be served \_\_\_\_\_ (Year(s))

15. Type of Primary Sentence at date of Sentencing \_\_\_\_\_  
1) Prison  
2) Probation with prison sentence suspended  
3) Probation from prison term  
4) Jail with Probation  
97) Other -- Specify \_\_\_\_\_  
99) Missing/Unknown

16. If incarceration in jail is part of probation, specify length: \_\_\_\_\_ (Days/Year)

17. If probation is granted, specify length of probation: \_\_\_\_\_ (Month(s)/Year(s))

18. If probation, specify type: \_\_\_\_\_  
1) Court Services Officer      97) Other \_\_\_\_\_  
2) Community Corrections      98) N/A, no probation imposed  
3) Unsupervised probation      99) Missing/Unknown

18A. If probation, was probation due to 120 day modification? \_\_\_\_\_  
1.) Yes      2.) No      99.) Missing/don't know

19. If more than one term of incarceration is imposed at this sentencing, specify terms:

- 1) Concurrent
- 2) Consecutive
- 3) Concurrent and Consecutive
- 4) Unclear from avail. information
- 98) Not Applicable
- 99) Missing/don't know

19A. Sentenced under Mandatory Consecutive Act? \_\_\_\_\_

- 1.) Yes
- 2.) No
- 99.) Missing/don't know

19B. Was sentence \_\_\_\_\_

- 1.) Doubled
- 2.) Tripled
- 98.) N/A
- 99.) Missing/don't know

20. Special sentencing provisions: \_\_\_\_\_

- 0) None
- 1) Habitual Criminal Act
- 2) Mandatory Firearm Act
- 3) Both 2 & 3
- 4) Presumptive Sentence
- 99) Missing/Unknown

21. How is this sentence to be served in conjunction with a sentence received previously? \_\_\_\_\_

- 1) Concurrent
- 2) Consecutive
- 3) Both 1 & 2
- 4) Unclear from avail. information
- 98) N/A, no prior sent. being served
- 99) Missing/Unknown

22. Other dispositions: 1=Yes 2=No 99=Missing

- |                          |        |                        |       |
|--------------------------|--------|------------------------|-------|
| A) Restitution           | 1 2 99 | If yes, amount (\$)    | _____ |
| B) Fine                  | 1 2 99 | If yes, amount (\$)    | _____ |
| C) 1 Attorney Fees       | 1 2 99 | If Yes, amount (\$)    | _____ |
| 2 Supervision Fee        | 1 2 99 | If Yes, amount (\$)    | _____ |
| 3 Other Fees             | 1 2 99 | If yes, amount (\$)    | _____ |
| D) Community Service     | 1 2 99 | If yes, amount (hours) | _____ |
| E) Drug Treat./Eval      | 1 2 99 |                        |       |
| F) Alcohol Treat./Eval   | 1 2 99 |                        |       |
| G) Urinalysis            | 1 2 99 |                        |       |
| H) Blood/breath testing  | 1 2 99 |                        |       |
| I) Antabuse              | 1 2 99 |                        |       |
| J) Mental Health Eval.   | 1 2 99 |                        |       |
| K) Mental Health Treat.  | 1 2 99 |                        |       |
| L) Education Program     | 1 2 99 |                        |       |
| P) Abstain From Alc/drug | 1 2 99 |                        |       |
| Q) Medical Treatment     | 1 2 99 |                        |       |
| R) No contact w/victim   | 1 2 99 |                        |       |
| S) Other _____           | 97     |                        |       |

**OFFENDER DEMOGRAPHICS**

22. Sex \_\_\_\_\_ 1) Male 2) Female 99) Missing/don't know

23. Race \_\_\_\_\_  
1) Caucasian 4) Hispanic 99) Missing  
2) Black 5) Oriental/Asian  
3) Native American Indian 97) Other \_\_\_\_\_

24. Citizenship \_\_\_\_\_  
1.) USA 4.) Illegal alien  
2.) Foreign National on work permit 99.) Missing/don't know  
3.) Foreign National on tourist visa

25. Birth date (MM/DD/YY) \_\_\_ / \_\_\_ / \_\_\_

26. Marital Status (at time of offense) \_\_\_\_\_  
1) Single, never married 5) Cohabiting  
2) Married, and living together 6) Divorced  
3) Separated 7) Widowed  
4) Separation, legal 99) Missing/don't know

27. Highest grade completed \_\_\_\_\_  
1) High school, did not graduate  
2) High school/GED graduate  
3) Some undergraduate/vocational work, no degree  
4) College graduate or above  
98) Not applicable, offender never attended school  
99) Missing/don't know

28. A. Employment status at arrest \_\_\_\_\_  
B. Employment status at sentencing \_\_\_\_\_  
1) Unemployed  
2) Unemployed, with compensation  
3) Employed, less than full time  
4) Employed, full time  
5) Employed, time unknown  
6) Incarcerated  
7) Not available for employment (e.g. retired, housewife, health problems, student)  
99) Missing/don't know

29. Offender's history of alcohol use: \_\_\_\_\_  
0) None 2) Heavy  
1) Light to moderate 99) Missing/ don't know

30. Offender's history of drug use: \_\_\_\_\_

- 0) None
- 1) Light to moderate
- 3) Heavy
- 99) Missing/don't know

31. Drug of primary use: \_\_\_\_\_

- 1) Heroin
- 2) Other narcotics
- 3) Related analgesics
- 4) Cocaine
- 5) Crack
- 6) Amphetamines
- 7) Barbiturates/sedatives
- 8) Minor tranquilizers
- 9) Major tranquilizers
- 10) Inhalants
- 11) Marijuana/Cannabis
- 12) Hallucinogens
- 13) Related hallucinogens
- 14) Prescription drug misuse
- 15) Multiple drugs, list \_\_\_\_\_
- 97) Other, list \_\_\_\_\_
- 98) Not applicable
- 99) Missing/don't know

32. Defendant's liberty status at time of alleged offense \_\_\_\_\_

- 1) Free (i.e. under no form of criminal justice control)
- 2) Free on security release (bail), other criminal actions pending
- 3) OR'd, other criminal actions pending
- 4) Probation
- 5) Parole
- 6) Probation and Parole
- 7) Incarcerated
- 8) Temporary Leave
- 9) Escape status
- 10.) Diversion
- 97) Other, specify \_\_\_\_\_
- 99) Missing/don't know

33. Role of defendant in the offense \_\_\_\_\_

- 1) Acted alone
- 2) Leader
- 3) Accomplice/equal involvement
- 4) Accessory/peripheral or minor role
- 99) missing/don't know

34. A. Weapon use \_\_\_\_\_

- 0) None
- 2) Feigned weapon
- 3) Weapon used by co-defendant or accomplice
- 4) Weapon in offender's possession but not used
- 5) weapon used to threaten victim, bystander, or police
- 6) Weapon used in attempt to injure victim
- 7) Weapon used to injure victim
- 8) Weapon used resulting in death of victim
- 9) Weapon use unclear
- 99) Missing/don't know



34 B. Weapon type \_\_\_\_\_

- |                           |  |
|---------------------------|--|
| 1) Feigned weapon         | 6) Long gun (e.g., rifle)              |
| 2) Blunt instrument       | 7) Machine gun                         |
| 3) Knife/sharp instrument | 97) Other weapon, list: _____          |
| 4) Sawed off shotgun      | 98) Not applicable, no weapon involved |
| 5) Hand gun               | 99) Missing/don't know                 |

35. Drug use at the time of the offense \_\_\_\_\_

- |                      |                        |
|----------------------|------------------------|
| 0) None              | 2) Heavy               |
| 1) Light to moderate | 99) Missing/don't know |

36. Alcohol use at the time of the offense \_\_\_\_\_

- |                      |                        |
|----------------------|------------------------|
| 0) None              | 2) Heavy               |
| 1) Light to moderate | 99) Missing/don't know |

37. Does the offense involve a crime against a person? \_\_\_\_\_

- |        |       |
|--------|-------|
| 1) Yes | 2) No |
|--------|-------|

38. Most serious physical injury of victim \_\_\_\_\_

- 1) Injury requiring no treatment
- 2) Injury requiring emergency treatment, nothing more
- 3) Injury requiring hospitalization
- 4) Injury resulting in permanent disability
- 5) Death
- 6) Personal/emotional injury
- 98) Not applicable/not a crime against the person
- 99) Missing/don't know

39. Circumstances of physical injury \_\_\_\_\_

- 1) Physical injury was deliberate end in itself
- 2) Physical injury was deliberate means to another end
- 3) Physical injury was accidental means to another end
- 4) Accidental end
- 98) Not applicable/not a crime against the person
- 99) Missing/don't know

40. Victim relationship to offender \_\_\_\_\_

- |                          |                               |
|--------------------------|-------------------------------|
| 1) Spouse                | 10) Employer/employee         |
| 2) Ex-spouse             | 11) Casual acquaintance       |
| 3) Significant other     | 12) Stranger                  |
| 4) Child                 | 13) Criminal Justice Official |
| 5) Parent                | 97) Other _____               |
| 6) Sibling               | 98) Not applicable            |
| 7) Step-child            | 99) Missing/don't know        |
| 8) Other family relative |                               |
| 9) Friend                |                               |

41. Victim's age \_\_\_\_\_  
 1) Under 18                      2) 18-55                      3) 55+
42. Victim's Race \_\_\_\_\_  
 1) Caucasian                      4) Hispanic                      99) Missing  
 2) Black                              5) Oriental/Asian  
 3) Native American Indian                      97) Other \_\_\_\_\_
43. Victim's sex \_\_\_\_\_  
 1) Male                      2) Female                      98) Not applicable/no victim                      99) Missing/don't know
44. Does the offense involve a crime against property? \_\_\_\_\_  
 1) Yes                      2) No
45. Type of property crime victim \_\_\_\_\_  
 1) Personal victim known to offender  
 2) Personal victim unknown to offender  
 3) Business victim; employer/employee relationship  
 4) Business victim; no employer/employee relationship  
 5) Government or state institution  
 6) Non profit organization (churches, charitable institutions)  
 97) Other institutions not mentioned above; List \_\_\_\_\_  
 98) Not applicable/not a property crime  
 99) Missing/don't know
46. Estimated value of property stolen and/or damaged \_\_\_\_\_  
 1) Financial loss of less than \$ 500  
 2) Financial loss \$500 to \$50,000  
 3) Financial loss of \$50,000 or more  
 98) Not applicable/not a property crime  
 99) Missing/don't know
47. Is the offense a drug crime? \_\_\_\_\_  
 1) Yes                      2) No                      99) Missing/don't know
48. Primary drug substance involved in offense \_\_\_\_\_  
 1) Heroin                              10) Inhalants  
 2) Other narcotics                      11) Marijuana/Cannabis  
 3) Related analgesics                      12) Hallucinogens  
 4) Cocaine                              13) Related hallucinogens  
 5) Crack                              14) Prescription drug misuse  
 6) Amphetamines                      15) Multiple drugs, list \_\_\_\_\_  
 7) Barbiturates/sedatives                      97) Other, list \_\_\_\_\_  
 8) Minor tranquilizers                      98) Not applicable  
 9) Major tranquilizers                      99) Missing/don't know

## CRIMINAL HISTORY

49. Has offender ever been declared Child In Need Of Care \_\_\_\_\_  
1.) Yes      2.) No      99.) Missing/don't know

50. Age at first juvenile offender adjudication \_\_\_\_\_  
0) None  
1) Under age 10  
2) 10- 15  
3) 16 - 18  
4) Adjudication occurred, unable to ascertain age  
5) Juvenile record not mentioned in PSI  
99) Missing/don't know

51. Total number of prior juvenile offender Misdemeanor adjudications \_\_\_\_\_  
0) None  
1) Adjudications occurred, unable to determine number  
2) Juvenile record not mentioned in Pre-Sentence Investigation  
99) Missing/don't know

52. Total number of prior juvenile Felony adjudications \_\_\_\_\_  
0) None  
1) Adjudications occurred, unable to determine number  
2) Juvenile record not mentioned in Pre-Sentence Investigation  
99) Missing/don't know

53 A. Total number of prior juvenile out-of-home placements following adjudications  
(include foster care, group home, state youth center, etc.) \_\_\_\_\_

53 B. Did the juvenile go to the State Youth Center? \_\_\_\_\_  
1) Yes  
2) No  
99) Missing/don't know

54. Age at first adult conviction (exclude present offense) \_\_\_\_\_  
0) No prior adult convictions  
96) Convictions noted, age unspecified  
99) Missing/don't know

55. If subject to waiver was waiver \_\_\_\_\_  
1) Automatic  
2) Court Order  
99) Missing/don't know

56. Total number of prior adult criminal felony convictions \_\_\_\_\_

- 0) None
- 1) 1- 3
- 2) 3- 6

57. Total number of prior adult misdemeanor convictions \_\_\_\_\_

- 0) None
- 1) 1- 3
- 2) 3- 6

58. Most recent prior adult felony convictions (list up to 10, start with most current)

K.S.A. Statute Number	Class A-E	Number of Counts	A=Attempt S=Solicitation C=Conspiracy	Date of Conviction
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____
-----	-----	-----	-----	____/____/____

59. Total number of prior adult felony convictions \_\_\_\_\_

60. Has adult probation been granted resulting from prior adult convictions \_\_\_\_\_

- 1) Yes
- 2) No
- 99) Missing/don't know

61. Have there been prior adult probation revocations \_\_\_\_\_

- 1) Yes
- 2) No
- 99) Missing/don't know

62. Have there been prior adult Jail terms resulting from prior adult convictions \_\_\_\_\_

- 1) Yes
- 2) No
- 99) Missing/don't know

63. Have there been prior adult Prison terms resulting from prior adult convictions \_\_\_\_\_

- 1) Yes
- 2) No
- 99) Missing/don't know

64. Has adult parole been granted resulting from prior adult convictions \_\_\_\_\_

- 1) Yes
- 2) No
- 99) Missing/don't know

65. Have there been prior adult parole revocations \_\_\_\_\_

- 1) Yes
- 2) No
- 99) Missing/don't know

Appendix B

## KANSAS SENTENCING COMMISSION Data Collection/Processing Capabilities

The Kansas Sentencing Commission computer system was designed to produce the most computing capability for the least expenditure. To this end, it was determined that a six-node peer-to-peer network of IBM™-compatible personal computers would be both effective and cost-efficient.

### Server and Workstations

The system consists of one server and five workstations as follows:

Server: (1)

IBM™ AT™ compatible with 1 MB (million bytes) RAM  
(random access memory) and 330 MB mass-storage

Desktop Publishing/Primary workstation: (1)

IBM™ AT™ compatible with 5 MB RAM, 120 MB mass-storage and  
network access

Numerical/Database workstation: (2)

IBM™ AT™ compatible with 1 MB RAM, 20 MB local  
mass-storage and network access

Word Processing workstation: (2)

IBM™ XT™ compatible with 640 KB (thousand bytes), 20 MB local  
mass-storage and network access

### Hard Copy Output

Hard copy output devices are attached to the network and/or locally as to allow access to all components of the network by all users.

Hard copy output devices are as follows:

- 1 - Dual function typewriter/daisy wheel computer printer
- 1 - Narrow carriage dot matrix personal printer
- 1 - Wide carriage high speed dot matrix printer
- 1 - 6 page per minute laser printer with PostScript™ capability
- 1 - Color Ink-Jet printer

### Data Collection

Data collection devices have been planned and acquired so as to facilitate the smoothest possible transfer of data from existing sources, as well as providing a means to reduce manual data entry requirements to a minimum.

Data Collection devices are as follows:

- 1 - 9 track reel-to-reel tape drive capable of reading any format tape including EBCDIC, ASCII, ANSI/ISO/IBM labeled, unlabeled, fixed or variable length records and can translate all of the above into a format that can be used directly by the PC.
  
- 1 - Full page scanner with OCR (optical character recognition) capability. Capable of reading a full page (8.5" x 11") of typewritten information directly into main computer memory with as high as a 99.9% accuracy.

### Security

Much of the data to be handled by the Kansas Sentencing Commission will be of a confidential nature. Due to this confidentiality, this data will be physically held on a secure machine with hardware-base password protection as well as software encryption. No outside communication devices (i.e. modems, FAX, etc.) will be connected to this machine. At present, there are no plans to connect this system to any other systems outside of the Kansas Sentencing Commission.



Appendix C

**CURRENT PAROLE AND GOOD TIME PRACTICES IN TEN STATES THAT HAVE ADOPTED GUIDELINES OR SOME FORM OF DETERMINATE SENTENCING.**

**CALIFORNIA** - passed a determinate sentencing law in 1978.

Parole Board - No post sentence jurisdiction for inmates sentenced after 1978 except for those with a life sentence. The Board retained authority over parole violators. All released felons have three years of supervised release.

Good time - There are two levels of good time: day for day if involved in active programing and one day for each three days in they are well behaved, but not involved in programs.

**OREGON** - guidelines will become effective November 1, 1990

Parole Board - The Board will continue to release persons sentenced before the guidelines become effective. They will be responsible for revocations as well as approval of release plans. The current thinking is that the Board will be reduced in size after two years due to their decreased workload.

Good time - The inmate can earn up to 20 percent earned credit.

**WASHINGTON STATE** - Guidelines became effective in 1981

Parole Board - The Board was phased out after the majority of "old sentence" inmates were released. They have reinstated a one year release supervision, but revocations are handled by the Department of Corrections.

Good time - One third good time for all except sex offenders, they are limited to 15 percent of their sentence.

**NEW MEXICO** - currently looking at guidelines, but they became a determinate sentence state in 1979.

Parole Board - They have no release role for the post 1979 sentences. They do handle revocations and establish mandatory supervision conditions (one or two years for all crimes except life then its five years).

Good time - Good time was retained at a day for day.

**CURRENT PAROLE AND GOOD TIME PRACTICES IN TEN STATES THAT HAVE ADOPTED GUIDELINES OR SOME FORM OF DETERMINATE SENTENCING.**

**TENNESSEE - guidelines 1989**

Parole Board - They still retain release authority, the guidelines only established the minimum term. They kept their current sentencing structure in place.

Good time - They maintained good time but makes a differential based upon good behavior and good behavior plus program participation.

**PENNSYLVANIA - guideline since mid 1980's**

Parole Board - They retained indeterminate system, guidelines only impacted the minimum term. Longer minimum were established.

Good time - They have no good time.

**LOUISIANA - They are ready to present guidelines during their 1990 session.**

Parole Board - no firm decision yet, but they are leaning toward a phase out once the current inmate population is released. They have a separate Pardon Board to handle inmates with a life sentence.

Good time - no firm decision yet, but they are confident that some good time system will remain intact.

**FLORIDA - Guidelines implemented in October 1983**

Parole Board - Parole Board only handled cases sentenced under the old system, but they are scheduled to be reconstituted into a release authority. The release authority will be charged with reviewing all inmates within 30 days and setting outdates which may override the sentence. They must release enough people to keep the prisons at 97.5 percent capacity.

Good time - currently can earn up to 30 days per week.

**MINNESOTA - guidelines since 1980**

Parole Board - They were abolished after a three year phase out. There is a period of supervision but it is managed by the Office of Supervised Leave which is part of the Department of Corrections.

Goodtime - Inmates can earn up to 1/3 off and it must be served as supervised leave.

**CURRENT PAROLE AND GOOD TIME PRACTICES IN TEN STATES THAT HAVE ADOPTED  
GUIDELINES OR SOME FORM OF DETERMINATE SENTENCING.**

**VIRGINIA** - Adopted on a voluntary basis in July 1988, the guidelines only serve as a reference.

Parole Board - There are no charges, parole eligibility occurs after one-fourth of the sentence. Since the guidelines are voluntary there was no attempt to impact current parole practices. Staff members indicated that if guidelines become mandatory, parole release would probably be effected.

Good time - remained intact - day for day.

Appendix D

## Subcommittees

### Data Collection

Steven J. Davies, Ph.D. - Chairperson  
John Burchill  
Representative Martha Jenkins  
Staff - Larry Sanders

### Crime Seriousness

Carla Stovall - Chairperson  
Allen Flowers  
Shelley Bloomer  
Judge Richard B. Walker  
Paul Morrison  
Senator Jerry Moran  
Staff - Michael Warner

### Criminal History

Judge James MacNish, Jr. - Chairperson  
Judge Gary W. Rulon  
Gary Marsh  
Jillian Waesche  
Dave Meneley  
Representative Kathleen Sebelius  
Staff - Blaine Carter

PROPOSED CHILD SUPPORT GUIDELINESI. USE OF THE GUIDELINES

The Kansas Child Support Guidelines are the basis for establishing and reviewing child support orders in the district courts in Kansas, including cases settled by agreement of the parties. Judges and hearing officers must follow the guidelines. The Net Parental Child Support Obligation is calculated by completing the Child Support Worksheet (Appendix I).

The Court shall consider all relevant evidence presented in setting the amount of child support, including but not limited to the Child Support Adjustments set forth in Section E of the Worksheet. The calculation of the respective parental child support obligations on Line D.9. of the Worksheet is a rebuttable presumption of a reasonable child support order. However, the Court shall complete Section E of the Child Support Worksheet listing all relevant Child Support Adjustments. The Child Support Adjustments shall constitute the written criteria for deviating from the rebuttable presumption. If the Court finds, in the best interests of the child, that the amount of child support as calculated on Line D.9. of the Worksheet to be unjust or inappropriate in a particular case, the Court shall apply the Child Support Adjustments to modify the child support amount.

The Court, in using Child Support Adjustments to modify the child support amount, shall use Section E of the Worksheet to make written findings or specific findings on the record, which shall be included in the journal entry, as to the reasons for any deviation from the Net Parental Child Support Obligation on Line D.9.

Pursuant to 45 CFR 302.54, the "findings that rebut the guidelines shall state the amount of support that would have been required, how the order varies from the guidelines, including the value of any property or other support awarded in lieu of support presumed by the guidelines, the justification of how the findings serve the best interests of the child, and in cases where items of value are conveyed in lieu of a portion of the support presumed under the guidelines, the estimated value of items conveyed." Use of Section E of the Worksheet shall constitute sufficient written findings to comply with this requirement.

II. DEFINITIONSA. Child Support

The purpose of child support is to provide for the needs of the child. The needs of the child are not limited to direct needs for food, clothing, school, and entertainment. The child support is also to be used to provide for housing, utilities, transportation, and other indirect expenses related to the day-to-day care and well-being of the child.

B. Child Support Worksheet

The Worksheet contains the actual calculation of the child support based on the Child Support Income, Work-Related Day Care Costs, Health and Dental Insurance Premiums, and any Child Support Adjustments.

C. Child Support Schedules

The Child Support Schedules (Appendix II) are charts based on the average expenditures on children. The base data was obtained from the Consumer Expenditure Survey from the Bureau of Labor Statistics. Consideration has been built into the schedules for the standard deductions for Social Security, federal and state taxes, and for the impact of splitting expenses between two households. The Child Support Schedules have three major components--number of children for whom the parents share responsibility, combined Child Support Income, and the ages of the children.

D. Domestic Gross Income - Wage Earner

The Domestic Gross Income for the wage earner is income from all sources, excluding public assistance. If overtime is regularly earned by one of the parties, then an historical average of one year should be considered.

Other income, besides wages of the individual, includes all income which is regularly and periodically received from any source.

If one of the parties receives periodic bonuses, the court should order a percentage of the bonuses that will be paid for child support in addition to the regular monthly child support.

E. Imputed Income

1. Income may be imputed to the noncustodial parent in appropriate circumstances including the following:
  - a. Absent substantial justification, it should be assumed that a parent is able to earn at least the federal minimum wage and to work 40 hours per week.
  - b. When a parent is deliberately unemployed, although capable of working full time, employment potential and probable earnings may be based on the parent's recent work history, occupational skills, and the prevailing job opportunities in the community.



- c. When a parent receives significant in-kind payments that reduce personal living expense as a result of employment, such as a company car, free housing, or reimbursed meals, the value of such reimbursement should be added to gross income.
  - d. When there is evidence that a parent is deliberately underemployed for the purpose of avoiding child support, the Court may evaluate the circumstances to determine whether actual or potential earnings should be used.
2. Income may be imputed to the custodial parent in appropriate circumstances, but should not result in a higher support obligation for the noncustodial parent.

F. Self-Employment Gross Income

The Self-Employment Gross Income for the self-employed is income from self-employment and all other sources.

Other income includes all other income besides self-employment of the individual which is regularly and periodically received from any source.

G. Reasonable Business Expense

In cases of self-employed persons, Reasonable Business Expenses shall be those actual expenditures reasonably necessary for the production of income. Depreciation shall be included only if it is shown that it is reasonably necessary for production of income. Reasonable business expenses shall include the additional self-employment tax paid over and above the FICA rate.

H. Domestic Gross Income - Self-Employed

Domestic Gross Income for self-employed persons is self-employment gross income less Reasonable Business Expenses.

I. Multiple-Family Adjustment

The Multiple-Family Adjustment is used to adjust the noncustodial parent's child support obligation in modification situations when the noncustodial parent has legal financial responsibility for the support of other children besides the children shared with the custodial parent. The Multiple-Family Adjustment can be used as a defense against a motion to increase the child support, but not as a basis to reduce the existing child support.

NOTE: Because Administrative Order 59, adopted October 1987, did not specifically address this circumstance, some inequities may have occurred. Therefore, any modification order for support issued between October 1, 1987, and the issuance of this order may require reconsideration based on this Multiple-Family Adjustment.

J. Child Support Income

Child Support Income is the Domestic Gross Income after adjustments for child support paid in other cases and maintenance paid and received in this and other cases.

K. Child Support Adjustments

Child Support Adjustments are considerations of additions or subtractions from the Net Parental Child Support Obligation to be made in the best interests of the child.

III. DOCUMENTATION

The Worksheet, together with a completed Domestic Relations Affidavit (Appendix III), shall be presented to the Court by the party requesting a child support order or modification.

Information provided by the parties pursuant to the Domestic Relations Affidavit shall assist the Court in confirming or adjusting the various amounts entered on the Worksheet. The information required shall be attached to the application for support or motion to modify support.

The Worksheet approved by the Court shall be filed in every case where an order of child support is entered after the effective date of these guidelines.

IV. GENERAL INSTRUCTIONS FOR PREPARING THE WORKSHEET

A. Rounding

Calculations should be rounded to the nearest tenth for percentages.

Calculations should be rounded to the nearest dollar in all instances.

In using the Child Support Schedules, it may be necessary to round to the nearest basic child support obligation amounts for income amounts not shown.

B. Age

In determining the age of a child, the age on the child's nearest birthdate shall be used.

C. Income Beyond the Child Support Schedule

If the Combined Child Support Income exceeds the highest amount shown on the schedules, the Court should exercise its discretion by considering what amount of child support should be set in addition to the amount on the Child Support Schedule.

D. Divided Custody

For Divided Custody, if each parent has residential custody of one or more children, a Worksheet should be prepared for each family unit using the Child Support Schedule which corresponds with the total number of children living in each family unit. If the parties' children are covered by the same health insurance policy, the cost should be prorated based upon the number of children in each family unit. Upon completion of the two Worksheets, the lower Net Parental Child Support Obligation is subtracted from the higher amount. The difference is the amount of child support the party having the higher obligation will pay to the party with the lower obligation.

V. SPECIFIC INSTRUCTIONS FOR THE WORKSHEET

A completed Worksheet using an example is attached as Appendix IV.

A. Income Computation - Wage Earner (Section A)

Section A of the Worksheet determines the Domestic Gross Income for wage earners. Federal and state withholding taxes and Social Security are included in the Child Support Schedules as deductions. The amount of the Domestic Gross Income is entered on Line A.1. and also on Line C.1.

*Worksheet Example: Parent B is a wage earner and has a Domestic Gross Income of \$832 per month.*

B. Income Computation - Self-Employed (Section B)

Section B of the Worksheet determines the Domestic Gross Income (Line B.3.) for self-employed persons. Reasonable Business Expenses (Line B.2.) will be deducted from the Self-Employment Gross Income (Line B.1.). The resulting amount on Line B.3. is also entered on Line C.1.

*Worksheet Example: Parent A is self-employed and has a Self-Employment Gross Income of \$3,000 per month. Reasonable Business Expenses for Parent A are documented at \$1,232. Parent A's Domestic Gross Income is \$1,768 (\$3,000-\$1,232 = \$1,768).*

C. Adjustments to Domestic Gross Income (Section C)

This section contains adjustments to Domestic Gross Income as determined for individuals who are wage earners in Section A or self-employed persons in Section B of the Worksheet. The following adjustments to Domestic Gross Income may be appropriate in individual circumstances:

1. Domestic Gross Income (Line C.1.)

This amount is transferred from either Line A.1. or Line B.2. above.

2. Court-Ordered Child Support Paid (Line C.2.)

Pre-existing child support obligations in other cases shall be deducted to the extent that these support obligations are actually paid. These amounts are entered on Line C.2.

3. Court-Ordered Maintenance Paid (Line C.3.)

The amount of court-ordered maintenance paid pursuant to a court order in this or a prior divorce case shall be deducted to the extent that the maintenance is actually paid. This amount is entered on Line C.3.

4. Court-Ordered Maintenance Received (Line C.4.)

The amount of any court-ordered maintenance received by a party pursuant to a court order in this or a prior divorce case shall be added as income to the extent that the maintenance is actually received. This amount is entered on Line C.4.

5. Child Support Income (Line C.5.)

The result of the adjustments to the Domestic Gross Income is entered on Line C.5. of the Worksheet and then transferred to Line D.1.

*Worksheet Example: Neither Parent A nor Parent B has any adjustments to the Domestic Gross Income. Therefore, the Child Support Income for Parent A is \$1,768 and is \$832 for Parent B.*

D. Computation of Child Support (Section D)

1. Child Support Income (Line D.1.)

The Child Support Income amount is transferred from Line C.5. The amounts for the Petitioner and the Respondent are added together for the Combined Child Support Income amount.

2. Proportionate Shares of Combined Income (Line D.2.)

To determine each parent's proportionate share of the Combined Child Support Income, each parent's Child Support Income is divided by the total of the Combined Child Support Income. These percentages are entered on Line D.2.

*Worksheet Example: Parent A earns \$1,768 Child Support Income per month. Parent B earns \$832 Child Support Income per month. Their Combined Child Support Income is \$2,600. Parent A's share of the Combined Child Support Income is \$1,768 divided by \$2,600 or 68%. The Parent B's share of the Combined Child Support Income is \$832 divided by \$2,600 or 32%.*

3. Basic Child Support Obligation (Line D.3.)

The Basic Child Support Obligation is determined using the Child Support Schedules. The Child Support Schedules have three major components--the number of children in the family, the Combined Child Support Income, and the age of each child. The Child Support Schedule that corresponds to the total number of children for whom the parents share responsibility should be found. The appropriate Combined Child Support Income amount should be identified in the left-hand column. Using the appropriate age column for each child, the amount for each child should be identified. The amounts for each child should be added together to arrive at the total Basic Child Support Obligation. The total Basic Child Support Obligation is entered on Line D.3.

*Worksheet Example: The parents above have two children, ages 6 years, 7 months and 3 years, 10 months. Using the "Two-Child Families" schedule, \$2,600 is found in the left-hand column. Under the first column for the four-year-old, \$258 is identified, and in the next column for the seven-year-old, \$303 is identified. These two amounts are added together to find the total Basic Child Support Obligation of \$561 per month.*

For the Multiple-Family Adjustment, if the noncustodial parent has children by a subsequent relationship who reside with him/her, the Child Support Schedule representing the total number of children that the noncustodial parent is obligated to support shall be used in determining the basic support obligation on Line D.3. of the Worksheet.

*Example 2: The noncustodial parent with two children in the above example remarries and has a one-year-old child by the subsequent marriage. The Child Support Schedule for "Three-Child Families" should be used. At \$2,600 combined income of the parties, the amounts \$222 and \$260 are found and the sum of \$482 is entered on Line D.3.*

*Example 3: The noncustodial parent with two children in the above example remarries twice and has a one-year-old child by the second marriage and a two-month-old child by the third marriage. The Child Support Schedule for "Four-Child Families" should be used. At \$2,600 combined income of the parties, the amounts \$198 and \$232 are found and the sum of \$430 is entered on Line D.3.*

4. Health and Dental Insurance Premium (Line D.4.)

The increased cost to the parent for health, dental, or optometric insurance for the child is to be added to the Basic Child Support Obligation. If coverage is provided without cost to the parents, then zero should be entered as the amount. The cost of insurance coverage is entered in the column of the parent(s) providing it, and the total is entered on Line D.4.

*Worksheet Example: Parent A has a single-coverage policy. To add the children would cost an additional \$125 a month. Therefore, \$125 would be entered in Parent A's column and as the total on Line D.4. of the Worksheet.*

5. Work-Related Child Care Costs (Line D.5.)

Actual, reasonable, and necessary child care costs incurred to permit employment or job search of a parent should be added to the support obligation. The monthly figure is the averaged annual amount, including variations for summer, adjusted using the table below. Projected child care expenses should be reduced by the anticipated tax credit for child care before an amount is entered on the Worksheet.

- a. The annual Adjusted Gross Income, as defined by IRS, of the party incurring the child care costs should be used to determine the applicable percentage.
- b. The appropriate percentage should be applied to the monthly child care costs. The tax credit applies to actual child care expenditures up to \$200 per month for one child or \$400 per month for two or more children receiving child care. The table below lists the maximum allowable monthly child care credit.
- c. The result of applying the appropriate percentage to the child care costs (or the maximum allowable amount, whichever is less) is subtracted from the monthly child care costs to determine after-tax monthly child care costs.

Adjusted Gross Income <sup>1</sup>	Applicable Percentage <sup>2</sup>	Maximum Monthly Credit One Child	Maximum Monthly Credit Two or More Children	
OVER \$14,000 <sup>3</sup>	BUT NOT OVER \$16,000	33.75	\$67.50	\$135.00
16,000	18,000	32.50	65.00	130.00
18,000	20,000	31.25	62.50	125.00
20,000	22,000	30.00	60.00	120.00
22,000	24,000	28.75	57.50	115.00
24,000	26,000	27.50	55.00	110.00
26,000	28,000	26.25	52.50	105.00
28,000	No Limit	25.00	50.00	100.00

<sup>1</sup>Adjusted Gross Income equals total annual income of the party incurring the child care costs less reimbursed employee business expense; deductible IRA, Keogh, and SEP contributions; self-employed health insurance deduction; penalty on early withdrawal of savings; and alimony paid to another party.

<sup>2</sup>Includes allowance for federal and Kansas child care credits.

<sup>3</sup>The table shall not apply to incomes below \$14,000 unless the party requesting the consideration can show benefit to the custodial parent from the child care credit.

If the person incurring the child care costs has an Adjusted Gross Income of \$14,000 or more so that they are eligible for the child care credit, the monthly amount of the child care costs should be reduced to reflect the actual out-of-pocket costs.

*Worksheet Example: Child care is needed for the pre-school child. The cost of the child care is \$200 per month. Parent B pays for the costs of the child care and has an Adjusted Gross Income of \$7,980. Because the Adjusted Gross Income is less than \$14,000, Parent B is not eligible for a child care credit and actual expenses should be used. Therefore, \$200 would be entered in Parent B's column and as the total on Line D.5. of the Worksheet.*

*Example 2: The parent paying the child care cost has an annual Adjusted Gross Income of \$17,500. The monthly child care expenses are \$296. The applicable percentage for the child care credit is 32.5% from the above table. The*

percentage is applied to the monthly child care costs ( $\$296 \times .325 = \$96$ ). The result of \$96 exceeds the maximum credit of \$65, in accordance with the above table. As such, \$65 is subtracted from the monthly child care costs ( $\$296 - 65 = \$231$ ). The result of \$231 would be entered in the parent's column and as the total on Line D.5. of the Worksheet.

6. Parents' Total Child Support Obligation (Line D.6.)

The Parents' Total Child Support Obligation is the sum of the Basic Child Support Obligation (Line D.3.), the Health and Dental Insurance Premium (Line D.4.), and the Work-Related Child Care Costs (Line D.5.) and is entered on Line D.6.

*Worksheet Example: The Parents' Total Child Support Obligation is obtained by adding the \$561 Basic Child Support Obligation (Line D.3.) plus \$125 in Health and Dental Insurance Premium (Line D.4.) and \$200 in Work-Related Child Care Costs (Line D.5.). The Parents' Total Child Support Obligation is \$886 per month.*

7. Parental Child Support Obligation (Line D.7.)

The support obligation for each parent is determined by multiplying each parent's proportionate share shown on Line D.2. times the Parent's Total Support Obligation (Line D.6.). The result is entered on Line D.7.

*Worksheet Example: On Line D.2., Parent A had 68% of the Combined Child Support Income and Parent B had 32%. Therefore, Parent A's obligation is \$602 ( $.68 \times \$886$ ). Parent B's obligation is \$284 ( $.32 \times \$886$ ).*

8. Adjustment for Health and Dental Insurance Premiums and Work-Related Child Care Costs (Line D.8.)

If costs of Health and Dental Insurance Premiums and/or Work-Related Child Care Costs are included in the total child support obligation, the parent actually making the payment is credited. The amount paid in entered in the column of the parent(s) providing the payment on Line D.8.

*Worksheet Example: Parent A pays \$125 per month for health insurance. Therefore, \$125 should be subtracted from Parent A's child support obligation of \$602 to make a net obligation of \$477. Parent B pays \$200 per month child care costs. Therefore, \$200 should be subtracted from that parent's child support obligation of \$284 to make a net obligation of \$84.*



9. Net Parental Child Support Obligation (Line D.9.)

The Net Parental Child Support Obligation is the Parental Child Support Obligation (Line D.7.) minus the Adjustment for Health and Dental Insurance Premiums and Work- Related Child Care Costs (Line D.8.) and is entered on Line D.9. The custodial parent retains his/her portion of the net obligation. The noncustodial parent's net obligation becomes the rebuttable presumption amount of the support order.

*Worksheet Example: Parent B has primary residential custody. Therefore, Parent A will pay \$477. Parent B will retain the \$84 which represents his/her share.*

E. Child Support Adjustments (Section E)

The fifth part of the Worksheet is the list of Child Support Adjustments. The list of criteria is not all-inclusive. Other factors may also be appropriate in the best interest of the child. The Court must document whether a particular item was considered or was not applicable for the particular case. Child Support Adjustments may be allowed as either additions or subtractions. The party requesting the adjustment is responsible for proving the basis for the adjustment. For every Child Support Adjustment, it should be noted on the Worksheet whether the adjustment was considered or is not applicable to the particular case. If the adjustment is considered, the amount considered should be noted on the appropriate line in Section E. After all applicable Child Support Adjustments have been noted on the Worksheet by the Court, the amounts should be totaled.

1. Long-Distance Visitation Costs (Line E.1.)

Any substantial and reasonable long-distance transportation/ communication costs directly associated with visitation shall be considered by the Court. The amount considered should be entered on Line E.1.

2. Time Spent with Noncustodial Parent (Line E.2.)

The Court may consider giving credit for the time spent with the noncustodial parent, and when the time spent with the noncustodial parent exceeds thirty (30%) of the child's time or when the noncustodial parent has the child for a single block of time (including custodial parent's visitation) in excess of thirty days, the Court shall consider the increased costs to the noncustodial parent and the savings to the custodial parent and may adjust the child support accordingly.

In instances when a child spends in excess of thirty (30) consecutive days with the noncustodial parent, the Court shall adjust the child support being paid for that period, but the adjustment, if a reduction, shall not leave the custodial parent with less than 33% of the Combined Total Child Support Obligation (Line D.6.), for the purpose of maintaining permanent housing.

The amount considered should be entered on Line E.2.

3. Income Tax Exemption (Line E.3.)

Generally, the parent with the higher income will benefit more from the tax exemption. The parties should be encouraged to maximize the tax benefits and adjust the child support equitably. If the custodial parent elects not to share or alternate the income tax exemption for the minor child by executing IRS Form 8332, the Court then shall consider the effect of the failure to share the exemption on the noncustodial parent's monthly Child Support Income and may adjust the child support accordingly. The party requesting the alternation or sharing of the exemption shall have the burden of proving the effect of the alternation or sharing. The amount considered should be entered on Line E.3.

NOTE: Beginning in 1990, the federal income tax exemption is \$2,050 per person for those unmarried persons having incomes less than \$109,100. Since exemptions reduce taxable income, the value of the exemption to the noncustodial parent may be calculated by dividing the annual amount of state and federal income tax paid by the party's annual Adjusted Gross Income and taking that product times \$2,050. This amount should be divided by 12 to arrive at the monthly amount.

*Example: A noncustodial parent has one minor child and has an annual Adjusted Gross Income of \$18,750 and annually pays state and federal income taxes in the amount of \$6,250. The calculation for the value of the exemption would be the annual state and federal taxes divided by the annual Adjusted Gross Income ( $\$6,250 \div \$18,750 = .33$ ) times the standard exemption ( $2,050 \times .33 = \$677$ ) and then divided by 12 to convert to the monthly value ( $\$677 \div 12 = \$56$ ). The result of the \$56 is the monthly value of the exemption.*

4. Special Needs (Line E.4.)

Special needs of the child are items which are more than the usual and ordinary expenses incurred, such as ongoing treatment for health problems, orthodontist care, special education, or therapy costs which are not considered elsewhere in the support order or in computations on the Worksheet. The amount considered should be entered on Line E.4.

The court shall provide that all necessary medical expenses (including dental, orthodontic, cosmetic surgery, optometric) which are not covered by insurance (including deductible) should be assessed to the parties in accordance with the parties proportional share on Line D.2. of the Worksheet.

5. Agreement to Support Children Past Minority (Line E.5.)

The fact that a party is currently supporting a child in college (or past the age of majority) may be considered in the event that the primary residential custodian seeks to increase the child support for the benefit of any children still under the age of eighteen. The amount considered should be entered on Line E.5.

6. Cost-of-Living Differential (Line E.6.)

The cost-of-living in different geographic regions of the United States may be considered by the Court. The amount considered should be entered on Line E.6.

7. Residence with Third Party (Line E.7.)

When a child resides with a third party, the Court may apportion support between the parents and have it paid to the third party. The amount considered should be entered on Line E.7.

8. Overall Financial Conditions of the Parties (Line E.8.)

The financial situation of the parties may be reason to deviate from the calculated Net Parental Child Support Obligation if the deviation is in the best interests of the child. If either party has more than one job, the circumstances requiring the additional employment should be considered. If the additional employment was historically relied upon by the parties prior to the dissolution of the relationship, then all of the income should be included in the calculation of the child support obligation. However, if the additional employment was secured after the dissolution of the relationship in an effort to meet additional financial responsibilities, consideration should be given to that circumstance. In such a situation, two Worksheets can be prepared with one Worksheet including all income and the other Worksheet including only the primary employment to determine the margin for deviation. The amount considered should be entered on Line E.8.

9. Total (Line E.9.)

The Total of all Child Support Adjustments should be entered on Line E.9. The Total(s) specified on this line should be transferred to Line F.2. below.

*Worksheet Example: Neither Parent A nor Parent B is claiming any Child Support Adjustments. Therefore, the Total for each parent is zero.*

F. Deviation(s) From Rebuttable Presumption Amount (Section F)

The final part of the Worksheet show the adjustment, if any, to the Net Parental Child Support Obligation based on consideration of the Child Support Adjustments.

1. Net Parental Child Support Obligation (Line F.1.)

The amount from Line D.9. above is transferred to Line F.1.

2. Total Child Support Adjustments (Line F.2.)

The amount from Line E.9. above is transferred to Line F.2.

3. Adjusted Child Support Obligation (Line F.3.)

The Total Child Support Adjustments is added or subtracted, as appropriate, from the Net Parental Child Support Obligation. The resulting amount is entered on Line F.3. and becomes the amount of the child support order.

*Worksheet Example: No Child Support Adjustments were considered for either party. The Adjusted Child Support Obligation for Parent A is \$477 and \$84 for Parent B.*

VI. CHANGES OF CIRCUMSTANCE

Courts have continuing jurisdiction to modify child support orders to advance the welfare of the child when there is a material change in circumstances. In addition to changes of circumstance, which have traditionally been considered by courts, any of the following constitute a material change of circumstance to warrant judicial review of existing support orders:

- A. Change in financial circumstances of the parents or the guidelines which would increase or decrease by 10% or more the Net Parental Child Support Obligation shown on Line 10 of the Worksheet.
- B. The 7th and 16th birthdays of the child.
- C. Emancipation of a child.

An increase in the custodial parent's gross income is not a material change of circumstance for the purpose of increasing the child support obligation.

VII. REVIEW OF GUIDELINES

Public Law 100-485 requires that the state guidelines for child support must be "reviewed at least every four years to ensure that their application results in the determination of appropriate child support amounts." Therefore, these Kansas guidelines will be reviewed no later than October 1, 1993, and at least once every four years thereafter.

IN THE \_\_\_\_\_ JUDICIAL DISTRICT  
 DISTRICT COURT, \_\_\_\_\_ COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF:

\_\_\_\_\_  
 and \_\_\_\_\_  
 \_\_\_\_\_

CASE NO. \_\_\_\_\_

CHILD SUPPORT WORKSHEET

<u>A. INCOME COMPUTATION - WAGE EARNER</u>	<u>PETITIONER</u>	<u>RESPONDENT</u>
1. Domestic Gross Income (Insert on Line C.1. below)	_____	_____
 <u>B. INCOME COMPUTATION - SELF-EMPLOYED</u>		
1. Self-Employment Gross Income	_____	_____
2. Reasonable Business Expenses	(-) _____	_____
3. Domestic Gross Income (Insert on Line C.1. below)	_____	_____
 <u>C. ADJUSTMENTS TO DOMESTIC GROSS INCOME</u>		
1. Domestic Gross Income	_____	_____
2. Court-Ordered Child Support Paid	(-) _____	_____
3. Court-Ordered Maintenance Paid	(-) _____	_____
4. Court-Ordered Maintenance Received	(+) _____	_____
5. CHILD SUPPORT INCOME (Insert on Line D.1. below)	_____	_____
 <u>D. COMPUTATION OF CHILD SUPPORT</u>		
1. Child Support Income	_____	+ _____ = _____
2. Proportionate Shares of Combined Income (Each parent's income divided by combined income)	_____ %	_____ %
3. Basic Child Support Obligation (Using combined income from Line D.1., find amount for each child and enter total for all children)		
Age of Children	0-6	7-15
Number Per-Age Category	_____	_____
Total Amount	_____	_____ = _____

	<u>PETITIONER</u>	+	<u>RESPONDENT</u>
4. Health and Dental Insurance Premium	_____	=	_____
5. Work-Related Child Care Costs	_____	=	_____
6. Parents' Total Child Support Obligation (Line D.3. plus Lines D.4. & D.5.)			_____
7. Parental Child Support Obligation (Line D.2. times Line D.6. for each parent)	_____		_____
8. Adjustment for Insurance and Child Care (Subtract for actual payment made for items D.4. and D.5.) (-)	_____		_____
9. Net Parental Child Support Obligation (Line D.7. minus Line D.8.; Insert on Line F.1. below)	_____		_____

**E. CHILD SUPPORT ADJUSTMENTS**

	CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED	
				<u>PETITIONER</u>	<u>RESPONDENT</u>
1.	_	_	Long Dist. Visitation Costs(+/-)	_____	(+/-) _____
2.	_	_	Time Spent w/Noncustodial (+/-)	_____	(+/-) _____
3.	_	_	Income Tax Exemption (+/-)	_____	(+/-) _____
4.	_	_	Special Needs (+/-)	_____	(+/-) _____
5.	_	_	Agreement Past Minority (+/-)	_____	(+/-) _____
6.	_	_	Cost-of-Living Differ. (+/-)	_____	(+/-) _____
7.	_	_	Residence w/Third Party (+/-)	_____	(+/-) _____
8.	_	_	Overall Financial Condition(+/-)	_____	(+/-) _____
9.	TOTAL (Insert on Line F.2. below)			_____	_____

**F. DEVIATION(S) FROM REBUTTABLE PRESUMPTION AMOUNT**

1. Net Parental Child Support Obligation (Line D.9. from above)	_____	_____
2. Total Child Support Adjustments (Line E.9. from above)	(+/-) _____	(+/-) _____
3. Adjusted Child Support Obligation	_____	_____

ONE CHILD FAMILIES: CHILD SUPPORT SCHEDULE  
Dollars Per Month Per Child

Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group			Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group		
	Age 0-6	Age 7-15	Age 16-18		Age 0-6	Age 7-15	Age 16-18
50	8	9	10	2700	332	390	454
100	15	18	21	2800	342	401	468
150	23	26	31	2900	352	413	481
200	30	35	41	3000	362	424	495
250	38	44	51	3100	372	436	508
300	45	53	62	3200	382	448	522
350	53	62	72	3300	392	459	535
400	60	71	82	3400	401	471	549
450	68	79	92	3500	411	482	562
500	75	88	103	3600	421	494	576
550	83	97	113	3700	431	505	589
600	90	106	123	3800	441	517	603
650	98	115	134	3900	451	528	616
700	105	123	144	4000	461	540	630
750	113	132	154	4100	470	552	643
800	120	141	164	4200	480	563	657
850	128	150	175	4300	490	575	670
900	135	159	185	4400	500	586	683
950	143	167	195	4500	510	598	697
1000	150	176	206	4600	520	609	710
1050	158	185	216	4700	530	621	724
1100	165	194	226	4800	539	633	737
1150	173	203	236	4900	549	644	751
1200	180	212	247	5000	559	656	764
1250	188	220	257	5100	569	667	778
1300	194	228	266	5200	579	679	791
1350	199	234	272	5300	589	690	805
1400	204	239	279	5400	599	702	818
1450	209	245	286	5500	609	713	832
1500	214	251	293	5600	618	725	845
1550	219	257	299	5700	628	737	859
1600	224	263	306	5800	638	748	872
1650	229	268	313	5900	648	760	886
1700	234	274	320	6000	658	771	899
1750	239	280	326	6200	678	794	926
1800	244	286	333	6400	697	817	953
1850	249	291	340	6600	717	841	980
1900	254	297	347	6800	737	864	1007
1950	258	303	353	7000	756	887	1034
2000	263	309	360	7200	776	910	1061
2100	273	320	373	7400	796	933	1088
2200	283	332	387	7600	816	956	1115
2300	293	343	400	7800	835	979	1142
2400	303	355	414	8000	855	1002	1169
2500	313	367	427	8200	875	1026	1196
2600	323	378	441	8400	894	1049	1223



TWO CHILD FAMILIES: CHILD SUPPORT SCHEDULE  
Dollars Per Month Per Child

Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group			Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group		
	Age 0-6	Age 7-15	Age 16-18		Age 0-6	Age 7-15	Age 16-18
50	6	7	8	2700	266	311	363
100	12	14	16	2800	273	320	373
150	17	20	24	2900	280	329	383
200	23	27	32	3000	288	337	393
250	29	34	40	3100	295	346	404
300	35	41	48	3200	303	355	414
350	41	48	56	3300	310	363	424
400	46	54	63	3400	317	372	434
450	52	61	71	3500	325	381	444
500	58	68	79	3600	332	389	454
550	64	75	87	3700	340	398	464
600	70	82	95	3800	347	407	474
650	75	88	103	3900	354	415	484
700	81	95	111	4000	362	424	494
750	87	102	119	4100	369	433	504
800	93	109	127	4200	376	441	515
850	99	116	135	4300	384	450	525
900	104	123	143	4400	391	459	535
950	110	129	151	4500	399	467	545
1000	116	136	159	4600	406	476	555
1050	122	143	167	4700	413	485	565
1100	128	150	175	4800	421	493	575
1150	134	157	183	4900	428	502	585
1200	139	163	190	5000	436	511	595
1250	145	170	198	5100	443	519	605
1300	151	177	206	5200	450	528	616
1350	157	184	214	5300	458	537	626
1400	163	191	222	5400	465	545	636
1450	168	197	230	5500	472	554	646
1500	174	204	238	5600	480	563	656
1550	180	211	246	5700	487	571	666
1600	184	216	252	5800	495	580	676
1650	188	221	257	5900	502	589	686
1700	192	225	262	6000	509	597	696
1750	195	229	267	6200	524	615	716
1800	199	234	272	6400	539	632	737
1850	203	238	277	6600	554	649	757
1900	207	242	282	6800	569	667	777
1950	210	247	287	7000	583	684	797
2000	214	251	292	7200	598	701	817
2100	221	260	303	7400	613	718	838
2200	229	268	313	7600	628	736	858
2300	236	277	323	7800	642	753	878
2400	244	285	333	8000	657	770	898
2500	251	294	343	8200	672	788	918
2600	258	303	353	8400	687	805	939

THREE CHILD FAMILIES: CHILD SUPPORT SCHEDULE  
Dollars Per Month Per Child

Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group			Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group		
	Age 0-6	Age 7-15	Age 16-18		Age 0-6	Age 7-15	Age 16-18
50	5	6	7	2700	228	267	311
100	10	11	13	2800	234	274	320
150	14	17	20	2900	240	282	328
200	19	22	26	3000	246	289	337
250	24	28	33	3100	252	296	345
300	29	34	39	3200	259	303	354
350	33	39	46	3300	265	310	362
400	38	45	52	3400	271	318	370
450	43	50	59	3500	277	325	379
500	48	56	65	3600	283	332	387
550	53	62	72	3700	290	339	396
600	57	67	78	3800	296	347	404
650	62	73	85	3900	302	354	413
700	67	78	91	4000	308	361	421
750	72	84	98	4100	314	368	429
800	76	90	104	4200	320	376	438
850	81	95	111	4300	327	383	446
900	86	101	118	4400	333	390	455
950	91	106	124	4500	339	397	463
1000	96	112	131	4600	345	405	472
1050	100	118	137	4700	351	412	480
1100	105	123	144	4800	357	419	489
1150	110	129	150	4900	364	426	497
1200	115	134	157	5000	370	434	505
1250	119	140	163	5100	376	441	514
1300	124	146	170	5200	382	448	522
1350	129	151	176	5300	388	455	531
1400	134	157	183	5400	395	463	539
1450	139	162	189	5500	401	470	548
1500	143	168	196	5600	407	477	556
1550	148	174	202	5700	413	484	565
1600	153	179	209	5800	419	491	573
1650	158	185	215	5900	425	499	581
1700	162	190	222	6000	432	506	590
1750	167	196	229	6200	444	520	607
1800	172	202	235	6400	456	535	624
1850	175	205	240	6600	469	549	641
1900	178	209	244	6800	481	564	657
1950	181	213	248	7000	493	578	674
2000	185	216	252	7200	506	593	691
2100	191	224	261	7400	518	607	708
2200	197	231	269	7600	530	622	725
2300	203	238	278	7800	543	636	742
2400	209	245	286	8000	555	651	759
2500	215	253	294	8200	567	665	776
2600	222	260	303	8400	580	680	792

FOUR CHILD FAMILIES: CHILD SUPPORT SCHEDULE  
Dollars Per Month Per Child

Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group			Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group		
	Age 0-6	Age 7-15	Age 16-18		Age 0-6	Age 7-15	Age 16-18
	50	4	5		6	2700	203
100	8	10	11	2800	209	245	285
150	12	14	17	2900	214	251	293
200	16	19	22	3000	220	257	300
250	20	24	28	3100	225	264	308
300	24	29	33	3200	230	270	315
350	29	33	39	3300	236	276	322
400	33	38	45	3400	241	283	330
450	37	43	50	3500	247	289	337
500	41	48	56	3600	252	296	345
550	45	53	61	3700	257	302	352
600	49	57	67	3800	263	308	359
650	53	62	72	3900	268	315	367
700	57	67	78	4000	274	321	374
750	61	72	84	4100	279	327	381
800	65	76	89	4200	285	334	389
850	69	81	95	4300	290	340	396
900	73	86	100	4400	295	346	404
950	77	91	106	4500	301	353	411
1000	82	96	111	4600	306	359	418
1050	86	100	117	4700	312	365	426
1100	90	105	123	4800	317	372	433
1150	94	110	128	4900	322	378	441
1200	98	115	134	5000	328	384	448
1250	102	119	139	5100	333	391	455
1300	106	124	145	5200	339	397	463
1350	110	129	150	5300	344	403	470
1400	114	134	156	5400	349	410	478
1450	118	139	162	5500	355	416	485
1500	122	143	167	5600	360	422	492
1550	126	148	173	5700	366	429	500
1600	130	153	178	5800	371	435	507
1650	134	158	184	5900	376	441	515
1700	139	162	189	6000	382	448	522
1750	143	167	195	6200	393	460	537
1800	147	172	201	6400	404	473	552
1850	151	177	206	6600	414	486	566
1900	155	182	212	6800	425	498	581
1950	159	186	217	7000	436	511	596
2000	163	191	223	7200	447	524	611
2100	171	200	234	7400	458	536	625
2200	176	207	241	7600	468	549	640
2300	182	213	248	7800	479	562	655
2400	187	219	256	8000	490	575	670
2500	193	226	263	8200	501	587	685
2600	198	232	271	8400	512	600	699

FIVE CHILD FAMILIES: CHILD SUPPORT SCHEDULE  
Dollars Per Month Per Child

Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group			Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group		
	Age 0-6	Age 7-15	Age 16-18		Age 0-6	Age 7-15	Age 16-18
50	4	4	5	2700	185	217	254
100	7	8	10	2800	190	223	260
150	11	13	15	2900	195	229	267
200	14	17	20	3000	200	234	273
250	18	21	24	3100	205	240	280
300	21	25	29	3200	209	246	286
350	25	29	34	3300	214	251	293
400	29	33	39	3400	219	257	299
450	32	38	44	3500	224	262	306
500	36	42	49	3600	229	268	312
550	39	46	54	3700	233	274	319
600	43	50	59	3800	238	279	325
650	46	54	63	3900	243	285	332
700	50	59	68	4000	248	290	339
750	54	63	73	4100	252	296	345
800	57	67	78	4200	257	302	352
850	61	71	83	4300	262	307	358
900	64	75	88	4400	267	313	365
950	68	79	93	4500	272	318	371
1000	71	84	98	4600	276	324	378
1050	75	88	102	4700	281	330	384
1100	78	92	107	4800	286	335	391
1150	82	96	112	4900	291	341	397
1200	86	100	117	5000	296	346	404
1250	89	105	122	5100	300	352	410
1300	93	109	127	5200	305	358	417
1350	96	113	132	5300	310	363	424
1400	100	117	137	5400	315	369	430
1450	103	121	141	5500	319	375	437
1500	107	125	146	5600	324	380	443
1550	111	130	151	5700	329	386	450
1600	114	134	156	5800	334	391	456
1650	118	138	161	5900	339	397	463
1700	121	142	166	6000	343	403	469
1750	125	146	171	6200	353	414	482
1800	128	151	176	6400	362	425	495
1850	132	155	180	6600	372	436	509
1900	136	159	185	6800	382	447	522
1950	139	163	190	7000	391	459	535
2000	143	167	195	7200	401	470	548
2100	150	176	205	7400	410	481	561
2200	157	184	215	7600	420	492	574
2300	164	192	224	7800	429	503	587
2400	171	201	234	8000	439	515	600
2500	176	206	240	8200	449	526	613
2600	181	212	247	8400	458	537	626

SIX CHILD FAMILIES: CHILD SUPPORT SCHEDULE  
Dollars Per Month Per Child

Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group			Combined Support Amt (\$ Per Child) Gross Monthly Income	Age Group		
	Age 0-6	Age 7-15	Age 16-18		Age 0-6	Age 7-15	Age 16-18
50	3	4	4	2700	170	199	233
100	6	7	9	2800	174	204	238
150	10	11	13	2900	179	210	244
200	13	15	17	3000	183	215	250
250	16	19	22	3100	187	220	256
300	19	22	26	3200	192	225	262
350	22	26	31	3300	196	230	268
400	26	30	35	3400	200	235	274
450	29	34	39	3500	204	240	279
500	32	37	44	3600	209	245	285
550	35	41	48	3700	213	250	291
600	38	45	52	3800	217	255	297
650	42	49	57	3900	222	260	303
700	45	52	61	4000	226	265	309
750	48	56	65	4100	230	270	315
800	51	60	70	4200	234	275	320
850	54	64	74	4300	239	280	326
900	57	67	79	4400	243	285	332
950	61	71	83	4500	247	290	338
1000	64	75	87	4600	252	295	344
1050	67	79	92	4700	256	300	350
1100	70	82	96	4800	260	305	356
1150	73	86	100	4900	264	310	361
1200	77	90	105	5000	269	315	367
1250	80	94	109	5100	273	320	373
1300	83	97	113	5200	277	325	379
1350	86	101	118	5300	282	330	385
1400	89	105	122	5400	286	335	391
1450	93	109	127	5500	290	340	397
1500	96	112	131	5600	294	345	402
1550	99	116	135	5700	299	350	408
1600	102	120	140	5800	303	355	414
1650	105	124	144	5900	307	360	420
1700	109	127	148	6000	312	365	426
1750	112	131	153	6200	320	375	438
1800	115	135	157	6400	329	385	449
1850	118	139	162	6600	337	395	461
1900	121	142	166	6800	346	405	473
1950	125	146	170	7000	354	416	484
2000	128	150	175	7200	363	426	496
2100	134	157	183	7400	372	436	508
2200	141	165	192	7600	380	446	520
2300	147	172	201	7800	389	456	531
2400	153	180	210	8000	397	466	543
2500	160	187	218	8200	406	476	555
2600	166	194	227	8400	414	486	566

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF

\_\_\_\_\_ Petitioner,

and

\_\_\_\_\_ Respondent.

)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. \_\_\_\_\_

DOMESTIC RELATIONS AFFIDAVIT

1. Petitioner's \_\_\_\_\_  
Date of Birth                      Social Security Number
2. Respondent's \_\_\_\_\_  
Date of Birth                      Social Security Number
3. Date of Marriage: \_\_\_\_\_.
4. Number of Marriages: \_\_\_\_\_  
Petitioner                      Respondent
5. Number of children of marriage: \_\_\_\_\_
6. Names, birthdates and ages of minor children of the marriage;

Name	Date of Birth	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Names and ages of minor children of previous marriage and facts as to custody and support payments paid or received, if any.

Name	Age	Custodian	Support Payment
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8. Petitioner is employed by \_\_\_\_\_;  
 Respondent is employed by \_\_\_\_\_;

(Name and address of employer)

with monthly income as follows:

A. Wage Earner	Petitioner	Respondent
1. Gross Income	\$ _____	\$ _____
2. Other Income	\$ _____	\$ _____
3. Subtotal Gross Income	\$ _____	\$ _____
4. Withholding: (Claiming _____ exemptions)	\$ _____	\$ _____
5. Federal Income Tax	\$ _____	\$ _____
6. OASDHI	\$ _____	\$ _____
7. Kansas Withholding	\$ _____	\$ _____
8. Subtotal Deductions	\$ _____	\$ _____
9. Net Income (Line A.3. minus Line A.8.)	\$ _____	\$ _____

B. Self-Employed	Petitioner	Respondent
1. Gross Income from Self-employment	\$ _____	\$ _____
2. Other Income	\$ _____	\$ _____
3. Subtotal Gross Income	\$ _____	\$ _____
4. Reasonable Business Expenses (Itemize on attached exhibit)	\$ _____	\$ _____
5. Self-Employment Tax	\$ _____	\$ _____
6. Estimated Tax Payments (Claim _____ exemptions)	\$ _____	\$ _____
7. Federal Income Tax	\$ _____	\$ _____
8. Kansas Withholding	\$ _____	\$ _____
9. Subtotal Deductions	\$ _____	\$ _____
10. Net Income (Line B.3. minus Line B.9.)	\$ _____	\$ _____

Pay period: \_\_\_\_\_  
 \_\_\_\_\_  
 Petitioner

\_\_\_\_\_

Respondent

9. The liquid assets of the parties are:

Item	Amount	Joint or Individual (Specify)
A. Checking Accounts:		
_____	\$ _____	_____
_____	\$ _____	_____
B. Savings Accounts:		
_____	\$ _____	_____
_____	\$ _____	_____
C. Cash		
(Petitioner)	\$ _____	_____
(Respondent)	\$ _____	_____
D. Other		
_____	\$ _____	_____
_____	\$ _____	_____

10. The monthly expenses of each party are: (Please indicate with an asterisk all figures which are estimates rather than actual figures taken from records.)

Item	<u>A</u>	<u>B</u>
	Petitioner (Actual or Estimated)	Respondent (Actual or Estimated)
A. House payment, rent or mortgage	\$ _____	\$ _____
B. Food	\$ _____	\$ _____
C. Utilities:		
Trash service	\$ _____	\$ _____
Newspaper	\$ _____	\$ _____
Telephone	\$ _____	\$ _____
Gas	\$ _____	\$ _____
Water	\$ _____	\$ _____
Lights	\$ _____	\$ _____
Other	\$ _____	\$ _____
D. Insurance:		
Life	\$ _____	\$ _____
Health	\$ _____	\$ _____
Car	\$ _____	\$ _____
House	\$ _____	\$ _____
Other	\$ _____	\$ _____
E. Uninsured health	\$ _____	\$ _____
F. Child care (babysitting)	\$ _____	\$ _____
G. Clothing	\$ _____	\$ _____
H. School expenses	\$ _____	\$ _____
I. Hair cuts and beauty	\$ _____	\$ _____
J. Car repair	\$ _____	\$ _____
K. Gas and oil	\$ _____	\$ _____
L. Personal property tax	\$ _____	\$ _____
M. Miscellaneous (Specify)		
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____



II. Monthly payments to banks, loan companies or on credit accounts:  
 (Indicate actual or estimate, use asterisk for secured.)

Creditor	When Incurred	Amount of Payment/ Date of Last Payment	Balance	Responsibility	
				Petitioner	Respondent
_____	_____	_____	\$ _____	_____	_____
_____	_____	_____	\$ _____	_____	_____
_____	_____	_____	\$ _____	_____	_____
_____	_____	_____	\$ _____	_____	_____
_____	_____	_____	\$ _____	_____	_____
_____	_____	_____	\$ _____	_____	_____
Subtotal of Payments			_____	_____	_____

III. Total Living Expenses

	Petitioner (Actual or Estimated)	Respondent (Actual or Estimated)
	\$ _____	\$ _____
A. Total funds available to Petitioner and Respondent (from No. 8.)	\$ _____	\$ _____
B. Total needed (from No. 10 I. and II.)	\$ _____	\$ _____

IV. Payments or contributions received, or paid, for support of others. Specify source and amount.

Source	+	-	Petitioner	Respondent
_____	\$	\$	_____	_____
_____	\$	\$	_____	_____
_____	\$	\$	_____	_____
_____	\$	\$	_____	_____

FURNISH THE FOLLOWING INFORMATION IF APPLICABLE.

11. Income and financial resources of children.

Income/Resources	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

12. Child support adjustments requested.

	Petitioner	Respondent
Long Distance Visitation Costs	\$ _____	\$ _____
Time Spent with Noncustodial Parent	\$ _____	\$ _____
Income Tax Exemption	\$ _____	\$ _____
Special Needs	\$ _____	\$ _____
Agreement Past Minority	\$ _____	\$ _____
Cost-of-Living Differential	\$ _____	\$ _____
Residence with Third Party	\$ _____	\$ _____
Overall Financial Condition	\$ _____	\$ _____

13. Income tax consequence adjustment request, if any:

\_\_\_\_\_.

14. All other personal property including retirement benefits (including but not limited to qualified plans such as profit-sharing, pension, IRA, 401[k], or other savings-type employee benefits, nonqualified plans, and deferred income plans), and ownership thereof (joint or individual), including policies of insurance, identified as to nature or description, ownership (joint or individual), and actual or estimated value.

	Amount	Joint or Individual (Specify)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

THE FOLLOWING NEED NOT BE FURNISHED IN POST JUDGMENT PROCEDURES.

15. List real property identified as to description, ownership (joint or individual) and actual or estimated value.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. Identify the property if any acquired by each of the parties prior to marriage or acquired during marriage by a will or inheritance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. List debt obligations, including maintenance, not listed in Section II above, identified as to name or names, of obligor or obligors and obligees, balance due and rate at which payable; and, if secured, identify the encumbered property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. List health insurance coverage and the right, pursuant to ERISA §§601-608, 29 U.S.C. §§1161-1168 (1986) to continued coverage by the spouse who is not a member of the covered employee group.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have read the above affidavit and to the best of my knowledge believe that the information is accurate and complete.

\_\_\_\_\_  
Petitioner/Respondent

\_\_\_\_\_  
(Signature)

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
Notary Public

My appointment expires:  
\_\_\_\_\_

IN THE \_\_\_\_\_ JUDICIAL DISTRICT  
 DISTRICT COURT, \_\_\_\_\_ COUNTY, KANSAS

IN THE MATTER OF THE MARRIAGE OF:

\_\_\_\_\_  
 and  
 \_\_\_\_\_

CASE NO. \_\_\_\_\_

CHILD SUPPORT WORKSHEET

<u>A. INCOME COMPUTATION - WAGE EARNER</u>	<u>PARENT A</u>	<u>PARENT B</u>
1. Domestic Gross Income (Insert on Line C.1. below)	_____	\$832
<u>B. INCOME COMPUTATION - SELF-EMPLOYED</u>		
1. Self-Employment Gross Income	\$3,000	_____
2. Reasonable Business Expenses (-)	1,232	_____
3. Domestic Gross Income (Insert on Line C.1. below)	1,768	_____
<u>C. ADJUSTMENTS TO DOMESTIC GROSS INCOME</u>		
1. Domestic Gross Income	1,768	832
2. Court-Ordered Child Support Paid (-)	0	0
3. Court-Ordered Maintenance Paid (-)	0	0
4. Court-Ordered Maintenance Received (+)	0	0
5. CHILD SUPPORT INCOME (Insert on Line D.1. below)	1,768	832
<u>D. COMPUTATION OF CHILD SUPPORT</u>		
1. Child Support Income	\$1,768	+ \$832 = \$2,600
2. Proportionate Shares of Combined Income (Each parent's income divided by combined income)	68 %	32 %
3. Basic Child Support Obligation (Using the combined income from Line D.1., find amount for each child and enter total for all children)		
Age of Children	0-6	7-15
Number Per-Age Category	1	1
Total Amount	258	303
		= 561

	<u>PARENT A</u>		<u>PARENT B</u>
4. Health and Dental Insurance Premium	<u>\$125</u>	+	<u>0</u> = <u>\$125</u>
5. Work-Related Child Care Costs	<u>0</u>	+	<u>\$200</u> = <u>\$200</u>
6. Parents' Total Child Support Obligation (Line D.3. plus Lines D.4. & D.5.)			<u>\$886</u>
7. Parental Child Support Obligation (Line D.2. times Line D.6. for each parent)	<u>602</u>		<u>284</u>
8. Adjustment for Insurance and Child Care (Subtract for actual payment made for items D.4. and D.5.)	(-) <u>125</u>		<u>200</u>
9. Net Parental Child Support Obligation (Line D.7. minus Line D.8.; Insert on Line F.1. below)	<u>477</u>		<u>84</u>

E. CHILD SUPPORT ADJUSTMENTS

	CONSIDERED	N/A	CATEGORY	AMOUNT ALLOWED	
				PETITIONER	RESPONDENT
1.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Long Dist. Visitation Costs(+/-)	<u>          </u>	(+/-) <u>          </u>
2.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Time Spent w/Noncustodial	(+/-) <u>          </u>	(+/-) <u>          </u>
3.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Income Tax Exemption	(+/-) <u>          </u>	(+/-) <u>          </u>
4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Special Needs	(+/-) <u>          </u>	(+/-) <u>          </u>
5.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Agreement Past Minority	(+/-) <u>          </u>	(+/-) <u>          </u>
6.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cost-of-Living Differ.	(+/-) <u>          </u>	(+/-) <u>          </u>
7.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Residence w/Third Party	(+/-) <u>          </u>	(+/-) <u>          </u>
8.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Overall Financial Condition(+/-)	<u>          </u>	(+/-) <u>          </u>
9. TOTAL (Insert on Line F.2. below)				<u>0</u>	<u>0</u>

F. DEVIATION(S) FROM REBUTTABLE PRESUMPTION AMOUNT

1. Net Parental Child Support Obligation (Line D.9. from above)	<u>477</u>	<u>84</u>
2. Total Child Support Adjustments (Line E.9. from above)	(+/-) <u>0</u>	(+/-) <u>0</u>
3. Adjusted Child Support Obligation	<u>477</u>	<u>84</u>

## MINORITY REPORT

### FAIRNESS: Defined Net Income vs. Gross Income

The major underlying theme that I heard expressed at the public meetings that I attended was that the existing guidelines were unfair and their application was unfair and unjust. Those feelings were so strongly expressed in the Wichita public hearings that the W.S.U. security people came to the stage and asked to escort the three representatives of the Committee out a back door to our cars.

To attempt to meet part of that criticism, the Committee's original report recommended the use of a defined net income, instead of gross income, to determine a party's child support obligation. It is simply not fair or just to use a gross income figure to set child support. No one lives on their gross income before or after a divorce. The reality is that we only have what is left after OASDHI, FICA, State taxes and other mandatory deductions, such as judges' retirement, to live on. We cannot control these amounts; we cannot spend them on ourselves; nor can we pay child support from them.

The most recent proposed guideline returns to a use of gross income to determine child support obligations. The guidelines include the language: "Consideration has been built into the schedules for standard deductions for OASDHI, FICA and State taxes...." However, that consideration is little more

than lip service. Some consideration was given by the economist of national averages. These figures do not directly relate to the Kansas situation nor has anyone told the Committee exactly what the "consideration" amounted to, i.e. how much at any given level of income. The figures give no consideration to the increased OASDHI as of January 1, 1990, and are based upon data existing for 1986 and 1987.

The principal consideration of the Committee in reversing itself seems to be a perception that the Supreme Court rejected our previous proposal of a defined net approach and complaints from attorneys that the net approach was more difficult and would take more court time. However, no one has asserted that it was more fair nor that it more accurately reflected a parent's actual ability to pay. The proposed guidelines, by using gross rather than a defined net income, as used in the original report, have now given little if any consideration to the actual financial resources, means and needs of the parents as required by K.S.A. 1988 Sup. 60-1610(a)(1) and K.S.A. 38-1121.

I would urge the court to follow the original recommendation of the Committee and use a defined net income approach. The Child Support Obligation Worksheet could be simply modified to make the tax, OASDHI and mandatory deductions subtractions from gross income for wage earners in Paragraph A and by making self-employment taxes, estimated income tax, etc., subtractions under Paragraph B. The definitions used in the

original recommendation could be inserted in the current recommendation and the original Child Support Schedule could be used.

#### ACCOUNTABILITY

There is still existing a need for accountability as I pointed out in my comments in regard to the proposal submitted in September of 1989 and I will not repeat them here. The public perceptions of the guidelines as fair is affected adversely by the lack of accountability by the custodial parent.

#### OVERALL FINANCIAL CONDITIONS

I still feel strongly that a format for considering overall financial conditions needs to be included so a court has a formalized way to consider the actual financial condition of the parties and I will not repeat my arguments in that regard. I would again request that the use of a form like that attached to my Minority Report as Exhibit "A" should be mandated.

In regard to Section 8, "Overall Financial Conditions of the Parties," Page 12, I would suggest that it be modified as follows:

The financial situation of the parties may be reason to deviate from the calculated Net Parental Child Support Obligation in the best interests of the child. A court shall consider the overall financial conditions of the parties when evidence is proffered or offered by any party in that regard. In considering the overall financial condition, a court may use the form attached as Appendix "A" and make the adjustments required. If either party has



more than one job, the circumstances requiring the additional employment should be considered. If the additional employment was historically relied upon by the parties prior to the dissolution of the relationship, then all of the income should be included in the calculation of the child support obligation. However, if the additional employment was secured after the dissolution of the relationship in an effort to meet additional financial responsibilities, consideration should be given to the circumstances. In such a situation, two Worksheets can be prepared, one Worksheet including all income and one Worksheet including only the primary employment to determine the margin for deviation.

#### CONSIDERATION OF PRIOR ORDERS

In regard to Sections C.1. and C.2. on Page 5, I would suggest that they should be modified by deleting the language, and inserting periods as follows:

1. Court-Ordered Child Support Paid (Line C.2.)

Pre-existing child support obligations in other cases shall be deducted. to the extent that these support obligations are actually paid.

2. Court-Ordered Maintenance Paid (Line C.3.)

The amount of court-ordered maintenance paid pursuant to a court order in this or a prior divorce case shall be deducted. to the extent that the maintenance is actually paid. This amount is entered on Line C.3.

If there is a court order, then that is what should be considered. If a court considers that maintenance or support has not been paid in the past and ignores the existing court order, the court will then be faced with a need to modify its orders when the payments are commenced. The court may well be faced with an evidentiary problem or a statement, "I haven't paid in the past but I started today." The existence of the order is what is important. Its enforcement on a current basis

should not have to be considered. If the order is from another State, or jurisdiction, the court may have no effective way to verify payment or non-payment pursuant to the order.

#### BASIS OF SCHEDULES


It is important for the Supreme Court as well as the Bench and the Bar to appreciate that the basis of the Child Support Schedules. They are based upon a national "Consumer Expenditure Survey." They are not based upon an indepth, scientific study of the needs of children in Kansas. It is based upon averages of expenditures for income categories and in half of them, the average expenditure exceed the maximum income. For example, the table for three person families shows that families with an income of less that \$5,000 spend an average of \$28,865; those having income between \$5,000 and \$9,999 spend \$14,764; those having income between \$10,000 and \$14,999 spend \$17,493; and those having income between \$15,000 to \$19,999 spend \$20,970. In incomes between \$20,000 to \$29,999 the average expenditure is \$26,024 and it is only in the \$40,000 to \$49,999 range that the average expenditure of \$37,187 is less than all incomes in the category.

This awareness is particularly important because trial courts must review the Presumed Child Support Amounts to insure that they are just and fair and exerise the court's discretion to deviate when the individual facts show that a party cannot pay what is ordered. Otherwise, the court's orders may well

order an individual into bankruptcy. Pleas by non-custodial parents that they cannot pay the presumptive child support must be closely considered because in many cases they won't be able to. The schedule recommended by the Committee in fact raises the amount of scheduled support in the income brackets below \$2,000 per month income over the child support in current schedules.

The guidelines will not result in fair and just orders if trial courts are unwilling or fail to review individual cases on their individual merits.

Respectfully submitted,

  
Thomas H. Graber  
Committee Member

OVERALL FINANCIAL CONDITION WORKSHEET

I. Fixed Obligations, per month	Petitioner	Respondent
1. Support or maintenance ordered in prior proceedings	\$ _____	\$ _____
2. Shelter expenses per month (house payment, rent, utilities, etc.)	\$ _____	\$ _____
3. Food per month	\$ _____	\$ _____
4. Insurance per month	\$ _____	\$ _____
5. Uninsured medical, dental, optometric.	\$ _____	\$ _____
6. Other payments required by a court order.	\$ _____	\$ _____
7. Total fixed obligation	\$ _____	\$ _____
II. Monthly Payments and Creditor		
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Total payments to creditors	\$ _____	\$ _____
III. Reconciliation with Income		
1. Domestic net income	\$ _____	\$ _____
2. Subtract amount of fixed obligations from Line I.,6.	\$ _____	\$ _____
3. Subtotal	\$ _____	\$ _____
4. Subtract monthly payments to creditors, Line II.	\$ _____	\$ _____
5. Balance remaining	\$ _____	\$ _____
6. Child support per schedule Worksheet "A"	\$ _____	\$ _____
7. Balance	\$ _____	\$ _____

(If less than zero, court must adjust to allow payment of at least fixed expenses and support ordered without a negative balance.)

COMPARISON

ADMINISTRATIVE ORDER 59, FIRST PROPOSED  
REVISION, SECOND PROPOSED REVISION

	ADMINISTRATIVE ORDER 59	FIRST REVISION	SECOND REVISION
Income base	GROSS	NET	GROSS
Self-employed income	Not shown separately	Very detailed	Detailed
Imputed income	Not addressed	Allowed	Allowed & Expanded
Multiple Family Adjustment	None	Yes, Second Worksheet A Req.	Yes, Use Table for Total of children
Divided Custody	Not addressed	Yes	Yes
Work related Day Care	Gross amount paid allowed	Adjusted amount allowed	Adjusted amount allowed
Adjustments to CS Shown on Worksheet	Yes, Not Detailed	Yes, Detailed on Worksheet B	Yes Detailed on Worksheet A
Long Distance visitation costs	Not defined	Specifically addressed	Specifically addressed
Time spent with noncustodial	Not defined	" "	" "
Income tax exemption	Not defined	" "	" "
Special needs	Not defined	" "	" "
Agreement past eighteen	Not mentioned	" "	" "
Cost of living	Not mentioned	" "	" "
Residing w/third party	Not defined	" "	" "
Overall financial condition	Not defined	" "	" "
Child support tables		5 - 10% reduction	5 - 10% reduction

COMPARISON OF CHILD SUPPORT TABLES

ONE CHILD TABLE - 0-6

	ADMINISTRATIVE ORDER 59	PROPOSED	% CHANGE
1000	134	150	10% +
2000	258	203	2% +
3000	379	362	4% --
4000	498	461	7% --
5000	616	559	9% --
6000	732	658	10% --
7000	847	756	10% --
8000	961	855	11% --

TWO-CHILD TABLE 0-6

	ADMINISTRATIVE ORDER 59	PROPOSED	%CHANGE
1000	109	116	6% +
2000	206	214	3% +
3000	299	288	3% --
4000	389	362	7% --
5000	478	436	8% --
6000	565	509	10% --
7000	651	583	10% --
8000	736	657	10% --

COMPARISON OF CHILD SUPPORT TABLES  
(Continued)

THREE CHILD TABLE - 0-6

	ADMINISTRATIVE ORDER 59	PROPOSED	% CHANGE
1000	93	96	3% +
2000	178	185	3% +
3000	260	246	5% --
4000	340	308	9% --
5000	419	370	11% --
6000	497	432	13% --
7000	575	493	14% --
8000	651	555	14% --

FOUR-CHILD TABLE 0-6

	ADMINISTRATIVE ORDER 59	PROPOSED	%CHANGE
1000	83	82	1% --
2000	154	163	5% +
3000	221	220	0% change
4000	285	274	3% --
5000	348	328	5% --
6000	409	382	6% --
7000	469	436	7% --
8000	528	490	7% --

COMPARISON OF CHILD SUPPORT TABLES  
(Continued)

FIVE CHILD TABLE - 0-6

	ADMINISTRATIVE ORDER 59	PROPOSED	% CHANGE
1000	74	71	4% --
2000	136	143	5% +
3000	194	200	3% +
4000	250	248	1% --
5000	305	296	3% --
6000	357	343	4% --
7000	409	391	4% --
8000	460	439	5% --

SIX-CHILD TABLE 0-6

	ADMINISTRATIVE ORDER 59	PROPOSED	%CHANGE
1000	67	64	4% --
2000	122	128	5% +
3000	174	183	5% +
4000	223	226	1% +
5000	271	269	1% --
6000	318	312	2% --
7000	364	354	3% --
8000	408	397	3% --



APPLICATION OF MULTIPLE FAMILY ADJUSTMENT

1. Noncustodial parent has two children ages 3 and 7 from first marriage. He has remarried and has a child one year old.

Combined gross income is \$4,000.

Result: Administrative Order 59 child support is  $\$389 + \$464 = \$853$  using two-child table.

Proposed guideline child support is  $\$308 + \$361 = \$669$ .

Difference is 22% reduction.

2. Noncustodial parent has one child age 16 from first marriage. He has remarried and has the children ages 3 and 7 years old.

Combined gross income is \$3,000.

Result: Administrative Order 59 child support amount is \$520 using one-child table.

Proposed guideline support amount is \$337 using three-child table.

Difference is 35% reduction.

3. Noncustodial parent has one child age 16 from first marriage. He has remarried and has one child age 3. Combined gross income is \$8,000.

Result: Administrative Order 59 child support amount is \$1,317 using one-child table.

Proposed guideline support amount is \$898 using the two-child table.

Difference is 32% reduction.