

January 28, 2025

The Honorable Susan Humphries, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2062 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2062 is respectfully submitted to your committee.

HB 2062 would require child support to be provided for unborn children with a detectable heartbeat. The support would include direct medical and pregnancy-related expenses of a mother if a child is unborn as a consideration for child support. The bill would direct the Supreme Court to establish guidelines for child support orders. The Supreme Court would also consider medical and pregnancy related expenses for the mothers of unborn children when adopting the child support rules. Child support for unborn children would be limited to direct medical and pregnancy related expenses and would exclude elective abortions. The bill would also amend the definition of a “child” to include “unborn child” and define “elective abortion.”

The Department for Children and Families (DCF) indicates that enactment of HB 2062 could increase expenditures because there may be an increased number of child support cases, and the duration of child support cases could increase. Additionally, added testing, back-dated orders, and larger arrearages could potentially occur. The bill would create additional administrative burdens on parties if it is later determined an obligor is not a legal parent and would create additional administrative burdens on DCF to modify orders created prior to a child being born, as well as potentially modifying an order if a child is later found to be the child of another party.

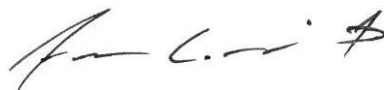
Current federal regulations do not provide or allow for parentage establishment prior to the birth of a child. For that reason, there would be a fiscal shift in cost from federal funds supplementing this portion of the process to additional State General Fund being needed. This portion of the program is currently shared and funded at 66.0 percent by the Federal Office of Child Support Enforcement (OCSE).

The Kansas Department of Health and Environment reported 12,517 children born out of wedlock in 2023, with an average of 13,000 children born out of wedlock over the previous five years. It is estimated two-thirds, or 8,667, of those would apply for support. Currently, parentage is not determined until after birth and child support services do not start before the birth of the child. The bill could start child support services before birth. This bill would start Child Support Services work on some cases before birth and result in case management and testing that is currently not provided. If 10.0 percent of the 8,667 out of wedlock births resulted in child support services starting during pregnancy, there would be approximately 867 additional cases for a part of a year.

DCF contracts for child support services, they are not directly performed by DCF staff. The average annual cost per case to administer, based on expenditures reported to OCSE and divided by the number of open cases at the end of 2024, is \$311 per case per year. For FY 2026, these new case management costs are estimated to cost \$269,637. In addition, DCF may have to contract for in utero genetic testing services for some of the cases which averages \$1,750 per instance. If 20.0 percent of the 867 new cases needed this new test it would cost \$303,450, for a total cost of \$573,087 from the State General Fund. These costs would continue in the out-years.

The Office of Judicial Administration indicates that enactment of HB 2062 would have a negligible fiscal effect on expenditures of the Judicial Branch. Any fiscal effect associated with HB 2062 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Kim Holter, Department for Children & Families
Trisha Morrow, Judiciary