

February 27, 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 2359 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2359 is respectfully submitted to your committee.

HB 2359 would create the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. The bill would take effect on January 1, 2026, and would replace current guardianship and conservatorship statutes. The bill would establish various procedures for guardianship or protective proceedings, including provisions regarding hearings, testimony, and jurisdictional rules. The bill would provide a framework for determining which state has jurisdiction when multiple states are involved in adult guardianship and conservatorship cases, allow courts from different states to communicate about cases, and create procedures for transferring guardianship or conservatorship between states.

The bill would also update various statutes relating to guardianship and conservatorships to emphasize less restrictive alternatives when possible and to protect the rights of individuals subject to guardianship or conservatorship. The bill would require guardians and conservators to involve the protected person in decisions when feasible, respect the protected person's preferences, and only exercise certain powers that are necessary. The bill would also establish detailed procedures for appointment, monitoring, and termination of guardianships and conservatorships. The bill would require additional reporting by guardians and conservators, would increase court oversight, would specify standards for emergency appointments, and would provide for protective arrangements as alternatives to full guardianship or conservatorship. The bill would also update requirements for professional evaluations, court visitor investigations, and attorney representation. The bill would amend various related statutes to ensure consistency with the new guardianship and conservatorship framework and would repeal existing guardianship and conservatorship statutes.

The Department for Children and Families indicates enactment of the bill would increase expenditures by \$369,193 in FY 2026, including \$281,359 from the State General Fund, and \$366,326 in FY 2027, including \$279,179 from the State General Fund, for 5.00 positions. The Department states that the bill would require it to justify, through extensive research, services provided to an adult to determine if guardianship is appropriate. The Department states it would need to hire 4.00 Legal Assistant positions and 1.00 Adult Protective Services Protection Specialist position. Of the FY 2026 amount, \$305,358 would be for salaries and wages and \$63,835 would be for other operating expenditures to support the positions. Of the FY 2027 amount, \$308,501 would be for salaries and wages and \$57,825 would be for other operating expenditures.

The Office of Judicial Administration indicates enactment of the bill would have a significant fiscal effect on the expenditures of the Judicial Branch. The bill would require the districts courts to (1) cooperate with other courts outside of Kansas on guardianship cases, (2) consider relevant factors when determining jurisdiction and reasonable compensation, (3) receive and process petitions, hold hearings, and issue final orders, (4) appoint guardians and conservators (5) process and review grievances, hold hearings and take certain actions, (6) review and approve plans for care of minors and care of adult wards, and (7) send various notices. The Office states that the additional requirements would significantly increase the workload of district court personnel. The bill could also result in the collection of docket fees in cases filed under the provisions of the bill, which would be deposited into the State General Fund. However, the Office states a precise fiscal effect cannot be estimated.

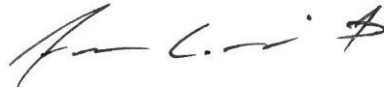
The Kansas Guardianship Program indicates enactment of the bill could increase expenditures by \$150,000 from the State General Fund beginning in FY 2026 to comply with the provisions of the bill. The agency states that it would need to print new training material to incorporate the new provisions and update its volunteer handbook, informational material, and website, which would increase staff time. The agency also states the bill would likely increase expenditures for travel to provide training to volunteers and community members, but that the provisions of the bill could make it more difficult to recruit volunteers. In addition, staff could spend more time working with guardians and conservators to accomplish items stated in guardianship or conservatorship plans, which could require additional staff to handle the workload in future years. The agency notes that guardianship is the most restrictive option out of potential options for a person who needs assistance in decision making.

The Board of Indigents' Defense Services (BIDS) states that enactment of the bill would not have a fiscal effect on the agency. BIDS states that it does not handle guardianships or conservatorships in its practice but does handle crimes related to mistreatment of a dependent adult. However, BIDS states that the bill would not affect existing severity levels of such crimes and therefore the bill would not have a fiscal effect.

The Kansas Office of Veterans Service, Department of Insurance, Department of Labor, and Department for Aging and Disability Services indicate enactment of the bill would not have a fiscal effect on the agencies. The Division of the Budget requested fiscal information from the

Office of the Attorney General and has not received a response. Any fiscal effect associated with HB 2359 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: Trisha Morrow, Judiciary
Kim Holter, Department for Children & Families
Leigh Keck, Department for Aging & Disability Services
Heather Cessna, Board of Indigents Defense Services
Matt Bingesser, Office of the Attorney General
Kyle Strathman, Insurance Department
Dawn Palmberg, Department of Labor
Melissa Ford, Office of Veterans Services
Nancy Mayberry, Kansas Guardianship Program