

February 11, 2013

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2205 by Representative Finch, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2205 is respectfully submitted to your committee.

HB 2205 would amend current law regarding adoption, adoption hearings, and time and waiver of notice. Currently, the court fixes the time for an adoption hearing as any time between 30 and 60 days from the date the petition is filed. The bill would remove the minimum time frame of 30 days. According to current law, in independent and stepparent adoptions, notice of the hearing on the petition must be given to the parents or presumed parents, unless parental rights have been previously terminated, and to any other persons as the court directs. In an independent adoption, notice also must be given to a legal guardian of the child or individual in the place of the parent. The bill would no longer require these notices if the notice was previously waived.

Estimated State Fiscal Effect				
	FY 2013 SGF	FY 2013 All Funds	FY 2014 SGF	FY 2014 All Funds
Revenue	--	--	--	(\$40,261,395)
Expenditure	--	--	--	--
FTE Pos.	--	--	--	--

According to the Kansas Department for Children and Families (DCF), federal Title IV-E requires that a child's legal guardian be notified of all proceedings, including adoption proceedings, concerning the foster child. Federal Title IV-E funding is contingent upon an approved state plan to administer the program. By not complying with the federal Title IV-E requirements, passage of HB 2205 would place DCF out of compliance with federal requirements, putting the state at risk of not obtaining an approved state plan, and resulting in a loss of federal funds in the amount of \$40,261,395 in FY 2014, \$39,475,157 in FY 2015, and

The Honorable Lance Kinzer, Chairperson


February 11, 2013

Page 2—HB 2205

\$39,868,276 in FY 2016. The Department is not able to describe the reductions in services that would be necessary to offset this funding loss at the present time. In addition, the agency states that because the Temporary Assistance for Needy Families (TANF) Block Grant is conditioned on the state operating under an approved Title IV-E state plan, the \$101.9 million TANF Block Grant could also be at risk.

According to the Office of Judicial Administration, passage of HB 2205 would have no fiscal effect on the Judicial Branch budget. Any fiscal effect associated with HB 2205 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Jackie Aubert, DCF