

February 25, 2014

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

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2586 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2586 is respectfully submitted to your committee.

HB 2586 would create a new independent state agency named the Office of the State Ombudsman Concerning Child Abuse and the position of State Ombudsman Concerning Child Abuse. The bill also would amend the Revised Kansas Code for Care of Children to authorize access to the official and social file of a child in need of care proceeding to an ombudsman from the Office of the State Ombudsman Concerning Child Abuse.

The State Ombudsman would be required to advocate, but not as a legal representative, for parents of children in the care of the Secretary for Children and Families and could enter into contracts for investigative, legal, public education, training or other services as may be required in providing ombudsman services or as otherwise required to carry out the powers, duties and functions of the Office. The State Ombudsman would be a qualified attorney appointed by the Kansas Attorney General. The term of the first person appointed as State Ombudsman would end on January 15, 2017, and the next person appointed would serve a term of four years. Although the Office would be attached to the Attorney General's Office, the Kansas Attorney General's Office would have no authority over the Office. The Attorney General would be required to provide technical assistance and advice that the Attorney General considers reasonable and necessary to assist the State Ombudsman to function as an independent state agency.

For FY 2015, the Attorney General would be required to include in its budget estimate the amount to be provided for the Office of the State Ombudsman Concerning Child Abuse. This amount must include federal funds and could not be less than the amount budgeted for the Office in FY 2016. For FY 2016, the Attorney General would be required to include in its budget estimate the expenditure estimates for operation of the Office.

The State Ombudsman would be authorized to appoint each regional ombudsman concerning child abuse and all officers and employees of the Office. All such regional ombudsman, officers, and employees would be within the classified service under the Kansas Civil Service Act and they would be provided legal counsel in the event a suit or other legal action is brought against them in connection with their official duties. The bill specifies the duties of the Office and would allow agency personnel access to confidential information as needed to perform those specified duties. All information, records and reports would be confidential and not subject to specified provisions of the Kansas Open Records Act and would not be subject to disclosure unless ordered by the Court or authorized by written consent of the resident or resident’s legal representative. The ombudsman or a volunteer ombudsman would be required to forward copies of reports concerning child abuse relating to the health and safety of children in the Secretary’s custody.

Estimated State Fiscal Effect				
	FY 2014 SGF	FY 2014 All Funds	FY 2015 SGF	FY 2015 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$1,014,208	\$1,020,055
FTE Pos.	--	--	--	12.00

Passage of HB 2586 would require setting up a new, independent state agency. The Attorney General’s Office has estimated the total first-year cost of the new agency at \$784,271 from the State General Fund. The estimate includes expenditures for eight new FTE positions: the State Ombudsman Concerning Child Abuse; four Regional Ombudsmen; a Public Information Officer/Education/Training Coordinator; an Administrative Officer; and a Senior Administrative Assistant. Annual salary and benefits costs for these positions are estimated to be \$491,441. The Attorney General’s Office has estimated annual other operating expenditures at \$172,000. This includes \$30,500 for rental of 2,000 square feet of office space, \$26,500 for information technology services, \$40,000 for travel expenses, \$50,000 for contractual services, and \$25,000 for commodities. In addition, in FY 2015 there would be one-time set-up costs estimated at \$120,830 which includes expenditures of \$90,830 for five vehicles, \$20,000 for office equipment, and \$10,000 for office furniture. In addition to these operating expenses, the Attorney General’s Office frequently consults with attorneys from the Department for Children and Families (DCF) on litigation. HB 2586 would create a conflict on the handling of cases under the Kansas Tort Claims Act involving DCF and its employees. As such, outside counsel would have to be hired to handle these cases. The exact number of cases and cost cannot be estimated.

The Department for Children and Families (DCF) states that HB 2586 would require the addition of four new Social Worker Specialist positions, one in each DCF region. The additional staff would be required to perform the following duties: clarify policies, procedures, and federal

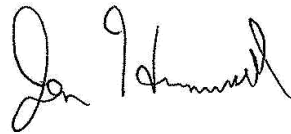
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rules; provide detailed information on contested case events; and obtain the release of confidential information for the ombudsman office's use. The agency estimates additional expenditures in FY 2015 of \$235,784, including \$229,937 from the State General Fund. This amount includes \$217,706 for salaries and benefits and \$18,078 for other operating expenditures. The estimate for other operating expenditures includes one-time set-up costs of \$5,482. Any fiscal effect associated with HB 2586 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Jeremy Barclay, Corrections
Jackie Aubert, Children & Families
Willie Prescott, Attorney General's Office
Brad Ridley, Aging & Disability Services