

February 27, 2014

The Honorable Connie O'Brien, Chairperson
House Committee on Children and Seniors
Statehouse, Room 187-N
Topeka, Kansas 66612

Dear Representative O'Brien:

SUBJECT: Fiscal Note for HB 2718 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2718 is respectfully submitted to your committee.

HB 2718 would require the Department for Children and Families (DCF) to create and maintain a putative father registry. The bill would allow a man who has engaged in sexual relations with a woman to file as a putative father in the newly established Putative Father Registry. A man would be allowed to file in the registry regardless of an actual pregnancy. A registration within 30 days of the child's birth would entitle the putative father to notices of parental termination hearings, in which the putative father would be allowed to demonstrate his relationship with the child. The mother may deny that the registrant is the father. The registration and revocation, caused by the mother's denial, would be admissible in paternity proceedings.

Registration forms would be made available to the public through the agency, clerks of district courts, and local health departments. Notices would need to be posted in a conspicuous place at the offices of the clerks of district courts, driver examination stations, local health departments and county clerks' offices.

The agency would be required to maintain the information registered by the putative father including the date of registration and the name and affiliation of any person requesting a search for the putative father of a child who is the subject of a termination proceeding. The information in the registry would be confidential. The registry would also need to be searchable and provide reports.

A search of the registry would be mandatory for all adoptions, except when the child is being adopted by stepparents or immediate relatives. Searches would be limited to the following: DCF personnel; private adoption agencies when arranging an adoption; a prospective adoptive parent or their attorney who has a notarized consent from the birth mother; or any mother who is the subject of a registration. If a private adoption agency fails to perform a search of the registry or falsely reports to the court that a search was performed, it would be a class B misdemeanor.

The agency would have five days from receipt of the search request to produce an affidavit of the search results. If a search reveals that one or more putative fathers are registered, DCF would be required to file a copy of each registration form with the court. The court could not issue an order terminating rights unless the affidavit is filed.

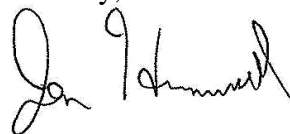
Persons who register false information or requests confidential information in violation of this act shall be guilty of an unclassified misdemeanor and may be held civilly liable for damages. Finally, the bill would require the Department of Health and Environment to update regulations concerning child placement agencies every five years.

Estimated State Fiscal Effect				
	FY 2014 SGF	FY 2014 All Funds	FY 2015 SGF	FY 2015 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$176,699	\$176,699
FTE Pos.	--	--	--	2.00

To implement HB 2718, DCF indicates it would require two additional FTE positions and additional expenditures of \$176,699 from the State General Fund in FY 2015. This estimate includes the following: printing costs of \$19,000 for new forms and posters; mailing costs of \$11,600 to distribute forms and posters to district courts, county clerks, health departments, drivers' license offices, and DCF offices; salary expenditures of \$120,840 for a new Administrative Specialist to log registrations, perform searches, and provide affidavits, and a new Attorney II to file affidavits with the court; other operating expenditures of \$7,259; and \$18,000 for a one-time development cost for the searchable registry.

HB 2718 has the potential for increasing litigation in the courts because the bill would create two new crimes. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2718 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Jackie Aubert, DCF
Mary Rinehart, Judiciary
Aaron Dunkel, KDHE