

January 28, 2015

The Honorable John Barker, Chairperson
House Committee on Judiciary
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2039 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2039 is respectfully submitted to your committee.

HB 2039 would amend the Kansas Family Law Code with regard to court appointed case managers. The bill would restrict the authority of court appointed case managers in making recommendations to the court. The bill would clarify that the authority to manage domestic cases involving issues of custody, residency, parenting time, visitation and child support must remain exclusively with the court. The bill would retitle case managers to domestic case managers (DCM) and would reserve the use of domestic case managers for high conflict cases, when other attempts at conflict resolution have failed, instances when a domestic case manager would be in the best interest of the children, and situations in which the use of a domestic case manager could achieve certain goals.

The bill would establish new procedures for domestic case managers and restrict the latitude of mediation issues to those specified by the court. The bill would add to the list of qualifications necessary for an individual to be appointed as a domestic case manager and would require the Director of Dispute Resolution, appointed by the Judicial Administrator, to establish standards and approve all continuing education hours for DCMs. The court would be authorized to review a domestic case manager's appointment, which must be limited to a specific time period, not to exceed 36 months, unless renewed by the court or per agreement of the parties. The bill would require costs related to a domestic case manager's work to be assessed as costs of the action and would allow the court to require a retainer to be paid to the DCM before services are provided. The court would be allowed to remove a domestic case manager at its discretion and the parties would be allowed to request the removal of a DCM. HB 2039 would also amend the list of mandatory child abuse reporters by changing case managers to domestic case managers in accordance with the other changes made in the bill.

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The Office of Judicial Administration indicates that HB 2039 would increase time spent by district court judges deciding matters and conducting additional hearings as specified in the bill. The bill would also increase the duties of the Director of Dispute Resolution who is an employee of the Office of Judicial Administration. However, until the courts have had an opportunity to operate with the provisions of HB 2039 in place, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given.

The Kansas Department for Children and Families estimates HB 2039 would have no fiscal effect on its operations since domestic case management does not include child support.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Mary Rinehart, Judiciary
Jackie Aubert, DCF