

February 16, 2015

The Honorable Jeff King, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 341-E  
Topeka, Kansas 66612

Dear Senator King:

**SUBJECT:** Fiscal Note for SB 160 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 160 is respectfully submitted to your committee.

SB 160 would remove the court's discretion when making certain decisions for children adjudicated as a child in need of care. Currently, the court may terminate parental rights or appoint a permanent custodianship when the court finds by clear and convincing evidence that the parents are unfit to properly care for a child. The bill would require the court to take action within six months after such finding to terminate the parental rights. Or, if the child would best be served by not terminating parental rights, the court would be required to appoint a permanent custodian. If the court terminates parental rights, the court would be required to authorize adoption of the child. Additionally, when adoption, permanent custodianship, or continued permanency planning has been authorized by the court, the custodian would be required to submit a written plan for permanent placement within 30 days. The permanency goal that would be accomplished within one year would have to be included in the plan. The bill also includes a provision that would mandate the court to make a finding of unfitness when a reasonable reintegration plan is put in place and the court finds that the parents failed to carry out such plan on two occasions after the plan has been in place for six months.

Estimated State Fiscal Effect				
	FY 2015 SGF	FY 2015 All Funds	FY 2016 SGF	FY 2016 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$4,236,914	\$4,236,914
FTE Pos.	--	--	--	25.50

The Department for Children and Families (DCF) states that passage of SB 160 would have no fiscal effect on agency expenditures. The Office of Judicial Administration, however,

states that passage of the bill would increase Judicial Branch expenditures. SB 160 would provide a six-month period within which parents must comply with the terms of a reintegration plan. Failure to carry out a plan's provisions on two occasions would result in the termination of parental rights. Monitoring this compliance would require more frequent hearings.

DCF reports that on December 31, 2014, 4,359 children had been in foster care for more than six months. If SB 160 is enacted, all of these children would proceed immediately to termination of parental rights hearings. According to the Judiciary some termination hearings take days and others take only hours. Estimating one day per hearing, 4,359 additional days of judge time would require the addition of 22 new judge positions at a cost of \$3.9 million from the State General Fund in FY 2016. If senior judge positions, or a combination of senior and district judges were used, the cost could be reduced. This need for additional judge time would be on-going, but it would be expected to taper off to some extent once the need for the 4,359 hearings is met. These 4,359 pending cases would essentially constitute a backlog, but additional termination hearings would be necessary on an on-going basis. The Judicial Branch has not had sufficient opportunity to further analyze where those positions would be placed, whether it would be best to address the need with a combination of senior and district judges, and to what extent the need for additional judges would decrease in subsequent years. In addition to the increased termination hearings, SB 160 would require additional permanency hearings. A conservative estimate of an additional 2,095 hours of judge time would require one new judge and one new senior judge contract at a cost of \$218,829 from the State General Fund in FY 2016.

Some additional clerk of the district court time would be needed to docket, send notices, answer questions and perform other administrative duties associated with these hearings. A conservative estimate of one hour for each of the 4,359 cases would require 2.50 new Trial Court Clerk II positions at a cost of \$91,201 from the State General Fund in FY 2016. The total estimated fiscal effect of SB 160 would be \$4,236,914 (\$3,926,884 + \$218,829 + \$91,201) and 25.50 additional FTE positions.

SB 160 would not have a fiscal effect on Judicial Branch revenues. The provisions of the bill would apply to cases that have already been filed so no additional docket fees would be paid. Any fiscal effect associated with SB 160 is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,  
Director of the Budget

cc: Jackie Aubert, Children & Families  
Mary Rinehart, Judiciary