

February 15, 2016

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

Dear Senator King:

SUBJECT: Fiscal Note for SB 418 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 418 is respectfully submitted to your committee.

SB 418 would revise the Kansas Code for Care of Children, the Juvenile Justice Code, the Secure Care statute, and the Juvenile Intake and Assessment statute.

This bill would update the Kansas Code for Care of Children to:

1. Add requirements that within 24 hours of receiving information that any child is a victim of trafficking or sexual exploitation, the Secretary shall report such information to law enforcement agencies of jurisdiction. If that child is in the custody of the Secretary, the case should be reported to the national center for missing and exploited children and the law enforcement agency of jurisdiction within 24 hours;
2. Add human trafficking, aggravated human trafficking or commercial sexual exploitation of a child as a reason to rule that a child is in need of care;
3. Add definitions for "Reasonable and Prudent Parenting" and "Runaway;"
4. Expand the definition of "Sexual abuse;"
5. Add the Interstate Compact for Juvenile's Compact Administrator to the list of persons who should freely exchange information concerning a child who is alleged or adjudicated to be in need of care;
6. Add language that if the child is 14 years of age or older he or she should be involved in the development of a permanency plan and receive notification of the permanency hearing;
7. Add requirements for the court in the permanency hearing to enter a finding as to whether the reasonable and prudent parenting standard has been met, document the efforts made by the Secretary to help a child 14 years old or older transition from custody to successful adulthood, ask the child in attendance their desired permanency outcome, document the

unsuccessful permanency made by the Secretary, and make a judicial determination explaining why another planned permanent living arrangement is the best permanency policy; and

8. Adds language to require the Secretary to use a validated, evidence-based assessment tool to assess needs of a child in custody who has been subject to human trafficking and provide a summary to the court. It also requires the agency to determine the appropriate, timely, and safe placement of a child in custody who is a victim of human trafficking.

The bill would make technical changes to the Juvenile Justice Code and add language to address the above changes in the in the Kansas Code for Children in Care. The bill would also move from the Kansas Department of Health and Environment to the Department for Children and Families, in consultation with the Attorney General, the authority to promulgate rules and regulations to implement the provisions of the Secure Care statute. Finally, language would be added to the Juvenile Intake and Assessment statute to allow reports and information to be used in a juvenile offender proceeding, if such records are in regard to the purpose of trafficking.

The passage of SB 418 would have a fiscal effect on the Judicial Branch. The bill provisions would create additional work for the Office of Judicial Administration (OJA) staff. OJA staff would need to review the Supreme Court Rule 174 form Journal Entries, review of the CINC bench book and conduct training for judges on the additional findings and determination required by the bill. The additional OJA staff time would be absorbed by current staff and all expenditures would be paid from our federal court improvement grants.

This bill would not require additional permanency hearings to be held. However, because the bill provisions require additional findings in the permanency hearings, there may be a slight increase in the length of time of the hearings. SB 418 would not have a fiscal effect on revenues for the Judicial Branch. Any fiscal effect associated with SB 418 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Jackie Aubert, Children & Families
Shelia Sawyer-Tyler, KBI
Ashley Michaelis, Judiciary
Adam Pfannenstiel, Corrections