

February 5, 2018

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2520 by Representative Swanson

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2520 is respectfully submitted to your committee.

HB 2520 would strike existing statutory guidelines for assessing retroactive child support and create new guidelines. The bill would limit the assessment of retroactive child support determinations up to the child's 22nd birthday. When a court orders retroactive child support, the court would be required to consider several factors relating to the non-custodial parent. The court would be required to consider the net resources of the non-custodial parent, whether the custodial parent attempted to notify the non-custodial parent regarding his or her potential parentage, the non-custodial parent's actual knowledge of parentage or potential parentage, whether retroactive child support payments would cause the non-custodial parent undue financial hardship and whether the non-custodial parent provided any previous support.

HB 2520 would also create a presumption that a court order limiting the amount of retroactive child support to an amount that does not exceed the total amount of support due to a custodial parent, up to four years before retroactive child support proceedings began, is reasonable. However, the presumption could be overcome if it could be proven the non-custodial parent knew or should have known of his or her parentage of the child and sought to avoid paying support. The Kansas Child Support Guidelines would still be used to determine the amount of retroactive child support due to a custodial parent. If the court denies or limits the retroactive child support sought, the court would be required to list the factors relied upon in the court's order.

The Department for Children and Families estimates enactment of the bill would have no fiscal effect on agency operations. The Office of Judicial Administration estimates enactment of the bill could have a fiscal effect on Kansas courts; however, an estimate cannot be determined.

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Page 2—HB 2520

The Office indicates judges would need to consider and reference new factors when ordering retroactive child support after a determination of parentage. Considering new factors could increase time spent by personnel in processing, researching and hearing cases. Any fiscal effect associated with HB 2520 is not reflected in *The FY 2019 Governor's Budget Report*.

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: Jackie Aubert, Children & Families
Ashley Michaelis, Judiciary