

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
HOUSE SUBSTITUTE FOR SUBSTITUTE FOR SENATE BILL NO. 232**

As Agreed to April 5, 2024

Brief*

House Sub. for Sub. for SB 232 would amend law regarding child support guidelines established by the Kansas Supreme Court to require the guidelines to include unborn children.

The bill would require the Supreme Court to adopt rules that consider the direct medical and pregnancy-related expenses for the mother of an unborn child and the unborn child. The bill would specify the maximum amount of ordered child support of an unborn child is not to exceed the direct medical and pregnancy-related expenses of the mother of the unborn child, excluding any costs related to an elective abortion.

Child Support Amount Determination

The bill would require determination of the child support to be calculated from the date of conception of the unborn child, and accruing interest would be determined by the current statutory rate.

Definitions

The bill would define the following terms:

- “Elective abortion,” to mean an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed, except that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that such mother will engage in conduct that would result in such mother’s death; and
- “Unborn child,” to mean a living individual organism of the species *Homo sapiens*, in utero, at any stage of gestation from fertilization to birth.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kIRD>

Conference Committee Action

The second Conference Committee agreed to remove the contents of House Sub. for Sub. for SB 232, as passed by the House, and insert the provisions of HB 2653, as passed by the House.

Background

The second Conference Committee agreed to remove the contents of House Sub. for Sub. for 232, as passed by the House, regarding orders granting custody for adoption when parental rights have been terminated, and insert the provisions of HB 2653, as passed by the House, regarding child support orders for unborn children.

HB 2653 (Child Support Orders for Unborn Children)

HB 2653 was introduced by the House Committee on Federal and State Affairs at the request of Representative Howell on behalf of Kansas Family Voice.

House Committee on Federal and State Affairs

In the House Committee hearing on the bill, **proponent** testimony was provided by representatives of Kansans for Life, Kansas Family Voice, and Susan B. Anthony Pro-Life America. The proponents explained expenses for children do not start at the birth, but at conception. The proponents indicated the enactment of the bill would help ensure child support court proceedings consider pregnancy-related expenses.

Written-only proponent testimony was provided by a representative of the Kansas Catholic Conference.

Opponent testimony was provided by a representative of Planned Parenthood Great Plains Votes. The opponent stated the bill does not provide further assistance to pregnant Kansans or set out any structure for child support payments for a pregnancy that ends in miscarriage, adoption, stillbirth, or abortion. The opponent concluded by stating the implementation of the bill would strain the state budget and resources, and provided a list of policy solutions that would provide support to pregnant people and families in Kansas.

Written-only opponent testimony was provided by nine private citizens and representatives of the American Civil Liberties Union, Mainstream Coalition, Grace United Methodist Church, Loud Light Civic Action, and Trust Women.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on HB 2653, the Department for Children and Families (DCF) indicated enactment of the bill would result in additional State General Fund expenditures totaling \$487,561 beginning in FY 2025 and continuing in future years.

Additionally, DCF contracts for child support services and the average annual cost per case to administer is \$283.00. This calculation is based on expenditures totaling \$35.6 million as reported to the federal Office of Child Support Enforcement and divided by 125,890, which was the number of open cases at the end of 2023. New case management costs are estimated to cost \$245,361. In addition, DCF would likely need to contract for in utero genetic testing services for some of the cases, which cost on average \$1,400 per instance. If 20.0 percent of the 867 new cases needed this testing service, it would cost \$242,200.

The Office of Judicial Administration states enactment of the bill would not result in any significant fiscal effect on expenditures and would not have an effect on revenues to the Judicial Branch or the State General Fund.

Any fiscal effect associated with enactment of HB 2653 is not reflected in *The FY 2025 Governor's Budget Report*.

Children; families; child support; unborn children; date of conception; pregnancy; pregnancy-related expenses; birth-related expenses

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