

February 19, 2020

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541C-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 404 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 404 is respectfully submitted to your committee.

SB 404 would amend the Revised Code for Care for Children. The bill would provide the procedures for a person to petition for the termination of parental rights of a parent who committed rape, aggravated indecent liberties of a child, or incest that resulted in a birth of a child. A person could bring an action at any time during the child's minority to terminate the parental rights whether or not a conviction has occurred.

The bill would require a hearing to be held in a court within 60 days of the petition, the records would be confidential, and the proceedings would be closed. The bill would prohibit a docket fee from being assessed for court actions. If the parental rights are terminated, the child could still inherit from the offender and the offender would still be responsible for child support unless the petitioner waives the obligation and the court approves. The genetic, medical and social history of the child could be required to be shared. In determining the issue of legal custody, residency and parenting time of a child, the court would consider evidence of sexual assault of the child along with many other factors. The court could conclude that a parent is unfit if a parent has committed rape, aggravated indecent liberties or incest that resulted in the conception of a child.

The Department for Children and Families states that enactment of SB 404 could result in more children entering foster care. The monthly average cost for one child to be placed in foster care is \$2,701 or \$32,412 annually. However, the Department for Children and Families is unable to determine the number of children that the bill could affect.

The Office of Judicial Administration indicates that enactment of SB 404 could increase the number of cases filed in district courts relating to termination of parental rights. The bill would also result in the reduction of docket fee assessments as the courts would not be allowed to collect docket fees for termination of parental rights cases. However, it is not possible to estimate the number of additional court cases that would arise or the resulting loss of revenue. Any fiscal effect associated with SB 404 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive style with a large, sweeping initial "L".

Larry L. Campbell
Director of the Budget

cc: Mary Rinehart, Judiciary
Kim Holter, Children & Families