

March 20, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 298 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 298 is respectfully submitted to your committee.

SB 298 would require child support to be provided for unborn children with a detectable heartbeat. The support would include direct medical and pregnancy-related expenses of a mother if a child is unborn as a consideration for child support. The bill would also use medical and pregnancy-related expenses as a threshold for maximum child support for an unborn child. The bill would also define “unborn child” and “detectable heartbeat” and amend the definition of a “child” to include “unborn child.”

The Department for Children and Families (DCF) indicates that SB 298 could increase expenditures because there may be an increased number of child support cases and the duration of those cases. Additionally, added testing, back-dated orders, and larger arrearage potential may occur. The bill would create additional administrative burdens on parties if it is later determined an obligor is not a legal parent and would create additional administrative burdens on DCF to modify orders created prior to a child being born as well as potentially modifying an order if a child is later found to be the child of another party.

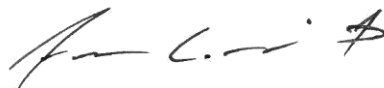
Current federal regulations do not provide or allow for parentage establishment prior to the birth of a child. For that reason, there would be a fiscal shift in cost from federal funds supplementing this portion of the process to State General Funds being needed. This portion of the program is currently shared and funded at 66.0 percent by the Federal Office of Child Support Enforcement (OCSE).

The Kansas Department of Health and Environment reported 12,917 children born out of wedlock in 2022, with an average of 13,373 children born out of wedlock over the previous five years. An estimated two-thirds of those may apply for support. Currently, parentage is not determined until after birth and child support services do not start before birth of the child. The bill could start child support services before birth and result in testing that is currently not provided.

DCF contracts for child support services, they are not directly performed by DCF staff. The average annual cost per case to administer, based on expenditures reported to OCSE and divided by the number of open cases at the end of 2022, is \$234 per case per year. DCF would have to contract for in utero genetic testing services. The testing would not be directly performed by DCF staff or contractors. DCF is not able to determine how many pregnant mothers would seek service or the added months or costs of a case from this bill. If cases started earlier and additional testing and services are required, contract costs would increase.

The Office of Judicial Administration indicates that SB 298 would have a fiscal effect on expenditures of the Judicial Branch because it would require the Supreme Court to change its rules for establishing child support guidelines and how district courts calculate support obligations. Nevertheless, until the courts have had an opportunity to operate under the provisions of SB 298, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. The Kansas Department of Revenue indicates that SB 298 would not have a fiscal effect on the agency. Any fiscal effect associated with SB 298 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Kim Holter, Department for Children & Families
Lynn Robinson, Department of Revenue