



KANSAS
ASSOCIATION OF
COUNTIES

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House Judiciary Committee
March 7, 2024
HB 2381

Kansas Association of Counties
Neutral Testimony

Chairwoman Humphries and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer neutral testimony on HB 2381, which would require that a child in a child in need of care (CINC) case have an attorney appointed for them by the court.

The Kansas Association of Counties supports ensuring that children in need of care are provided with all the resources that they need throughout the process. There may be, however, some logistical issues with appointing a separate attorney for each child involved in a CINC case.

In many Kansas counties, there are very few practicing attorneys, particularly in the specialized area of family law. KAC is unsure how these jurisdictions would comply with this requirement while also allowing their attorneys to maintain their required ethical standards. Further, there is concern that needing to appoint attorneys from outside the immediate geographic region to avoid conflicts of interest may create scheduling and other practical problems in the representation that may negatively impact the outcome for the child. Another complicating factor is the limited number of attorneys that practice in this area. Even many of our larger counties have a relatively small pool of attorneys that do CINC work.

There is also a concern about how to cover the potential cost. Under current law, a single guardian ad litem (GAL) can be assigned to the case at the cost of the county. Under this bill, an attorney could be appointed for each child involved in the case. That could increase the cost to counties significantly.

This cost would appear to be borne by counties. It is the understanding of KAC that Kansas is not currently approved to use Title IV-E funds for these purposes. Even in the event that Kansas were to be approved for this use in the future, Title IV-E is a matching program, meaning there would be some outlay from counties for this purpose, although the match could help offset some costs if they were approved for reimbursement.

Thank you for allowing the Kansas Association of Counties to present this important perspective on this legislation, and for your consideration of these issues as you consider this bill.

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