

February 14, 2023

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2409 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2409 is respectfully submitted to your committee.

HB 2409 would enact the Kansas Uniform Parentage Act (2017). The bill would authorize a district court to adjudicate parentage and apply the laws of Kansas to such adjudications regardless of where the child was born, the past or present residence of the child, or the place of conception of the child. These proceedings would also be subject to the laws of Kansas other than the those that govern personal identifiable information. The Act would apply, to the extent practicable, to mother-child and father-child relationships regardless of the marital status of the parent.

The bill would create parentage proceedings requirements for genetic testing of children, including when a woman alleges the child was the result of incest, rape, or sexual assault. In parenting actions, the court would be authorized to enter temporary orders for child support. The court could also combine a parentage action with a proceeding for adoption, termination of parental rights, legal custody, residency or parenting time, child support, divorce, annulment, separate maintenance, administration of an estate, or other appropriate proceeding. The court would also be required to adjudicate parentage of a child without a jury. Upon an order adjudicating parentage, the court could make orders regarding legal custody, residency, parenting time, support and education expenses, and payment of medical expenses of the child. In making such orders, the court could consider any affirmative defenses pled and proved. Child support would be determined according to the Kansas child support guidelines.

The bill would create new provisions related to the conception of a child other than through sexual intercourse and the collection of gametes collected on or after July 1, 2023. Upon the request of a child conceived by assisted reproduction when the child reaches 18 years of age, the bank or clinic licensed in Kansas would be required to provide as much information about the donor as possible, unless the donor did not sign or withdrew a declaration. If the donor signed the declaration and did not withdraw the declaration, the bank or clinic would be required to make a

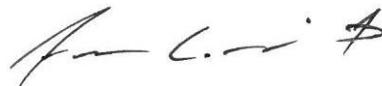
good-faith effort to notify the donor and the donor may then be allowed to withdraw the declaration. Finally, the bill would apply to any pending proceeding to adjudicate parentage commenced before July 1, 2023, for an issue on which judgment has not been entered.

The Office of Judicial Administration indicates that HB 2409 could have a significant fiscal effect on expenditures of the Judicial Branch. The bill would create additional requirements for district court judges and clerks in parentage cases and could possibly extend the length of certain cases. In addition, the bill could increase the number of cases filed in district courts because it creates a new crime. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Nevertheless, until the courts have had an opportunity to operate under the provisions of HB 2409, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. The bill could also result in the collection of docket fees which would be deposited in the State General Fund.

The Kansas Department for Health and Environment (KDHE) indicates that HB 2409 would require 6.00 additional FTE positions to process the acknowledgment and denial of parentage forms. Salary and fringe benefits would be \$50,387 per position, for a total of \$302,322. Changes would also be required to the Vital Statistics Program to include updates to the acknowledgment of parentage form and the creation of the denial of parentage form along with changes to the system screens and certificates. It is estimated this would be an increase of \$25,000 in expenditures. In addition, the bill would require the State Registrar to provide a certified copy of the acknowledgment of parentage, denial of parentage, or rescission of acknowledgment of parentage to the child-support agency. It is assumed that KDHE would continue to charge for these copies. If the intent was to not charge, this would result in a loss of revenue of \$41,520 annually.

The Office of the Attorney General and the Department for Children and Families indicate that any fiscal effect on expenditures associated with the bill could be absorbed by the agencies within existing resources. Any fiscal effect associated with HB 2409 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
Amy Penrod, Department of Health & Environment
John Milburn, Office of the Attorney General