

Kendall McVay, Travis Harrod
Integrated Trustee Services

Senate Bill No. 242
Neutral Testimony
Senate Committee on Judiciary
March 3, 2025

Chairwoman Warren, Vice Chairman Titus, Ranking Member Corson, and Members of the Senate Committee on Judiciary:

We write to you regarding Senate Bill 242 (SB242) concerning contingent fee contracts for legal services entered into by a political subdivision. District court trustees are concerned that, as drafted, SB242 could unintentionally make it burdensome for a Kansas District Court, or Judicial District, to retain an attorney to act as a district court trustee. Or, perhaps worse, SB242 could create a disincentive for a local attorney to serve as a district court trustee due to the lengthy process SB242 mandates prior to a contract being awarded.

District court trustees were created by statute (K.S.A. 20-375 through 20-384) “to improve the enforcement of duties of support and restitution.” The vast majority of a trustee’s case load is enforcing child support and spousal maintenance orders. The benefit of having a district court trustee is that a party to whom child support, or spousal support, is owed does not have to pay their own attorney hundreds or even thousands of dollars just to make sure the court ordered support is paid timely each month. The court trustee can also collect court ordered restitution owed to the victim in a criminal case. As with a support order, the court trustee enforces the restitution order so the crime victim does not have to pay a private attorney in order to collect restitution.

SB242 is limited to political subdivisions, which is defined within the Bill at Section 1(e)(2)(A). The language of SB242 does not seem to include or limit a district court’s power to appoint an attorney as district court trustee (K.S.A. 20-377), or to allow the district court trustee to be compensated by keeping up to 5% of what the trustee collects (K.S.A. 20-380(a)(1)). However, district courts do receive, expend and are supported by public funds, and court trustees can be paid contingent upon what they collect, not to exceed 5%. For these reasons we ask the Senate Committee on Judiciary to consider clarifying SB242 to exempt the appointment of district court trustees from the provisions of SB242.

Sincerely,

Kendall McVay
District Court Trustee

Travis Harrod
Deputy District Court Trustee