

STATE OF KANSAS

DIVISION OF THE BUDGET
LONDON STATE OFFICE BUILDING
900 SW JACKSON STREET, ROOM 504
TOPEKA, KS 66612



PHONE: (785) 296-2436
FAX: (785) 296-0231
larry.campbell@ks.gov
<http://budget.kansas.gov>

GOVERNOR JEFF COLYER, M.D.
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

March 13, 2018

The Honorable Erin Davis, Chairperson
House Committee on Children and Seniors
Statehouse, Room 151-S
Topeka, Kansas 66612

Dear Representative Davis:

SUBJECT: Fiscal Note for HB 2751 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2751 is respectfully submitted to your committee.

HB 2751 would create the Office of the Child Advocate for Children's Protection and Services within the Department of Administration. The purpose of the Office would be to assure that children are receiving adequate protection and care through services offered by the Department for Children and Families (DCF) and the Kansas Department of Corrections (KDOC). The Office would be administered by the Child Advocate, who would be appointed jointly by the Governor and the Chief Justice of the Kansas Supreme Court with the advice and consent of the Senate. The Child Advocate would hold the office for a term of six years. The Child Advocate would act independently of DCF and KDOC and have its own budget beginning in FY 2019. The bill would require the Department of Administration to provide administrative support and staff for the Office.

The bill would outline the power and authority of the Office of the Child Advocate for Children's Protection and Services. The Office would be authorized to coordinate mediation efforts between school districts or charter schools and students when requested by both parties when allegations of child abuse arise in a school setting. The Office would be required to develop and implement procedures for receiving, processing, responding to and resolving complaints made by or on behalf of children who are recipients of services from DCF or KDOC. The Office would have the authority to conduct an independent review of any entity within a county that has experienced three or more reports of abuse or neglect in a calendar year. Files maintained by the Office may only be disclosed at the discretion of the Child Advocate.

DCF and KDOC would be required to enter into agreements with the Office of the Child Advocate for Children's Protection and Services to provide funding from available federal and state funds in FY 2019 and in each subsequent fiscal year. The amounts for each subsequent fiscal year must be adjusted appropriately for increases resulting from inflation or other factors and cannot be less than the amounts provided for FY 2019.

The Department of Administration estimates that it would require additional expenditures of \$122,741 in FY 2019 for 1.00 Attorney FTE position. Of the total amount, \$107,741 would be for salaries and wages; \$12,000 would be for other operating expenditures such as communications, rent, printing and office supplies; and \$3,000 would be for one-time costs for office set up including office furniture and IT equipment. The funding source for the expenditures is unknown until financial arrangements with the Department for Children and Families and the Department of Corrections are determined.

The Department for Children and Families estimates the bill would require additional expenditures totaling \$398,547 in FY 2019, including \$366,880 from the State General Fund and \$31,667 from federal funds. This amount represents the agency's costs of complying with the requirements of the Office of the Child Advocate for Children's Protection and Services. It excludes revenue transfers or other funding that might be provided to the Department of Administration. Currently, there is no authority for DCF to transfer State General Fund dollars to the Department of Administration. This authority would need to be added to HB 2751 or an appropriations bill. The estimate includes \$351,261 for salaries and wages expenditures and \$47,286 for associated other operating expenditures for 6.00 FTE positions. DCF indicates it would require 1.00 Management Analyst II FTE position to provide the Office of the Child Advocate for Children's Protection and Services with names and locations of children under DCF jurisdiction and written reports of child abuse and neglect. DCF indicates it would also require 1.00 Administrative Officer FTE position in its Office of Client Services to coordinate concerns and complaints with the Office of the Child Advocate for Children's Protection and Services. DCF indicates it would require 4.00 Program Consultant II FTE positions (one for each region) to compile information from case files upon receiving requests from the Office the Child Advocate for Children's Protection and Services. DCF notes it receives an average of 52 concerns per week. The Department estimates the fiscal effect in the out-years would be \$388,361 in FY 2020 and \$389,771 in FY 2021 from all funding sources, including \$357,580 and \$358,874, respectively, from the State General Fund.

The Department of Corrections estimates the provision requiring it to transfer state or federal funds would have a fiscal effect on the agency. However, the fiscal effect cannot be determined until it is known how much the Department would be required to transfer under the agreement with the Office of the Child Advocate for Children's Protection and Services. It is presumed that any funding provided by the Department of Corrections would be diverted from existing resources within current Department of Corrections programs.

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The Office of Judicial Administration indicates that the bill could have a fiscal effect on the operations of the court system from (1) increasing the number of juvenile and child in need of care cases; (2) requiring additional supervision of offenders by court services officers; and (3) requiring the Supreme Court to devote time to appoint a Child Advocate and to address any other issues that may arise from establishing the new office. However, the Office of Judicial Administration is unable to estimate the number of additional cases that would occur, or the additional time requirements needed by court service officers and the Supreme Court. Any fiscal effect associated with HB 2751 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Campbell", written in a cursive style.

Larry L. Campbell
Chief Budget Officer

cc: Jackie Aubert, Children & Families
Linda Kelly, Corrections
Colleen Becker, Department of Administration
Ashley Michaelis, Judiciary