

February 8, 2023

The Honorable Susan Concannon, Chairperson
House Committee on Child Welfare and Foster Care
300 SW 10th Avenue, Room 152-S
Topeka, Kansas 66612

Dear Representative Concannon:

SUBJECT: Fiscal Note for HB 2299 by House Committee on Child Welfare and Foster Care

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2299 is respectfully submitted to your committee.

HB 2299 would require the Department for Children and Families (DCF) to apply a best interest of the child standard when selecting an adoptive home for foster child. The bill would add a provision specifying that any prior custody order, including one that placed custody with DCF, would cease upon a court granting custody of the child to the proposed adoptive parents. In granting custody for adoption, the bill would remove the current requirement that a court give primary preference to granting custody to a relative and second preference to someone with whom the child has close emotional ties.

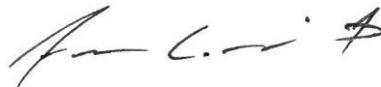
When DCF has custody of a child for the purpose of adoption, the bill would require DCF to give preference, subject to the child's best interests, to a placement that would maintain the child's close and healthy attachments. The bill would require DCF to consider a foster parent as the prospective adoptive parent if the child has lived more than half of the child's life with the foster parent; if the child has lived over two years with the foster parent; or if DCF determines otherwise based on the child's best interests.

If DCF does not choose the foster parent, the foster parent could request the court grant direct placement for adoption and appeal that decision to the court of appeals. DCF would have several requirements in implementing the bill's provisions, including the development and enforcement of adoption selection policies consistent with the mandate that DCF give preference to a placement that maintains the child's close and healthy attachments. DCF would also have to develop training for employees and contractors, collect data concerning the best interest

determinations, and report on the agency's compliance to the Legislature on or before the first day of the 2024 Legislative Session and every year thereafter.

The Office of Judicial Administration indicates that HB 2299 would have a fiscal effect on expenditures of the Judicial Branch. The bill's provisions would affect the district courts' handling of Child in Need of Care cases that result in adoption. This bill would permit foster parents who are not selected by DCF as the adoptive placement to apply to the district court for direct placement for adoption. The foster parents could then appeal that decision to the Court of Appeals. This, in turn, would increase the time spent by district court and court of appeals personnel in processing, researching, and hearing cases. Nevertheless, until the courts have had an opportunity to operate under the provisions of HB 2299, an accurate estimate of the fiscal effect on expenditures by the Judicial Branch cannot be given. The bill would not have a fiscal effect on revenues to the Judicial Branch, however, the bill could result in the collection of docket fees in those cases filed under the provisions of the bill, which would be deposited in the State General Fund. DCF indicates that HB 2299 would have a negligible fiscal effect on the agency. Any fiscal effect associated with HB 2299 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Vicki Jacobsen, Judiciary
Kim Holter, Department for Children & Families