

March 29, 2011

The Honorable Lance Kinzer, Chairperson  
House Committee on Judiciary  
Statehouse, Room 165-W  
Topeka, Kansas 66612

Dear Representative Kinzer:

**SUBJECT:** Fiscal Note for HB 2389 by House Committee on Federal and State  
Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2389 is respectfully submitted to your committee.

HB 2389 would amend current law regarding child abuse investigations. The bill would require the Department of Social and Rehabilitation Services (SRS) to advise the subject of an abuse or neglect investigation of the allegations in the report at the initial contact. The reporter's identity would remain confidential. The bill would require SRS employees to be trained on the legal rights of children and families beginning with the initiation of a child abuse investigation and throughout the process. This training would include instruction on the Fourth Amendment to the United States Constitution and parents' rights. The bill would also require SRS to terminate the investigation if no evidence exists for the initial report, unless the agency has probable cause to suspect abuse or neglect. If the investigation reveals no evidence of abuse or neglect, the Secretary would have to send a letter stating that fact and that the investigation has ceased. Finally, if the investigation reveals that the report was not made in good faith, the cost of the investigation would be charged to the reporter.

SRS states that the additional training required in HB 2389 would be negligible and could be accomplished within current resources. There would, however, be increased fee fund income associated with intentionally false reporting. The agency estimates 121 intentionally false reports are made each year. This estimate is based on 16,865 unsubstantiated reports per year and an intentionally false reporting rate of 0.72 percent (.0072 x 16,865). The false reporting rate is taken from the experience of eleven states that document intentionally false reports. Based on FY 2010 expenditures, the cost per investigation is \$1,756. SRS estimates the recovery of 57.0 percent of the total costs associated with intentionally false reporting. Therefore, the

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estimate for cost recovery is \$121,111 ( $121 \times \$1,756 \times .57$ ). Any fiscal effect associated with HB 2389 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Dan Lewien, SRS