

February 18, 2014

The Honorable Connie O'Brien, Chairperson
House Committee on Children and Seniors
Statehouse, Room 187-N
Topeka, Kansas 66612

Dear Representative O'Brien:

SUBJECT: Fiscal Note for HB 2558 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2558 is respectfully submitted to your committee.

HB 2558 would remove court trustees as hearing officers in cases concerning the enforcement of visitation rights and parenting time. Currently these hearings may be conducted by a district judge, court trustee, or magistrate. HB 2558 would also prohibit court-appointed case managers from facilitating child custody plans, residency, visitation, and parenting time disputes and from making recommendations to the court. The bill would remove court-appointed case managers from the list of mandatory child abuse reporters.

The Department for Children and Families cannot determine the number of child abuse reports received from court-appointed case managers assigned to facilitate custody disputes. However, the agency estimates that the number is negligible and expects no fiscal effect to result from passage of HB 2558.

The Office of Judicial Administration states that the provision of HB 2558 which would eliminate case management could greatly increase personnel costs for the Judicial Branch. If passed, all cases that are currently assigned to case managers would instead be heard by judges. These cases are typically high conflict divorce cases with multiple post-decree filings and many of the litigants are self-represented. This would increase the time spent by district court judicial and nonjudicial personnel in processing, researching and hearing cases. However, it is not possible to predict how much additional time will be spent on these cases. Therefore, a precise fiscal effect cannot be determined.

HB 2558 would also have a fiscal effect on judicial revenue. Eliminating case management would increase the number of post-decree motions that are filed in the district courts. Post-decree motions require a \$40 docket fee and a \$22 surcharge. It is not possible to

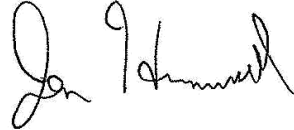
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predict how many additional motions would be filed. Therefore, a precise revenue estimate cannot be determined. Any fiscal effect associated with HB 2558 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and "H".

Jon Hummell,
Interim Director of the Budget

cc: Jackie Aubert, Children & Families
Mary Rinehart, Judiciary