

February 6, 2020

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519C-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2533 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2533 is respectfully submitted to your committee.

HB 2533 would enact the Uniform Family Law Arbitration Act. The bill would define an “arbitration agreement” as an agreement that subjects a family law dispute to arbitration. The bill would prohibit an arbitrator from making certain awards as it relates to family law disputes. An arbitration agreement would have to be signed by both parties, identify the arbitrator, and identify the issues the parties want resolved. The agreement to arbitrate would be valid and enforceable as any other contract and irrevocable except on grounds of law or equity. The court would determine whether an agreement is enforceable or if the agreement should be terminated.

Unless the parties waive the requirements, an arbitrator would be required to be a lawyer or retired judge who is trained to identify domestic violence and child abuse. The court would determine whether an arbitrator meets the requirements of the bill and if the arbitrator does not, the parties or the court could choose a new arbitrator. Temporary awards and orders could be issued by an arbitrator or court. Awards would not be enforceable until confirmed by the courts.

The Department for Children and Families (DCF) assumes that most of these incidents are already being reported by alternate sources involved in the court system during divorce proceedings. For example, court social workers and mediators are already mandated reporters of child abuse and neglect. If the bill would cause an increase in the volume of reports to the Kansas Protection Report Center (KPRC), more positions could be needed. For every 906 additional calls the KPRC would receive annually, an additional KPRC position would be needed. Likewise, as reports are assigned at a rate of 60.0 percent, additional Child Protection Specialist (CPS) positions could be needed. An average caseload is approximately 20 new cases per month. Therefore, an increase in annual caseloads of 240 would require an additional CPS worker. DCF indicates that

for each additional position that is added State General Fund expenditures would increase by \$64,000 per year for salaries and operating costs.

The Office of Judicial Administration indicates that HB 2533 would have a negligible effect on expenditures and would have no fiscal effect on revenue for the agency. Any fiscal effect associated with HB 2533 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with the first name "L." and last name "Campbell" clearly visible.

Larry L. Campbell
Director of the Budget

cc: Kim Holter, Children & Families
Mary Rinehart, Judiciary