

February 24, 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 2716 by House Committee on Children and Seniors

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2716 is respectfully submitted to your committee.

HB 2716 would require a parent of any age to have independent legal advice on the consequences of consenting to an adoption or relinquishing a child. Current law requires independent legal advice for minor parents only. The bill would increase the waiting period for consent to adoption or relinquishment from 12 hours to 24 hours after the child's birth. The bill would also make the intentional acceptance of consent or relinquishment before 24 hours a class A non-person misdemeanor. HB 2716 would change the period between an adoption petition and hearing. Currently, the adoption hearing must occur within 60 days after the adoption petition has been filed. Also under current law, the hearing date may be extended by the court for good cause. The bill would retain the 60-day time limit for a child in need of care case when the child is younger than one year. In all other cases, the adoption hearing would have to be held within 30 days of the filing.

Under current law, the reasonable living expenses of the mother that are incurred as a result of a pregnancy may be paid by a party in connection with an adoption. HB 2716 would eliminate those particular expenses from the list of items that may be paid. In order to violate current law an individual must knowingly and intentionally receive or accept excessive adoption fees or expenses. HB 2716 would remove the requirement of intent. The bill would also require the court to file a complaint with the Disciplinary Administrator for a violation of this rule by a licensed Kansas attorney.

The Office of Judicial Administration states that HB 2716 could increase the number of filings in district courts and the number of appeals relating to adoption. The bill would also create the new crime of knowingly accepting consent or relinquishment from a mother prior to 24 hours after the birth, which could increase the time spent by district and appellate court

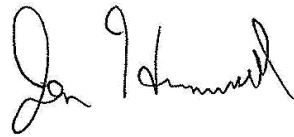
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personnel in processing, researching and hearing cases. If it does, the Office of Judicial Administration indicates that there would be increased costs for the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. Any fiscal effect associated with HB 2716 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