

HOUSE BILL No. 2446

By Committee on Judiciary

1-16

1 AN ACT concerning courts; relating to the court trustee operations fund;
2 amending K.S.A. 2013 Supp. 20-380 and repealing the existing section.
3

4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2013 Supp. 20-380 is hereby amended to read as
6 follows: 20-380. (a) Except as provided further, to defray the expenses of
7 operation of the court trustee's office, the court trustee is authorized to
8 charge an amount: (1) Whether fixed or sliding scale, based upon the
9 scope of services provided or upon economic criteria, not to exceed 5% of
10 the support collected from obligors through such office, as determined
11 necessary by the chief judge as provided by this section; (2) based upon
12 the hourly cost of office operations for the provision of services on an
13 hourly or per service basis, with the written agreement of the obligee; or
14 (3) from restitution collected, not to exceed the fee authorized by the
15 attorney general under any contract entered into pursuant to K.S.A. 75-
16 719, and amendments thereto.

17 (b) All such amounts shall be paid to the court trustee operations fund
18 of the county where collected. There shall be created a court trustee
19 operations fund in the county treasury of each county or district court of
20 each county, in each judicial district that establishes the office of court
21 trustee for the judicial district. The moneys budgeted to fund the operation
22 of existing court trustee offices and to fund the start-up costs of new court
23 trustee offices established on or after January 1, 1992, whether as a result
24 of a rule adopted pursuant to K.S.A. 2013 Supp. 20-377, and amendments
25 thereto, or because this act has created a court trustee operations fund,
26 shall be transferred from the county general fund to the court trustee
27 operations fund. The county commissioners of the county or group of
28 counties, if the judicial district consists of more than one county, by a
29 majority vote, shall decide whether the county or counties will have a
30 court trustee operations fund in the county treasury or the district court of
31 each county. *Except as provided by subsection (d)*, all expenditures from
32 the court trustee operations fund shall be made in accordance with the
33 provisions of K.S.A. 2013 Supp. 20-375 et seq., and amendments thereto,
34 to enforce duties of support. Authorized expenditures from the court
35 trustee operations fund may include repayment of start-up costs,
36 expansions and operations of the court trustee's office to the county

1 general fund. The court trustee shall be paid compensation as determined
2 by the chief judge. The board of county commissioners of each county to
3 which this act may apply shall provide suitable quarters for the office of
4 court trustee, furnish stationery and supplies, and such furniture and
5 equipment as shall, in the discretion of the chief judge, be necessary for
6 the use of the court trustee. The chief judge shall fix and determine the
7 annual budget of the office of the court trustee and shall review and
8 determine on an annual basis the amount necessary to be charged to defray
9 the expense of start-up costs, expansions and operations of the office of
10 court trustee. All payments made by the secretary ~~of social and~~
11 ~~rehabilitation services for children and families~~ pursuant to K.S.A. 2013
12 Supp. 23-3113, and amendments thereto, or any grants or other monies
13 received which are intended to further child support enforcement goals or
14 restitution goals shall be deposited in the court trustee operations fund.

15 (c) The court trustee shall not charge or collect a fee for any support
16 payment that is not paid through the central unit for collection and
17 disbursements of support payments pursuant to K.S.A. 2013 Supp. 39-
18 7,135, and amendments thereto.

19 (d) *In a judicial district where the office of court trustee has ceased*
20 *to exist, the chief judge may authorize expenditures from the court trustee*
21 *operations fund for district court operations.*

22 Sec. 2. K.S.A. 2013 Supp. 20-380 is hereby repealed.

23 Sec. 3. This act shall take effect and be in force from and after its
24 publication in the statute book.