

February 11, 2011

The Honorable Mike Kiegerl, Chairperson
House Committee on Children and Families
Statehouse, Room 173-W
Topeka, Kansas 66612

and

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

Dear Representatives Kiegerl and Kinzer:

SUBJECT: Fiscal Note for HB 2103 by House Committee on Children and Families

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2103 is respectfully submitted to your committee.

Current law permits the court to terminate parental rights after finding the parent unfit and determining that it would be in the best interest of the child to do so. HB 2103 would prohibit the court from terminating parental rights unless: (1) the parent has been convicted of a felony; (2) the parent has been convicted of a misdemeanor related to parenting ability; (3) the court finds the parent incompetent; or (4) the child has been convicted of a felony or misdemeanor.

HB 2103 retains the current authority of the court to find parents unfit; however, when the court finds the parent unfit and the parents do not meet the criteria specified in the bill, the court would be unable to terminate parental rights and the child would be ineligible for adoption. It is noted that a parent may consent to adoption despite not meeting the conditions in the bill, or the child could be permanently placed with a custodian, with or without parental consent.

The Department of Social and Rehabilitation Services (SRS) states that many of the parents involved in child in need of care proceedings have at least one misdemeanor conviction relating to parenting ability or a felony conviction, allowing parental rights to be terminated if the parent has been found unfit and termination is in the best interests of the child. However, under HB 2103, children who are unable to return safely to the custody of an unfit parent would

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remain in foster care longer, and in some cases, until the child is 18. Therefore, HB 2103 is expected to increase the number of children in foster care.

In addition, as a condition for federal financial participation in the cost of a child's care, the Adoption and Safe Families Act requires a petition to terminate parental rights be filed when a child has been in care for 15 of the most recent 22 months. There are exceptions to this requirement, but they must be particular to the child, and do not include the criteria in HB 2103. Therefore, the Department would be ineligible for federal foster care funds for children affected by the bill after their 15th month in care.

The increase in the number of children remaining in foster care who would otherwise have been adopted cannot be accurately estimated. The cost for each additional child in SRS custody would be approximately \$18,804 per year. Title IV-E Federal Funds cover 34.0 percent of foster care costs, but these children would likely be ineligible for federal funds after 15 months in custody. Any fiscal effect associated with HB 2104 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: Mary Rinehart, Judiciary
Dan Lewien, SRS