

February 6, 2024

The Honorable Susan Humphries, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2675 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2675 is respectfully submitted to your committee.

HB 2675 would enact the Uniform Nonparent Visitation Act, which would apply to a proceeding in which a nonparent seeks visitation or permanent custody. The Act would not apply to proceedings between nonparents, unless a parent or person acting as a parent is a party to the proceeding; proceedings pertaining to visitation with an Indian child as governed by the Indian Child Welfare Act; proceedings that involve a child who is the subject of a child in need of care case, proceedings that involve foster parents, if their sole reason is because the person served as a foster parent of the child; proceedings that involve an individual whose parental rights to the child have been terminated; or proceedings regarding visiting orders with a deployed parent. A court could order visitation to a nonparent only if the nonparent proves the denial of visitation would harm the child, the nonparent has been a consistent caretaker for a year before the case was filed, the nonparent has a substantial relationship with the child, or an order of visitation with the nonparent is in the best interests of the child. The bill outlines certain factors the court would use in determining if a nonparent is a consistent caretaker that has a substantial relationship with the child.

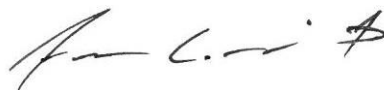
A nonparent could file a petition for visitation to a court that has jurisdiction under the Act, which must contain certain information. A court would be required to consider certain factors in deciding the case. Once a case is filed, the petitioner would be required to give notice to the parent of the child; the person having custody of the child; any person having court-ordered visitation with the child; and any attorney, guardian ad litem or similar representative appointed for the child. The bill outlines the actions a court may take in such cases. A court would be required to determine whether an order of visitation with a nonparent is in the best interest of a child, considering certain

factors. The bill would require the court to presume it is not in the best interest of a child for a nonparent to visit the child if the nonparent lives with an individual that has committed certain acts, including child abuse, domestic violence, stalking, or an offense requiring registration under the Kansas Offender Registration Act. The bill would allow a party to file a motion to request a court to modify a final visitation order under certain conditions. The bill would require nonparents to pay for expenses incurred in visitation, services such as mediation and evaluations ordered under the bill, and any other costs and reasonable attorney fees unless the court determines that justice requires otherwise. The bill would only apply to cases filed before July 1, 2024, in which a final order has not been entered, and cases filed on or after July 1, 2024.

The Office of Judicial Administration indicates enactment of the bill could increase expenditures of the Judicial Branch because it allows for cases, petitions, and motions to be filed and requires the judges to consider multiple factors when making rulings in such cases. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of additional docket fees in cases filed under the provisions of the bill, which would be deposited in the State General Fund. However, a precise fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The Department for Children and Families indicates enactment of the bill would not have a fiscal effect on the operations of the agency. Any fiscal effect associated with HB 2675 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Kim Holter, Department for Children & Families