



House Judiciary Committee
January 28, 2014

Testimony in Opposition to
HB 2421

Presented by:

Trisha Thomas

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Trisha Thomas, Director of Child Support Services
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Topeka, Kansas

Presented to:

The Honorable Chairman Kinzer and Honorable Members of the
House Judiciary Committee

DCF testimony on HB 2421 - Enacting the fourth amendment preservation and protection act of 2014.

Chairman Lance Kinzer, Vice-Chair Rob Bruchman, Ranking Member Janice Pauls and Honored Members:

Good morning Mr. Chairman and members of the committee. I am Trisha Thomas, Director of Child Support Services (CSS) at the Department for Children and Families (DCF). I appreciate the opportunity to testify today in opposition of House Bill 2421, which would prohibit state and local governments from accessing information about individuals that is held by third parties without the consent of the individual or without a warrant.

CSS administers the State's child support services program under the authority of Title IV-D of the Social Security Act. CSS is charged with establishing and enforcing support on more than 132,000 cases affecting Kansas' children; CSS' primary purpose is to ensure those children have adequate means of support. This bill, as currently written, would seriously impact CSS' ability to perform its federally mandated functions and would greatly impact Kansas families.

CSS relies extensively on agreements with third party entities for information and data matching, which are essential to ensure proper functioning of the program. CSS uses third party data as a basis to obtain new child support orders, modify current orders, locate parents, enforce orders, and send out payments, all of which are required functions under federal regulations. *See* 45 C.F.R. Parts 300-310. This bill would prevent CSS from obtaining information from all third parties, even perhaps from other states and the federal government. And, if CSS is not allowed to continue such activities, the impact will be felt program-wide through its negative impact on many cases, the fee charged for non-public assistance cases, the fee funds earned by collecting on TANF cases or arrears due to the state, incentive rates from the federal government, and the money sent to families.

Additionally, as set forth in DCF's fiscal note, there is a potentially massive negative financial impact to CSS as well as Kansas families; CSS stands to lose \$28 million per year in federal funding as well as placing its \$214 million in annual collections at risk.

However, in spite of the negative impact to CSS, CSS understand the purpose of this bill and would propose an amendment in order to preserve its underlying purpose while eliminating the negative impact to DCF and CSS.

We believe that inserting the following language at the end of the bill will preserve its intent without unnecessarily hampering important and required social services:

“(e) This act shall not apply to federally mandated, state administered social services programs, including those authorized by the Social Security Act, in the performance of any official duties.”

Should the Committee consent to amend the bill as requested, CSS would no longer oppose the bill.

Thank you for the opportunity to testify today. I will be glad to stand for any questions you may have.