



*Strong Families Make a Strong Kansas*

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## House Children and Seniors Committee

January 30, 2014

*Testimony on:*

**HB 2450**

Presented by:

Trisha Thomas

Director of Child Support Services

Kansas Department for Children and Families

**Testimony of:**

Trisha Thomas, Director of Child Support Services  
Kansas Department for Children and Families  
Topeka, Kansas

**Testimony on:**

HB 2450, Change in terminology: "best interest of the child" to "least detrimental alternative for the child."

**Chair Connie O'Brien, Vice-Chair Kelly Meigs, Ranking Member John Wilson and Honored Members:**

Good morning Madame Chair and members of the Committee. I am Trisha Thomas, Director of Child Support Services (CSS) at the Kansas Department for Children and Families (DCF). I appreciate the opportunity to testify today in opposition of House Bill 2450, which would change the long-standing "best interest of the child" standard to "least detrimental alternative for the child" across the Kansas family law statutes.

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. An important and federally-mandated part of CSS' operation is the establishment of paternity for children born out-of-wedlock, where a father is not named on the birth record or otherwise presumed under Kansas law. This bill has the potential to impact CSS' ability to perform this federally-mandated function and could greatly impact Kansas families.

As you know, the "best interest of the child" standard has been in place for decades and has served the family law bar well. The courts of Kansas have been interpreting this standard for just as long, resulting in a large body of case law that covers most situations that come up regarding the best interest standard. Changing this standard would cause unnecessary confusion for the legal community as decades of precedent are re-written to account for the new standard.

As the new standard is interpreted, there would likely be many court battles and appeals to help clarify exactly what the new standard means and how it should be applied within the broader body of family law cases. As this process occurs, CSS' paternity establishment activities would become severely hampered as application of the paternity presumptions and genetic testing, which are currently well understood, are placed in limbo. This would most certainly create significant delays as paternity cases move through the court system.

CSS must meet certain federal performance criteria each year. One of those criteria is the paternity establishment percentage (PEP) of 90 percent. If CSS does not meet this standard, it is subject to financial penalties from the federal Office of Child Support Enforcement. Delays in establishing paternities could very well cause CSS to fall below the expected standard.

Additionally, the longer it takes for paternity cases to work their way through the court system, the longer those families go without child support. That support can be the difference between a family needing public assistance and self-sufficiency.

Therefore, we would ask the Committee to not recommend the bill for passage.

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