

Kansas Department of

Social and Rehabilitation Services

Janet Schalansky, Secretary

Senate Ways and Means Committee

March 31, 2004

HB 2571- Access to KDHE Birth Information

Integrated Service Delivery

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HB 2571- CSE Access to KDHE Birth Information

Senator Morris and members of the committee, I am Candy Shively, Deputy Secretary with Social and Rehabilitation Services (SRS). I am here in support of House Bill 2571. SRS has proposed this legislation to provide SRS staff and federal auditors access to information about children born out of wedlock, needed to perform their work.

In 1996, federal welfare reform changed the philosophy and structure of federal audits of the Child Support Enforcement (CSE) program, measuring meaningful outcomes and encouraging performance improvement. Under the new audit structure, great reliance is placed on system-generated data submitted by the State. The audits now occur in two stages. First, federal auditors evaluate the reliability of the data submitted by the State. Second, if the State's data is reliable, they calculate the performance of the state in five key areas, including paternity establishment.

Through the cooperation of the Department of Health and Environment (KDHE), SRS submits to the federal government annual paternity statistics. An issue raised by federal auditors performing the Data Reliability Audit each year is SRS' inability to provide satisfactory access to information confirming the accuracy of data about children who were born out of wedlock. Kansas law (K.S.A. 65-2422d) bars KDHE from revealing a child was born out of wedlock. Federal auditors trying to measure SRS' success in establishing paternity cannot be told by KDHE a child was born out of wedlock, impeding their ability to confirm the accuracy of SRS statistics. This proposed legislation resolves the problem.

For the past several years, federal auditors have reluctantly accepted work-around solutions for confirming the reliability of KDHE's data about children born out of wedlock. However, that flexibility is a thing of the past. The U.S. Department of Health and Human Services (DHHS) in Washington, D.C., has recently identified specific information a state will be expected to provide in order to pass the Data Reliability Audit. SRS can no longer rely on goodwill and the flexibility of federal auditors -- the law needs to be modified to authorize access to necessary KDHE information. The entrance conference initiating SRS' next Data Reliability Audit was held on March 23rd.

Federal specifications for confirming the reliability of data on children born out of wedlock are limited and make sense. Like SRS workers, federal auditors are subject to stringent ethical and legal requirements for preserving the confidentiality of information they receive during an audit.

The Data Reliability Audits are critical because failure to submit data passing the federal standard for reliability can cost the state all or part of federal incentive funds available. In recent years, Kansas has received between \$2.0 and \$3.0 million in incentives, all of which has gone into the SRS fee fund to help pay the state's share of CSE program costs.

The final change proposed to K.S.A. 65-2422d will allow SRS staff to request, for purposes of establishing parentage, a copy of a child's birth certificate directly from KDHE. That authority would not extend to children outside the CSE Program. Presently, if the custodial parent is unable to provide a certified copy of the birth certificate, SRS must require the parent to order one from KDHE -- at a cost of \$12 to the parent. This may seem like an insignificant expense, but the vast majority of CSE paternity cases involve families currently receiving public assistance -- those who can least afford to spend \$12 for a piece of paper. If SRS were able to order the birth certificate directly, it would relieve these families of the expense and allow 66% of the cost to be passed on to the federal government. The State's cost for this additional service to our economically vulnerable families is estimated to be less than \$3,000 per year.

The time lost during the current roundabout process delays completion of the paternity case and the first support payments in the case. SRS estimates the gain in time would allow \$87,000 in additional child support collections each year, of which \$21,000 would be State revenues.

SRS believes the provisions of H.B. 2571 are important to the continued success and improvement of paternity establishment services. I would be glad to respond to any questions you may have.