

Department of Planning and Budget

2002 Fiscal Impact Statement

1. Bill Number SB537

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Mims

3. Committee Passed both houses

4. Title Child dependency cases; appointment of counsel.

5. Summary/Purpose:

Afford the right of counsel to a parent or guardian of a child who is alleged to be abused or neglected or at risk of abuse or neglect, regardless of whether the parent or guardian has been charged with abuse or neglect. If the identity or location of a parent or guardian is not reasonably ascertainable or if a parent or guardian fails to appear at one of the specified hearings, the court shall consider appointing an attorney-at-law to represent the interests of this absent party, and the hearing may be held. For proceedings related to a child's placement in foster care, the court is required to consider appointing counsel to represent the child's parent or guardian. The court currently has discretion to appoint counsel for these hearings. Existing law is also amended to match the current practice of appointment of a guardian ad litem for a child who is the subject of a petition filed in the juvenile court in connection with a parental placement adoption consent hearing.

6. Fiscal Impact Estimates are: Preliminary, See Item 8.

7. Budget amendment necessary: No

8. Fiscal implications:

According to the Supreme Court, the provision that extends the right of court appointed counsel to the parents or guardians of a child which is alleged to be abused or neglected or at risk of abuse or neglect will have fiscal implications to the Criminal Fund, but it is impossible to determine to what extent. In fiscal year 2001 there were 4,605 cases that would have been affected by this proposal. A survey of Juvenile and Domestic Relations Courts indicates that a large majority of the courts are currently appointing counsel in these cases. However, for the purposes of this analysis, if 10 percent of the cases required appointment this provision would have a fiscal impact of \$51,250. Although the remaining provisions of this legislation could result in additional counsel appointments, they are expected to have negligible fiscal impact.

9. Specific agency or political subdivisions affected: The court system and the Criminal Fund.

10. Technical amendment necessary: No

11. Other comments: None

Date: 03/06/02/TMB

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