

## **Department of Planning and Budget 2020 Fiscal Impact Statement**

**1. Bill Number:** SB878E

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

**2. Patron:**        Marsden

**3. Committee:** Senate Committee on the Judiciary

**4. Title:**        Compensation of court-appointed counsel

**5. Summary:** The proposed bill allows court-appointed counsel for parents in child welfare cases to submit a waiver application for additional compensation of \$120 in district court cases and \$158 for cases appealed to the circuit court.

The bill contains an enactment clause.

**6. Budget Amendment Necessary:** Yes, Item 41 and Item 43

**7. Fiscal Impact Estimates:** Preliminary (see Item #8)

**8. Fiscal Implications:** The proposed bill allows counsel appointed for parents in child welfare cases to submit a waiver application for additional compensation of \$120 in juvenile and domestic relations district court and \$158 for cases appealed to the circuit court. Currently, compensation for this type of representation in juvenile and domestic relations district court is capped at \$120 and \$158 for cases appealed to the circuit court.

Since child welfare cases constitute some of the most complex and significant matters in juvenile and domestic relations district court (i.e., petitions to terminate parental rights), according to the Office of the Executive Secretary of the Supreme Court (“OES”), it is likely that judges may award a waiver in these cases. During Fiscal Year 2019, OES reports there were approximately 19,200 separate compensable appointments for representation in juvenile and domestic relations district court for these types of cases.

OES estimates the proposed bill would have a fiscal impact of \$1,497,600 on juvenile and domestic relations district court. The fiscal impact was calculated using assumptions based on past processing and adjudications practices.

For the same time period, there were 1,260 appeals in these cases from juvenile and domestic relations district court to the circuit court. Applying the same methodology, the estimate fiscal impact on circuit courts would be \$129,402 for parental representation in circuit court.

The total annual fiscal impact on the Criminal Fund as a result of the proposed bill is estimated to be \$1,627,002.

**9. Specific Agency or Political Subdivisions Affected:** Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None