



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

SB0368 - Generally revise laws related to minors (Treas, Jeremy)

Status: As Amended in Senate Committee

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	\$0	\$0	\$0	\$0

Description of fiscal impact: This bill has no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:

Department of Public Health and Human Services (department)

1. SB 368 revises laws relating to legal counsel and proceedings for children in private custody matters and does not pose a fiscal impact to the department.

Office of the State Public Defender (OPD)

2. The addition for legal representation for the child resides in Title 40 Parenting Plan proceedings.
3. Title 47 does not authorize OPD appointments in these proceedings.
4. The changes to title 41 and 45 are minor and do not alter our case weights.
5. Title 40 cases are private party parenting plan cases and the state is not a party to those cases. Title 41 cases are state initiated child abuse and neglect cases.
6. The Judicial Branch does not pay the cost of guardian ad litem services in Title 40 cases. Guardians Ad Litem in Title 40 cases are paid by the parties.
7. Section 1 allows for the appointment of legal representatives in Title 40 cases which would be paid by the parties, not the Judicial Branch

8. Section 3 requires the court to make every effort to interview each child. This will increase the time required by each court to adjudicate cases under Title 40.
9. Section 4 adds rights to children in Title 40 and 41 cases. This will increase the time required by each court to adjudicate cases.
10. The Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of the increase in time required per case may eventually require additional judicial resources to avoid further backlog in district court processing.

Technical Notes:

1. Section 4 provides for a right to legal representation in Title 40 cases, which are not state-initiated cases. A large percentage of parenting plan cases are initiated by litigants representing themselves. Litigants may not be able to afford to pay counsel for the children if counsel is appointed. The state Judicial Branch does not have statutory authority or funding to pay these costs.

NO SPONSOR SIGNATURE

Sponsor's Initials

3.17.23
Date

Budget Director's Initials

3-15-23
Date