



Colorado Legislative Council Staff Fiscal Note
STATE
FISCAL IMPACT

Drafting Number: LLS 12-0543
Prime Sponsor(s): Sen. Carroll
 Rep. Holbert

Date: January 26, 2012
Bill Status: Senate Judiciary
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TITLE: CONCERNING JUDICIAL APPOINTMENTS IN DOMESTIC RELATIONS CASES INVOLVING CHILDREN.

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
State Revenue		
State Expenditures		
General Fund	\$568,782	\$489,848
FTE Position Change	6.0 FTE	6.8 FTE
Effective Date: July 1, 2012, and applies to court appointments made on or after this date.		
Appropriation Summary for FY 2012-2013: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

The bill requires the following court appointees in domestic relations cases involving children to disclose at the time of their appointment certain information concerning potential conflicts of interest:

- child's legal representatives;
- parental responsibilities evaluators;
- parenting coordinators; and
- parenting decision-makers.

Specifically, the appointee must certify that he or she does not have any relationship, financial or otherwise, with the child, either party, the attorneys, or the court; or if the appointee does have such a relationship, he or she must disclose the nature of the relationship.

The bill also makes the following changes to procedures in domestic relations cases:

- increases flexibility for the courts to decide when to appoint a child and family investigator, subject to certain conditions;

- allows the court to allocate the initial expense of a supplemental parental responsibility evaluation when a party to a case requests an additional evaluation after a prior evaluation has been completed, rather than requiring the moving party to bear the expense as under current law; and
- requires the court to consider *claims* of domestic violence by one of the parties, rather than *documented evidence* of domestic violence, when considering the parties' ability to engage in parent coordination prior to appointing a parenting coordinator.

State Expenditures

The bill increases General Fund expenditures in the Judicial Branch by \$568,782 and 6.0 FTE in FY 2012-13 and by \$489,848 and 6.8 FTE in FY 2013-14 and each year thereafter. These expenses are summarized in Table 1 and discussed below.

Table 1. Expenditures Under SB 12-056		
Cost Components	FY 2012-13	FY 2013-14
Personal Services	\$419,396	\$475,313
FTE	6.0	6.8
Operating Expenses	12,825	14,535
Capital Outlay	136,561	0
TOTAL	\$568,782	\$489,848

Personal services. The bill increases the need for judges by 1.7 FTE, which further results in the need for an additional 5.1 FTE for support staff such as clerks and court reports, for a total of 6.8 FTE. Personal services costs are higher in the second year after accounting for the pay-date shift for General Fund supported staff in the first year. Because judges cannot be appropriated as part of regular legislation, the fiscal note assumes that a magistrate would be appointed to handle the increased caseload until the Legislature chooses to create additional judgeships.

The increased judicial caseload results from three main areas: 1) reviewing disclosure forms filed by court appointees in new cases and post-decree modification cases; 2) holding hearings on objections to court appointees filed by a party to the case; and 3) holding hearings to allocate the costs of supplemental parental responsibility investigations. The staffing needs for each of these areas are based on the assumptions below.

Reviewing appointment disclosures. The fiscal note assumes that there will be 18,500 new cases for dissolution of marriage involving children and allocation of parental responsibility that will generate 5,180 court appointments. Further, it is assumed that there will be 3,700 post-decree modification cases that generate 1,776 court appointments (both figures include multiple appointments to the same case). In total, the fiscal note estimates that there will be 6,956 appointment disclosures to be reviewed. Assuming 10 minutes per disclosure, this results in an additional 1160 hours of work for judge, or 0.6 FTE.

Objection hearings. Requiring disclosures by all court appointees creates a new opportunity for one or both parties to raise objections to the court appointee. Assuming the number of cases above and that 25 percent of court appointments result in an objection by one of the parties, there would need to be 1,739 additional hearings. Each hearing is expected to take an hour, requiring 1,739 hours of additional judge time, or 0.8 FTE.

Hearings to allocate costs for supplemental investigations. It is expected that there will be 1,073 filings to request supplemental evaluations of parental responsibility based on data in the prior year. Assuming that the moving party in half of these cases requests that the costs be allocated and that each hearing takes one hour, this work will require an additional 537 hours of judge time, or 0.3 FTE.

Operating expenses and capital outlay costs. Total operating and capital costs to accommodate the increased court caseload and staff are \$149,386 in FY 2012-13 and \$14,535 in FY 2013-14. The first-year amount includes \$136,561 for capital outlay costs for court facilities, furniture, and other capital costs for the new judicial staff. A total of \$12,825 in the first year and \$14,535 in the second year are required for standard operating costs for judicial staff.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 2.

Table 2. Expenditures Not Included Under SB 12-056*		
Cost Components	FY 2012-13	FY 2013-14
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$36,970	\$41,899
Supplemental Employee Retirement Payments	22,525	29,390
TOTAL	\$59,495	\$71,289

*More information is available at: <http://colorado.gov/fiscalnotes>

State Appropriations

The bill requires an appropriation of \$568,782 from the General Fund and 6.0 FTE to the Judicial Branch in FY 2012-13.

Departments Contacted

Judicial Human Services Law Counties