

Colorado Legislative Council Staff Fiscal Note

**STATE
FISCAL IMPACT**

Drafting Number: LLS 15-0367
Prime Sponsor(s): Sen. Lundberg

Date: February 6, 2015
Bill Status: Senate Judiciary
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BILL TOPIC: PRESERVING PARENT-CHILD RELATIONSHIPS

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	<u>\$836,160</u>	<u>\$907,953</u>
General Fund	765,497	795,934
Centrally Appropriated Costs**	70,663	112,019
FTE Position Change	6.7 FTE	10.0 FTE
Appropriation Required: \$765,497 - Judicial Department (FY 2015-16)		

* This summary shows changes from current law under the bill for each fiscal year.

** These costs are not included in the bill's appropriation. See the State Expenditures section for more information.

Summary of Legislation

The bill makes changes to the standards and procedures used in domestic relations cases for issues relating to the parent-child relationship. Generally, the bill requires courts to order a substantially equal allocation of parenting time in domestic relations cases, unless such an order would endanger the child's physical health or impair his or her mental development. The bill also creates an exception to the current two-year waiting period for modifications to parenting time to allow moderate modification to a parenting plan that changes the party with whom the child resides a majority of the time when the existing plan awarded substantially equal parenting time to both parents.

In cases involving a temporary or permanent protection order, the bill allows either party to petition for a modification of parenting time and requires the court to allocate time equally using the standard above. The court must order any necessary measures to preserve the safety of the protected party and may modify a no contact order to allow certain communications between the parties.

The bill also modifies the procedures for child and family investigators (CFIs) and mental health professionals in domestic relations cases. Currently, CFIs conduct an evaluation and investigation, and then submit findings and recommendations to the court in domestic relations cases. The bill requires CFIs to conduct an objective investigation and only provide factual information to the court with no conclusions or recommendations. Similarly, the bill changes mental health evaluations in these cases to be more investigative in nature and requires mental health professionals to only submit factual information to the courts, rather than conclusions and recommendations.

State Expenditures

The bill increases costs in the Judicial Department by **\$836,160 and 6.7 FTE in FY 2015-16 and \$907,953 and 10.0 FTE in FY 2016-17** and future years. As described below, the bill increases workload in the trial courts and will result in the need for additional judicial officers. These costs are discussed below.

Current caseload. Under current law, there are about 18,800 domestic relations cases involving children filed each year. Out of these, 1,100 cases per year involve a temporary or permanent protection order. Each year, there are about 16,000 post-decree hearings conducted involving 6,500 cases. At least 500 CFIs are appointed each year through the State Court Administrator and the Office of the Child's Representative.

Assumptions. The fiscal note makes the following assumptions for judicial workload:

- eliminating the two-year period during which post-decree modification hearings generally cannot be conducted will result in an additional 1,000 hearings per year;
- changing the standard for the allocation of parenting time to require a substantially equal allocation of time to each parent will result in an additional 1,500 hearings per year from parents whose current allocation of parenting time is not equal; and
- each post-decree hearing will take an average of two hours of court time.

Trial court impact. Based on the assumptions above, an additional 5,000 hours of trial court time will be required each year (2,500 hearing x 2 hours). This will result in the need for an additional 2.5 FTE for magistrates, as well as the corresponding support staff for the new judicial officers (a total of 7.5 FTE for division clerks, law clerks, and court reporters). The personal services costs for this staff, as well as standard operating and capital expenses for court staff, are shown in Table 1. The first-year costs and FTE are prorated to reflect the September 1, 2015, effective date of the bill and the General Fund payday shift.

Cost Components	FY 2015-16	FY 2016-17
Personal Services	\$516,375	\$774,559
FTE	6.7 FTE	10.0 FTE
Operating Expenses and Capital Outlay Costs	249,122	21,375
Centrally Appropriated Costs*	70,663	112,019
TOTAL	\$836,160	\$907,953

* Centrally appropriated costs are not included in the bill's appropriation.

Other workload impacts. In addition to the specific workload impacts estimated above, other aspects of the bill will also contribute to increased workload for the trial courts. For example, changing the standard for allocating parenting time will lead to hearings about what constitutes "substantially equal" time based on the facts of each case. Also, the change in CFI procedures will require additional hearings and require judges to spend additional time reviewing the CFI reports to come up with his or her own recommendations, based on the facts presented. This will be more time-intensive than under the current system in which CFIs make the recommendations, which are then reviewed by the courts.

Centrally appropriated costs. 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 estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under SB 15-129*		
Cost Components	FY 2015-16	FY 2016-17
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$30,639	\$45,737
Supplemental Employee Retirement Payments	40,024	66,282
TOTAL	\$70,663	\$112,019

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

Effective Date

The bill takes effect September 1, 2015, unless a referendum petition is filed.

State Appropriations

For FY 2015-16, the bill requires an appropriation of \$765,497 General Fund to the Judicial Department and an allocation of 6.7 FTE.

State and Local Government Contacts

Judicial
Regulatory Agencies

Human Services
Counties