

Colorado Legislative Council Staff
STATE
FISCAL IMPACT

Drafting Number: LLS 05-0463

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Prime Sponsor(s): Rep. Jahn

Bill Status: House Judiciary

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TITLE: CONCERNING THE APPOINTMENT OF INDIVIDUALS BY THE COURT IN DOMESTIC RELATIONS PROCEEDINGS TO ASSIST IN THE RESOLUTION OF ISSUES RELATED TO CHILDREN.

Fiscal Impact Summary	FY 2005/2006	FY 2006/2007
State Revenues		
State Expenditures	Potential Future Increase	
General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: Upon Signature of the Governor		
Appropriation Summary for FY 2005/2006:		
Local Government Impact: None		

Summary of Legislation

The bill authorizes the court to appoint individuals as either a parenting coordinator to assist in implementation of a parenting plan, or as a decision-maker with binding decision making authority in domestic relations cases. The duties of each of these positions are specified. The parties are required to pay the costs of the parenting coordinator and/or decision-maker, as apportioned by the court, and the state is not held responsible for such payment.

State Expenditures

Judicial Branch. The appointment of individuals to perform the duties of a parenting coordinator or decision maker is possible under current statute. Courts make such appointments to varying degrees and in a variety of manners. Presently, there is no standard use of these appointments. It is anticipated that the bill will provide some relief for the courts by providing definitions for these positions, but additional work for the courts will likely result.

Section 14-10-128.1 — Parenting Coordinators. This section of the bill authorizes the court to make a parenting coordinator appointment with the consent of one party, both parties, or neither party, upon making specified findings. Under current law, the appointment of a parenting coordinator can only be made with consent of the parties. The authorization to appoint a parenting coordinator without consent of both parties is likely to create an increase in court time. A hearing to make specified findings is estimated at 2 hours per case. The review of pleadings, making findings, and entering an order are expected to take an additional hour. In those appointments where only one party or neither party consent to the appointment, it is anticipated that the order will be followed by some level of litigation contesting the appointment and additional filings regarding noncompliance with the court order. The bill specifies that a court order appointing a parenting coordinator shall include apportionment of the responsibility for payment of parenting coordinator fees between the parties. Disputes regarding nonpayment of fees will likely result.

Section 14-10-128.3 — Decision-makers. The creation of the domestic relations decision-maker in the bill is comparable to the current arbitration provisions in Section 14-10-128.5, C.R.S. That said, the establishment of the decision-maker authorizes an additional appointment option for the parties. An increase in appointments will result in an increase in the number of decisions/determinations filed with the court. The review of these decisions will likely require additional clerical and judicial staff time.

The fiscal impact resulting from increased parenting coordinator appointments and subsequent litigation cannot be accurately quantified at this time because the courts do not track current appointments. Up to this point in time, such appointments have not been clearly defined or made pursuant to any formalized standards. The fiscal note assumes that once data is tracked for parenting coordinator and decision-maker appointments, litigation resulting from parenting coordinator appointments, and time required to review of decision-makers determinations, funding needs will be addressed through the annual budget process.

State Appropriations

None required at this time.

Departments Contacted

Judicial — including the Office of the Child's Representative