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Final Fiscal Note

Drafting Number: LLS 23-0225 Date: June 20, 2023
Prime Sponsors: Sen. Hansen Bill Status: Postponed Indefinitely
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Bill Topic: IMPROVE DOMESTIC RELATIONS JUDICIAL PROCEEDINGS

- Summary of Fiscal Impact:
- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

The bill would have established an advisory committee in the Judicial Department to train court personnel on domestic relations. The bill would have increased state expenditures through FY 2027-28.

Appropriation Summary: For FY 2023-24, the bill would have required an appropriation of \$158,395 to the Judicial Department.

Fiscal Note Status: The fiscal note reflects the introduced bill. The bill was postponed indefinitely by the Senate Judiciary Committee on April 26, 2023; therefore, the impacts identified in this analysis do not take effect.

Table 1
State Fiscal Impacts Under SB 23-194

Table with 4 columns: Category, Sub-category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

The bill creates an advisory committee in the Judicial Department to develop a training program for judges, magistrates, and court personnel to improve decision-making in domestic relations cases. The bill specifies the membership of the advisory committee and that meetings of the committee are to be convened by the chief justice. The Judicial Department is required to provide the following data for domestic relations cases, by judicial district, to the advisory committee:

- the number of cases and their percentage compared with the total number of cases in the district;
- the number of cases where a party seeks to reopen a closed case;
- the status of representation for parties;
- the number of cases in which an unemancipated child is listed in a petition or motion;
- the number of cases that are referred to mediation;
- the number of status conferences and time spent by judicial officers in status conferences; and
- the number of contested hearings on permanent orders and time spent on permanent orders hearings by judicial officers.

The advisory committee must deliver a report based on the data described above to the legislature and publish the report on the Judicial Department's website. The committee is repealed on September 1, 2027, following a sunset review.

The bill also requires the chief justice to establish domestic relations training standards after meeting with the advisory committee. The committee will establish the standards should the chief justice not establish standards by November 30, 2023. The committee must establish a training program no later than March 31, 2024, and the State Court Administrator (SCA) must provide the initial training program to judicial officers and domestic relations court personnel by July 1, 2024. The SCA must also develop an assessment tool to evaluate the effectiveness of the training program.

The SCA must also study strategies for allowing judicial officers to attend the equivalent of one full day of domestic relations training each year and deliver the results of the study to the chief justice by December 31, 2023.

The bill requires the General Assembly to appropriate money necessary for the establishment of the standards and training program in FY 2023-24 and requires the Judicial Department to include in its budget request the costs to ensure the training is administered to all judges in FY 2024-25 and ongoing.

Finally, the bill expands the requirements to make children eligible for adoption benefits if the child has been legally available for adoption within 90 days before the application for adoption benefits.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$189,197 in FY 2023-24 and \$231,802 in FY 2024-25, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

**Table 2
Expenditures Under SB 23-194**

	FY 2023-24	FY 2024-25
Judicial Department		
Personal Services	\$140,625	\$187,500
Operating Expenses	\$3,900	\$3,900
Capital Outlay Costs	\$13,870	\$800
Centrally Appropriated Costs ¹	\$30,802	\$39,602
Total Cost	\$189,197	\$231,802
Total FTE	1.6 FTE	2.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Judicial Department. The Judicial Department requires 2.0 FTE under the bill, including 1.0 FTE Program Analyst who will coordinate, provide data and analysis to, and staff the meetings of the advisory committee. Additionally, to meet the bill's credentialing requirements, 1.0 FTE Training Specialist will develop the curriculum for the training standards and program, as well as administer the delivery of the program. Costs for both positions are prorated for the bill's effective date and the General Fund paydate shift, and include standard operating and capital outlay expenses.

This fiscal note assumes that these staffing costs are not included in Judicial Department budget requests for FY 2024-25 and in future years. The provision in the bill that requires training expenses to be included in future budget requests is presumed to cover the time it takes to cover judges, magistrates and other court personnel who attend trainings.

Department of Human Services. The Department of Human Services may see an increase in workload in order to update materials for adoption procedures. This workload is assumed to be minimal.

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. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2023-24, the bill requires a General Fund appropriation of \$158,935 and 1.6 FTE to the Judicial Department.

Departmental Difference

The Judicial Department estimates the bill requires \$426,634 and 5.2 FTE in FY 2023-24 and \$439,194 and 5.2 FTE in FY 2024-25. The Judicial Department cost estimate is based on the expectation that tracking time spent in status conferences and contested hearings by judicial officers will require thorough and accurate accounting of the time for each judicial officer. This additional tracking of time is estimated to require 8 minutes per hearing of court staff time for approximately 49,381 events across the state, resulting in 3.2 FTE support staff.

The fiscal note differs from the Judicial Department's response by interpreting that time spent can be self-reported by judicial officers on a periodic basis or tracked by other existing support staff, and that this work does not require the use of additional staff or a specific time-keeping system. This additional workload is estimated to be minimal.

State and Local Government Contacts

Human Services

Judicial