

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSSHB 53(HES)
 (H) Publish Date: 4/4/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to child in need of RDU Legal and Advocacy Services
aid proceedings;... Component Public Defender Agency
 Sponsor Reps. Coghill, Ramras,...
 Requester House HESS Component No. 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	139.0	139.0	139.0	139.0	139.0	139.0
Travel	6.1	6.1	6.1	6.1	6.1	6.1
Contractual	46.0	46.0	46.0	46.0	46.0	46.0
Supplies	3.4	3.4	3.4	3.4	3.4	3.4
Equipment	13.4	1.4	1.4	1.4	1.4	1.4
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	207.9	195.9	195.9	195.9	195.9	195.9

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	207.9	195.9	195.9	195.9	195.9	195.9
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	207.9	195.9	195.9	195.9	195.9	195.9

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time	2	2	2	2	2	2
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SS HB53 is an omnibus bill significantly changing the child protective statutes (CINA) and in some instances the adoption statutes. Many portions of the bill will have a fiscal impact on the operations of the Public Defender Agency and will be discussed specifically on the following page.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416
 Division Public Defender Agency Date/Time 3/15/05 9:31 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 3/15/2005
 Agency Department of Administration

FISCAL NOTE #1

STATE OF ALASKA
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BILL NO. CSSSHB 53(HES)

ANALYSIS CONTINUATION

Fiscal Note Analysis for SS HB 53: (continued)

Sections 9, 10, portions of 13 and 15, 17, 18, 21, 22, 23, 24, 25, 26, 27, 32, 47, 48, 52 of this bill change statutes and court rules concerning confidentiality in child protective proceedings (CINA). CINA hearings will be presumptively open to the public, unless the court orders otherwise, based upon a motion to close it under certain circumstances enumerated in the bill. The Agency opens over 900 new child protective proceedings a year. It is anticipated that in at least half of the Agency's cases the attorney will be repeatedly moving to close hearings. This additional motion practice will also require service on a member of the public who has requested notice. It is further anticipated that disputes over interpretation and implementation of this legislation will occur. This increase in workload necessitates an increase in operating costs amounting to a half-time attorney position, factoring in support staff. The additional operating costs to address the increased workload are based on attorney and support staff hours in Anchorage, where the bulk of these cases are handled.

This bill, in sections 8, 11, 13, and 49-51, also provides a party to a Child in Need of Aid proceeding the right to demand a jury trial on a petition to terminate parental rights. Termination trials are currently conducted by the court. Not many CINA cases proceed to termination trial. A review by the court system of the number of cases statewide that proceed to termination revealed an estimate of 180 termination cases in FY04. Assuming that number for the future, it is estimated that in 50%, or 90 of these cases, a jury trial will be requested. Accepting this number of actual termination trials, the Public Defender Agency estimates that it is appointed in approximately 75% of these cases, or 68 cases. It is also estimated that it would add approximately 3 days of trial to each termination proceeding if it were tried by a jury as opposed to the court, because of the need for jury selection, opening and closing statements, and a more lengthy presentation of evidence, including live and expert witnesses, and jury instructions. If 68 of the Agency's termination trials are jury trials, and each one takes on average three extra trial days, it would result in 204 more trial days for our attorneys. That translates into one 3/4-time attorney IV position. Each attorney receives a salary based upon 37.5 hours a week, for a total of 1950 hours a year. 204 extra days of trial requires approximately 1530 hours, approximately 78% of a year's worth of attorney work. Therefore, we will need one additional 3/4-time attorney to handle this increased workload. Because the greatest number of CINA cases are handled by the Anchorage office, we would place the attorney in that location. The attorney costs include clerical support and one-time equipment costs in the first year.

Other provisions of the bill will have a fiscal impact on the Agency as well, but the extent of the impact cannot be predicted with any accuracy. In sections 12 and 15 it provides for family members to request and obtain a review hearing of denied visitation or a denied adoption request. It is unclear from the language in the bill whether these family members would be considered parties, and whether they would be entitled to the appointment of counsel, if indigent. In any case, additional review hearings requested by others than traditional parties to the case will result in a fiscal impact to the Agency, but the extent cannot be predicted.