

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 6
 Bill Version: CSSSHB 53(JUD)
 (H) Publish Date: 4/15/05

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 Office of Public Advocacy
 Sponsor Rep. Coghill
 Requester House Judiciary Component No. 43

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	358.7	358.7	358.7	358.7	358.7	358.7
Travel	3.0	3.0	3.0	3.0	3.0	3.0
Contractual	85.0	85.0	85.0	85.0	85.0	85.0
Supplies	3.0	1.2	1.2	1.2	1.2	1.2
Equipment	15.0	1.5	1.5	1.5	1.5	1.5
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	464.7	449.4	449.4	449.4	449.4	449.4

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	464.7	449.4	449.4	449.4	449.4	449.4
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	464.7	449.4	449.4	449.4	449.4	449.4

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	4	4	4	4	4	4
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This omnibus Child-in-Need-of-Aid (CINA) legislation incorporates a number of changes to the CINA statutes and court rules. Two (2) changes would impact the Office of Public Advocacy, as delineated below.

Sections 8 and 9, as well as portions of numerous other sections, change statutes and court rules governing confidentiality in child protective proceedings (CINA) and some agency documents. 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. Approximately 1000 CINA cases are opened annually. OPA provides guardian ad litem representation in all CINA cases for the children (continued on page 2)

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 Division Office of Public Advocacy Date/Time 4/12/05 9:36 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 4/12/2005
 Agency Department of Administration

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ANALYSIS CONTINUATION

(continued from page 1)

and also provides parental representation for the parents where the Public Defender Agency has a conflict. In essence, every CINA case is the equivalent of two cases to OPA if not more (in cases where there are more than two parents). This representation for both children and parents is provided by staff attorneys and GALs, as well as contractors in areas of the state where OPA has no staff or where OPA staff have a conflict. It is anticipated that in a significant portion of OPA's cases the attorney representing either the child or parent will move to close the hearing. Prior to doing this, an investigation must be conducted up front to determine if an open hearing would be detrimental to the child's best interests. In addition, any motion practice regarding hearing closure must be served on any 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 one full time attorney (a half-time attorney for child advocacy and a half-time attorney for parental advocacy), factoring in a third of a support staff member. 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. Finally, contractors will bill additional hours for investigation, motion practice, and motion service regarding hearing closures. Additional contract funds have also been included. The costs for these confidentiality sections would be 161.3 the first year and 156.2 thereafter.

Section 10 of CSSSHB 53 (HES) grants a party in a termination of parental rights case the right to a jury trial. Based on the Department of Law and Court system's analysis, approximately half of the 180 termination cases filed with the court system last year would go to jury trial. This would add three days to the trial, for a total of an additional 540 trial days to OPA. (OPA would have an additional 270 days for child advocacy, and an additional 270 days for parental representation). This would require an additional 2 full time attorneys and 2/3 support staff. There would also be contract costs for contract attorneys. This would cost OPA 303.4 the first year and 293.2 thereafter.