

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 12  
 Bill Version: CSSB 237(FIN)  
 (H) Publish Date: 4/27/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act increasing the number of superior court RDU CIVIL  
judges designated for the third and fourth judicial districts..." Component Human Services  
 Sponsor Senate Rules by Request of the Governor  
 Requester House Finance Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	151.4	151.4	151.4	151.4	151.4	151.4
Travel	0.5	0.5	0.5	0.5	0.5	0.5
Contractual	14.8	14.8	14.8	14.8	14.8	14.8
Supplies	2.7	2.7	2.7	2.7	2.7	2.7
Equipment	7.4	0.9	0.9	0.9	0.9	0.9
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>176.8</b>	<b>170.3</b>	<b>170.3</b>	<b>170.3</b>	<b>170.3</b>	<b>170.3</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	176.8	170.3	170.3	170.3	170.3	170.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>176.8</b>	<b>170.3</b>	<b>170.3</b>	<b>170.3</b>	<b>170.3</b>	<b>170.3</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time	1	1	1	1	1	1
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill adds two new judges in Palmer, two in Anchorage, and one each in Fairbanks and Kenai. Additional caseload or demands on resources from the additional judges in Anchorage, Kenai, and Fairbanks will be absorbed from existing resources. The addition of two judges to the Palmer Court would require an additional attorney in the Child Protection/Human Services Section.

Child Protection Section attorneys handle Child in Need of Aid (CINA) cases throughout the state, and Human Services Section attorneys handle adult protection proceedings and foster care licensing cases. In areas where only one or two attorneys are located, these attorneys handle both Child Protection and Human Services work. For the sole attorney in the Palmer office, the current CINA caseload alone is 160, far exceeding the department's goal of 100 CINA cases per attorney, as

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 Agency: Department of Law

**ANALYSIS CONTINUATION**

recommended by the Department of Health and Human Services, Administration for Children in 2002. In 2004, the American Bar Association issued Standards of Practice for Lawyers Representing Child Welfare Agencies. That body recommended a maximum of 60 active cases.

As a result of the excessive caseload in Palmer, attorneys from Anchorage must not only assist with the CINA overload, but take over adult protection and foster care licensing cases. With the addition of another attorney in Palmer, the two positions would carry a more manageable caseload consisting of CINA, adult protection, and foster care licensing cases, freeing Anchorage attorneys to handle increasing caseloads that will result from the the two new judges this bill proposes to add there.

Caseloads in the Palmer court for all these types of cases have increased dramatically as a result of the steady rise in population in the Mat-Su Valley. Probate filings (where cases involving guardianships of adults and minors are brought) increased 27% between FY 2004 and FY 2005. Cases involving children's matters also increased 13% for this same time period. As the population in the Mat-Su region continues to increase, case loads will continue to increase.

Further, the Mat-Su region has seen a significant and growing amount of methamphetamine manufacturing and use. When people manufacture and/or use meth in their homes, there are many hazards and risks created for children in these homes, from chemical contamination to increased risk of sexual abuse from parents or adults using the drug. In one day in October, 2005, AST busted three labs. Children under the age of 5 were located at two of the homes, but children resided in each of those homes, resulting in three new CINA cases in one day.

The number of cases does not tell the whole story. For whatever reason, cases in the Palmer court are contested more often than in other parts of the state. The Palmer attorney has stated that she has had contested proceedings (temporary custody hearings, adjudications or termination trials, or placement hearings) on 176 occasions between February 2005 and March 2006. She was either in court for an entire trial day or in court for a portion of a day for an evidentiary hearing. This far exceeds the amount of trial time spent by other attorneys in the state.

The addition of two more judges will make it impossible for one attorney to handle Child Protection/Human Services cases scheduled before six different judicial officers including the district court judge and master. As it currently stands, the judges have not been able to accommodate the Palmer attorney's schedule, and she is often booked to be in two courtrooms at once.

Because there are only two superior court judges now and the courts' calendars are booked up, trials are often continued. Although the Office of Children's Services is required by federal law to hold hearings within certain timeframes in order to achieve timely permanent placements for children, it is frankly a relief to the attorney in this position that the trials are continued because of her already overburdened schedule. A second AAG will be necessary in order for our office to be prepared for those hearings and to advance cases more quickly.

The cost of the additional attorney is in accordance with the Department of Law's FY 2007 timekeeping and billing rate for one FTE attorney position including allocated administrative support and overhead costs such as telephones, network chargeback.