

Fiscal Note

BILL # HB 2675

TITLE: right to jury; parent-child relationship

SPONSOR: Biasiucci

STATUS: House Engrossed

PREPARED BY: Alexis Sammon

Description

HB 2675 applies the right to trial by jury to preliminary protective hearings (PPH) and the termination of a parent-child relationship hearing, effective January 1, 2023. The bill would require a jury trial to commence within 60 days after the court has entered orders for the termination of a parent-child relationship hearing.

Estimated Impact

The bill would result in increased costs associated with additional trials. We cannot estimate with certainty how many hearing participants will request a jury trial. If 25%, however, select that option, the Attorney General legal representation would cost \$3.8 million for both the PPH and the termination hearings. This estimate excludes any Department of Child Safety expenditures.

The Attorney General (AG) estimated that the bill would cost \$5.1 million and 28 FTE Positions if all parental terminations were held before a jury. The AG did not provide an estimate associated with PPH. The Department of Child Safety stated that the bill will have a cost, but they did not have an estimate.

Analysis

Preliminary protective hearings and hearings regarding the termination of a parent-child relationship for a child in the custody of the Department of Child Safety (DCS) are held without jury participation. HB 2675 would permit either the plaintiff (i.e., the state) or the defendant (the parent) to request a jury trial.

Nearly all children who enter temporary custody of the Department of Child Safety (DCS) receive a preliminary protective hearing. DCS estimates that there will be 4,448 preliminary protective hearings in FY 2023. DCS reported a total of 1,265 termination hearings in FY 2021. We are not able, however, to estimate how many of the 5,713 hearings for which the parent or the state will request a jury trial.

The Attorney General reports that there are currently 640 hearings to terminate a parent-child relationship scheduled from March to June 2022, and they estimate that there will be 1,920 such hearings in FY 2023. Given the extended length of jury trials, the Attorney General estimates that the department will need an additional 28 FTEs for an annual cost of \$5.1 million. We have not received details on how this figure was calculated. The AG did not provide an estimate of additional work associated with PPH.

Our cost estimate of \$3.1 million is based on the 25% assumption for both PPH and terminations and prorating the Attorney General's \$5.1 million estimate.

Costs incurred by the Attorney General are funded by a DCS special line item. DCS may also incur costs for its non-Attorney General staff to assist in jury trials. It stated that the bill could have a "significant cost increase" but did not provide further details.

(Continued)



Local Government Impact

The Supreme Court surveyed the county courts on the potential fiscal impact of the bill. Based on additional staffing and physical remodeling, the courts estimated the bill would have a \$13 million impact. The JLBC Staff is unable to verify this estimate.

3/14/22