

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0946-02
Bill No.: HCS for HB 192
Subject: Children and Minors; Courts; Family Law
Type: Original
Date: February 16, 2007

Bill Summary: The proposal creates the Guardian Ad Litem Fund for the purpose of compensating court-appointed guardians ad litem.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** assume Section 488.1015, RSMo, provides for the assessment of a surcharge on probate proceedings. The surcharge (ranges from \$25-\$100) is based upon the value of the estate and shall be deposited in the “Guardian Ad Litem Fund.” CTS is unable to provide a revenue estimate for this provision because they do not track estate values. Based upon FY 2006 data, this surcharge would apply to 12,734 cases.

CTS assumes Section 488.2305, RSMo, provides for the assessment of \$30 on domestic relations cases in those circuits that do not have a family court or “family court division.” At present, 14 circuits and one county have a family court; CTS is unaware of any “family court divisions.” Based upon FY 2006 data, CTS estimates this surcharge would apply to 37,619 cases. With an average collection rate 90%, the amount of revenue generated in a given year would be approximately \$1,015,713.

Oversight assumes surcharges for deposit in the county Guardian Ad Litem Fund would be collected at the county level and deposited directly into the fund. Oversight assumes the amount of the surcharge collected for probate proceedings would range from \$318,350 (12,734 cases x \$25 per case) to \$1,273,400 (12,734 cases x \$100 per case). For fiscal note purposes, Oversight assumes the midpoint of the range, or \$795,900 per fiscal year. Oversight assumes the revenues to the Guardian Ad Litem Fund would equal the increased compensation paid to guardians ad litem.

Officials from the **Department of Corrections (DOC)** assume supervision by the DOC through probation or incarceration would result in additional costs, but DOC assumes the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

In response to a previous version of the proposal (HB 192, LR # 0946-02), officials from the **Office of the State Public Defender (SPD)** assumed this proposal will require more SPD resources. While the number of new cases may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

ASSUMPTION (continued)

Officials from the Jackson County Circuit Court did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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POLITICAL SUBDIVISIONS

**COUNTY GUARDIAN AD LITEM
FUND**

<u>Revenues – Counties</u>			
Surcharges – probate proceedings	\$663,200	\$795,900	\$795,900
Surcharges – domestic relations cases	<u>\$846,400</u>	<u>\$1,015,700</u>	<u>\$1,015,700</u>
<u>Total Revenues – Counties</u>	\$1,509,600	\$1,811,600	\$1,811,600
<u>Costs – Counties</u>			
Guardian ad litem compensation	<u>(\$1,509,600)</u>	<u>(\$1,811,600)</u>	<u>(\$1,811,600)</u>

ESTIMATED NET EFFECT ON COUNTY GUARDIAN AD LITEM FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposal provides for the assessment of a surcharge on probate proceedings ranging from \$25 to \$100, depending on the value of the estate. The surcharge is to be deposited in the county Guardian Ad Litem Fund. (§488.1015)

The proposal also provides for each domestic relations case filed, an additional surcharge not to exceed \$30 may be assessed by any circuit court that does not have a family court or a family court division. The surcharge is to be deposited in the county Guardian Ad Litem Fund. (§488.2305)

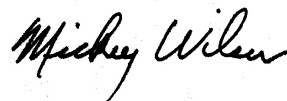
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Corrections
Office of the State Public Defender

NOT RESPONDING

Jackson County Circuit Court



Mickey Wilson, CPA
Director
February 16, 2007