

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1618 HB	<b>Title:</b> Child custody and relocation	<b>Agency:</b> 055-Admin Office of the Courts
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
<b>Total \$</b>					

### Estimated Expenditures from:

**Non-zero but indeterminate cost. Please see discussion.**

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

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## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Currently, a hearing to determine adequate cause for modification to a parenting plan is not required so long as the request for relocation of the child is being pursued.

This bill would create a new procedure in family court to determine adequate cause before any relocation trial.

Section 1 would amend RCW 26.09.260 relating court procedure in modification of parenting plans. Specifically, authorizing an adequate cause hearing prior to any relocation trial.

Section 2 would amend RCW 26.09.270 to add objection to relocation to the list of circumstances that require an adequate cause hearing prior to continuing to trial.

### II. B - Cash Receipts Impact

This bill would have no cash receipt impact to the courts.

### II. C - Expenditures

There would likely be expenditure reductions due to fewer relocation trials. There would be a smaller expenditure increase for adequate cause hearings. The net effect of the changes in this bill is a likely reduction in overall expenditure as trials are significantly longer (and therefore more costly) than hearings.

Court input received indicates that the changes under this bill would save judicial time, particularly when the issues presented to the court result in an order denying adequate cause. Adequate cause hearings based on the affidavit will continue to require the same amount of judicial time.

Judicial Information System data does not provide details as to the reason for requesting modification of a parenting plan/residential schedule. Therefore, it is not known how many modification petitions are related to relocation.

The effect of the bill is to ascertain adequate cause for a trial in cases where one parent objects to modification of a parenting plan due to proposed relocation of the other parent. This will mean an additional adequate cause hearing in every case involving relocation. These are expected to take between 10 and 20 minutes of judicial officer time to review affidavits and rule on whether there is adequate cause to proceed to trial. If there are 100 cases per year there will be an additional 100 hearings at an estimate 15 minutes each for 25 hours of judicial time for the new adequate cause hearings. The estimated total cost would be \$15,053 (\$2,540 per year for the state and the county cost would be \$12,513 including staff support).

The potential expenditure reductions are in the form of an expected reduction in total cases that proceed to a full relocation trial. If 50 percent of the example cases (100) are stopped at the new hearing due to a finding of no adequate cause there would be an expected reduction 50 percent of relocation trials. Because these trials often take an entire day, the expenses associated are much higher than a single hearing.

If a trial requires 6 hours of judicial time the expected cost of each trial is \$3,600. Using 50 percent of the original estimate for the number of relocation trials it is estimated that expenditure reductions could approach \$180,500. (\$30,479 for the state and \$150,155 for the counties include staff support)

Combining the new expenditure for the additional hearings and the expenditure reduction for fewer relocation trials provides an estimated net expenditure reduction of \$165,447 per year (\$27,939 reduction for the state and \$137,642 for counties).

The judicial workload savings would be greater than \$50,000 per year if there are more than 33 cases headed to relocation trial and 50 percent of the adequate cause hearings resulted in orders denying adequate cause and no longer required the full relocation trial each year.

The \$50,000 expenditure level represents approximately 84 hours (0.07 FTE) of superior court judicial officer time annually cumulative for all superior courts in the state with associated support staff and operational costs. It is assumed, therefore, that this bill would require less than 84 hours of judicial officer time statewide on an annual basis.

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These savings can only be realized if the number of judicial officers is reduced together with a corresponding reduction in staff . Based on current staffing levels, budget cuts in most jurisdictions, and the current judicial needs gap according to the objective workload analysis under RCW 2.56.030(11), it is unlikely that actual staffing reductions would occur . Rather, it is more likely that judges and staff would redirect their efforts to provide adequate time and attention to other cases before the court and to reducing caseload backlogs. The number of superior and district court judge positions in each county is established by statute . Positions cannot be eliminated during the term of office.

**Part III: Expenditure Detail**

**Part IV: Capital Budget Impact**