

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5006 2S SB	<b>Title:</b> Nonparent responsibilities	<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:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years	.1	.1	.1	.1	
Account					
General Fund-State 001-1	15,200	15,200	30,400	30,400	
State Subtotal \$	15,200	15,200	30,400	30,400	
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years	.8	.8	.8	.8	
Account					
Local - Counties	67,100	67,100	134,200	134,200	
Counties Subtotal \$	67,100	67,100	134,200	134,200	
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$	67,100	67,100	134,200	134,200	
<b>Total Estimated Expenditures \$</b>	<b>82,300</b>	<b>82,300</b>	<b>164,600</b>	<b>164,600</b>	

*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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Request # 2SSB 5006-1

## Part II: Narrative Explanation

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

The second substitute bill would add a new section to RCW 26.26 to say that rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state. There is no change to the judicial impact.

The substitute bill:

The substitute bill would add subsections to the new section of RCW 26.26 to say that relief from the legal obligations of parentage is solely prospective upon a court order disestablishing paternity. A man is liable for any unpaid child support or other obligations prior to the entry of a court order disestablishing paternity. Any prior acknowledgement of paternity is a material mistake of fact where DNA testing shows the man is not the father.

The original bill:

This bill would define the process to be used by a man to terminate all legal responsibilities for a child if genetic testing shows by clear and convincing evidence that he is not the genetic father of a child.

Sections with potential court impact:

Section 1 would be added to RCW 26.26 to authorize a man to file a petition in superior court to rescind an acknowledgment of paternity, challenge a presumption of paternity, or contest an adjudication of paternity. The filing must be within two years of the petitioner becoming aware of the facts alleged in his petition. If the awareness came prior to the effective date of the bill the petitioner has two years from the effective date of the bill to file.

Section 6 would amend RCW 26.26.535 to prohibit the court from denying a motion seeking an order for genetic testing if the presumed father did not know that he was not the genetic father of the child and has filed a petition to challenge paternity with the court. A party would be able to rebut a presumption that it is in the best interest of the child to accurately determine a child's parentage as soon as possible.

### II. B - Cash Receipts Impact

none

### II. C - Expenditures

The second substitute does no change the judicial impact from the first substitute.

The substitute does not change the judicial impact from the original bill.

Original judicial impact:

There is no data to predict the potential number of filings that could result. However, based on court input there could be over 210 filings and related court actions annually resulting from the bill.

Any new filings would create the need for additional hearings and could lead to parentage trials.

It is assumed that filings made under Section 1 of the bill would require a hearing or a trial prior to the issuance of any order rescinding parentage.

It is assumed that filings made in rebuttal (that determining parentage is not in the best interest of the child) under Section 6 of the bill would require a hearing or a trial prior to the issuance of any order denying a motion seeking genetic testing.

These filings will be heard in the superior courts of counties around the state, any hearing or trial will require judicial officer time, and support staff time in court administration and the county clerks' offices.

While there is no way to know the number of filings, hearings or trials, this information is provided for scale.

Estimates prepared based on the average length of hearings shows that approximately 125 paternity hearings would lead to an expenditure increase of \$49,000 (\$9,000 state, \$40,000 local).

Estimates prepared based on the average length of hearings shows that approximately 85 termination of parents' rights hearings would lead to an expenditure increase of \$33,300 (\$6,200 state, \$27,100 local).

## Part III: Expenditure Detail

### III. A - Expenditure By Object or Purpose (State)

<u>State</u>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	.1	.1	.1	.1	
Salaries and Wages	10,153	10,153	20,306	20,306	
Employee Benefits	5,162	5,162	10,324	10,324	
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
<b>Total \$</b>	15,315	15,315	30,630	30,630	

### III. B - Expenditure By Object or Purpose (County)

<u>County</u>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	.8	.8	.8	.8	
Salaries and Benefits	50,023	50,023	100,046	100,046	
Capital					
Other	16,962	16,962	33,924	33,924	
<b>Total \$</b>	66,985	66,985	133,970	133,970	

### III. C - Expenditure By Object or Purpose (City)

<u>City</u>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
<b>Total \$</b>					

### III. D - FTE Detail

<u>Job Classification</u>	<u>Salary</u>	FY 2016	FY 2017	2015-17	2017-19	2019-21
Administrative staff	54,256	0.3	0.3	0.3	0.3	
clerk staff	54,256	0.4	0.4	0.4	0.4	
Superior court judge	312,728	0.1	0.1	0.1	0.1	
<b>Total FTE's</b>	421,240	0.9	0.9	0.9	0.9	0.0

## Part IV: Capital Budget Impact