Judicial Impact Fiscal Note

Bill Number: 6452 SB	Title: Nonparent responsibilities	Agency: 055-Admin Office of the Courts

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total $					

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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OFM Review:	Phone:	Date:

Request # 6452 SB-1

Part II: Narrative Explanation

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

This bill defines 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 2 would add a new section to RCW 26.26 that would 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 paternity2 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 7 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

No impact.

II. C - Expenditures

The effects of the bill are not known and there is no data to predict the potential number of filings that could result. 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 2 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 7 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 $50,000 ($10,000 state, $40,000 county). 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 $34,000($6,500 state, $27,500 county). Estimated judicial impact is $84,000 ($16,500 state; $67,500 county).

Part III: Expenditure Detail

Part IV: Capital Budget Impact