

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 5320 SB	<b>Title:</b> Abortion Notifying Parents	<b>Agency:</b> 055 – Admin Office of the Courts (AOC)
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)	30,000		30,000		
State Subtotal	30,000		30,000		
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>	<b>30,000</b>		<b>30,000</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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## **Part II: Narrative Explanation**

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

This bill would create a new chapter in Title 9 RCW.

Section 4 – Would provide that one parent or the legal guardian of a pregnant minor must be given 48 hours actual notice of the pregnant minor's intent to have an abortion.

Section 5 - Would set the criteria when notice is not required, one being a waiver granted by the superior court in section 8.

Section 8 – Would provide that a pregnant minor may file a petition with any superior court requesting a waiver of the notice requirement.

- The minor may proceed on her own behalf.
- A pregnant minor need not be a resident of the state of Washington to file the petition.
- The court must appoint a guardian ad litem for the minor.
- The court must advise the minor that she has the right to court-appointed counsel, and provide counsel upon her request.
- Court proceedings are confidential and must be sealed. A pseudonym or initials only may be used.
- The court must issue a decision within 48 hours of the petition filing. The 48-hour limitation may be extended at the request of the minor. If a ruling has not been made within the 48-hour period and no extension requested, then the petition is deemed to have been granted and the notice requirement must be waived.
- An expedited and confidential appeal process must be available to any pregnant minor whom the superior court denies a waiver. An order authorizing an abortion without notice is not subject to appeal.
- No filing fee is required for filing the petition at the trial level or at the appeal level.

Section 9 - The supreme court is requested to establish rules to ensure that these proceedings are handled in an expeditious and confidential manner and to satisfy the requirements of federal courts.

Section 10 – Would create three new gross misdemeanor statutes. Subsection (2) is related to civil actions for failure to provide the required notice and interference with family relations.

### **II.B - Cash Receipt Impact**

No cash receipt impact.

### **II.C – Expenditures**

This bill would require modifications to the Judicial Information System (JIS) to preserve the confidential nature of these proceedings. Changes may require the creation of a new cause of action type within one of the confidential case types in the superior court case management system. These changes are estimated to take 250 hours (requirements gathering – 30 hours; implementation – 150 hours; testing – 60 hours; documentation – 10 hours), resulting in a one-time cost of \$30,000 in Fiscal Year 2018.

It is not possible to accurately predict the number of judicial bypass petitions that could be filed in the superior courts each year. In order to estimate the potential judicial impact to the superior courts, the Administrative Office of the Courts (AOC) is providing a range of potential impact

based on judicial bypass petition filing rates of 2.5 percent, 5 percent, and 10 percent. See Table I, below.

**Table I**

Percentage of Filings	2.5%	5.0%	10%
Estimated Petitions/Year	37.5	75.0	150
Additional Judicial Officers	0.07	13	0.27
Additional Superior Court Staff	0.16	0.31	0.63
Additional County Clerk Staff	0.22	0.44	0.88
County Superior Court Cost/Year	\$37,207	\$74,413	\$148,827
State Cost/Year	\$7,190	\$14,381	\$28,762

**Background and Assumptions**

**Section 8**

The Washington law would not require parental consent, only notification. The Department of Health assumes that there will be 1,500 parental notifications each year.

Based on limited national information on judicial bypass use, it is not possible to accurately predict the number of judicial bypass petitions that could be filed in the superior courts in Washington each year. It is assumed that there will be some pregnant minors who seek assistance from the superior courts if this bill is passed. In order to estimate the potential judicial impact to the superior courts statewide, it is assumed that the 10% rate identified in a National Institute of Health article for Arkansas is a reasonable approximation for the upper bounds for judicial bypass petitions. It could also be argued that the judicial bypass alternative may not be widely used, thus having minimal impact to the superior courts. For these reasons we are providing a range of potential impact based on judicial bypass petition filing rates of 2.5%, 5.0% and 10.0%.

Judicial impact is based on total time required for all necessary hearings in these cases. Input received from the courts reflects that there could be a minimum of two hearings to a maximum of four hearings. Hearings to appoint counsel and a guardian ad litem will take little time, possibly ten minutes per filing. An uncontested evidentiary hearing is estimated to take approximately 15 minutes and an uncontested hearing to determine abuse or best interests issues could take between 30 and 90 minutes each. Contested hearings could take up to four hours each.

For fiscal impact purposes we are assuming an average of two hours judicial time per judicial bypass petition. The estimated additional case filings will result in the need for additional superior court judges and associated superior court staff and county clerk staff as noted in Table I. The related annual expenditures for each estimated filing rate are included.

**Section 9**

The Washington Supreme Court Rules Committee would be needed to draft necessary rules referenced in Section 9 of this bill.

**Section 10**

It is not known how many violations would be charged annually, or the number of civil actions that might be filed. It is assumed that the provisions of Section 10 would have minimal impact on the courts statewide.

### Part III: Expenditure Detail

#### III.A – Expenditures by Object or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services	30,000		30,000		
G – Travel					
J – Capital Outlays					
P – Debt Service					
<b>Total:</b>	<b>30,000</b>		<b>30,000</b>		

#### III.B – Detail:

Job Classification	Salary	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>Total FTE's</b>						

#### Part IV: Capital Budget Impact

None.

#### Part V: New Rule Making Required

None.