

# JUDICIAL IMPACT FISCAL NOTE

|                                |  |  |
|--------------------------------|--|--|
| <b>Bill Number:</b><br>1320 HB | <b>Title:</b><br>Civil Protection Orders | <b>Agency:</b><br>055 – Administrative Office<br>of the Courts (AOC) |
|--------------------------------|--|--|

## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

|               | FY 2022 | FY 2023 | 2021-23 | 2023-25 | 2025-27 |
|---------------|---------|---------|---------|---------|---------|
|               |         |         |         |         |         |
|               |         |         |         |         |         |
| <b>Total:</b> |         |         |         |         |         |

### Estimated Expenditures from:

| STATE                                | FY 2022          | FY 2023        | 2021-23          | 2023-25        | 2025-27        |
|--------------------------------------|------------------|----------------|------------------|----------------|----------------|
| FTE – Staff Years                    | 4.8              | 4.0            | 4.4              | 2.0            | 2.0            |
| <b>Account</b>                       |                  |                |                  |                |                |
| General Fund – State<br>(001-1)      | 1,631,052        | 639,652        | 2,270,704        | 681,472        | 681,472        |
| State Subtotal                       | <b>1,631,052</b> | <b>639,652</b> | <b>2,270,704</b> | <b>681,472</b> | <b>681,472</b> |
| <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>1,631,052</b> | <b>639,652</b> | <b>2,270,704</b> | <b>681,472</b> | <b>681,472</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.

|                                 |                     |                 |
|---------------------------------|---------------------|-----------------|
| Legislative Contact:            | Phone:              | Date:           |
| Agency Preparation: Sam Knutson | Phone: 360-704-5528 | Date: 2/11/2021 |
| Agency Approval: Ramsey Radwan  | Phone: 360-357-2406 | Date:           |
| OFM Review:                     | Phone:              | Date:           |

## **Part II: Narrative Explanation**

This bill would consolidate various statutes that govern domestic violence protection orders, sexual assault protection orders, stalking protection orders, vulnerable adult protection orders, and extreme risk protection orders under a new chapter of the RCW, governing all protection orders.

The bill would revise statutes that govern orders to surrender and prohibit weapons, revocation of concealed pistol licenses, unlawful possession of firearms, and domestic violence no-contact orders.

The bill would amend provisions of statute that address the recognition and enforcement of Canadian domestic violence protection orders.

The bill would repeal existing statute that govern protection orders and provide for conforming and technical changes to numerous provisions of statute.

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

**NOTE:** The Administrative Office of the Courts (AOC) cannot determine the full fiscal impact of this bill, particularly the impacts on the Superior, District, and Municipal courts statewide, nor can the AOC determine the fiscal impacts on county clerk's offices statewide. This Judicial Impact Note (JIN) will address only estimated costs for the AOC.

Section 1 – Would provide that this bill seeks to make orders and processes easier for victims to access; addressing all six types of protection orders:

- Domestic violence;
- Vulnerable adult;
- Anti-harassment;
- Sexual assault;
- Stalking; and
- Extreme risk.

Section 2 – Would provide common definitions across all types of protection orders. The bill would provide new (or contextual) definitions for a variety of terms relative to the bill.

Section 3 – Would provide for a review of existing court jurisdiction, referencing provisions of Section 12 of the bill that would direct a study of existing jurisdictional divisions with a goal of recommendations on the benefits and ramifications of modifying or consolidating jurisdiction for the protection orders addressed by this bill.

Section 4(1) – Would provide that superior, district, and municipal courts have jurisdiction over domestic violence protection order proceedings and sexual assault protection order proceedings. Would provide that the jurisdiction of district and municipal courts is limited to the enforcement of Section 56(1) of this bill, or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in Section 38 of this bill if (a) a superior court is exercising jurisdiction over a proceeding involving the parties; (b) the petition for relief presents issues of the residential schedule of, and contact with, children of the parties; or (c) the petition for relief requests the court to exclude a party from the dwelling the parties share.

Section 4(2) – Would provide that when the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary protection order, the district or municipal court shall set the full hearing in superior court and transfer the case.

Section 5 – Would provide that district courts would have original jurisdiction for stalking protection orders, except that district courts shall transfer such actions and proceedings to superior court under certain circumstances.

Section 6 - Would provide that district courts would have original jurisdiction for anti-harassment protection orders, except that district courts shall transfer such actions and proceedings to superior court under certain circumstances.

Section 7 – Would provide that superior courts would have jurisdiction over vulnerable adult protection orders.

Section 8 – Would provide that superior courts would have jurisdiction over extreme risk protection orders. Would provide that juvenile courts may hear an extreme risk protection order proceeding if the respondent is under the age of 18 years. Would provide that district and municipal courts would have limited jurisdiction over the issuance and enforcement of temporary extreme risk protection orders issued under Section 43 of this bill. Would provide that the district or municipal court shall set the hearing in superior court and transfer the case.

Section 12 – Would require the Women's Commission, in consultation with AOC and the Gender and Justice Commission, to make recommendations regarding jurisdictional divisions. The bill would require these entities to work with representatives from district, municipal, and superior courts and include judicial officers, clerks and administrators, advocates and practitioners with protection order experience. Would require a report with findings and recommendations due to the legislature by December 1, 2021.

Section 13 – Would provide for the consolidation into one type of action called a "Petition for a Protection Order" which would encompass all six existing types of protection orders. The bill would provide that petitions may not be dismissed on the basis that the conduct alleged would meet the criteria for a different order. The bill would require the court to consider the totality of the relief requested both at the temporary orders stage and at the time of entry of the final order. The bill would provide that if a court determines it is not filed in the right court, shall enter findings establishing the correct court and direct clerk to transfer the case and provide notice.

Section 14 – Would require all courts to allow remote filing accessible through court level website, Washington state courts or online portal, or by mail for those who are incarcerated or unable to file in person or electronically. Electronic filing may be submitted at any time of day. E-filing should allow parties to track case progress, and allow for text message and email notification alerts, including when under review by judicial officer, when signed, when entered in crime information system, when served upon respondent, when firearms removed or returned; respondents should be able to sign up for notices as well. Would provide that the system must be free to use for parties and attorneys. Parties must be allowed to electronically sign sworn statements in all filings. Would require court administrator to verify the terms of any existing protection orders governing the parties. Would provide that a guardian ad litem (GAL) may be appointed for a petitioner or minor party. Would provide that minor children should only be referred to by their initials and age. Would require a court to prioritize ex parte protection order hearings.

Section 14(9) – Would provide that there will be no filing fees for protection orders. No fees for any type of filing or service of process may be charged by a court or any public agency to petitioners seeking relief under the provisions of this bill. Courts may not charge petitioners any fees or surcharges to secure access to relief under the provisions of this bill. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge.

Section 16 – Would provide that the AOC must develop (by the effective date of the bill):

- (a) Forms (petitions and orders) and facilitate the use of online forms for e-filing;
- (b) Develop (in consultation with the Office of Civil Legal Aid (OCLA) and others) and distribute instructions and informational brochures, and court staff handbooks on the protection order process, and consider ways to inform the public about protection order in understandable terms (videos, social media), and in many languages. Would require that the instructions / petition must include ways for petitioner to identify firearms, including pictures;
- (c) Would require the AOC must translate instructions and brochures in the top five non-English speaking languages in the state, distribute a master copy to courts and other system stakeholders, and update as needed as laws change. Would require that by October 1, 2021 the AOC, in collaboration with OCLA, domestic violence advocates and others, will develop a single petition form (with the exception of extreme risk protection orders for which the AOC would need to develop a separate standard petition / order form and other forms including sealing) for protection orders. Would require the AOC to develop a separate petition and order for juvenile extreme risk protection orders titled “Extreme Risk Protection Order – Respondent Under 18 Years”.
- (d) Would require the AOC to create pattern forms to assist in sealing requests, including development of petition/declaration that respondent can complete, order sealing, informational brochures for respondents.
- (e) Would require the AOC to update the law enforcement information sheet to include information on whether the respondent has a disability, brain injury or impairment requiring special assistance.

Section 16(2) – Would require the AOC to work with the Women’s Commission and others on standards for filing evidence in protection order proceedings.

Section 17 – Would provide that all court clerks’ offices shall make available the standard forms, instructions, and informational brochures and shall keep an up-to-date list of community resources and victim advocacy programs which needs to be available in print and online. Would require that the resource list should be translated into the county’s top five non-English languages as well.

Section 18 – Would provide for service of respondent to be mandated in certain circumstances (unless petitioner elects to have service by a third party). Would provide that service by electronic means (email, text, and social media) must be prioritized for all temporary orders, except personal service to be prioritized for orders requiring firearm relinquishment, child custody transfer, vacating a residence or incarcerated respondent. Would require after temporary orders and in the case of firearms, the firearms being surrendered, all other motions, orders can be served electronically. Would provide that electronic service must be effected by a law enforcement officer, unless a petitioner elects to have someone else do it. Would change service by mail requirements. The bill would keep service by publication but would change form language and requirements. For extreme risk protection orders, a court is required to provide a parent / guardian / conservator of the respondent with written notice of the legal obligation to safely secure firearms on the premises. Would prohibit courts from dismissing cases for lack of service, unless all available methods have been unsuccessfully attempted.

Section 19 – Would provide that clerks shall automatically forward petition, supporting materials electronically to law enforcement on or before the next “judicial day” to law enforcement for service. Would require law enforcement to prioritize service of protection order documents over other service requests. Would require up to three attempts. Would provide that if service can’t be completed in ten calendar days, law enforcement shall notify petitioner who can then provide more information. Would provide that law enforcement can also use existing law enforcement databases to assist in locating. Would require law enforcement to complete and return declaration of service, and keep their own records as well

Section 21 – Would provide that a court shall not require more than two attempts at personal service before permitting other means.

Section 22 – Would provide that the standard notice form shall use plain, clear language. Would require a court to continue the hearing date when certain criteria are met.

Section 23 – Would require courts and law enforcement agencies to develop rules, protocols and pattern forms to standardize service, including verification of e-service, returns of service, and transmission between law enforcement and criminal justice databases.

Section 24 - Would require protection order hearings to be special proceedings. Would requires courts to prioritize protection order hearings in ex parte. Courts would be required to set a full hearing date regardless of whether the temporary order is granted. Would provide that if a respondent is not served at least five days before a hearing, or if parties agree to a hearing date, the court shall reset the hearing and reissue the temporary order. Would provide that when a parallel criminal case is also filed, the court must apply a rebuttable presumption in favor of moving forward (against delay of the hearing) so victims may get quick relief. Would provide that in such cases the court must consider the defendant’s 5th amendment rights, similarities between the civil and criminal cases, interest of the petitioner and risks if delayed, burden to respondent, judicial resources / court management, interests of nonparties, and interest of the public.

Section 25 – Would provide that protective order hearings of all types (renewals, contempt, temporary, final, etc.) may be conducted in person or remotely. At the time of the filing the petitioner may include whether they request to appear remotely. Would provide that a court shall grant any request for remote appearance unless good cause requires in person attendance. Would provide that a court shall require assurances of identity of witnesses and parties, and shall not post or stream hearings online without waiver. Would provide that if a party has problems connecting to an online hearing and has contacted the court the court shall not dismiss the case but shall reset the hearing. Would provide that courts consider requests to reset if a party is unable to testify due to presence of children or others that may hinder testimony.

Section 26 – In domestic violence and anti-harassment cases, would allow for realignment of the parties.

Section 27 – Would require a court to consider whether a behavioral health evaluation is appropriate in extreme risk protection order cases, and order if appropriate. Delineates what the court may consider when deciding whether to grant.

Section 28 – Would provide, as relating to vulnerable adult protection orders, a court must hold an evidentiary hearing within 14 days of entry of the temporary order when determining whether the vulnerable adult is unable to protect their own person/life/estate/etc. Would provide that a

court shall give the vulnerable adult and other interested individuals the opportunity to testify and submit evidence. If the court determines the adult is capable of protecting self/estate etc., and requests vulnerable adult protection order be dismissed, court will dismiss.

Section 29 – Would provide that a court shall grant a protection order if the court finds certain criteria are met. The court may not deny based on status as a minor, not reporting to law enforcement, a no-contact order of domestic order already restrains respondents conduct, conduct did not occur recently, or respondent no longer lives near petitioner. In the case of sexual assault the court may not require proof of injury and denial may not be based on voluntary intoxication of either party, or some consensual sexual touching. The court shall state reasons for any denials. If any family members or household member who is a minor or vulnerable adult aren't included the court must specify why in writing. Would provide that a court shall explain to the parties that they may refile, they may seek revision/reconsideration/appeal, they may access the court transcript, and court's denial ruling must be filed in writing on the mandatory form developed by the AOC.

Section 30 – Would provide that before ruling the court shall consult judicial information systems to determine criminal history and any other pending cases. Before directing placement of a child the court must consult judicial information systems to determine whether other cases involving parties are pending. The court shall disclose the information to the parties at the hearing, and on a timely request allow parties to address the court and take appropriate measures to alleviate safety concerns. The court may choose not to disclose information that the court does not propose to consider.

Section 31 – Would direct that only respondents are required to appear; petitioners may provide declarations, and the court may request their presence if needed. Orders entered must be served on the respondent. A court shall use best efforts to notify the petitioner, by electronic means if possible, but phone or other methods may also be used to notify of the outcome of the hearing including weapon possession violations.

Section 32 – Would provide that a court may appoint counsel in any protection order case if respondent is represented.

Section 33 – Would provide that interpreters shall translate or interpret for the party in preparing forms, participating in the hearing and court-ordered assessments, and translation of any orders. Requires courts make space available for interpreters and parties to meet and confer. Would direct that a court must make appropriate accommodations when parties are appearing remotely.

Section 34 – Would provide that advocates shall not be identified by name unless addressing the court. A court must allow petitioner to have a support person sit with them at any time and confer during the court proceeding.

Section 35 – Would recommend training for judicial officers on trauma, and dynamics of abuse. Would require that presiding judges or administrators notify court commissioners when their decisions are revised under this bill, as a method of ongoing quality control/training.

Section 36 – Would require that the AOC would work with the Washington Women's Commission and others to make recommendations on use of technology, improving access, best practices when civil and criminal cases co-occurring are based on same conduct, and data sharing and collection (in partnership with WSCCR, WSIPP and UW and Indian Health Institute). Would require the AOC to conduct a unified family court pilot program that includes domestic violence protection order cases.

Section 38 – Would requires a court to consider relief requested at final hearing even if not granted at a temporary / *ex parte* order stage. If the court declines an *ex parte* temporary order the judicial officer must state the reason for the denial in writing. The denial shall be filed, and the court shall set a full hearing. A petitioner may not get an *ex parte* emergency protection order or anti-harassment order if they had done so twice before and the court did not grant the final order, unless good cause is shown.

Section 39 – Would give judicial officers broad discretion – may order no contact with other members of household or family. Specifies the distance to be maintained is 1000 feet unless otherwise specified. In cases where parties are students in elementary, middle or high school the court must consider a list of factors, and may ultimately order the respondent not to attend the school. Respondent's parents are responsible for transportation to new school. Court shall send notice of restrictions to the schools the parties attend or will attend. Would require respondent to pay administrative costs of service and attorney's fees or other fees. Court may order the respondent submit to electronic monitoring. Court shall list out personal effect with reasonable specificity. Court may order the petitioner be granted exclusive custody of pets even if owned by respondent or minor child. May enter order directing respondent not to engage in abusive litigation. Petitioner may request this relief anytime within five years of entry of the order. A court may not require petitioner to submit to services, pay respondents costs or fees.

Section 40 – Would provide that a court shall not issue orders for less than one year unless petitioner asks for shorter order.

Section 41 – A court may order law enforcement accompany. The order must specify which law enforcement agency will assist.

Section 42 – Would require the clerk to enter orders into JIS on the same day issued. A copy must be forwarded to a law enforcement agency immediately, electronically if possible. Law enforcement shall immediately enter into criminal intelligence information system. If order restrains possession of firearms law enforcement must also enter into national and state firearm systems used to vet purchases.

Section 43 - Would require a court make findings for temporary order, lays out specific language for temporary order. If court denies temporary relief / order, the court must state why.

Section 44 – Would provide that a court shall inform respondent regarding request to terminate, and provide the respondent with the form to request termination hearing.

Section 45 – Would provide that a court may initiate contempt proceeding on own motion.

Section 47 – Would require clerks to enter ERPOs in JIS the same day they are entered, and forward a copy to law enforcement agency specified in order immediately. Within three judicial days of issuance of any order the court must forward a copy of respondents driver's license, identicard or other to DOL. DOL shall determine if respondent has a concealed pistol license and then if yes, notify law enforcement who shall immediately revoke. If terminated the clerk shall forward on the same day a copy of the order to DOL and law enforcement.

Section 48 – Would provide that under 18 may petition to seal; court shall seal if no other protection orders, and no violations of ERPO.

Section 49 – Would provide that a court must identify in the order who participated, and how (remote, in person, etc.). If respondent appeared the court must identify that they have

knowledge of the order. Court may not accept agreed orders unless findings are sufficient to indicate whether respondent poses threat. If a separate order to surrender firearms that must renew along with the protection order. If a court has information regarding a respondent's aliases that must be included in the order.

Section 50 – Would provide that a court may make clerical / technical corrections and forward new orders to parties. The clerk shall forward to law enforcement on or before next judicial day.

Section 51 – Would provide that the JISC shall develop best practices for courts regarding sealing and compliance with the federal violence against women act as it relates to publication or registration of orders.

Section 52 – Would provide that the practice of dismissing or suspending criminal prosecution in exchange for a protection order undermines the purpose of this chapter and should not be encouraged.

Sections 65 – Would provide that any order available under this bill, other than extreme risk protection orders, may be issued in actions under RCWs 13.32A, 26.09, 26.26A, or 26.25B. The order must be issued on the form mandated in Section 16 of this bill. Would provide that if a party files an action under any of the above referenced statutes, an order issued previously under this chapter after consolidation must contain the original cause number and the cause number of the action.

Section 66 – Would provide that the judicial information system must be available in each district, municipal, and superior court and must include a database of the following information:

(1) The names of the parties and the cause number for every order of protection issued under this chapter, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every dissolution action under chapter 26.09 RCW, every minor guardianship action under chapter 11.130 RCW, every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every Canadian domestic violence protection order filed under chapter 26.55 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought must be included in the database as a party rather than the guardian or appropriate department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

Section 155(2)(d) – Would eliminate the \$53 filing fee in district and municipal courts.

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

Indeterminate, but expected to be significant.



Section 14(9) would provide that there will be no filing fees for protection orders. No fees for any type of filing or service of process may be charged by a court or any public agency to petitioners seeking relief under the provisions of this bill. Courts may not charge petitioners any fees or surcharges to secure access to relief under the provisions of this bill. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge.

Section 155(2)(d) would eliminate the \$53 filing fee in superior courts.

The table below displays the statewide number of filings for unlawful harassment for the period 2015 -2020. The average number of filings over this period was 2,154 per year. Based on this, it is possible that as much as \$114,135<sup>1</sup> in annual filing fee revenue would be lost. Filing fee revenue is split 22.92% to local governments, and the balance 77.08% is distributed to the state.

**Table I – Unlawful Harassment Case Counts**

| Year | Case Counts |
|------|-------------|
| 2015 | 1,946       |
| 2016 | 2,075       |
| 2017 | 2,069       |
| 2018 | 2,270       |
| 2019 | 2,399       |
| 2020 | 2,162       |

Section 183(70) would repeal the statute that creates exceptions to the filing fee rule (under RCW 10.14.055); however, the bill does not amend the general CLJ filing fee statute RCW 3.62.060.

## **II.C – Expenditures**

**NOTE:** Costs displayed in this Judicial Impact Note only reflect expected costs for the Administrative Office of the Courts (AOC). Cost impacts of this bill in the superior, district and municipal courts, and county clerk's offices will be provided separately.

### **Court Services**

#### **Pattern Forms (legal analysis, committee and stakeholder engagement)**

This bill would require the AOC to create a master Protection Order petition, instructions and a brochure. These materials would then be required to be translated into the top five languages.

The extensive changes to the law and court procedure in this bill would require analysis and modifications to approximately 150 pattern forms and instructions. This work would require extensive engagement with judicial officers and other stakeholders to ensure that the changes are implemented in a way that is legally correct and meets the needs of those seeking protection, needs of clerks and court personnel, and others.

This work will require 1.0 FTE Court Program Analyst for two years, 1.0 FTE Senior Legal Analyst (ongoing), and 1.0 FTE Administrative Assistant (ongoing). Salaries, benefits, and standard FTE goods and services, and equipment costs are included.

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<sup>1</sup> Filing fees are often waived. This figure represents the maximum annual revenue amount that would be lost.

In addition, costs for contracting translation of the affected forms, instructions and brochures into five language are included. It is estimated that the initial cost will be \$50,000, and \$10,000 per year ongoing to update forms, instructions, and brochures as necessary (i.e., new legislation and other changes). It is unlikely this work would be accomplished by the effective date of this bill.

#### Work Group Costs

This bill would require the establishment of at least four work groups:

- Preparation of instructions, brochures, forms, and a handbook on the protection order process in consultation with the Office of Civil Legal Aid, culturally specific advocacy programs, and domestic violence and sexual assault advocacy programs;
- The Washington State Women's Commission (Women's Commission), in consultation with the Administrative Office of the Courts (AOC) and other stakeholders, must consider and make recommendations by December 1, 2021, on the differing approaches to jurisdiction across protection orders and whether jurisdiction should be harmonized, modified, or consolidated.
- Work with the Women's Commission and other stakeholders to develop standards for filing evidence in a way that protects victim safety and privacy and standards for private vendors who provide services related to filing systems; and
- The Women's Commission, in consultation with the AOC and stakeholders, must consider and make recommendations on: use of technology to reduce administrative burdens in protection order proceedings; improving access to unrepresented parties; best practices where there are civil protection order proceedings and criminal proceedings concerning the same alleged conduct; and best practices in data collection and sharing.

It will be important to the success of the work group's efforts to have timely, consistent, and informed input from AOC personnel who thoroughly understand court processes, court data, and the capabilities and limitations of those systems while recommendations are being discussed and developed. This will be important to fully inform recommendations, to ensure that participants have an understanding of the feasibility and potential impact of various options during their development instead of after they turn into legislation.

There are few staff who possess that expertise and they are fully committed to other critical support functions and do not have capacity to absorb the workload that would be necessary to fully inform the work groups.

Thus, the AOC would need to backfill for the duration of the 2021-2023 Biennium so that the subject matter experts are available to fulfill this function and the agency is still able to perform its critical role on related initiatives such as eFiling, text messaging, and implementing and supporting case management systems for the trial courts.

This work will require 1.0 FTE Court Business Coordinator. Salaries, benefits, goods and services, and equipment costs are included.

#### **Table I – Court Services Costs**

| <b>Total, All Costs</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23<br/>Biennium</b> | <b>2023-25<br/>Biennium</b> | <b>2025-27<br/>Biennium</b> |
|-------------------------|----------------|----------------|-----------------------------|-----------------------------|-----------------------------|
| FTE                     | 4.0            | 4.0            | 4.0                         | 2.0                         | 2.0                         |
| Salaries                | 366,974        | 366,974        | 733,948                     | 291,000                     | 291,000                     |
| Benefits                | 120,678        | 120,678        | 241,356                     | 108,472                     | 108,472                     |
| Contracts               | 50,000         | 10,000         | 60,000                      | 20,000                      | 20,000                      |
| Goods & Services        | 20,000         | 20,000         | 40,000                      | 20,000                      | 20,000                      |
| Travel                  | -              | -              | -                           | -                           | -                           |
| Equipment               | 30,000         | 2,000          | 32,000                      | 2,000                       | 2,000                       |
| <b>Total</b>            | <b>587,652</b> | <b>519,652</b> | <b>1,107,304</b>            | <b>441,472</b>              | <b>441,472</b>              |

| <b>Admin Assistant (46/L)</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23<br/>Biennium</b> | <b>2023-25<br/>Biennium</b> | <b>2025-27<br/>Biennium</b> |
|-------------------------------|----------------|----------------|-----------------------------|-----------------------------|-----------------------------|
| FTE                           | 1.0            | 1.0            | 1.0                         | 1.0                         | 1.0                         |
| Salaries                      | 56,856         | 56,856         | 113,712                     | 113,712                     | 113,712                     |
| Benefits                      | 23,817         | 23,817         | 47,634                      | 47,634                      | 47,634                      |
| Contracts                     | -              | -              | -                           | -                           | -                           |
| Goods & Services              | 5,000          | 5,000          | 10,000                      | 10,000                      | 10,000                      |
| Travel                        | -              | -              | -                           | -                           | -                           |
| Equipment                     | 7,500          | 500            | 8,000                       | 1,000                       | 1,000                       |
| <b>Total</b>                  | <b>93,173</b>  | <b>86,173</b>  | <b>179,346</b>              | <b>172,346</b>              | <b>172,346</b>              |

| <b>Senior Legal Analyst (64/L)</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23<br/>Biennium</b> | <b>2023-25<br/>Biennium</b> | <b>2025-27<br/>Biennium</b> |
|------------------------------------|----------------|----------------|-----------------------------|-----------------------------|-----------------------------|
| FTE                                | 1.0            | 1.0            | 1.0                         | 1.0                         | 1.0                         |
| Salaries                           | 88,644         | 88,644         | 177,288                     | 177,288                     | 177,288                     |
| Benefits                           | 30,419         | 30,419         | 60,838                      | 60,838                      | 60,838                      |
| Contracts                          | -              | -              | -                           | -                           | -                           |
| Goods & Services                   | 5,000          | 5,000          | 10,000                      | 10,000                      | 10,000                      |
| Travel                             | -              | -              | -                           | -                           | -                           |
| Equipment                          | 7,500          | 500            | 8,000                       | 1,000                       | 1,000                       |
| <b>Total</b>                       | <b>131,563</b> | <b>124,563</b> | <b>256,126</b>              | <b>249,126</b>              | <b>249,126</b>              |

| <b>Court Business Coord (76/L)</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23<br/>Biennium</b> | <b>2023-25<br/>Biennium</b> | <b>2025-27<br/>Biennium</b> |
|------------------------------------|----------------|----------------|-----------------------------|-----------------------------|-----------------------------|
| FTE                                | 1.0            | 1.0            | 1.0                         | -                           | -                           |
| Salaries                           | 110,737        | 110,737        | 221,474                     | -                           | -                           |
| Benefits                           | 33,221         | 33,221         | 66,442                      | -                           | -                           |
| Contracts                          | -              | -              | -                           | -                           | -                           |
| Goods & Services                   | 5,000          | 5,000          | 10,000                      | -                           | -                           |
| Travel                             | -              | -              | -                           | -                           | -                           |
| Equipment                          | 7,500          | 500            | 8,000                       | -                           | -                           |
| <b>Total</b>                       | <b>156,458</b> | <b>149,458</b> | <b>305,916</b>              | <b>-</b>                    | <b>-</b>                    |

| <b>Court Program Analyst (60/L)</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23<br/>Biennium</b> | <b>2023-25<br/>Biennium</b> | <b>2025-27<br/>Biennium</b> |
|-------------------------------------|----------------|----------------|-----------------------------|-----------------------------|-----------------------------|
| FTE                                 | 1.0            | 1.0            | 1.0                         | -                           | -                           |
| Salaries                            | 110,737        | 110,737        | 221,474                     | -                           | -                           |
| Benefits                            | 33,221         | 33,221         | 66,442                      | -                           | -                           |
| Contracts                           | -              | -              | -                           | -                           | -                           |
| Goods & Services                    | 5,000          | 5,000          | 10,000                      | -                           | -                           |
| Travel                              | -              | -              | -                           | -                           | -                           |
| Equipment                           | 7,500          | 500            | 8,000                       | -                           | -                           |
| <b>Total</b>                        | <b>156,458</b> | <b>149,458</b> | <b>305,916</b>              | <b>-</b>                    | <b>-</b>                    |

| <b>Contracted Translation<br/>Service</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23<br/>Biennium</b> | <b>2023-25<br/>Biennium</b> | <b>2025-27<br/>Biennium</b> |
|---|----------------|----------------|-----------------------------|-----------------------------|-----------------------------|
| Contracts                                 | 50,000         | 10,000         | 60,000                      | 20,000                      | 20,000                      |

## Gender and Justice Commission

Sections 12, 16, and 36 of this bill would require the Gender and Justice Commission to convene stakeholders to consider and develop recommendations on a wide variety of protection order related issues.

This work will require 0.5 FTE Senior Court Program Analyst and 0.25 FTE Senior Research Associate during the first year of implementation. Salary and benefit costs are included.

**Table II – Gender and Justice Commission Costs**

| <b>Total, All Costs</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>Biennium</b> |
|-------------------------|----------------|----------------|-----------------|
| FTE                     | 0.8            | -              | 0.4             |
| Salaries                | 70,000         | -              | 70,000          |
| Benefits                | 21,000         | -              | 21,000          |
| Contracts               | -              | -              | -               |
| Goods & Services        | -              | -              | -               |
| Travel                  | -              | -              | -               |
| Equipment               | -              | -              | -               |
| <b>Total</b>            | <b>91,000</b>  | <b>-</b>       | <b>91,000</b>   |

| <b>Senior Court Program Analyst (64/L)</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23 Biennium</b> |
|--|----------------|----------------|-------------------------|
| FTE  | 0.5            |                | 0.3                     |
| Salaries                                   | 44,322         |                | 44,322                  |
| Benefits                                   | 13,297         |                | 13,297                  |
| Contracts                                  |                |                | -                       |
| Goods & Services                           |                |                | -                       |
| Travel                                     |                |                | -                       |
| Equipment                                  |                |                | -                       |
| <b>Total</b>                               | <b>57,619</b>  | <b>-</b>       | <b>57,619</b>           |

| <b>Senior Research Associate (70/L)</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23 Biennium</b> |
|---|----------------|----------------|-------------------------|
| FTE                                     | 0.3            |                | 0.1                     |
| Salaries                                | 25,678         |                | 25,678                  |
| Benefits                                | 7,703          |                | 7,703                   |
| Contracts                               |                |                | -                       |
| Goods & Services                        |                |                | -                       |
| Travel                                  |                |                | -                       |
| Equipment                               |                |                | -                       |
| <b>Total</b>                            | <b>33,381</b>  | <b>-</b>       | <b>33,381</b>           |

## Information Services Costs

Modifications to existing judicial information systems would be required. The following is a partial summary:

- Superior Court legacy system application changes, including development, testing, and implementation;

- Superior Court Data Exchange modifications required for replication of Odyssey<sup>2</sup> data to JIS and SCOMIS;
- Synchronization modifications required for well-identified parties, Odyssey and JIS (development, testing, implementation);
- Odyssey configuration modifications and testing;
- Substantial new coding required – training modules, new causes of action, updates to many statistical, caseload, and other reports;
- Global testing of changes; and
- Online manuals and other educational materials.

It is estimated that this effort would require 5,336 hours of contracted information technology staff time. Cost is estimated based on \$150 per hour standard contracted rate for a professional IT contractor. Thus, the cost for these modifications would be 5,336 hours x \$150 per hour = \$800,400. It is unlikely that this work would be accomplished by the effective date of this bill.

There are cost components of implementation that cannot be determined at this time. Changes to the Judicial Access Browser (JABS), changes to the Odyssey client and Portal, and changes to the Enterprise Data Repository to allow for local court case management data, depending on system needs or availability. These costs are indeterminate.

### **Text Messaging Costs**

Sections of the bill that provide for text messaging capability would require one-time costs to reconfigure the Odyssey system, and ongoing text message volume costs. One time reconfiguration cost estimate was provided by the Odyssey vendor at \$44,000. Ongoing costs would be \$108,000 in the first year of implementation and \$120,000 per year thereafter.

## **Part III: Expenditure Detail**

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

|                             | <b>FY 2022</b>   | <b>FY 2023</b> | <b>2021-23</b>   | <b>2023-25</b> | <b>2025-27</b> |
|-----------------------------|------------------|----------------|------------------|----------------|----------------|
| FTE – Staff Years           | 4.8              | 4.0            | 4.4              | 2.0            | 2.0            |
| A – Salaries & Wages        | 436,974          | 366,974        | 803,948          | 291,000        | 291,000        |
| B – Employee Benefits       | 141,678          | 120,678        | 262,356          | 108,472        | 108,472        |
| C – Prof. Service Contracts | 50,000           | 10,000         | 60,000           | 20,000         | 20,000         |
| E – Goods and Services      | 972,400          | 140,000        | 1,112,400        | 260,000        | 260,000        |
| G – Travel                  | -                | -              | -                | -              | -              |
| J – Capital Outlays         | 30,000           | 2,000          | 32,000           | 2,000          | 2,000          |
| P – Debt Service            |                  |                | -                | -              | -              |
| <b>Total:</b>               | <b>1,631,052</b> | <b>639,652</b> | <b>2,270,704</b> | <b>681,472</b> | <b>681,472</b> |

### **III.B – Detail:**

<sup>2</sup> Odyssey is the new Superior Court Case Management System, currently undergoing statewide implementation.

| <b>Job Classification</b>           | <b>Salary</b> | <b>FY 2022</b> | <b>FY 2023</b> | <b>2021-23</b> | <b>2023-25</b> | <b>2025-27</b> |
|-------------------------------------|---------------|----------------|----------------|----------------|----------------|----------------|
| Admin Assistant (46/L)              |               | 1.0            | 1.0            | 1.0            | 1.0            | 1.0            |
| Senior Legal Analyst (64/L)         |               | 1.0            | 1.0            | 1.0            | 1.0            | 1.0            |
| Court Business Coord (76/L)         |               | 1.0            | 1.0            | 1.0            | -              | -              |
| Court Program Analyst (60/L)        |               | 1.0            | 1.0            | 1.0            | -              | -              |
| Senior Court Program Analyst (64/L) |               | 0.5            | -              | 0.3            | -              | -              |
| Senior Research Associate (70/L)    |               | 0.3            | -              | 0.1            | -              | -              |
| <b>Total FTE's</b>                  |               | <b>4.8</b>     | <b>4.0</b>     | <b>4.4</b>     | <b>2.0</b>     | <b>2.0</b>     |

#### **Part IV: Capital Budget Impact**

None.

#### **Part V: New Rule Making Required**

None.