

FISCAL NOTE
Requested by Legislative Council
03/24/2021

Amendment to: Engrossed HB 1035

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2019-2021 Biennium		2021-2023 Biennium		2023-2025 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$450,000		\$450,000	
Appropriations			\$450,000		\$450,000	

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2019-2021 Biennium	2021-2023 Biennium	2023-2025 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

House Bill 1035 changes the eligibility requirement for a child in juvenile matters. This will require the appointment of counsel to children regardless of income.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The proposed language on page 40 at line 20 through page 41 at line 21, require the appointment of counsel to an otherwise eligible child. Previously, parents would have to apply for counsel and meet the financial requirements of the Commission to be determined to be eligible. Therefore, our agency will now provide counsel in all juvenile delinquency, (Child in Need of Services) and Child in Need of Protection in which there is a right to counsel unless counsel is waived or private counsel is hired.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

--> The amended version of the bill removes the undue burden language and requires the court to make a finding regarding the reimbursement of attorney fees. These fees, it is presumed, would be like the reimbursement of counsel in adult court and would be collected by the Court and deposited in the general fund and have no impact on our agency. We have no way of knowing what these collections may be as they are not mandatory.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

A \$450,000 general fund appropriation is the best estimate the undersigned can make regarding potential costs. The Commission will have to provide an attorney to all children alleged to be delinquent, in need of services, or in need of protection. The proposed bill also makes some offenses currently classified as unruly that will no longer be going to court, if passed, but will be going to the human service zones for rehabilitation. There is no way to know the potential effect.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

It is impossible to know how many children will need counsel. We have to rely upon taking past numbers of the Court for total number of juvenile cases. We then figured that currently we provide counsel in about half of the cases. The Court and the Commission on Legal Counsel count cases different. Therefore, we had to take the court's percentage and apply it to our number to estimate the need for services the next two biennium.

Taking on this many additional cases will require more contracts for professional services. Likewise, there will be additional fees for experts, witness, (etc.) that will be needed to provide for an adequate representation

Name: Travis Finck

Agency: N.D. Commission on Legal Counsel for Indigents

Telephone: 17018458632

Date Prepared: 03/24/2021