

HB 1035  
Report on First Fiscal Year Expenditures and Collections  
Legislative Management  
June 30, 2022  
Prepared by Travis W. Finck, Executive Director, NDCLCI

Good morning, Mr. Chairman, it is my honor and privilege to submit the following report in accordance with the demands of HB 1035. Below you will find the information as requested by the legislative assembly.

**1. Actual costs incurred to date and expected costs to be incurred for the 2021-23 biennium to provide legal counsel and related services to indigent juveniles:**

The North Dakota Commission on Legal Counsel for Indigents does not have the ability to track which parties are indigent. The Court, under HB 1035, is required to make the finding of indigency. The finding of indigency is not reported back to the Commission, so we have no way of tracking such data. However, we can provide the total amount expended on contract services to provide counsel.

As of the end of May 2022, the Commission had spent \$511,505.15 in contract services, operating fees and services and travel related to juvenile court matters. This number would not include time spent on juvenile cases by full time public defenders within our public defender offices.

It is expected the Commission will expend \$1,116,011.24 for the entire biennium assuming case numbers remain consistent across the state. Again, this number would exclude time spent by full time public defenders within our public defender offices. (See Attachment 1).

The only way to attempt to ascertain the difference in costs spent on indigent v. non-indigent is take court data over the first 11 months of the fiscal year and apply to the costs. The Court has provided information, contained herein as attachment 2, of a breakdown of indigen v. non-indigent findings in juvenile delinquency cases in North Dakota. (It is important to note some of the costs provided herein also relate to Child in Need of Service and Child in Need of Protection/Termination cases). However, a parent must be determined to be indigent to receive services in those cases and a child must be of sufficient competent age to assist counsel to have counsel appointed).

Examining the data provided by the court, only 7.6 % of the cases where a finding was made by the Court were found to be non-indigent families (parents or child is not delineated). Therefore, 92.4% of the services provided, in cases in which the finding was made, were provided to indigent families. Using that number applied to the total incurred and expected costs: \$472,630.76 has been spent on indigent representation through May and \$1,031,194.53 will be spent on indigent representation for the biennium.

**2. Actual costs incurred to date and expected costs to be incurred for the 2021-23 biennium to provide legal counsel and related services to nonindigent juveniles:**

Please reference section 1 for explanation of the statistical inaccuracies of separating indigent and non-indigent juvenile representation. However, using the same assumptions as section 1: \$38,874.39 has been spent on non-indigent representation and it is expected \$84,816.85 will be spent for the biennium.

**3. Any amounts collected from those financially able to pay all or part of the cost of providing legal counsel and related services for juveniles:**

The North Dakota Commission on Legal Counsel for Indigents does not collect fees related to juvenile representation or any other fee. The fee ordered in 1035 is collected by the Court and deposited into the general fund. According to data received from the State Court Administrator's Office, a total of \$2,195 has been ordered by Judges across the state. Of the \$2,195 ordered, \$1,614 was ordered in non-indigent cases and \$581 ordered in Indigent cases. (See Attachment 2). As of the date of receiving the data, courts had collected only \$400 in payments.



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## ATTACHMENT 1: Indigent Defense Costs

Dept (Multiple Items)

Sum of Amount		Year	Period										Grand Total	
Account5	Account4	2022	July	August	September	October	November	December	January	February	March	April	May	
						109.76	131.04	225.00			184.28		100.62	750.70
											54.45			54.45
			41,600.00	41,600.00	44,800.00	42,500.00	42,500.00	37,800.00	51,500.00	51,500.00	52,300.00	52,300.00	52,300.00	510,700.00
			41,600.00	41,600.00	44,800.00	42,609.76	42,631.04	38,025.00	51,500.00	51,500.00	52,538.73	52,300.00	52,400.62	511,505.15

511,505.15/11\*24= 1,116,011.24

ATTACHMENT 2: COURT ORDERED FEES AND COLLECTIONS

Delinquent cases filed since 7/1/2021

Total Cases	<b>772</b>
Pending	119
No Petition	70
Dismissed	122
Cases with no indigent finding	186
Cases with finding	275

		Amount Ordered	Payments
Indigent	254	581	
Non-Indigent	21	1,614	200
Total	275	2,195	200