

FISCAL NOTE
Requested by Legislative Council
12/22/2008

Bill/Resolution No.: HB 1108

1A. **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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

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

This bill deals with the right to counsel under the Juvenile Court Act. Any fiscal impact will be minimal.

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 bill clarifies that counsel must be provided for a child who is under the age of 18 and not represented by the child's parent, guardian or custodian, but does not require appointment in this situation for a child 18 years or older at the time of the hearing. However, if the child who is aged 18 or older at the time of the hearing is indigent and requests an attorney, he or she would be provided one, and it is anticipated that most, if not all, of the cases will fall under this scenario.

The bill also clarifies that the indigency of a child under 18 is determined by the parents' ability to pay, and that the indigency of a child aged 18 and older, is determined by the child's ability to pay. The common practice, however, has been to determine the indigency of a child aged 18 or older based on the child's income and assets, so this should not change the number of cases in which a child aged 18 or older is found to be indigent and entitled to counsel.

Under this bill, indigency of a child under the age of 18 is determined by ability of the child's parents, not just the custodial parent, to pay for attorney fees and costs. This may decrease the number of cases in which indigent counsel is assigned, but it is not anticipated to be a significant number, and the number cannot be calculated at this time.

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.*

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.*

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 is also included in the executive budget or relates to a continuing appropriation.*

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