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FISCAL NOTE

Drafting Number: LLS 19-0260 **Date:** January 28, 2019
Prime Sponsors: Sen. Holbert **Bill Status:** Senate Judiciary
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Bill Topic: BILL OF RIGHTS PROTECTED PERSON UNDER GUARDIANSHIP

- Summary of Fiscal Impact:**
- State Revenue
 - State Expenditure
 - State Transfer
 - TABOR Refund
 - Local Government
 - Statutory Public Entity

This bill establishes a bill of rights for persons who are protected through a legal guardianship relationship. This bill will increase state expenditures for the Judicial Department on an ongoing basis.

Appropriation Summary: For FY 2019-20, the bill requires an appropriation of \$598,587 and 4.8 FTE to the Judicial Department.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 19-072

		FY 2019-20	FY 2020-21
Revenue	Total	-	-
Expenditures	General Fund	\$598,587	\$511,643
	Centrally Appropriated	\$118,409	\$125,790
	Total	\$716,996	\$637,433
	Total FTE	4.8FTE	5.6 FTE
Transfers		-	-
TABOR Refund	General Fund	-	-

Summary of Legislation

This bill establishes a bill of rights for persons who are protected through a legal guardianship relationship. Among the various rights and protections, the bill specifies that persons protected under guardianship have the right to:

- an attorney at any time during a guardianship relationship to ask the court for relief,
- have a family member, interested party, or medical provider raise any issues of concern on the protected person's behalf,
- be granted the greatest degree of freedom possible; and
- ask the court to review the guardian's management activity if a dispute cannot be resolved.

Assumptions

Currently there are approximately 14,000 adult and minor guardianship cases and guardianship/conservatorship cases being monitored by the court at any given moment. The fiscal note assumes that 5% will seek the additional remedies laid out in this bill, resulting in 700 additional hearings per year.

State Expenditures

This bill increases state General Fund expenditures in the Judicial Department by \$716,996 and 4.8 FTE in FY 2019-20 and in FY 2020-21 by \$637,433 and 5.6 FTE. These impacts are shown in Table 2 and discussed below.

Table 2
Expenditures Under SB 19-072

	FY 2019-20	FY 2020-21
Judicial Department		
Personal Services	\$456,408	\$497,900
Operating Expenses and Capital Outlay Costs	\$142,179	\$13,743
Centrally Appropriated Costs*	\$118,409	\$125,790
Total Cost	\$716,996	\$637,433
Total FTE	4.8 FTE	5.6 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

Judicial Department. This bill will increase trial court workload associated with additional guardianship proceedings., which will result in the need for 1.4 FTE for magistrates. Each district court judge or magistrate requires 3.0 FTE for support staff for a court clerk, law clerk, and court reporter. Therefore, adding 1.4 FTE for a judicial officer would also add 4.2 FTE for support staff, resulting in a total increase of 5.6 FTE to the Judicial Department as shown in Table 2. Costs and FTE in FY 2019-20 are prorated for the General Fund pay date shift. Standard judge operating and capital outlay costs for judges are included for the 1.4 FTE magistrates and includes law library materials, travel expenses, judge robe expenditures, and computer hardware and software. Costs

in the first year are also included for courtroom furnishings for the judge chambers, law library, jury room, and conference room. These costs are based on the Judicial Department common policy costs. Standard operating and capital outlay costs for state employees are included for each support staff FTE.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance, supplemental employee retirement payments, and indirect cost recoveries, are estimated to be \$118,409 in FY 2019-20 and \$125,790 in FY 2020-21.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State Appropriations

This bill requires a General Fund appropriation of \$598,587 and 4.8 FTE to the Judicial Department for FY 2019-20.

State and Local Government Contacts

Judicial