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FISCAL IMPACT STATEMENT

LS 6748
BILL NUMBER: SB 223

NOTE PREPARED: Dec 16, 2002
BILL AMENDED:

SUBJECT: Courts and court officers.

FIRST AUTHOR: Sen. Long
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

STATE IMPACT	FY 2003	FY 2004	FY 2005
State Revenues			
State Expenditures		69,085	138,171
Net Increase (Decrease)		(69,085)	(138,171)

Summary of Legislation: This bill has the following provisions:

- (A) It grants the Shelby circuit court concurrent jurisdiction with the Shelby superior court No.1 to hear juvenile cases.
- (B) It allows a senior judge to serve as a domestic relations mediator.
- (C) It establishes the Allen County alternative dispute resolution (ADR) program for persons filing legal separation, paternity, or dissolution of marriage actions.
- (D) It provides that the ADR program may include mediation, reconciliation, nonbinding arbitration, and parental counseling.
- (E) It adds an additional judge to the Vigo superior court.

Effective Date: July 1, 2003; January 1, 2004.

Explanation of State Expenditures: *Provision B* potentially increases the costs to the state General Fund if senior judges are appointed to perform as mediators in domestic relations cases. The added costs would depend on the number of counties that offer alternative dispute resolution in domestic relations cases, the

number of senior judges who are appointed by the Indiana Supreme Court, and the number of senior judges who would be willing to undergo training as a mediator.

Senior judges are individuals who have formerly served as trial court judges in Indiana. They are certified by the Indiana Judicial Nominating Commission and may be appointed if requested by a trial court to assist in a certain number of cases. A senior judge is entitled to \$50 per diem and reimbursement for mileage and reasonable expenses incurred in performing service as a senior judge, including but not limited to meals and lodging.

For FY 2001, the Indiana Supreme Court reported that 65 senior judges worked on average 61 days and received \$784,020 for per diem payments and expenses.

Provision E: This new court in Vigo County would begin operation on January 1, 2004. The estimated costs for 12 months in operation are listed in the following table.

Salary	Specified in statute	\$90,000
Life Insurance	0.36% of Salary	\$324
Health, Dental, and Vision	Estimated by the State Budget Agency	\$8,291
Social Security	7.65% of salary	\$6,885
Disability Insurance	1.9% of salary estimated by State Budget Agency	\$171
Judges Retirement Fund	35% of Salary	\$31,500
Judicial Center	Includes materials and postage, but not possible staffing	<u>\$1,000</u>
Total Cost for New Court:		<u>\$138,171</u>

Explanation of State Revenues:

Explanation of Local Expenditures: *Provision A:* Allowing the Shelby Circuit Court to have concurrent, coordinate, and coextensive jurisdiction on juvenile matters and proceedings with the Shelby Superior Court #1 could create administrative efficiencies between these courts. Under current law, jurisdiction over juvenile matters in Shelby County is solely vested in Shelby Superior Court #1.

Provision C: Allen County Circuit and Superior Courts have been permitted to operate alternative dispute resolution programs as part of marriage dissolutions since 1997. This portion of the bill would allow for this program to continue indefinitely. Alternative dispute resolution programs use mediation, reconciliation, and parental counseling to assist parties in the dissolution actions to resolve their differences in a more cooperative manner.

This program was funded by a \$20 fee that was added to the filing fee for domestic relations cases. Parties who asked for a waiver of filing fees were given special consideration. Since the program began, the court has collected \$76,360 and has paid \$74,610 for mediation services, facilitator services, consulting services and counseling, and promotional and miscellaneous expenses. This bill would allow the Allen County courts to continue to assess this additional \$20 fee to continue funding this program.

A followup study being submitted to the Indiana Judicial Center concludes that over two-thirds of the cases mediated reached a partial or full settlement. This reduces court time and leads to better control of the court calendar.

Explanation of Local Revenues: *Provision D* would permit courts other than Allen County courts to operate an alternative dispute resolution program. If these courts are permitted by the Indiana Judicial Conference to operate an alternative dispute resolution program, the court would be permitted to collect an additional \$20 fee on all filings for legal separation, paternity, or dissolution of marriage action. Implementation of a program could potentially improve movement of cases in the local court systems and reduce delay in the issuance of dissolutions.

State Agencies Affected: Division of State Court Administration

Local Agencies Affected: Trial courts in Allen and Vigo Counties

Information Sources: Magistrate Thomas Felts, Allen Circuit Court

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