

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

House Bill 18 (Delegate Montague)
Judiciary

Referred to Judicial Proceedings

Courts - Family Division - Establishment

This amended bill requires the chief Judge of the Court of Appeals to establish a family division in each circuit court having more than seven circuit court judges (currently Anne Arundel, Baltimore, Montgomery, and Prince George’s counties and Baltimore City).

This bill is effective January 1, 1998.

Fiscal Summary

State Effect: General fund expenditures would increase by \$1.0 million in FY 1998 and continue to increase with expansion of the family division. Minimal decrease in general fund revenue.

(\$ in millions)	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
GF Revenues	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
GF Expenditures	1.0	1.5	2.1	2.5	4.6
Net Effect	\$1.0	\$1.5	\$2.1	\$2.5	\$4.6

Note: () - decrease; GF - general funds; FF - federal funds; SF - special funds

Local Effect: Capital expenditures in Baltimore City and Baltimore, Montgomery and Prince George’s counties could increase by a total of \$4.0 million from FY 1998 through 2001. Montgomery County revenues could increase by an indeterminate amount.

Fiscal Analysis

Bill Summary: To implement the family division, this bill: (1) provides for the number of judges that must be assigned to the family division in Anne Arundel, Baltimore, Montgomery, and Prince George’s counties and Baltimore City; (2) creates eight new family division judgeships between 1998 and 2001; (3) cross-designates the District Court

judges in Montgomery County who hear juvenile cases to the family division of the Montgomery County Circuit Court; (4) provides for assignment of family court judges and administrative judges; (5) enumerates the cases that must be heard by the family division; (6) requires the State to fund a courtroom clerk, law clerk, secretary, and court reporter for each of the eight new family division judgeships and for all family division judges no later than fiscal 2002; (7) requires the State to fund essential family support services in all jurisdictions; and (8) requires a family support services coordinator in all jurisdictions.

State Revenues: General fund revenues would decline to the extent that District Court cases transferred to the family division in Montgomery County would have produced general fund revenue. Any such decrease is expected to be minimal.

State Expenditures: General fund expenditures could increase by an estimated \$1.0 million in fiscal 1998, which reflects the bill's various effective dates. This estimate reflects the cost of hiring eight new judges and support staff on the schedule provided in the bill. The information and assumptions used in calculating the estimate are stated below:

- Judges and support staff are added on January 1 each year.
- No inflation in judicial salaries, as these salaries are set by the Judicial Compensation Commission.
- Three District Court judges who hear Montgomery County juvenile offenses would be paid at the circuit court judge rate.
- Support staff costs for new judges are assumed by the State from the creation of the judgeship and for all family division judges on December 31, 2001.
- Family support services as required by the bill will continue to be provided by the Department of Human Resources, local departments of social services, and the Department of Health and Mental Hygiene at little or no additional cost.
- Operating and capital costs not specified in the bill are paid by the local jurisdictions.
- One Fiscal Assistant and one Judicial Auditor will be required in the Administrative Office of the Courts to implement the family division.

Future year expenditures reflect (1) full salaries with 3.5% annual increases for support staff and 3% employee turnover; and (2) 2% annual increases in ongoing operating expenses.

FY 1998

FY 1999

FY 2000

FY 2001

FY 2002

Judges	\$ 235,205	\$ 627,212	\$ 940,818	\$ 1,176,023
	\$1,254,424			
Support Staff	327,758	781,716	1,023,771	1,223,671
	3,307,334			
Automation	300,000	0	0	0
Equipment	99,000	21,000	21,000	12,000
Central Staff	<u>68,821</u>	<u>79,119</u>	<u>83,631</u>	<u>95,523</u>
Total	\$1,030,783	\$1,509,047	\$2,069,220	\$2,500,101
				\$4,561,758

In addition, there could be savings due to shorter placement in foster care. Currently, children may be in foster care for a significant length of time while one judge makes a determination as to whether to terminate parental rights, then a second judge makes a decision about adoption. While any such savings cannot be reliably estimated at this time, they are assumed to be significant, as foster care costs at least \$550 per month per child.

Local Revenues: Montgomery County revenues would increase to extent that District Court cases transferred to the family division in Montgomery County produce revenue. Any such increase is expected to be minimal.

Local jurisdictions with family courts would be reimbursed for support staff costs. However, the local governments must maintain the same level of support for the circuit courts.

Local Expenditures: Local governments are required to provide facilities for the circuit courts. The cost estimates below assume:

- The planned Anne Arundel County court facilities will accommodate future growth and require no additional funding.
- Approximately 2,970 square feet are required for each additional judge and related staff (somewhat less for jurisdictions with video or audio court reporting).
- Facilities cost approximately \$125 per square foot for construction and built-in equipment.
- Baltimore City uses video recording for court reporting at a cost of \$70,000 per courtroom and Montgomery County uses audio recording at a cost of \$30,000 per courtroom.

	<u>FY 1998</u>	<u>FY 1999</u>	<u>FY 2000</u>	<u>FY 2001</u>	<u>Total</u>
Baltimore City	\$ 443,750	\$ 0	\$428,750	\$ 0	\$ 872,500
Baltimore County	386,250	0	0	386,250	772,500
Montgomery County	0	388,750	0	0	1,570,000
Prince George's County	<u>386,250</u>	<u>0</u>	<u>371,250</u>	<u>0</u>	<u>757,500</u>
Totals	\$1,216,250	\$388,750	\$800,000	\$386,250	\$3,972,500

In addition, Montgomery County will need to provide three additional circuit courtrooms to accommodate the cross-designated District Court judges. This is estimated to cost \$1.2 million. However, existing juvenile court judges would continue to use District Court space until alternative space is provided by the county.

As the bill contains a maintenance effort clause which prevents counties from reducing the amount of money budgeted for the circuit courts to recognize State reimbursements for expenditures, there would be no reduction in local expenditures.

Information Source(s): Judiciary (Administrative Office of the Courts); Anne Arundel, Calvert, and Howard counties, Baltimore City; Department of Fiscal Services

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