

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Sub. H.B. 247** DATE: **December 16, 2008**
STATUS: **As Reported by Senate Judiciary--Civil Justice** SPONSOR: **Rep. Brown**
LOCAL IMPACT STATEMENT REQUIRED: **Yes**
CONTENTS: **Protection orders**

State Fiscal Highlights

- **State revenue and expenditures.** The bill has no discernible direct effect on the revenues or expenditures of the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 – FUTURE YEARS
Courts of Common Pleas (protection order for a child)	
Revenues	- 0 -
Expenditures	Factors increasing and decreasing court operating costs, with net annual fiscal effect uncertain, but potentially resulting in more than minimal annual increase in jurisdictions with relatively large caseloads

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Juvenile division of courts of common pleas.** The bill's provisions related to a protection order for a child will increase the number of matters to be disposed of by the juvenile division of the court of common pleas. However, LSC fiscal staff cannot estimate the fiscal effect of these child protection order provisions on the juvenile division of any given court of common pleas other than to assert the possibility that certain courts, most likely those with jurisdictions carrying relatively large caseloads, could require a more than minimal increase in resources. For the purposes of this fiscal analysis, a more than minimal increase means a cost estimated in excess of \$5,000 per year for any affected court.
- **General division of courts of common pleas.** Relative to the general divisions of courts of common pleas, the bill's child protection order provisions create a potential savings effect that may or may not manifest itself in terms of an actual reduction in the annual operating expenses of any given general division. It seems more likely that, given the magnitude and increase in the caseloads of courts generally and the tight budgetary environment, the general divisions of courts of common pleas would be able to reallocate existing resources in order to more efficiently and effectively perform other duties and responsibilities.



- **Foster parents as domestic violence victims.** It does not appear that the bill's definitional expansion as it relates to a foster parent and existing domestic violence laws will generate any noticeable fiscal effect on the caseloads of local criminal or civil justice systems.
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Detailed Fiscal Analysis

Fiscally notable provisions of the bill

For the purposes of this fiscal analysis, the bill most notably:

- Transfers to the juvenile court jurisdiction to hear, determine, and enforce matters involving protection orders against a child.
- Permits any parent or adult household member to file a motion for a protection order on behalf of a child.
- Includes a foster parent in the definition of "family or household member" in the criminal and civil domestic violence laws.

Protection orders for a child

Local fiscal effects

The most pronounced local fiscal effect produced by the bill will be experienced by courts of common pleas, which, under current law, have jurisdiction over matters involving protection orders against a child. Based on LSC fiscal staff's conversations with various court personnel, including juvenile court judges, it appears the transfer of jurisdiction involving protection orders against a child from the general division to the juvenile division raises some potential workload and cost concerns. In the matter of local revenues, the provisions of the bill related to a protection order for a child will not generate additional moneys for deposit in the treasury of any affected county.

Juvenile courts

As noted, the provisions of the bill related to a protection order for a child will increase the number of matters to be disposed of by the juvenile division of the court of common pleas. This increase will be a function of at least two variables: (1) the number of protection order-related matters where jurisdiction would be transferred to the juvenile division, and (2) the number of new matters generated by permitting certain persons to file for a motion for a protection order on behalf of a child.

LSC fiscal staff is unable to quantify the magnitude of the likely annual increase in the number of matters to be disposed of by any given juvenile division. That said we have collected the following information that is suggestive of the dynamic that the bill may trigger:

- Surveys of younger persons (teens, students, girls) indicate anywhere from one-quarter to one-half of the respondents have experienced, or know someone who has experienced, a violent relationship.
- In conversations with LSC fiscal staff, some judges, who more or less exclusively handle juvenile matters, expressed concern over how large the increase in their annual caseloads could be and the likely expenditure effect. From their perspective, court resources are already generally strained and the adding of new matters to that situation creates more pressure, especially in light of the fact that hearings and determinations have to be done in a timely manner when involving a protection order.

LSC fiscal staff cannot estimate the fiscal effect of these child protection order provisions on the juvenile division of any given court of common pleas other than to assert the possibility that certain courts, most likely those with jurisdictions carrying relatively large caseloads, could require a more than minimal increase in resources. For the purposes of this fiscal analysis, a more than minimal increase means a cost estimated in excess of \$5,000 per year for any affected court.

General division of courts of common pleas

As a result of the bill's child protection order provisions, some number of matters that would have been under the jurisdiction of the general division of a court of common pleas will be transferred to the court's juvenile division, sometimes referred to as the juvenile court. Presumably, this creates a potential savings effect that may or may not manifest itself in terms of an actual reduction in the annual operating expenses of any given general division. It seems more likely that, given the magnitude and increase in the caseloads of courts generally and the tight budgetary environment, the general divisions of courts of common pleas would be able to reallocate existing resources in order to more efficiently and effectively perform other duties and responsibilities.

State fiscal effects

The bill's provisions related to a protection order for a child will have no direct fiscal impact on state revenues or expenditures.

Foster parents as domestic violence victims

By expanding the definition of "family or household member" in the criminal and civil domestic violence laws to include a foster parent, the bill provides an additional class of persons access to a wider array of civil and criminal protection orders and potentially subjects certain offenders to enhanced penalties. Based on LSC fiscal staff's research into the bill's fiscal implications, it does not appear that this definitional expansion will generate any noticeable fiscal effect on the caseloads of local criminal or civil justice systems, nor for the state in terms of locally collected state court cost revenues or incarceration costs.

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