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F I S C A L I M P A C T R E P O R T

SPONSOR Munoz ORIGINAL DATE 2/14/17
LAST UPDATED _____ HB _____
SHORT TITLE Additional Child Custody Proceeding Security SB 322
ANALYST Downs

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$1.0-\$50.0	\$1.0-\$50.0	\$2.0-\$100.0	Recurring	Various

(Parenthesis () Indicate Expenditure Decreases)

Relates to Senate Bill 249

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Administrative Office of the District Attorneys (AODA)

SUMMARY

Synopsis of Bill

Senate Bill 322 requires courts that hold child custody proceedings to implement specific security measures, including providing training for judges and staff on safety concerns specifically related to child custody hearings, installation of surveillance cameras, allowing one party to attend via video conference, providing escorts for parties to and from the court house, and providing custom waiting areas so that parties do not meet before and after proceedings.

FISCAL IMPLICATIONS

According to the Administrative Office of the Courts, requiring training will further impact the judiciary's already strained budget. To the extent that there are federal funds available for the training, the impact could be lessened or removed, but the agency did not specify whether or not it has used federal funds for trainings such as these in the past.

The Administrative Office of the Courts reported that trainings such as those required in Senate Bill 322 could cost anywhere between \$1 thousand and \$50 thousand depending on the type. It also stated other fiscal impacts to the courts could result from the requirement to provide video

equipment, the installation of surveillance cameras and the provision or construction of a waiting area, though the majority of courts already have some form of this infrastructure.

SIGNIFICANT ISSUES

The Administrative Office of the Courts expressed concern over the lack of specificity of how the trainings should be conducted, including the length and frequency of the trainings. It reported it could be difficult to monitor complicate in each court, and wrote, “Additionally, requiring a court to implement security measures “to the extent possible” is potentially providing no requirement at all, as there is no specificity in Senate Bill 322 as to what factors or resources a court is to consider or evaluate in deciding whether the implementation of security measures is possible.” The Administrative Office of the Courts suggested that providing factors or resources to be evaluated by a court in making a determination whether the implementation of a particular security measure is possible would be a helpful amendment to Senate bill 322.

The Administrative Office of the District Attorneys wrote, “The provision allowing a party to participate in a hearing via video conferencing could raise confrontation clause problems in some cases. Cases adjudicating legal or physical custody of a child or visitation are usually civil cases, and thus not subject to the confrontation clause, however, in cases brought under the delinquency act, the child is given the same basic rights as an adult, and although the proceedings may not result in a criminal conviction, the proceedings are quasi-criminal in nature. The argument will be made that allowing a witness to testify via video without a showing of necessity is a violation of the confrontation clause. Because Senate Bill 322 only allows participation via video, and does not require it, this problem can be avoided by judges and district attorneys serving as children’s court attorneys.”

RELATIONSHIP

Senate Bill 322 is related to Senate Bill 249, requiring the Children Youth and Families Department, in collaboration with the Administrative Office of the Courts, to provide training to a judge or hearing officer in matters related to child custody, focusing on child safety when reunification with a parent or guardian is considered.

JD/al/jle