

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 7453

BILL NUMBER: HB 1485

NOTE PREPARED: Jan 17, 2025

BILL AMENDED:

SUBJECT: Court Appointed Counsel for Certain Minors.

FIRST AUTHOR: Rep. Olthoff

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

It provides that courts are required to appoint counsel for eligible children with certain exceptions.

It provides that a county may seek reimbursement up to 100% for expenditures related to attorney services for eligible children.

It requires the Commission on Court Appointed Attorneys (CCAA) to: (1) establish certain guidelines for counties to be eligible for reimbursement from the public defense fund; and (2) make a report to the Legislative Council and Budget Committee not later than December 1, 2026, regarding the 100% reimbursement for attorney services provided to eligible children.

It also makes an appropriation.

Effective Date: July 1, 2025.

Explanation of State Expenditures: *Summary* - If additional claims for reimbursement are approved, OFMA estimates the bill will increase state expenditures from the Public Defense Fund by approximately \$537,639 to \$898,691 annually, beginning in FY 2026. Any increase in state expenditures from the fund would depend upon authorization by the CCAA.

[The bill annually appropriates funds from the state General Fund to the Public Defense Fund an amount necessary to carry out the bill's requirements.]

This estimate does not include all eligible populations entitled to representation based on the bill's requirements. OFMA assumes the cost-per-case for a child in a CHINS case is similar to the cost of representation for a parent, guardian, or custodian in a CHINS/TPR case. The estimate is based on a five-year-average of CHINS in residential placement. The CCAA does not provide reimbursement for adoption,

juvenile paternity, juvenile status, and miscellaneous cases.

Additional Information - Commission on Court Appointed Attorneys: The bill requires the CCAA to adopt guidelines for attorneys services for eligible children under which the counties will be eligible for reimbursement. It also requires the CCAA to submit an annual report to the Legislative Council and the State Budget Committee concerning the reimbursement up to 100% from the Public Defense Fund for attorney services for eligible children.

These requirements represent an additional workload outside of the CCAA’s routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation. The additional funds and resources required could be supplied through existing staff and resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: *Summary* - The bill is estimated to increase local expenditures by approximately \$123,582 to \$206,574 annually. The costs incurred by counties may be somewhat offset by the federal Title IV-E reimbursement grants for eligible CHINS expenses.

Actual cost will depend on the court caseload, cost of representation, type of cases disposed of, and a county’s eligibility for reimbursement from the Public Defense Fund. The CCAA does not provide reimbursement for adoption, juvenile paternity, juvenile status, and miscellaneous cases. The table shows the cost of representation for children in CHINS cases.

Cost of Legal Representation for Children in Residential Placement between 2019 and 2023			
	*CHINS in Residential Placement	Cost for Commission Counties	Cost for Non-Commission Counties
High	646	-	\$206,574
Average	502	-	\$160,596
Low	387	-	\$123,582

[A court shall appoint counsel for an eligible child at least 48 hours before approving a motion to place, or authorizing the placement of an eligible child in a secure, non-secure, or shelter care facility.]

Public Defenders: The bill will increase the caseload of local public defenders to provide representation for children. Currently, public defenders do not provide legal counsel for children in CHINS cases, unless appointed by the court.

[The bill provides that if eligible children are siblings, the court may appoint only one attorney to represent the siblings. It also provides that if a court finds it difficult to secure available attorneys, the court may allow an eligible child’s appointed council to appear remotely for hearings.]

Additional Information - Appointment of Counsel: The bill expands the population entitled to attorney representation. It provides that appointments shall last for the duration of the child’s case. It provides that a court retains the discretion to appoint counsel for a child of any age in any other proceeding.

An “eligible child” means a child who is (1) placed in or sought to be placed in a secure, non-secure, or shelter care facility; and (2) subject to either a CHINS or termination of parental rights proceeding.

Explanation of Local Revenues:

State Agencies Affected: Office of Judicial Administration; Commission on Court Appointed Attorneys; Department of Child Services; Legislative Council; State Budget Committee.

Local Agencies Affected: All counties; courts with juvenile court jurisdiction; county public defenders; local GAL/CASA programs.

Information Sources: Department of Child Services; Indiana Public Defender Commission, Funding and Reimbursement History, <https://www.in.gov/publicdefender/funding-and-reimbursement-history/>; Indiana Supreme Court, Reports & Statistics, <https://publicaccess.courts.in.gov/ICOR>; Department of Child Services, Report & Statistics, Practice Indicator Reports, January 2023 - December 2019; Child Welfare Outcomes Report Data (2022).

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