



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2025 Biennium

**Bill information:**

SB0148 - Revise laws regarding legal representation of children (Lenz, Dennis R)

**Status:** As Amended in House Committee

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<b>FY 2024 Difference</b>	<b>FY 2025 Difference</b>	<b>FY 2026 Difference</b>	<b>FY 2027 Difference</b>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance:</b>	\$0	\$0	\$0	\$0

**Description of fiscal impact:** This bill has no fiscal impact to the state.

### FISCAL ANALYSIS

**Assumptions:**

**Office of Public Defender (OPD)**

1. Amendments to SB 148 remove the provision for appointment of counsel to every child in a Dependency and Neglect (DN) case. As amended, SB 148 is now functionally identical to current law where appointment of counsel for children is a discretionary decision of the court.
2. The only difference between current law and SB 148 as amended is that when a court decides not to appoint counsel for a child under SB 148 as amended, it will be required to issue a written order giving its reason for not appointing counsel.
3. OPD does not anticipate SB 148 as amended will result in a change in the number of DN cases in which courts currently appoint attorneys for children.

**Judicial Branch**

4. This bill changes 41-3-425, MCA, to require the court to appoint the office of the state public defender to immediately assign counsel for any child or youth involved in an abuse and neglect proceeding.
5. This bill does not relieve the court of the obligation to appoint a GAL or CASA pursuant to 41-3-112, MCA. As such, there will be no reduction of costs for the Judicial Branch because according to 3-5-901(e)(iv), MCA,

the Judicial Branch is still obligated to pay the expenses associated with the appointment of a guardian ad litem or child advocate appointed pursuant to Title 41, chapter 3, part 4, MCA.

- 6. In section 1, (3), this amendment requires the court to produce a written finding when it doesn't appoint counsel. This additional requirement may impact the workload. The cumulative impact may over time require additional judicial resources as generally court dockets are full throughout the state.

**NO SPONSOR SIGNATURE**

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*Sponsor's Initials*

4.19.23  
\_\_\_\_\_  
*Date*

  
\_\_\_\_\_  
*Budget Director's Initials*

4-19-23  
\_\_\_\_\_  
*Date*