



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2025 Biennium

Bill information:

SB0183 - Provide for jury trials in cases involving termination of parental rights (Lenz, Dennis R)

Status: As Introduced

- | | | |
|---|--|--|
| <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

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
Expenditures:				
General Fund	\$75,503	\$75,503	\$80,696	\$81,395
State Special Revenue	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$75,503)</u>	<u>(\$75,503)</u>	<u>(\$80,696)</u>	<u>(\$81,395)</u>

Description of fiscal impact: SB 183 would require jury trials for trials that are currently bench trials for dependent and neglect (DN) cases.

FISCAL ANALYSIS

Assumptions:

Judicial Branch

1. In a jury trial, the Judicial Branch assumes the costs of the jury postage and mailing, daily jury costs and jury travel. The average two -day jury trial costs is estimated at \$2,130. It is assumed additional jury trials will result from the change.
2. Using data from CY 2019-CY 2021, it is estimated that there are an average of 200 terminations per year statewide.
3. Estimating 8% of these terminations would go to trial, or 16 trials per year, it is estimated that there would be an additional cost of \$34,063 per year.

4. A 1.5% per year inflation factor is applied to FY 2026 and FY 2027

Office of Public Defender (OPD)

5. OPD obtained a range of terminations data from several states. Jury trial percentages ranged from 15% - 63%. Based upon this data, OPD conservatively estimates that 25% of terminations would change from bench trials to jury trials.
6. OPD is also aware that other states' data indicates up to a 4 times duration increase for jury trials compared to bench trials.
7. Based upon this data, OPD assumes that each hearing would require an additional 8- 24 hours. OPD therefore conservatively estimates 16 additional hours of prep and trial time per party attorney, with separate attorneys for parents and children as applicable and/or ordered by the court, an average of 2.5 attorneys per trial.
8. This will result in 16 additional hours, for 2.5 attorneys per case.
9. OPD assumes, given the saturation rate of current FTE attorneys, that these case hours would be assigned to contracted attorneys and therefore paid at the contracted rate of \$71 per hour.
10. Using the Judicial Branch estimates of 200 terminations per year with 8% being jury trials, OPD assumes 16 jury trial terminations per year. It should be noted that 2021 data from Wisconsin courts reports that 75 of their total 120 termination trials were jury trials, reflecting 62.5%.
11. The total cost to OPD would then be calculated using 16 jury terminations * 16 hours of additional time, * 2.5 attorneys per termination * \$71 per hour for a total cost of \$45,440.
12. OPD assumes an inflation rate of 1.5% per year in FY 2026 and FY 2027.

	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses - OPD	\$45,440	\$45,440	\$46,122	\$46,813
Operating Expenses - Judicial	\$34,063	\$34,063	\$34,574	\$34,582
TOTAL Expenditures	\$79,503	\$79,503	\$80,696	\$81,395
<u>Funding of Expenditures:</u>				
General Fund (01)	\$79,503	\$79,503	\$80,696	\$81,395
State Special Revenue (02)	\$0	\$0	\$0	\$0
TOTAL Funding of Exp.	\$79,503	\$79,503	\$80,696	\$81,395
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$79,503)	(\$79,503)	(\$80,696)	(\$81,395)
State Special Revenue (02)	\$0	\$0	\$0	\$0

NO SPONSOR SIGNATURE

Sponsor's Initials

1/25/23

Date

RO

Budget Director's Initials

1-24-23

Date