152nd GENERAL ASSEMBLY
FISCAL NOTE
REVISED

BILL:	**HOUSE BILL NO. 86**
SPONSOR:	**Representative Griffith**
DESCRIPTION:	**AN ACT TO AMEND TITLES 13 AND 29 OF THE DELAWARE CODE RELATING TO REPRESENTATION OF INDIGENT PERSONS IN CIVIL PROCEEDINGS.**

Assumptions:

1. This Act becomes effective six months upon signature by the Governor.
2. This Act creates a right to counsel for indigent parents in Department of Services for Children, Youth & Their Families custody proceedings. It provides that the Family Court (FC) refer a parent to a legal services entity contracted by the Court or to the Office of Defense Services (ODS) for an indigency determination and appointment of an attorney. It is assumed that a legal services entity would represent the primary parent. For the secondary parent, representation would be provided by the Office of Defense Services (ODS) or, in certain instances, a private attorney appointed by the Court.
3. A multi-year transition period is assumed to allow for the completion of existing cases and time for both the contracted legal services entity and the ODS to start recruitment efforts and train and develop new units to handle eligible cases.
4. The results of an executed contract(s) for legal counsel for eligible individuals from a legal services entity are uncertain. Using an average of $2,000 per case and the estimated annual caseload of 1,000 cases, a yearly contract among the designated organization(s) for this program could be approximately $2,024,160 upon full implementation.
    a. It is assumed that the estimated legal services contract cost will be phased in over three to four years to allow for the gradual transition and startup of this program to a legal services entity and allow the legal services entity to be able to staff its unit. Therefore, year one costs are estimated at $400,000, year two costs are estimated at $1,208,000, and year three costs are estimated at $2,024,160.
    b. The Court will be able to repurpose existing funding of $700,000 to support costs for the estimated legal services contract. However, the Court may need to continue to use its existing resources for contractual attorneys until an agreement with a legal services entity and a transition plan is in place. Therefore, it is assumed that the existing $700,000 could be used to offset the legal services contract costs in Fiscal Year 2027.
5. This Act expands upon the types of representation the ODS provides. It would require the addition of a new unit to be able to handle the anticipated cases and provide effective representation. It is assumed that the implementation and start-up of this program will occur over the next three to four years. The ODS estimates it will incur the following costs to implement the program:
    a. Year One (Fiscal Year 2025)
        i. Recurring Costs – $194,252
            1. $146,052 in the Fiscal Year 2024 Personnel Costs (4 months of funding), including OECs (at a rate of 32.94%), for 1.0 FTE, Assistant Public Defender V (Supervisor); 1.0 FTE, Assistant Public Defender V; and 1.0 FTE, Legal Assistant.
            2. $2,000 estimated for travel expenses associated with in and out-of-state travel for new staff to attend related conferences and training opportunities.
            3. $46,200 estimated for lease expenses related to securing a facility to house the new positions.

ii. One-Time Costs – $9,900 is estimated for computer and telecommunications equipment and office furniture startup costs for new positions.

b. Year Two (Fiscal Year 2026)

i. Recurring Costs – $1,074,904

1. $446,918 to fully annualize personnel and operating costs for 3.0 FTE positions provided in Year One.
2. $523,156 in the Fiscal Year 2026 Personnel Costs (9 months of funding), including OECs (at a rate of 32.94%), for 2.0 FTE, Assistant Public Defender V; 1.0 FTE, Legal Assistant; 1.0 FTE, Peer Support Specialist; 1.0 FTE, Forensic Social Specialist, and 1.0 FTE, Interpreter.
3. $4,650 estimated for travel expenses associated with in and out-of-state travel for new staff to attend related conferences and training opportunities.
4. $7,980 estimated for Fleet Services costs for new staff.
5. $46,200 estimated for lease expenses related to securing a facility to house the new positions.
6. $1,700 estimated for membership dues for new staff.
7. $12,000 estimated for user database licenses for new staff.
8. $27,800 estimated for consultant/expert services needs.
9. $4,500 estimated for related office supply needs for new staff.

ii. One-Time Costs – $23,800 is estimated for computer and telecommunications equipment, office furniture startup costs, and database training for new positions.

c. Year Three (Fiscal Year 2027)

i. Recurring Costs – $1,792,263

1. $455,857 for personnel and operating costs for 3.0 FTE positions provided in Year One.
2. $711,492 to fully annualize personnel and operating costs for 6.0 FTE positions provided in Year Two.
3. $528,484 in the Fiscal Year 2027 Personnel Costs (9 months of funding), including OECs (at a rate of 32.94%), for 3.0 FTE, Assistant Public Defender V; 1.0 FTE, Peer Support Specialist; and 1.0 FTE, Forensic Social Specialist.
4. $6,650 estimated for travel expenses associated with in and out-of-state travel for new staff to attend related conferences and training opportunities.
5. $7,980 estimated for Fleet Services costs for new staff.
6. $46,200 estimated for lease expenses related to securing a facility to house the new positions.
7. $1,300 estimated for membership dues for new staff.
8. $4,000 estimated for user database licenses for new staff.
9. $27,800 estimated for consultant/expert services needs.
10. $2,500 estimated for the related office supply needs of new staff.

ii. One-Time Costs – $16,500 is estimated for computer and telecommunications equipment and office furniture startup costs for new positions.

6. All Fiscal Year 2026 and 2027 personnel costs have been estimated for nine months of funding, with the annualization of the remaining three months incorporated into subsequent year estimates. Additionally, a 2% inflation cost has been included for projected increases in salary, health insurance, and OECs in future years.

Cost:

	One-Time	Operating/Recurring
Fiscal Year 2025:	$9,900	$594,252
Fiscal Year 2026:	$23,800	$2,282,904
Fiscal Year 2027:	$16,500	$3,116,423

Prepared by Jason R. Smith
Office of the Controller General