



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 461 of the 132nd G.A.

**Status:** As Reported by House Criminal Justice

**Sponsor:** Reps. Fedor and Galonski

**Local Impact Statement Procedure Required:** No

**Subject:** Abeyance of juvenile court proceedings

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### State & Local Fiscal Highlights

- There will likely be a minimal at most annual expenditure increase for the juvenile divisions of the courts of common pleas. This is due to increases: (1) in the number of juveniles identified as victims of human trafficking, and (2) in the number of cases requiring the appointment of a guardian ad litem at the expense of the court.
- The bill has no direct fiscal effect on the state.

### Detailed Fiscal Analysis

The bill's provisions regarding the classification of juveniles as victims of human trafficking and the requirement for the courts to appoint a guardian ad litem for a child when the court believes that the act charged is soliciting, loitering to engage in solicitation, or prostitution or the juvenile is a victim of human trafficking are likely to increase the expenses of the juvenile court associated with guardianship. The bill is likely to increase both the number of juveniles identified as victims of human trafficking and the number of cases in which a guardian ad litem is appointed by the court. Based on the historical number of juveniles identified as victims of human trafficking, the increases are expected to be minimal. From 2014 through 2017, the Attorney General identified 173 juvenile victims of human trafficking, averaging 43 annually over the four-year period.

Costs associated with the appointment of a guardian ad litem vary between counties, by the length of the case, and by the type of guardian. According to the Ohio CASA/GAL Association, a guardian ad litem who is also an attorney may cost on average \$50 per hour, while a volunteer court appointed special advocate (CASA) would be less expensive for the court.<sup>1</sup> Currently, 51 counties utilize a CASA program. Most juveniles are considered indigent by the court, therefore, all costs associated with guardians would be borne by the court.

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<sup>1</sup> The Ohio CASA/GAL Association is a nonprofit corporation that provides CASA programs and their volunteers with training, funding, leadership, quality assurance, and management assistance.

Additionally, the bill allows the court to grant a petition for abeyance without a hearing if the prosecuting attorney consents. Changes to the abeyance procedure have the potential to decrease the work of the court by eliminating the requirement for a hearing to grant an abeyance in certain circumstances, however, any potential increase in the number of juveniles identified as victims of human trafficking will also increase the number of cases eligible for abeyance with the potential for a hearing whenever one is requested by the prosecuting attorney. The net fiscal effect of these changes is expected to be minimal at most.