

Multiple Agency Fiscal Note Summary

Bill Number: 2612 HB	Title: Nonparent responsibilities
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Estimated Cash Receipts

Agency Name	2015-17		2017-19		2019-21	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Social and Health Services	0	41,000	0	0	0	0
Total \$	0	41,000	0	0	0	0

Estimated Expenditures

Agency Name	2015-17			2017-19			2019-21		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Social and Health Services	.0	21,000	62,000	.0	0	0	.0	0	0
Department of Health	.2	0	30,000	.0	0	0	.0	0	0
Total	0.2	\$21,000	\$92,000	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other **									
Local Gov. Total									

Estimated Capital Budget Impact

NONE

Prepared by: Gwen Stamey, OFM	Phone: (360) 902-9810	Date Published: Final 2/ 5/2016
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 43669

Judicial Impact Fiscal Note

Bill Number: 2612 HB	Title: Nonparent responsibilities	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.
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The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact	Omeara Harrington	Phone: 360-786-7136	Date: 01/27/2016
Agency Preparation:	Renee Lewis	Phone: 360-704-4142	Date: 02/02/2016
Agency Approval:	Renee Lewis	Phone: 360-704-4142	Date: 02/02/2016
OFM Review:	Gwen Stamey	Phone: (360) 902-9810	Date: 02/02/2016

Request # 2612 HB-2

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

This bill defines the process to be used by a man to terminate all legal responsibilities for a child if genetic testing shows by clear and convincing evidence that he is not the genetic father of a child.

Sections with potential court impact:

Section 2 would add a new section to RCW 26.26 that would authorize a man to file a petition in superior court to rescind an acknowledgment of paternity, challenge a presumption of paternity, or contest an adjudication of paternity² The filing must be within two years of the petitioner becoming aware of the facts alleged in his petition. If the awareness came prior to the effective date of the bill the petitioner has two years from the effective date of the bill to file.

Section 7 would amend RCW 26.26.535 to prohibit the court from denying a motion seeking an order for genetic testing if the presumed father did not know that he was not the genetic father of the child and has filed a petition to challenge paternity with the court. A party would be able to rebut a presumption that it is in the best interest of the child to accurately determine a child's parentage as soon as possible.

II. B - Cash Receipts Impact

No impact.

II. C - Expenditures

The effects of the bill are not known and there is no data to predict the potential number of filings that could result. Based on court input there could be over 210 filings and related court actions annually resulting from the bill.

Any new filings would create the need for additional hearings and could lead to parentage trials. It is assumed that filings made under Section 2 of the bill would require a hearing or a trial prior to the issuance of any order rescinding parentage.

It is assumed that filings made in rebuttal (that determining parentage is not in the best interest of the child) under Section 7 of the bill would require a hearing or a trial prior to the issuance of any order denying a motion seeking genetic testing.

These filings will be heard in the superior courts of counties around the state, any hearing or trial will require judicial officer time, and support staff time in court administration and the county clerks' offices. While there is no way to know the number of filings, hearings or trials, this information is provided for scale. Estimates prepared based on the average length of hearings shows that approximately 125 paternity hearings would lead to an expenditure increase of \$50,000 (\$10,000 state, \$40,000 county). Estimates prepared based on the average length of hearings shows that approximately 85 termination of parents rights hearings would lead to an expenditure increase of \$34,000(\$6,500 state, \$27,500 county). Estimated judicial impact is \$84,000 (\$16,500 state; \$67,500 county).

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 2612 HB	Title: Nonparent responsibilities	Agency: 300-Dept of Social and Health Services
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2016	FY 2017	2015-17	2017-19	2019-21
General Fund-Federal 001-2		41,000	41,000		
Total \$		41,000	41,000		

Estimated Expenditures from:

	FY 2016	FY 2017	2015-17	2017-19	2019-21
Account					
General Fund-State 001-1	0	21,000	21,000	0	0
General Fund-Federal 001-2	0	41,000	41,000	0	0
Total \$	0	62,000	62,000	0	0

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Omeara Harrington	Phone: 360-786-7136	Date: 01/27/2016
Agency Preparation: Wendy Polzin	Phone: 360-902-8067	Date: 02/04/2016
Agency Approval: Kelci Karl-Robinson	Phone: 360-902-8174	Date: 02/04/2016
OFM Review: Rayanna Williams	Phone: (360) 902-0553	Date: 02/05/2016

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 2: Adds a new section to Chapter 26.6 RCW to specify that a man may file a petition in superior court to rescind an acknowledgement of paternity, challenge a presumption of paternity, or contest an adjudication of paternity at any time, within limitations specified in the bill if genetic testing shows by clear and convincing evidence that the man is not the genetic father of the child.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

The Economic Services Administration expects to claim federal Title IV-D funds.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

The bill would allow a man's previously established paternity to be terminated based on the findings of genetic testing. The bill as written does not violate federal law, or the Washington State Child Support State Plan.

Section 1(7) directs that an order of disestablishment entered under this section must vacate all previous orders of child support, if the court finds clear and convincing evidence that the man is not the biological father of the child that is subject to the child support order. Under this language, a court could find that child support collected and retained by the state must be reimbursed to the man, because the state would no longer have authority to hold the child support payments. On average, \$4,300 per child support case is in "arrear" status, meaning the support is owed to the state, but has not been collected by the state. Additionally, a court could also require the state to repay any child support it may have collected and retained. A portion of the child support collected while a client is on Temporary Assistance for Needy Families (TANF) is assigned to the federal government. On average, \$3,500 per case is retained by the state, and another portion is paid back to the federal government.

The number of men who would challenge established paternity if this bill passed is indeterminate. It is assumed, based on the experiences of other state's with similar laws, only a handful of cases would arise each year. Because of this experience, the Division of Child Support (DCS) assumes the workload of County Prosecutors will not increase and Retained Child Support Collections will not be impacted.

One-time costs related to implementation of the bill include:

- Updating and replacing all existing paternity acknowledgement forms to reflect the new policy. This form is authored by the Department of Health. DCS assumes purchasing 70,000 new forms in English and 25,000 in Spanish, at a cost of \$33,000.
- Updating and replacing all paternity program brochures. DCS assumes purchasing 50,000 new brochures in English, and 17,000 in Spanish. Costs for all new forms assumes translation, design and printing, and are estimated at \$21,000.
- Updating and printing new versions of the paternity program informational DVD. \$8,000 is assumed for production and \$150 for purchasing Digital Video Discs (DVD).

Total one-time costs in FY 2017: \$62,000 (\$21,000 GF-State)

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services		62,000	62,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$0	\$62,000	\$62,000	\$0	\$0

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Bill will require the adoption of new rules and amendment of existing rules in Chapter 388-14A WAC.

Individual State Agency Fiscal Note

Bill Number: 2612 HB	Title: Nonparent responsibilities	Agency: 303-Department of Health
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	0.0	0.3	0.2	0.0	0.0
Account					
General Fund-Private/Local 001-7	0	30,000	30,000	0	0
Total \$	0	30,000	30,000	0	0

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☒

If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Omeara Harrington	Phone: 360-786-7136	Date: 01/27/2016
Agency Preparation: Summer Wurst	Phone: (360)236-4537	Date: 02/01/2016
Agency Approval: Sheri Spezze	Phone: (360) 236-4557	Date: 02/01/2016
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 02/01/2016

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 2: This bill amends the Uniform Parentage Act (chapter 26.26 RCW) to allow a man to petition the court to rescind an acknowledgement of paternity, challenge a presumption of paternity, or contest an adjudication of paternity, within certain time limits, if genetic testing shows the man is not the genetic father of the child. There are two exceptions to the right to petition: 1) if the man is the child's adoptive father and 2) if the child was conceived by assisted reproduction with the man's consent and intention to be the parent.

If the court grants the man a termination of parentage, the order must direct vital statistics to remove his name from the child's birth certificate. A copy of the termination (disestablishment) order must be submitted with the denial of paternity if he chooses to submit a denial with the department.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

The Department of Health (department) assumes continuing to charge the existing \$15 sealed file fee for denials of paternity. There is no way for the department to estimate the number of denials that will be received.

Currently, there is no data or existing information that would allow the department to calculate how many men named on birth certificates may not be the actual genetic father and would petition the court for genetic testing.

The department anticipates that some men may petition the court but choose not to file a denial of paternity. The department cannot effectively estimate the revenue that will be generated, therefore cash receipts for this bill are indeterminate.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Section 2: This bill amends the Uniform Parentage Act (chapter 26.26 RCW) to allow a man to petition the court to rescind an acknowledgement of paternity, challenge a presumption of paternity, or contest an adjudication of paternity, within certain time limits, if genetic testing shows the man is not the genetic father of the child. To implement the requirements of the bill, the department will have to modify forms and create a new form for a person to submit a denial of paternity when another person is not being named as the other parent, which is currently accomplished through an acknowledgment of paternity. The department will also establish rules for submitting a denial of paternity, add information to our webpages about the new law, and update procedures for entering information into the vital records system.

Estimated costs to develop the forms, procedures and webpage content and coordinate changes with the Department of Social and Health Services include staff salary, benefits, related staff costs at \$18,160 and 5 hours for an Assistant Attorney General support to review the forms in the amount of \$840. Total cost for FY 2017 is 0.2 FTE and \$19,000.

Rulemaking: The department will incur a one-time cost for rulemaking in FY 2017 to establish the process and requirements for submitting a denial of paternity. The rule making activity will take about twelve months to implement and cost approx. \$9,836. This will require a formal hearing to be held at regularly scheduled business meetings at no additional cost. It will require one day of an Assistant Attorney General and paralegal time to assist with rulemaking in the amount of \$1,164. Costs will be for rule writing, prep work, and rules hearing.

Estimated costs include salary, benefits and related staff costs. Total one-time cost in FY 2017 is 0.1 FTE and \$11,000.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years		0.3	0.2		
A-Salaries and Wages		16,000	16,000		
B-Employee Benefits		6,000	6,000		
E-Goods and Other Services		8,000	8,000		
Total:	\$0	\$30,000	\$30,000	\$0	\$0

III. B - Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
HEALTH SERVICES	70,056		0.2	0.1		
CONSULTANT 4 OFFICE MANAGER	46,056		0.1	0.1		
Total FTE's	116,112		0.3	0.2		0.0

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Section 2: Will require rulemaking to establish the process and requirements for submitting a denial of paternity.