

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: SB 502**79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office***Only Impacts on Original or Engrossed
Versions are Considered Official***

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Date: 5-17-2017

Measure Description:

Requires that court hold hearing on petition to appoint fiduciary filed by Oregon Public Guardian and Conservator or county public guardian and conservator.

Government Unit(s) Affected:

Department of Justice, Public Defense Services Commission, Judicial Department, Long Term Care Ombudsman

Summary of Expenditure Impact: See Analysis

Analysis:

The measure requires the court to hold a hearing on any petition for appoint of a fiduciary filed by the Oregon Public Guardian and Conservator or a county public guardian and conservator. The court shall also appoint counsel for the respondent if they are not already represented by counsel or object to the appointment of counsel. The measure stipulates that the court may order payment of attorney fees and costs from the guardianship or conservatorship estate of the respondent if sufficient funds exist to pay all or a portion. If the court determines the respondent is financially eligible for appointed counsel at state expense, the costs are to be paid by the Public Defense Services Commission (PDSC). There are currently three public guardian programs, the Office of the Public Guardian (OPG) and county programs in Multnomah and Jackson counties.

The fiscal impact is indeterminate. The number of hearings that may occur and the number of individuals that may be eligible for appointed counsel by PDSC is unknown. Based on information provided by PDSC the two county programs have approximately 20 cases per year, and OPG anticipates filing around 75 proceedings in the 2017-19 biennium. PDSC anticipates that the workload and expenses for these cases would be similar to juvenile dependency cases which cost about \$979 per case. Using a full biennial case volume estimate of 115 cases, the estimated cost to PDSC would be approximately \$84,439 General Fund for the 18 months the law would be operative in the 2017-19 biennium, and approximately \$112,585 General Fund per biennium thereafter, if all cases were eligible for state appointed counsel.

PDSC notes that this would be a new type of legal representation for which PDSC may need to contract. If a contract was necessary, PDSC estimates a part-time contract analyst (0.50 FTE) to identify contractors and to negotiate and administer the contracts across the state. The estimated cost of this limited-duration position would be \$99,701 General Fund in 2017-19.

The Office of the Public Guardian relies on the Attorney General for representation in all appointment proceedings, with an average cost per case of approximately \$6,350 General Fund. OPG and the Attorney General assume that the measure's providing a right to state appointed counsel will result in increased legal costs as more cases become contested, however these projected costs are difficult to quantify at this time. Depending on the number of actual cases that occur and the number of individuals eligible for appointed counsel, PDSC, the Office of the Public Guardian or the Department of Justice may need to return to the Legislature for additional resources.

There is anticipated to be a minimal fiscal impact to the Judicial Department as a result of this measure.