



The Administrative Office of the Courts reported that it does not maintain data relating to the specific statutes involved with appointments for guardians ad litem and court-appointed counsel and that statistical information cannot be produced.

The Finance and Administration Cabinet maintains a special account under KRS 31.185 that is funded by counties and used for reimbursement of expenses for Department of Public Advocacy (DPA) attorneys representing the indigent, but the GAL and court-appointed counsel fees in HB 395 would not qualify for reimbursement by that fund (or any other fund maintained by the cabinet) if the appointment is of a private attorney and not a DPA attorney. Thus, these funds would be an additional expense on counties.

There can be several thousand involuntary hospitalization proceedings alone each year. It is not possible to determine the number of guardians ad litem or court-appointed counsel that would be appointed under the statutes in question, but of those appointments, there would likely be a high percentage that would ultimately require county reimbursement because of an indigency finding for the primary payment obligor.

The Kentucky Association of Counties reported that the bill would be an unfunded mandate that could have a moderate to significant impact, depending on the number of cases.

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II, above, relates to HB 395 HCS 1. **The fiscal impact of HB 395 HCS is moderate to significant, which was the same as for HB 395 as introduced.** HB 395 HCS keeps most of the substantive provisions of HB 395 as introduced, but makes the following change as it relates to the local mandate:

- amends KRS 387.305 to require a county to pay the guardian ad litem fee (up to \$500) if the respondent (a minor child who is a defendant in a civil action) is indigent. HB 395 HCS 1 removes the \$500 cap on the GAL fee, within the introduced version and was the responsibility of the plaintiff, but HB 395 HCS 1 reinstates the \$500 cap as the county's responsibility if the respondent/defendant (who now owes the fee) is indigent.

**Data Source(s):** LRC Staff; Finance and Administration Cabinet; Administrative Office of the Courts; Kentucky Association of Counties

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