## Local Government Mandate Statement Kentucky Legislative Research Commission 2021 Regular Session

## **Part I: Measure Information**

Bill Request #: 84					
Bill #: HB 420 GA					
<b>Document ID #:</b> <u>6467</u>					
<b>Bill Subject/Title:</b> AN ACT relating to guardians ad litem and other court-appointed counsel and making an appropriation therefor.					
Sponsor: Representative Daniel Elliott					
Unit of Government:CityXCountyXUrban-CountyXCharter CountyXConsolidated LocalXGovernment					
Office(s) Impacted: Fiscal court; county attorney					
Requirement: <u>X</u> Mandatory Optional					
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing					

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 420 GA amends various statutes to permit guardians ad litem (GAL) and courtappointed counsel to receive a fee not to exceed \$500 and to specify the payors of those fees. As relates to the local mandate, it requires the county to pay this fee if the respondent is indigent for appointments under KRS 202A.121 (representing persons believed to be mentally ill for involuntary hospitalization), if the petitioner is indigent under KRS 387.560 (appointment for guardianship/conservatorship of persons with disability), and if the beneficiary is indigent under KRS 388.250 (guardian/conservator for certain veterans proceedings).

HB 420 GA would have a moderate to significant fiscal impact on counties, depending on the county, number of guardian requests, number of persons qualifying as indigent, and the county budget. 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 420 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 guardian ad litem fees paid.

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

Part II, above, pertains to the GA version. The GA version is the same as the bill as introduced. No amendments or substitutes were adopted when the bill passed its chamber of origin.

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

Preparer:	Robert Jenkins	<b>Reviewer:</b>	КНС	Date:	3/12/21
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