

Fiscal Note

BILL # HB 2152

TITLE: right to jury; domestic relations

SPONSOR: Keshel

STATUS: As Introduced

PREPARED BY: Benjamin Beutler

Description

This bill would allow either party in a domestic relations proceeding to request a jury trial. Domestic relations proceedings include dissolution of marriage, legal decision-making, and parenting time.

Estimated Impact

We estimate the bill would result in increased state and county costs associated with the additional workload required to conduct a jury trial relative to a bench trial before a judge. The magnitude will depend on the number of domestic relations proceedings requested to be held before a jury.

In our research, we have not found definitive projections of how often these cases would have a jury trial. In Texas, less than 1% of these cases go to trial, but the small number may be due to limitations on the use of a jury in Texas family court cases. The Administrative Office of the Courts (AOC) assumes 25% of family cases involving children and 10% of family cases not involving children would result in a jury trial. Under these assumptions, AOC estimates that would require 24 additional Superior Court judges and 48 court staff. In addition, there would be expenses to pay jurors. In total, the cost to state and local counties would be \$18.9 million.

Of that \$18.9 million, the state would have costs of \$4.6 million since Superior Court judge salaries are split evenly between the state and county. The remaining \$14.3 million cost would be the responsibility of the counties.

Due to the uncertainty of the number of jury trials, we view the AOC estimates as the upper bound of estimates and not the most likely outcome. If Arizona experiences Texas' usage rate, the cost would be significantly less.

Analysis

In Arizona, domestic relations proceedings (i.e., family court cases) do not use a jury. There are essentially 2 types of family court cases: family cases involving children and family cases not involving children. Because a party can petition the court to modify a court order, family court cases involving children can continue for several years until the child reaches the age of majority. The state is not a party in family court proceedings.

The bill would establish a right to jury trial in domestic relations proceedings and allow the Arizona Supreme Court to adopt rules for domestic relations jury trials.

Given that most litigants in family cases are self-represented and significant time would be needed to educate the jury on the factual findings necessary in family cases, AOC believes family court jury trials would last significantly longer than civil and criminal jury trials. For the final trial involving a family case, AOC estimates the average time for a bench trial at about 2 hours and projects the average time for a jury trial at about 19 hours. In 2024, there were 2,840 final trials for family cases involving children and 482 final trials for family cases not involving children in Maricopa County. Given the choice, AOC assumes 25% of family cases involving children and 10% of family cases not involving children would select a jury trial. In terms of staffing, based on the estimated time involved for jury trials, AOC estimates the bill would require 72 new



FTE Positions, including 24 additional Superior Court judges and 48 additional support staff. We estimate that cost at \$12.7 million.

AOC's projection assumes that the jury trial requirement in the bill applies only to final orders in evidentiary hearings, not temporary orders hearings. If jury trials were extended to temporary orders hearings, the estimated fiscal impact would be greater.

In addition to the staffing cost, the court pays jurors for their time and vehicle mileage. Using the same case assumptions as in the staffing calculation, AOC estimates that the bill would result in \$6.3 million for juror expenses.

Local Government Impact

The AOC also noted that their estimate does not include other costs such as interpreters, court reporters, and one-time capital costs to retrofit courtrooms to include appropriate infrastructure.

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