

Fiscal Note

BILL # HB 2254

TITLE: domestic relations; temporary orders; hearings

SPONSOR: Keshel

STATUS: As Introduced

PREPARED BY: Benjamin Beutler

Description

This bill would require the courts to reevaluate temporary orders in legal decision-making and parenting time proceedings within 6 months. Either party may request an evidentiary hearing to determine whether continuation of the existing temporary order is in the best interest of the child. Additionally, the bill would implement a minimum hearing time of 120 minutes for a petition of temporary orders involving legal decision-making and parenting time, as well as require the court to make specific factual findings on record for temporary orders.

Estimated Impact

We estimate the bill would result in increased county costs for workload related to the new requirements. The magnitude will depend on the number of litigants that request an evidentiary hearing to contest an existing temporary order. As a result, we are unable to estimate the impact in advance.

The Administrative Office of the Courts (AOC) assumed that 50% of litigants would request an additional hearing. AOC estimated the revised requirements would require an additional 17 court commissioners and 34 staff at a total cost of \$5.5 million. As court commissioners and Superior Court staff are entirely funded by the counties, this would not have a state impact.

Analysis

In domestic relations proceedings involving legal decision making and parenting time, the court may issue a temporary order. Most cases begin with a temporary order instructing litigants to not take certain actions.

Based on information from Maricopa County Superior Court for 2024, the current average evidentiary hearing time for a temporary order is 51 minutes. Increasing the hearing time to 120 minutes would more than double the evidentiary hearing time, resulting in 3,500 hours of court commissioner courtroom time. The added requirement to make specific factual findings on record would add 1 to 3 hours per case, resulting in 3,000 hours of commissioner writing time. Finally, assuming 50% of litigants in court cases avail themselves of the option in the bill to request an additional evidentiary hearing for a temporary order, this would result in 4,500 hours of commissioner calendar time. The total additional commissioner time is estimated at 11,000 hours.

According to AOC, commissioners have a maximum of 1,440 courtroom hours available per year, so 8 commissioners would be necessary. The court's analysis adds in 3 commissioners to account for scheduling limitations and 2 support staff for every commissioner. When these factors are extrapolated to the statewide level, AOC estimates the bill would require 51 new FTE Positions, including 17 commissioners and 34 support staff, at cost of \$5.5 million. These estimates do not include the cost to update facilities to accommodate the new positions.

2/12/25

