



SF 425 – Minor Guardianships (LSB1056SV)
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Fiscal Note Version – New

Description

[Senate File 425](#) provides the basis for appointment of a guardian for a minor by the juvenile court, the procedures for establishment of a minor guardianship, and court monitoring and administration of minor guardianships. The Bill also provides that the juvenile court shall have exclusive jurisdiction over minor guardianship proceedings. The effect of this provision is to transfer jurisdiction over these proceedings from the probate court to the juvenile court. In addition, [SF 425](#) requires that proposed guardians, other than financial institutions, undergo Iowa criminal record checks and checks of the Iowa child abuse, dependent adult abuse, and sex offender registries.

Background

As of January 1, 2019, there were 15,235 guardianship cases pending statewide and 57.0% of those guardianships involve minors. Under current law, District Probate Court has jurisdiction over the minor guardianship proceedings. District Court Judges have general trial jurisdiction, including probate court, and Associate Juvenile and District Associate Judges have jurisdiction over juvenile court cases. Currently, there are 116 District Court Judges, 69 District Associate Judges, and 5 Associate Juvenile Judges.

Assumptions

- Approximately 8,864 minor guardianship cases will transfer from probate court to juvenile court.
- The salary and benefits for one District Associate Judge is \$198,802.
- The cost of Clerk of Court staff time per hour is approximately \$32.25.
- The estimated average number of minutes per year judges spend on a guardianship case is 30 minutes, with a per year total of 260,519 minutes.
- The estimated minutes per case that Clerk of Court staff will spend locating each existing guardianship case, electronically assigning it to a District Associate Judge or Associate Juvenile Judge and informing the District Associate Judge or Associate Juvenile Judge of his or her case assignment is 10 minutes, with a total of 1,447 staff hours spent statewide.
- The background check requirement established in this Bill would increase the volume of criminal history record checks through the Division of Criminal Investigation (DCI) of the Department of Public Safety (DPS) by at least 12,000 per year. The criminal history record checks would be conducted through existing processes.
- Background checks cost \$15 for each last name.

Fiscal Impact

[Senate File 425](#) is estimated to have a fiscal impact on the operating budget of the Judicial Branch. The Judicial Branch estimates that the change in jurisdiction would have two impacts:

- 1) The change in jurisdiction would generate a need for three more District Associate Judges to cover the workload shift from probate to juvenile court. The cost of salary and benefits for three District Associate Judges would be \$596,000. The Judicial Branch estimates that although there will be a decreased need for district court judges with the shift in jurisdiction,

the Judicial Branch requires more judges to meet the recommended caseload formula per judge.

- 2) Second, the Clerk of Court staff time required to transfer documents to juvenile court would cost the Judicial Branch approximately \$47,000.

In addition, [SF 425](#) may have a workload impact on the DPS. Based on the number of pending minor guardianship cases, it is estimated that the DPS would require an additional 1.0 full-time equivalent for a Clerk Specialist to process the additional volume of background checks. This position would be fully funded through fee revenue generated from the increased volume of background checks. Any additional fee revenue would provide further funding to the background check system.

Sources

Judicial Branch
Department of Public Safety
LSA calculations

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
