



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

November 27, 2001

### **H.R. 2657**

### **District of Columbia Family Court Act of 2001**

*As ordered reported by the Senate Committee on Governmental Affairs  
on November 14, 2001*

#### **SUMMARY**

H.R. 2657 would redesignate the Family Division of the Superior Court of the District of Columbia as a distinct entity called the Family Court of the Superior Court. The act would require that all proceedings under the jurisdiction of the Family Division be heard by that new entity. Under current law, other divisions of the Superior Court regularly handle proceedings of the Family Division when necessary. In addition, the act would authorize the appropriation of such sums as necessary to the District of Columbia to implement the act. CBO estimates that implementing the act would cost \$92 million over the 2002-2006 period, assuming appropriation of the necessary amounts. Because the act would not affect direct spending or governmental receipts, pay-as-you-go procedures would not apply.

H.R. 2657 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) but CBO estimates that the costs to comply with those requirements would not exceed the threshold established in UMRA (\$56 million in 2001, adjusted annually for inflation). Further, H.R. 2657 would authorize appropriations to carry out the provisions of the act, so the District of Columbia would face no net costs. The act contains no new private-sector mandates as defined in UMRA.

#### **MAJOR PROVISIONS**

In addition to designating the Family Division of the Superior Court of the District of Columbia as the Family Court, H.R. 2657 would:

- Require that representatives of social services and other related services for individuals and families served by the Family Court be available on-site at the location of the Family Court;
- Require “one family, one judge” for cases and proceedings to the greatest extent practicable, feasible, and lawful;
- Designate the jurisdiction of the Family Court to include divorces, child support, custody, adoptions, and various other proceedings;
- Establish certain requirements for judges who would serve on the Family Court;
- Direct the court to establish and operate an electronic tracking system for cases and proceedings in the Family Court and expand the system to cover all divisions of the Superior Court;
- Require that representatives from the departments of the District government related to social and family services be available on-site at the location of the Family Court;
- Authorize the Mayor of the District of Columbia to appoint a liaison between the Family Court and the District government;
- Designate all hearing commissioners of the Superior Court as magistrate judges with the full duties of that position and establish certain requirements for magistrate judges serving the Family Court; and
- Authorize the appropriation of such sums as are necessary to support the additional judges and staff authorized under the act.

Other provisions would require the court to develop a master plan for the Family Court, and would require several reports from the District of Columbia Courts.

## **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

As shown in the following table, CBO estimates that implementing H.R. 2657 would cost \$92 million over the 2002-2006 period, subject to appropriation of the necessary amounts. The costs of this legislation fall within budget function 800 (general government).

	By Fiscal Year, in Millions of Dollars				
	2002	2003	2004	2005	2006
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>					
Judges and Support Staff					
Estimated Authorization Level	3	6	6	6	6
Estimated Outlays	3	6	6	6	6
Integrated Justice Information System					
Estimated Authorization Level	2	3	2	a	a
Estimated Outlays	2	3	2	a	a
Capital Improvements and Rental Costs					
Estimated Authorization Level	12	21	8	6	6
Estimated Outlays	3	11	16	13	7
Computer Integration Plan					
Estimated Authorization Level	3	a	a	a	a
Estimated Outlays	3	a	a	a	a
D.C. Services Representatives and Liaison					
Estimated Authorization Level	1	1	1	1	1
Estimated Outlays	1	1	1	1	1
Total Discretionary Changes					
Estimated Authorization Level	21	31	17	13	13
Estimated Outlays	12	21	25	20	14

a. Less than \$500,000.

## **BASIS OF ESTIMATE**

For this estimate, CBO assumes that H.R. 2657 will be enacted by the end of 2001 and that the amounts necessary to implement the act will be provided each fiscal year. All spending would be subject to future appropriation actions.

Section 3 would require that most proceedings under the jurisdiction of the Family Court be held in that court and that all family law cases pending in other divisions of the Superior Court (except for certain specific circumstances) be transferred into the Family Court. The majority of family law cases are neglect and abuse cases, and about 4,500 such cases are currently pending. Of those cases, 3,600 are pending before a judge outside the Family Division of the Superior Court. In addition, about 1,500 new cases come before the court

each year. Most of the estimated cost to implement this legislation would be required to fund the additional workload that would be imposed on the Family Court and the capital costs of expanding work space to accommodate the additional judges and support staff. CBO estimates that implementing H.R. 2657 would cost about \$92 million over the 2002-2006 period. The components of that estimate are described below.

### **Additional Superior Court Judges and Support Staff**

H.R. 2657 would set requirements for judges that serve the Family Court, including a minimum length of service. Under the act, judges currently serving on the court may choose to transfer to the Family Court from all divisions of the Superior Court. Assuming that all 12 of the current Family Division judges choose to transfer, CBO expects that three additional judges would be necessary to implement the act. CBO estimates that the salaries and benefits of the judges and judicial support staff would cost about \$1 million each year over the five-year period.

The act would designate all Superior Court hearing commissioners as magistrate judges and would authorize the court to appoint additional magistrate judges if needed. Based on information from the District of Columbia Courts, CBO expects that nine additional magistrates would be required to implement the act. Based on the historical ratio of magistrate judges to support staff, CBO estimates that the additional magistrate judges and staff would cost about \$3.4 million each year over the five-year period.

Section 4 would require cases and proceedings in the Family Court to be resolved through alternative dispute resolution procedures to the greatest extent practical. Based on information from the court, CBO expects that the court would request that about 1,500 new cases each year enter the alternative dispute resolution process. Based on the operation of the current alternative dispute resolution program, CBO estimates that implementing this provision would cost about \$500,000 each year over the five-year period for stipends and training for mediators and additional court support staff.

Section 4 also would require the Family Court to develop an ongoing program to train judges and other staff in matters related to family law, such as child development, family dynamics, and risk factors for child abuse. Based on information from the District of Columbia Courts, CBO estimates that implementing this provision would cost about \$50,000 in 2002 and \$100,000 each year over the 2003-2006 period.

In addition, CBO estimates that security and office supplies for the additional judges and staff would cost about \$500,000 each year over the five-year period.

## **Integrated Justice Information System**

Section 4 would require the District of Columbia Courts to establish and operate an electronic tracking and management system for cases and proceedings in the Family Court and to expand this system to all divisions of the Superior Court. Based on information from the court, CBO estimates that the complete system would cost \$7 million. The court has received a grant of over \$1 million for the system; therefore, CBO estimates that an additional \$6 million would be needed to complete the system.

In addition, CBO estimates that additional support staff would be necessary to administer the Integrated Justice Information System and analyze the data for the various reports required under the act. CBO estimates that the new staff would cost about \$300,000 each year over the 2002-2006 period, assuming the appropriation of the necessary amounts.

## **Capital Improvements**

Based on information from the District of Columbia Courts, CBO expects that implementing the act would require the court to construct new courtrooms and upgrade electrical, plumbing, and other systems within existing court buildings. In addition, the District Courts expect to rent office space in commercial buildings to accommodate the staff increases authorized by the act.

Based on information from the District of Columbia Courts, CBO estimates that implementing this provision would cost about \$25 million over the 2002-2006 period for construction and renovation, and about \$6 million per year for the rental of office space. We estimate that capital improvements and rental payments authorized by H.R. 2657 would cost about \$2 million in 2002 and \$53 million over the 2002-2006 period, subject to the availability of appropriated funds.

## **Computer Integration Plan**

H.R. 2657 would require the District government to submit to the Congress a plan for integrating certain computer systems of the District government not more than six months after the date of enactment. Under the planned computer system, the Family Court and the relevant social services agencies in the District would be able to access and share information related to the individuals and families they serve. Based on information from the District government, CBO estimates that preparing this plan would cost \$3 million in 2002.

## **D.C. Services Representatives and Liaison**

H.R. 2657 would require that representatives from the departments of the District government related to social and family services be available on-site at the location of the court. Based on information from the District government, CBO expects that 10 representatives would be required to implement this provision of the act. The act also would require the Mayor of the District of Columbia to appoint a liaison between the Family Court and the District government. CBO estimates that the additional personnel would cost about \$1 million each year over the five-year period, assuming the appropriation of the necessary amounts.

**PAY-AS-YOU-GO CONSIDERATIONS:** None.

## **ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS**

H.R. 2657 would place new requirements on the Superior Court and the Mayor of the District of Columbia as part of redesignating the court's Family Division as Family Court. Among these requirements, the Superior Court would be required to develop a transition plan that would address appointment and qualification of judges, case flow management, and disposition of actions pending before the Family Division. The court also would be required to prepare status reports, provide certain training to judges serving on the Family Court, and update its data management systems. The Mayor would be required to make representatives of certain city agencies available to individuals served by the court, and to develop a plan for integrating certain city data systems with data systems of the court.

Those requirements would be mandates under UMRA but CBO estimates that the cost to comply would not exceed the threshold established in the act (\$56 million in 2001, adjusted annually for inflation). H.R. 2657 would authorize appropriations to pay for the mandates, so the District of Columbia would face no net costs as a result of the act if those appropriations are provided.

## **ESTIMATED IMPACT ON THE PRIVATE SECTOR**

This act contains no new private-sector mandates as defined in UMRA.

## **PREVIOUS CBO ESTIMATE**

On September 12, 2001, CBO transmitted a cost estimate for H.R. 2657, the District of Columbia Family Court Act of 2001, as approved by the Subcommittee on the District of Columbia, House Committee on Government Reform on August 13, 2001. The two versions of the bill are similar, but the full committee version would require a lesser workload for the Family Court, which would lower staffing costs. In addition, because we are now assuming a later enactment date, costs over the 2002-2006 period would be \$7 million lower.

On November 27, 2001, CBO prepared a cost estimate for S. 1382, as ordered reported by the Senate Committee on Governmental Affairs on November 14, 2001. H.R. 2657 and S. 1382 are identical, as are the estimated costs.

## **ESTIMATE PREPARED BY:**

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