

N.C. GENERAL ASSEMBLY LEGISLATIVE FISCAL NOTE

Fiscal Research
733-4910

Prepared By	Michele T. Nelson	Date Prepared	Bill No.	Edition: First
Approved By	Tom L. Covington	2/21/89	H 93	
+-----+ TOMC				Sponsor: Rep. Paul Stam
Short Title: Consent for Minor's Abortion				

TYPE OF FISCAL IMPACT	COUNTY/		FUNDS AFFECTED:		
	State Gov't	Local Gov't	(x) General	() Highway	() Other: Local
			State Fiscal Impact	FY 89-90	FY 90-91
No Fiscal Impact	()	()	State Total Req'ments	See Chart	
			Receipts/Revenues	-	-
Increase Expenditure	(x)	()	Net State Expend./Rev.	See Chart	
			No. of Positions	-	-
Decrease Expenditure	()	()			
			Local Fiscal Impact	FY 89-90	FY 90-91
Increase Revenue	()	()	Local Total Req'ments	-	-
			Receipts/Revenues	-	-
Decrease Revenue	()	()	Net Local Expend./Rev.	-	-
			No. of Positions	-	-
No Estimate Avail.	()	()			

Description of Legislation

1. Summary of Legislation

1. This bill would prohibit a physician from performing an abortion upon an unemancipated minor unless written consent is given by the minor and 1) a parent with custody of the minor, 2) the legal guardian of the minor, or 3) the parent with whom the minor is living except in medical emergencies. The minor may petition the district court judge for a waiver of the parental consent requirement if neither a parent nor the legal guardian is available to give consent in a reasonable time or manner, if consent is refused, or if the minor elects not to seek consent. The minor may participate in court proceedings on her own behalf or through a guardian ad litem, and the court must ensure that assistance is given in preparing and filing the petition and to provide court appointed counsel if requested.

Provides that waiver proceedings be confidential and be given priority over other matters. Compels court to rule on petition within seven days unless an extension is requested by the minor. Court must waive consent requirement if the court finds that the minor is mature and well-informed enough to make the decision on her own, that it is in the minor's best interest that parental consent be waived, or that the minor is a victim of felonious incest. Requires the court to make written findings of fact and conclusions of law, to order a confidential record of the evidence be kept and to inform the Director of the Department of Social Services upon finding the minor has been a victim of incest. Provides that upon request of minor no summons or other notice may be served upon minor's parents, guardian or custodian and that no court costs may be assessed against the minor.

2. Effective Date October 1, 1989

3. Fund or Tax Affected General Fund

4. Principal Department/Program Affected Administrative Office of the Courts (AOC)

Cost or Revenue Impact on State

FY	FY	FY
88-89	89-90	

1. Non-Recurring Costs/Revenues

2. Recurring Costs/Revenues

3. Fiscal Assumptions

In 1987 there were an estimated 4,715 reported abortions for females under eighteen years of age. (It is advised that these statistics are probably underreported.)

According to the Administrative Office of the Courts estimated rates for contracted Guardian Ad Litem Program counsel are \$35 to \$45 an hour. (The latter being the probable rate charged.) The fee for Guardian Ad Litem Services is \$164 per child which is based upon data for FY 1987-88. Guardian Ad Litem are volunteers who serve in fact-gathering capacities for the court. These volunteers work with parents, social services agencies, schools, etc., and provide follow-up services after the court adjudication. In the 1988 calendar year there were approximately 15 volunteer hours per child. The cost breakdown outlined in the attached chart uses the 1987 reported figure of 4,715 induced abortions and explores the costs if various

proportions of the minors within this group were to request a hearing for judicial consent to an abortion. These costs assume that the average assigned-counsel time will be 2 hours (including preparation and hearing) in such cases.

The ranges is a maximum cost of \$1,103,310 to a minimum of \$10,998 at \$35.00 an hour for counsel or a maximum cost of \$1,197,610 to a minimum of \$11,938 at \$45.00 an hour. If the hearing is not held in the minor's county of residence, additional costs would be required for counsel time and travel.

At this time it is not possible to determine how the proposed amendments to North Carolina law compare to the laws in other states. Although information about Minnesota's law had been considered for comparison, an explanation of that state's law now indicates that parental notification of both parents and not parental consent is the approach in that state. This notification is required of both parents even when the minor is the member of a single parent family and the absent parent has not maintained contact.

To gain a more precise understanding of other states' laws, the Administrative Office of the Court is in the process of conducting a survey and anticipates the results will be available by the end of March, 1989. At that time there should be more ability to assess the impact (cost and number requiring services) of parental consent on the basis of definitive information from states that have this approach to abortion for minors. An addendum to the fiscal note will be prepared.

Cost/Revenue Impact on County or Local Government

	FY 88-89	FY 89-90	FY 90-91
1. Non-Recurring Costs/Revenues	-	-	-
2. Recurring Costs/Revenues	-	-	-
3. Fiscal/Revenue Assumptions	-	-	-

Sources of Data for Fiscal Note

Administrative Office of the Courts (AOC) and the Center for Health Statistics, Division of Health Services, DHR.

Technical Considerations/Comments

In regards to increased responsibilities of other Court personnel, the general policy

of the Administrative Office of the Courts is to increase the number of deputy clerks when a caseload increases by 1,000 new cases. This increase would be the result of changes not only imposed by the adoption of this legislation but other changes in legislation that affect (increase) the responsibilities in the Offices of the Clerks of Superior Court. As indicated by the data attached, the highest number of minors that obtained abortions in 1987 was 512 reported by Mecklenburg County.

Estimated Total N=4,715 Cases	\$35.00 An Hour	\$45.00 An Hour	GAL Fee @ \$164/Child	Total Cost	
				@ \$35.00 An Hour +GAL Fee	\$45.00 An Hour +GAL Fee
@ 100% of caseload (4,715)	\$330,050	\$424,350	\$773,260	\$1,103,310	\$1,197,610
@ 75% of caseload (3,536)	\$247,520	\$318,240	\$579,904	\$827,424	\$898,144
@ 50% of caseload (2,358)	\$165,060	\$212,220	\$386,712	\$551,772	\$598,932
@ 25% of caseload (1,179)	\$82,530	\$106,110	\$193,356	\$275,886	\$299,466
@ 15% of caseload (707)	\$49,490	\$63,630	\$115,948	\$165,438	\$179,578
@ 10% of caseload (472)	\$33,040	\$42,480	\$77,408	\$110,448	\$119,888
@ 5% of caseload (236)	\$16,520	\$21,240	\$38,704	\$55,224	\$59,944
@ 4% of caseload (189)	\$13,230	\$17,010	\$30,996	\$44,226	\$48,006
@ 3% of caseload (141)	\$9,870	\$12,690	\$23,124	\$32,994	\$35,814
@ 2% of caseload (94)	\$6,580	\$8,460	\$15,416	\$21,996	\$23,876

@ 1% of caseload	\$3,290 (47)	\$4,230	\$7,708	\$10,998	\$11,938
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N.C. GENERAL ASSEMBLY LEGISLATIVE FISCAL NOTE

Fiscal Research
733-4910

Prepared By: Nelson/Yeager	Date Prepared: Aug. 8, 1989	Bill No. H 93	Edition: Second - CS (Senate)
Approved By: Thomas L. Covington TOMC	AUG. 11, 1989_		Sponsor: Rep. Paul Stam
Short Title: Consent for Minor's Abortion			

TYPE OF FISCAL IMPACT	FUNDS AFFECTED:		
	(x) General	() Highway	() Other: Local
	County/		
	State Gov't	Local Gov't	State Fiscal Impact
			FY 89-90
			FY 90-91
No Fiscal Impact () ()			FY
Increase Expenditure (x) ()			State Total Req'ments \$337,310
Decrease Expenditure () ()			Receipts/Revenues -
			Net State Expend./Rev. \$337,310
			No. of Positions -
			Local Fiscal Impact
Increase Revenue () ()			FY
Decrease Revenue () ()			FY
			FY
No Estimate Avail. () ()			Local Total Req'ments
			Receipts/Revenues
			Net Local Expend./Rev.
			No. of Positions

Description of Legislation

1. Summary of Legislation

This bill was initially introduced on January 26, 1989. It was amended by House Committee Substitute on March 22, 1989 which restored dependent juveniles to GS 7A-491 and GS-7A-489 provisions in regards to appointing counsel and guardian ad litem; emphasized that definitions of new GS 90-21.6 applied only to Part 2 of Article 1A of GS 90; and changed the definition of abortion in GS 90-21.6 to exclude termination of pregnancy to preserve the life of the mother.

The Senate Committee Substitute adopted on June 23, 1989 substantially revised parental consent and judicial review and consent bypass procedures. This version revises GS. 90-21.7 to require the parent to consider in deciding whether to grant permission for an abortion (1) the minor's emotional development, maturity, intellect,

and understanding; (2) the nature of, consequences, and alternatives to abortion; (3) the relationship between the minor and the father; (4) the relationship between the minor and "the parent or guardian"; (5) the relationship between the minor and her siblings; (6) the minor's reason for seeking an abortion; (7) the minor's feelings about being a parent; (8) the minor's understanding of children and their needs; (9) the financial status of the mother and the putative father and maternal grandparents and their ability and willingness to support the child; (10) ability and willingness of the parent or guardian or maternal grandparents to provide for the unborn child; (11) the probability that the unborn child may become a ward of the state; and (12) other relevant information. In this committee substitute the bill provides for the involvement of the Administrative Office of the Courts and county departments of Social Services.

In regards to procedure, a minor may appeal on her own behalf or through a guardian ad litem for a waiver of consent to the juvenile judge in the district in which the minor resides or is present. The issue before the court is restricted to determining whether the parent adequately considered the factors summarized above (GS 90-21.7). If the court finds that parent failed to do so, the court is required to refer the matter to the county department of Social Services. After considering the factors outlined by GS 90-21.7, the county department of social services is to recommend an "appropriate course of action."

The parental consent requirement is to be waived if the county department of Social Services finds (1) that minor is sufficiently mature and informed to decide for herself, (2) that it is in the minor's best interest that parental consent not be required, or (3) that the minor is the victim of felonious incest.

This version of the bill also deletes the provision permitting a minor to seek a review in the district court if (1) neither parent or a legal guardian is available to give consent within a reasonable time or (2) a minor elects not to seek consent. It also removes the amendments to GS 7A-491, GS 7A-489 and GS 7A which provides for representation of pregnant minors by the Office of Guardian Ad Litem Services.

2. Effective Date - October 1, 1989
3. Fund or Tax Affected - General Fund
4. Principal Department/Program Affected - Administrative Office of the Courts and county departments of Social Services.

Cost or Revenue Impact on State

	FY 89-90	F 90-91	FY
1. Non-Recurring Costs/Revenues		-	-
2. Recurring Costs/Revenues	\$337,310	\$354,365	
3. Fiscal/Revenue Assumptions			

If this edition of House Bill 93 were to become effective on October 1, 1989, the Administrative Office of the Courts estimates an additional cost for court appointed counsel of \$51,165 in FY 89-90 and \$68,220 in FY 90-91. The cost to county departments of Social Services is approximately \$286,145 each year. Although several states have experience with parental consent legislation, in North Carolina the result may not be the same. Therefore, in reviewing the data from other states, it was necessary to develop assumptions in estimating the cost related to the bill. The information that provided the basis for the assumptions in regards to the court's and county departments' of Social Services cost are outlined below:

a) Administrative Office of the Courts

The Administrative Office of the Courts (AOC) conducted a survey of legislation in other states in regards to parental notification or consent for a minor's abortion in February, 1989. Thirty-five (35) states the District of Columbia and Puerto Rico responded to the survey of which half indicated that a law was or is in place to require parental notification or consent. Among the eighteen states that have enacted legislation California, Georgia, Mississippi, Pennsylvania, and Ohio either had the law held unconstitutional or have litigation challenging the law pending. Of the remaining states, Arizona, Massachusetts, Minnesota, and West Virginia have data related to parental notification or consent legislation. At this time only Massachusetts and Minnesota have data to indicate experience with legislation involving parental consent that is similar to House Bill 93.

Massachusetts' and Minnesota's statutes provide for appointment of counsel upon request, as does HB 93. The experience of these states has been that counsel--either court-appointed or public defender--is involved in every case. The attorney then represents the minor, petitioning the court, filing papers, appearing at a hearing, etc. According to the survey Massachusetts has worked with a parental consent law since 1980 and Minnesota since 1982. Although the law in Minnesota was declared unconstitutional in November, 1986, it was recently reversed. Since enactment of legislation, the two states have experience a 33-34% reduction in the number of abortions reported for minors. Massachusetts attributes the 33% reduction to the availability of abortion services without

parental consent in neighboring states. Whether North Carolina's actual rate of reduction in abortions for minor's will reach 33% is not certain. This rate, however, is the only relevant estimate available.

In terms of an estimate of the number or percentage of minors who would petition the court for a waiver of parental consent, the data is limited. The Administrative Office of the Courts could not find definitive information. The sources considered were Dr. Takey Crist, a N. C. physician who performs abortions in the State, provided an estimate that 6% would file petitions; Massachusetts records 24% filing; and in Minnesota 50%. In accepting a middle ground, AOC considered Massachusetts experience (24%) as an acceptable estimate.

In 1987 there were an estimated 4,715 reported abortions for females under eighteen years of age. (It is advised that these statistics are probably underreported.)

According to Administrative Office of the Courts' findings the number of abortions for females under eighteen would be reduced by 33%, resulting in 3,159 procedures (33% x 4,715). Of this number approximately 24% or 758 (24% x 3,159) would petition the court and require court appointed counsel at a cost of \$90.00 per case or \$68,220. (The cost per case assumes that the average assigned-counsel time will be two hours including preparation and hearing.) The cost to AOC in FY 89-90 with the legislation effective October 1, 1989 would be \$51,165 and in FY 90-91 \$68,220.

(b) County Departments of Social Services

The volume of cases to be referred to the local departments is hypothetical. At this writing, no state with a parental consent law employs a model similar to the one proposed in this bill. In the absence of experience with which to estimate the volume of cases that will be referred to DSS, this estimate assumes that parent and pregnant minor have an equal chance of a finding in their favor. (758 cases x .5 = 379 cases x \$755 per case). A matrix of costs illustrating DSS costs under other outcomes is attached.

Court ordered assessments will require an average of 12 hours of social work investigation time at \$40.00 per hour and an average of 5 hours of consultation time at \$55.00 per hour by a licensed psychologist. Total cost per case will average \$755 [(12 hrs. x \$40/hr.) + (5 hrs. x \$55/hr.) = \$755].

Estimates for social work evaluation time are based on a study conducted by the

National Center on Family Services at the University of Iowa. Hourly costs for Social Worker time are based on the statewide average cost of salary, fringes, and indirect costs for a Social Worker II. Estimates for psychological services are based on the experience of the Child Abuse Medical Evaluation Project with whom the Department contracts for psychological assessments in protective services cases. Hourly rates for psychological services represent the maximum reimbursement rate allowed by the Department of Human Resources. On the assumption that administration of the activities called for in this bill will be handled by the Administrative Office of the Courts, the cost of administration by the Department of Human Resources Division of Social Services is not included in this estimate.

Cost/Revenue Impact on County or Local Government

	FY	FY	FY
	89-90	90-91	
1. Non-Recurring Costs/Revenues			
2. Recurring Costs/Revenues			
3. Fiscal/Revenue Assumptions			

Sources of Data for Fiscal Note

Administrative Office of the Courts and Department of Human Resources, Division of Social Services.

Technical Considerations/Comments

Attachment A

LOCAL DEPARTMENT OF SOCIAL SERVICES
CASE COST ESTIMATES

Percent of Cases Referred To DSS By The Court		Cost @ \$755 Per Case
100%	758	572,290
75%	569	429,218
50%	379	286,145
25%	190	143,450
10%	76	57,380
5%	38	28,690
1%	8	6,040



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