

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6315
BILL NUMBER: HB 1363

NOTE PREPARED: Feb 9, 2009
BILL AMENDED:

SUBJECT: Waiver of Certain Court Fees and Court Costs.

FIRST AUTHOR: Rep. Van Haften
FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that if a person brings a civil action or petition for the appointment of a guardian, a clerk of a court may waive the payment of required fees or other court costs by the person without court approval if: (1) the person is represented by an attorney who is employed by a civil legal aid program or who is serving as a pro bono attorney; and (2) the attorney files a statement with the clerk that seeks relief from paying the required fees or other court costs and is accompanied by an approved affidavit of indigency.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: This provision is expected to result in minimal revenue to the state. While there are no rules or statewide standards to measure indigency, most courts appear to waive the fees for persons who are represented by attorneys who are associated with legal aid groups. Some courts automatically waive the fee, while some will waive the fee after a hearing.

The number of persons who would be represented by a civil legal aid or pro bono attorney is not reported in the *Indiana Judicial Report*. Pro bono administrators and other directors of legal assistance corporations reported that the large majority of cases in which pro bono attorneys represented indigent plaintiffs was in divorce and child support cases.

On average, the state General Fund receives between \$104 (civil cases) and \$118 (probate cases) in fees for each case filed when all fees are collected.

Explanation of Local Expenditures: This bill could improve court efficiency by reducing the court time taken to determine indigency. Courts will generally waive filing fees even if they require a hearing when a plaintiff is represented by Legal Services Inc. or by a pro bono district.

Explanation of Local Revenues: On average, between \$32 (civil) and \$38 (probate) is deposited in local general funds for each civil or probate case filed when all fees are collected. See *Explanation of State Revenues*.

State Agencies Affected:

Local Agencies Affected: Trial courts

Information Sources: Monica Fennel, Executive Director, Indiana Pro Bono Commission; Norman Metzger, Indiana Legal Services Inc.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.