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Nonpartisan Services for Colorado's Legislature

HB 19-1251

FISCAL NOTE

Drafting Number: LLS 19-0548
Prime Sponsors: Rep. Hansen; Landgraf

Date: March 25, 2019
Bill Status: House SVMA
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Bill Topic: AGE OF MARRIAGE & EMANCIPATION PROCEDURE

- Summary of Fiscal Impact:
- State Revenue (checked)
- State Expenditure (checked)
- State Transfer (unchecked)
- TABOR Refund (unchecked)
- Local Government (Minimal) (checked)
- Statutory Public Entity (unchecked)

The bill raises the age of marriage to 18 unless the parties involved have reached the age of 16.5 and have been emancipated. The bill also establishes an emancipation procedure for minors. This bill decreases state and local revenue, decreases local expenditures, and increases state expenditures, all on an ongoing basis.

Appropriation Summary: For FY 2019-20, this bill requires an appropriation of \$74,250 to the Office of the Child's Representative in the Judicial Department.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 19-1251

Table with 4 columns: Category, Sub-category, FY 2019-20, FY 2020-21. Rows include Revenue (Cash Funds), Expenditure (General Fund), Transfer, and TABOR Refund.

Summary of Legislation

Under current law, individuals aged 16 and 17 may get married if they have the consent of both parents or gain judicial approval. If the individuals are under the age of 16, they may get married if they have consent of both parents and judicial approval. This bill requires that individuals who want to marry be at least 18 years old or be at least 16.5 years old and have been emancipated by the courts for at least 35 days. An emancipated minor is defined as a minor who has entered into a valid marriage; is on active duty in the United State armed forces; or has received an order of emancipation from a juvenile court.

Emancipation hearings. The bill establishes a process for a minor to petition the court to be emancipated. The court must determine if the minor is capable of self-support and managing their own affairs. When a petition is filed, the court must appoint a Guardian ad Litem to investigate statements made in the petition and to file a report with the court about the investigation and make recommendations to the court. The court must also provide reasonable notice to the minor's parents and set a hearing for the petition 63 days after the petition was filed. During the proceedings, the minor must show by clear and convincing evidence that the requirements for an emancipation order have been met. The court may enter an order if the court determines the minor will be at least 16.5 years old on the effective date of the order; the minor has maintained residence in the state for at least six months; the minor has demonstrated that he or she is capable of independence; and that emancipation is in the minor's best interest. When a minor is emancipated, her or she is considered to be a person who has attained the age of 18 and has all the rights and responsibilities of that age; except for voting and possessing tobacco products. When an order is issued, the court must issue five certified copies of the order to the minor.

Background

Under current law, no independent cause of action exists to emancipate a minor. Instead, emancipation issues may be addressed as part of a separate legal action in other cases before the courts, such as a dissolution of marriage, child custody, or delinquency and neglect cases.

Assumptions

The fiscal note assumes that the bill will reduce the number of marriage licenses issued by 90 licenses per year. This is based on the number of marriage applications by minors in 2015.

State Revenue

Starting in FY 2019-20, the bill will decrease state cash fund revenue by \$2,070 per year, as described below.

Fee impact on marriage licenses. Under current law, a marriage license has a \$30 fee, of which \$23 is revenue to the state (\$20 to the Domestic Abuse Program Fund (DAPF) and \$3 to the Vital Statistics Records Cash Fund (VSRCF)) and \$7 is retained by counties. Table 2 below identifies the impact of this bill, and the reduction in revenue to the DAPF and VSRCF.

Table 2
Fee Impact on Marriage Licenses

Fiscal Year	Type of Fee	Current Fee	Number Affected	Total Fee Impact
FY 2019-20	Domestic Abuse Program Fund	\$20	(90)	(\$1,800)
	Vital Statistics Records Cash Fund	\$3	(90)	(\$270)
			Total	(\$2,070)

State Expenditures

Starting in FY 2019-20, state General Fund expenditures will increase in the Office of the Child's Representative by \$74,250 in FY 2019-20 and by \$72,000 in FY 2020-21 and on an ongoing basis. In addition, workload to the Judicial Department and the Colorado Department of Public Health and Environment (CDPHE) will be affected as described below.

Office of the Child's Representative. Expenditures to the Office of the Child's Representative will increase by \$74,250 in FY 2019-20 and by \$72,000 in FY 2020-21 to provide Guardian ad Litem to minors petitioning for emancipation. This assumes that there will be 100 appointments per year with each appointment requiring 9 hours of work at \$80 per hour. The rate is based on the current Judicial Department contract attorney rate. Costs in FY 2019-20 includes a one-time expense of \$2,250 for software development to modify the case management system. This is based on 15 hours of programing at a rate of \$150 per hour.

Judicial Department. Overall, workload in the Judicial Department will increase for the trial courts to conduct emancipation petition hearings. In addition, workload will decrease for the trial courts since trial courts will no longer be required to conduct hearings concerning minor marriages. The fiscal note assumes that the net change in workload is minimal and does not require a change in appropriations.

CDPHE. To the extent there are fewer marriage license filed, workload will decrease to the CDPHE. The fiscal note assumes that the decrease in workload will be minimal and does not require a change in appropriations.

Local Government

Starting in FY 2019-20, local revenue to county clerks will decrease to the extent there are fewer marriage licenses issued. Based on the assumptions laid out in the Assumption section, local revenue will decrease by \$630 statewide. Similar to the state, workload will also decrease for county clerks to the extent there are fewer marriage licenses issued. The decrease in workload is expected to be minimal.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State Appropriations

For FY 2019-20, the bill requires a General Fund appropriation of \$74,250 to the Office of the Child's Representative in the Judicial Department.

State and Local Government Contacts

Counties
Human Services

County Clerks
Information Technology

Health Care Policy and Financing
Judicial