

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 8026**  
**BILL NUMBER: SB 569**

**DATE PREPARED: Jan 19, 2001**  
**BILL AMENDED:**

**SUBJECT:** Performance Bonds in Family Law Cases.

**FISCAL ANALYST:** Mark Goodpaster  
**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill requires a court to order the parties in a proceeding concerning child custody, support, or visitation to set a performance bond unless the court finds it is not in the best interests of the child to do so. It specifies that the proceeds of a forfeited bond may be used only to: (1) reimburse a parent for actual expenses incurred in upholding the court's order; (2) pay reasonable fees to locate and return a child; or (3) reimburse a court trustee for reasonable fees and costs. It provides that excess proceeds of a forfeited bond must be used for the child's higher education or maintenance expenses.

**Effective Date:** Upon passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Any added costs will be at the court's discretion since the court may find that posting of the bond or surety would not be in the best interests of the child.

Courts may need to have additional hearings and produce additional findings if they decide to require that the bonds or sureties be posted. The courts may need to determine the proper amount of bond to post and determine when to hold a person in contempt of court when a person is not able to post a bond.

In case of a forfeiture, some added forfeiture procedures may need to occur. Additional court time may also be spent determining how to apply the proceeds of a bond or surety that has been forfeited. The court may be able to recover a portion of these costs from the bond that is posted.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Courts.

**Information Sources:**