

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

301 State House
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FISCAL IMPACT STATEMENT

LS 8026
BILL NUMBER: SB 569

DATE PREPARED: Apr 10, 2001
BILL AMENDED: Apr 9, 2001

SUBJECT: Performance Bonds in Family Law Cases.

FISCAL ANALYST: Mark Goodpaster
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FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill authorizes a court to require a party to provide the security, or other guarantees required by the court to secure the performance of a child support, custody, or visitation order if the court makes specific findings. It specifies that the proceeds of a forfeited custody security, bond, or other guarantee may be used 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. It provides a format for a support, custody, or visitation bond.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Any added costs will be at the court's discretion since requiring security, bonds or other guarantees will be a court's decision after making certain findings.

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: