

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

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6454
BILL NUMBER: SB 121

NOTE PREPARED: Dec 7, 2005
BILL AMENDED:

SUBJECT: Grandparent Visitation.

FIRST AUTHOR: Sen. Waterman
FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that a child's grandparent may seek visitation rights when a parent or guardian of the child unreasonably refuses or restricts visitation. The bill eliminates current conditions under which a grandparent may seek visitation rights.

Effective Date: July 1, 2006.

Explanation of State Expenditures:

Explanation of State Revenues: Currently, a grandparent may petition the court for visitation if (a) the child's parent is deceased, (b) the marriage of the child's parents has been dissolved in Indiana, or (c) the child was born out of wedlock. [*Note: A court may not grant visitation rights to a paternal grandparent of a child who is born out of wedlock if the child's father has not established paternity.*]

This bill would eliminate current conditions under which a grandparent may seek visitation rights. It would allow a grandparent to seek visitation rights when a parent or guardian unreasonably refuses or restricts visitation with a child. Courts would still be disallowed from granting a grandparent visitation if the child was born out of wedlock and the child's father has not established paternity.

The state could experience an increase in the number of grandparents petitioning the court for visitation. Increases in court fee revenue would occur as a result. Actual increases are unknown and are dependent on the number of additional grandparents who petition the court.

Court Fee Revenue: If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 filing fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees.

If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

Fiscal Analyst: Sarah Brooks, 317-232-9559.