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FISCAL IMPACT STATEMENT

LS 6328

BILL NUMBER: HB 1290

NOTE PREPARED: Dec 5, 2008

BILL AMENDED:

SUBJECT: Grandparent Visitation.

FIRST AUTHOR: Rep. Oxley

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: 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 denies or restricts visitation. The bill eliminates current conditions under which a grandparent may seek visitation rights. It specifies the court in which a grandparent seeking visitation rights may file a petition.

Effective Date: July 1, 2009.

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 depend on the number of additional grandparents who petition the court.

Court Fee Revenue: If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed. Of this amount, 70% 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.

In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

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. For every additional defendant identified in the petition, there is an added fee of \$10 that is deposited to the county general fund. 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. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

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

Information Sources: Ann Houseworth, FSSA, 234-4484, *Indiana Judicial Services Report, 2005.*

Fiscal Analyst: Bill Brumbach, 232-9559.