

**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 6531

BILL NUMBER: HB 1344

NOTE PREPARED: Dec 21, 2009

BILL AMENDED:

SUBJECT: Grandparent and Great-Grandparent Rights.

FIRST AUTHOR: Rep. Borders

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill allows great-grandparents to seek visitation rights with their great-grandchildren in certain circumstances. The bill provides that a grandparent or great-grandparent may seek visitation with a child if the parent or guardian of the child refuses to allow or restricts visitation by the grandparent or great-grandparent. It establishes factors the court may consider in determining whether granting visitation rights to a grandparent or great-grandparent is in the best interests of the child.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: Currently, only 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:* Currently, 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. Also, a grandparent can seek visitation rights if the child's parents are deceased or the marriage of the child's parents has been dissolved in Indiana.]

This bill allows a great-grandparent to seek visitation rights only if the parent or guardian restricts or refuses to allow visitation to the grandparent or great-grandparent. Courts would still be disallowed from granting a paternal grandparent or great-grandparent visitation if the child was born out of wedlock and the child's father has not established paternity. It is currently not known how many parents or guardians restrict or deny the visitation of grandparents and great-grandparents.

The bill also removes certain conditions under which a grandparent may seek visitation rights, namely by removing the following circumstances: (1) when a child's parents are deceased, (2) the marriage of a child's parents has been dissolved, and (3) when a child is born out of wedlock and paternity has been established. It is not known how many grandparents currently petition the court for visitation rights under one of these conditions.

Any change in the number of grandparents that petition the court for visitation rights is indeterminable. Any change in the number of grandparents who petition the court will impact revenue the state collects from civil actions.

The state may also experience an increase in the number of great-grandparents petitioning the court for visitation as previously great-grandparents held no standing in court to request visitation rights. Increases in court fee revenue would occur as a result. Actual increases are unknown and depend on the change in the number of child visitation petitions submitted to 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: Ellen Holland, 234-4484, *Indiana Judicial Services Report, 2005.*

Fiscal Analyst: Bill Brumbach, 232-9559.