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FISCAL IMPACT STATEMENT

LS 6104

BILL NUMBER: SB 59

NOTE PREPARED: Feb 24, 2010

BILL AMENDED: Jan 19, 2010

SUBJECT: Grandparent and Great-Grandparent Visitation.

FIRST AUTHOR: Sen. Steele

FIRST SPONSOR: Rep. Stilwell

BILL STATUS: 2nd Reading - 2nd House

**FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows great-grandparents to seek visitation rights with their great-grandchildren in certain circumstances. The bill allows a grandparent or great-grandparent to seek visitation if the grandparent or great-grandparent has had meaningful contact with the child but, as a result of an estrangement between the parent of the child and the grandparent or great-grandparent, the parent of the child terminated the child's visits with the grandparent or great-grandparent. It establishes factors for the court to consider in determining whether granting a grandparent or great-grandparent visitation rights is in the best interests of the child.

The bill provides that a court may order a party to an action for grandparent or great-grandparent visitation to pay a reasonable amount for the cost to the other party of maintaining or defending the action, including costs for attorney's fees and mediation. The bill also specifies that certain agencies are not required to pay costs. The bill also makes conforming changes.

(The introduced version of this bill was prepared by the Child Custody and Support Advisory Committee.)

Effective Date: (Amended) Upon passage.

Explanation of State Expenditures: 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 (1) expands circumstances under which a grandparent may seek visitation rights, (2) adds additional

considerations for determining visitation rights, and (3) expands these rights to great-grandparents as well. It would allow both grandparents and great-grandparents to seek visitation rights if they have had meaningful contact with the child but were unable to continue to do so due to estrangement between the parents of the child and the grandparent or great-grandparent. Courts would still be disallowed from granting a grandparent and great-grandparent visitation if the child's father, to whom the petitioning grandparent or great-grandparent is related, has not established paternity.

The state could experience an increase in the number of grandparents and great-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: Ellen Holland, DCS, 234-4484; *Indiana Judicial Services Report*, 2005.

Fiscal Analyst: Bill Brumbach, 232-9559.