

(99-0211/1)

1999 Session

FISCALESTIMATE
DOA-2048 N(R10/98)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
SB 107

Amendment No. if Applicable

Subject
Custody and Physical Placement Laws

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation
or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb
Within Agency's Budget Yes No

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

20.625(1)(e)

Assumptions Used in Arriving at Fiscal Estimate

This bill makes significant revisions to family law including:
1) removing the "best interest of the child" standard and replacing it with a rebuttable presumption of parental fitness;
2) changing the procedures for modification of custody and placement orders; 3) eliminating the court's authority to dismiss paternity actions when it is not in the best interest of the child; 4) eliminating the court's authority to appoint guardians ad litem in family law cases, and 5) removing the requirement that courts approve stipulations.

With the creation of the rebuttable presumption of parental fitness many family cases which are now contested would no longer be under this bill. The only way this can be overcome is if one spouse has been convicted of child abuse or battery to their spouse. As a result of this parents may go to juvenile court to establish that the other parent is unfit. While the amount of court time needed in family cases would be reduced the amount of court time needed in juvenile cases will increase. The net effect on the circuit court caseload is impossible to predict with current data.

(Continued)

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
Director of State Courts

Authorized Signature/Telephone No. 6-6984
Sheryl Sewan

Date
4/20/99

Removing the court's authority to appoint guardians ad litem (GAL) in family cases will reduce county costs. While the county initially pays GAL costs the state reimburses counties for a significant portion of these costs. In 1997, \$8.5 million in GAL costs were reported by the counties of which \$2.4 million involved Chapter 767 GAL costs. The state reimbursed the counties \$4.7 million for GAL costs. Counties decide how to allocate these funds. It is presumed that under this bill most of the \$2.4 million that counties presently expend on Chapter 767 GAL costs would be eliminated.

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect	X. ORIGINAL	UPDATED	LRB or Bill No./Adm. Rule No.	Amendment No.
DOA-2047 (R10/94)	CORRECTED	SUPPLEMENTAL	SB 107	

Subject: Custody and Physical Placement Laws

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category	\$	\$ -
State Operations - Salaries and Fringes		
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
III. State Revenues -	Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ indeter.	\$ + 2.4 million
NET CHANGE IN REVENUES	\$ _____	\$ _____

Agency/Prepared by: (Name & Phone No.) Director of State Courts	Authorized Signature/Telephone No. <i>6-6884</i> <i>Sheryl Swann</i>	Date 4/20/99
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