

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number HB344

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Devolites

3. Committee Courts of Justice

4. Title Filing fees in custody and visitation cases.

5. Summary/Purpose: Creates a special rate for fees in custody and visitation proceedings barring any add-on fees in these cases and applies the special rate for appeal of these cases. The bill also corrects an omission in last year's legislation clarifying that a petition may be reissued without additional costs or fees if service could not be had.

6. Fiscal Impact Estimates are: Preliminary

7. Budget amendment necessary: No

8. Fiscal implications: According to the Supreme Court, this legislation will reduce, by more than half, the revenue collected in juvenile and domestic relations district courts from the custody and visitation filing fee. The absolute minimum expected annual fiscal impact would be a decrease in revenue to the General Fund of \$469,000, and it is possible that the decrease in revenue would be higher.

Currently there is a \$25 filing fee assessed for each custody or visitation petition filed in juvenile and domestic relations district court. Court filing guidelines specify separate petitions for separate issues and separate children. Therefore, a parent seeking the determination of custody and visitation for two children would file four petitions, resulting in the assessment of filing fees of \$100.

This legislation will assess only one filing fee for all custody and visitation petitions simultaneously initiated by a single petitioner. Therefore, if a parent seeks the determination of the custody and visitation of two or more children through the simultaneous filing of petitions, there would be the assessment of a filing fee of only \$25.

During the first six months of fiscal year 2003, the juvenile and domestic relations district courts collected \$469,000 in filing fees in custody and visitation petitions, for an annualized total of \$938,000. This legislation will result in a decrease in the total assessment of these filing fees. The only instance where the assessment would not decrease is for filings for the determination of either custody or visitation (but not both) for one child. Filings of this type are rare. In all other instances there will be a corresponding decrease in the assessment of filing fees. The amount of each individual decrease will depend on the number of children for whom the determinations are

sought. Even if only one child is the subject of the determination, the petitioner almost always seeks the determination of both custody and visitation in which instance the assessment of filing fees would be reduced by 50% from \$50 to \$25.

9. Specific agency or political subdivisions affected: Court System.

10. Technical amendment necessary: No

11. Other comments: None

Date: 01/22/04 tmb

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