

Department of Planning and Budget

2006 Fiscal Impact Statement

1. Bill Number HB 903

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. Patron Iaquinto, Sal R.

3. Committee Courts of Justice

4. Title Parental rights; termination thereof where child not in custody of local board of social services

5. Summary/Purpose: As amended, the bill adds a new Code section, which:

- Provides that a petition to terminate parental rights may be filed by a parent of a child, a person with legal custody of a child, or a guardian ad litem for a child when the child's case is otherwise before the court. Such petition may be filed when the parent whose parental rights and responsibilities are sought to be terminated has been convicted of certain serious crimes or aggravated circumstances such as murder or voluntary manslaughter; a felony assault resulting in serious bodily injury; felony bodily wounding resulting in serious bodily injury; or a felony sexual assault, when any of these offenses are against a child of the parent or a child with whom the parent resided at the time of the offense or when the victim was the other parent.
- Requires that the summons shall be served on the parent and other involved parties and clearly states the consequences of termination of parental rights. The parent whose parental rights and responsibilities are being terminated must be informed of his right to counsel and a guardian ad litem shall be appointed for the child.
- Allows the court to terminate parental rights in those cases in which there is clear and convincing evidence of the conviction of the offense or of the aggravated circumstance and that termination is in the best interests of the child.
- Requires any order terminating parental rights and responsibilities be accompanied by an order continuing or granting custody to the other parent or to the child's legal custodian, or, if the child is without such parent or legal custodian, the court must determine the child's custody.
- Prohibits the termination of parental rights for a child age 14 or older, or otherwise of an age of discretion, if the child objects to the termination. However, parental rights of such a child may be terminated over the objection of the child if the court finds the child has any disability that reduces the child's mental developmental age and that the child is not otherwise of an age of discretion.

6. No Fiscal Impact

7. Budget amendment necessary: No

8. Fiscal implications: None

9. Specific agency or political subdivisions affected:

Courts

Local departments of social services

10. Technical amendment necessary: No

11. Other comments: None

Date: 02/12/06

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