

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: SB70

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

2. Patron: Favola

3. Committee: Courts of Justice

4. Title: Custody and visitation; rights of parents with a disability.

5. Summary: Provides that a parent's disability, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. The bill requires a party who alleges that a parent's disability should be a factor to be considered to not be in the best interests of the child, or should otherwise be a reason to deny or restrict such a parent's custody or visitation rights, to prove that the child's best interests would not be met or served due to such parent's disability. The bill allows a parent with a disability to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows the court to order that such services be ordered by the court. The bill requires a court to make written findings where the court denies or restricts custody or visitation of a parent with a disability or where supportive parenting services are not ordered. The same requirements apply to the denial or approval of a prospective foster parent with a disability, or removal of a child from the home of a foster parent with a disability, and to the denial of a final order of adoption wherein the prospective adoptive parent has a disability.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: See Item 8.

8. Fiscal Implications: This bill addresses the rights of parents with disabilities in custody, visitation, prospective adoptions, and prospective foster care and allow for the courts to order supportive parenting services for a parent with a disability. While data on the number of prospective parents is not available, the Department averages about 75 new parents per month or 900 new parents over a 12-month period. Data from the Institute on Disability at the University of New Hampshire shows that 10.5 percent of individuals 18-64 years old have disabilities. Therefore, it is assumed that approximately 95 (900 x 10.5%) prospective foster care and adoptive parents annually could have a disability for which a supportive service is necessary. The total of those with disabilities who are prospective foster care or adoptive parents would likely be lower though, as the 10.5 percent includes those individuals who have disabilities that would prevent them from being able to care for another person. The fiscal impact of this bill cannot be determined, as it is unclear what supportive parenting

services may be requested by the parent and approved by the courts, or if a state agency would be responsible for providing and paying for any of these supportive services.

9. Specific Agency or Political Subdivisions Affected: Department of Social Services

10. Technical Amendment Necessary: No.

11. Other Comments: None.