

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2436-01
Bill No.: HB 1579
Subject: Children and Minors; Courts; Family Law; Family Services Division
Type: Original
Date: March 15, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue** assume the proposal would have no fiscal impact on their agency.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

Officials from the **Department of Social Services – Family Support Division** assume the changes due to this legislation would not result in a significant fiscal impact to the Family Support Division. Therefore, they assume no fiscal impact.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would modify numerous provisions regarding dissolution of marriage and child support, including providing for case management conferences and alternative dispute resolution (ADR).

The cost to the state is unknown at this time; however, it could be significant.

ASSUMPTION (continued)

Currently, there are two ADR pilot projects underway that have implemented ADR services in Family Law cases. The first pilot is the 45th Circuit, which includes Pike and Lincoln counties, and the second pilot is a tri-circuit pilot which consists of the 27th, 28th and 30th Circuits, which includes Bates, Henry, St. Clair, Vernon, Barton, Cedar, Dade, Benton, Hickory, Polk, Dallas and Webster counties. The pilot is just beginning the second year of a two-year pilot and an evaluation is currently underway; therefore, it is too early to estimate the ongoing cost of the project.

Each of the pilot sites received a grant from the Domestic Relations Resolution Fund, which includes one FTE for an ADR specialist at a cost of approximately \$50,000 per year for salary and fringes, and a cash grant of \$50,000 to be spent over a two-year period. The ADR Specialist is responsible for the management of ADR cases which includes screening cases for assignment to the ADR docket, assignment of cases to mediators and follow-up on the cases to ensure compliance with the requirements. The cash grant is to cover expenses related to the project such as travel expenses for the ADR Specialist, providing or purchasing training for the mediators and covering the cost of the mediation sessions for families with a limited income who cannot afford to pay for these services.

Any significant increase in costs to the judiciary will be reflected in future budget requests.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would add the requirement that the court determine that a party obligated to pay child support is current on all support payments before the court grants a dissolution of marriage. The obligee could waive the obligor's duty to be current on all payments, but the waiver would not relieve the obligor of any child support arrearage.

The proposal would also require that the parties to a petition for dissolution or legal separation file income and expense statements and a preliminary Form 14 except those cases in which the Attorney General is a party. In cases where child support is established or modified, except those in which the Attorney General is involved, the parties would submit income and expense statements along with the Form 14 documents. The court could issue a temporary order of child support; and when the temporary order is issued, the parties would verify their current addresses, telephone numbers, and employment information. The court would also be required to hold an initial case management conference on the first available date 60 days after the date of service in the case. Subsequent case management conferences could also be held. At the case management conference, the court could order parties to participate in mediation or could require attendance at court-approved educational sessions.

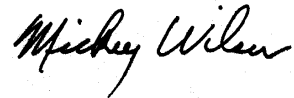
Current law allows courts to require parties to a dissolution or legal separation involving child custody or visitation issues to take part in an alternative dispute resolution program. The proposal would require the court to order parties to participate in the program unless there is good cause to not require participation. The parties would participate in at least two hours of mediation, and either party could terminate the mediation after two hours. Any agreement reached during the mediation would be in writing and submitted to the parties. The agreement would not be binding until the parties and their attorneys have signed the agreement and the court has approved it. The proposal would also require the Missouri Supreme Court to have a rule in effect within 120 days of the effective date of the bill requiring each judicial circuit to establish an alternative dispute resolution program for proceedings involving dissolution of marriage. Current law requires the Supreme Court to have a rule in effect that allows but does not mandate alternative dispute resolution in proceedings involving issues of child custody.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Office of the Attorney General
Office of State Courts Administrator
Department of Social Services
Department of Revenue



Mickey Wilson, CPA
Director
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