

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0417-01
Bill No.: HB 183
Subject: Children and Minors; Marriage and Divorce; Courts
Type: Original
Date: February 24, 2009

Bill Summary: The proposal allows the recipient of child support or the Family Support Division to commence a civil contempt proceeding against a person who has been ordered to pay child support and fails or refuses to do so.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Insurance, Financial Institutions, and Professional Registration, Department of Revenue, Department of Social Services, Department of Conservation,** and the **Office of Prosecution Services** assume the proposal would have no fiscal impact on their agencies.

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 **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Boone County Sheriff's Department** assume costs will be realized due to an increase in jail commitments for those found in contempt. It costs approximately \$62.50 per day to house a person in the Boone County Jail. Officials cannot project the increase in the number of persons that will be committed to jail based on this legislation.

Oversight assumes county sheriff's departments could experience increased jail costs due to the provisions in the proposal. Oversight assumes the statewide fiscal impact to be unknown, as the number of commitments can not be projected.

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Greene County Sheriff's Department, Jackson County Sheriff's Department, and the Platte County Sheriff's Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL GOVERNMENT			
<u>Costs – Local sheriff's departments</u>			
Increased jail commitments	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation allows the recipient of child support or the Family Support Division within the Department of Social Services to commence a civil contempt proceeding in the circuit court of the county in which the child support order was filed or registered against a person who has been ordered to pay child support and fails or refuses to do so if an order of income withholding is inapplicable or unsuccessful. If the person ordered to pay fails to appear in response to the contempt proceeding, the court must find the person in contempt for failure to appear and issue a warrant or find the person in contempt for the reasons in the original motion. If a warrant is issued, the person will be subject to arrest and if apprehended or detained, will be held until the hearing unless a cash performance bond is deposited.

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

SOURCES OF INFORMATION

Office of the Attorney General
 Office of State Courts Administrator
 Department of Insurance, Financial Institutions, and Professional Registration
 Department of Revenue
 Department of Social Services
 Department of Conservation
 Office of Prosecution Services
 Boone County Sheriff's Department

BLG:LR:OD (12/02)

NOT RESPONDING

**Buchanan County Sheriff's Department
Clark County Sheriff's Department
Greene County Sheriff's Department
Jackson County Sheriff's Department
Platte County Sheriff's Department**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 24, 2009