

FISCAL NOTE
Requested by Legislative Council
01/18/2011

Bill/Resolution No.: SB 2201

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2009-2011 Biennium | | 2011-2013 Biennium | | 2013-2015 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | \$12,000 | | \$275,640 | | | |
| Appropriations | | | | | | |

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

| 2009-2011 Biennium | | | 2011-2013 Biennium | | | 2013-2015 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Bill provides for presumption unless rebutted that each parent is fit to care for the child and the courts shall award equal parenting time and residence; provides retro application; declares emergency.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The Judicial Branch estimates that approximately 282 cases involving child custody would be reopened. Potentially any child custody case involving young children decided in the last several years could be reopened. The estimate however is based on the total number of cases in 2009 and 2010 where a custody dispute was ultimately decided by the court. Any motion to modify visitation or custody is automatically sent to mediation. The judicial branch pays the cost of mediators in child custody cases for up to 6 hours per case. The total cost of providing mediation for an additional 282 cases would be \$287,640. If the emergency measure is approved, mediation costs of \$12,000 would be incurred in the 2009-11 biennium and the remaining costs of \$275,640 would be incurred in the 2011-13 biennium. It is anticipated that there would be additional fiscal impact due to the time necessary for judges and clerk of court staff to process the reopened child custody cases, however this impact cannot be determined.

The fiscal impact to the Child Support Division of the Department of Human Services cannot be determined.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Additional mediation services for child custody cases reopened.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and*

appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.

The appropriation authority for an increase in mediation services is not included in the Judicial Branch budget bill.

| | | | |
|----------------------|----------|-----------------------|---------------|
| Name: | Don Wolf | Agency: | Supreme Court |
| Phone Number: | 328-3509 | Date Prepared: | 01/21/2011 |