

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **H.B. 61** DATE: **April 17, 2007**
STATUS: **As Introduced** SPONSOR: **Rep. Ujvagi**
LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**
CONTENTS: **Custody determinations**

State Fiscal Highlights

- The bill has no readily discernible fiscal implications for state revenues and expenditures.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
Counties			
Revenues	Potential minimal effect	Potential minimal effect	Potential minimal effect
Expenditures	Potential increase, likely to be no more than minimal	Potential increase, likely to be no more than minimal	Potential increase, likely to be no more than minimal

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Filing fee revenues.** As a result of the bill, some courts may temporarily forego filing fee revenues that might otherwise have been collected in one fiscal year only to collect it in a subsequent fiscal year. The effect of these potential temporary shifts in the collection of filing fee revenues in any given year is likely to be minimal. This is because the number of proceedings that might be affected by the bill annually in any given court is likely to be relatively small. For purposes of this analysis, a minimal shift in revenue means an estimated annual amount of no more than \$5,000 for any affected court of common pleas and affiliated county.
- Court expenditures.** The bill's likely potential affect appears to be that the resolution of certain proceedings may be delayed until the service member returns from active duty, and that the court may have to take certain actions, for example, review motions and schedule hearings, as a byproduct of such delays. As of this writing, however, the number of proceedings that might be affected in this manner for any given court appears likely to be relatively small and the associated cost would be no more than minimal. For purposes of this analysis, in the context of expenditures, minimal means an estimated annual cost of no more than \$5,000 for any affected court of common pleas and affiliated county.



Detailed Fiscal Analysis

Overview of the bill

For the purposes of this fiscal analysis, the bill most notably:

- Requires the court to stay any proceeding regarding the allocation or modification of parental rights and responsibilities if a parent who is involved in such a proceeding is called to active military duty.
- Requires the parent who is called to active military service to notify the court of termination of that service.
- Permits the court to issue an order temporarily allocating or modifying parental rights and responsibilities prior to staying the proceedings.
- Specifies that the court must not consider active military service as a change in circumstances and otherwise modify a prior decree allocating parental rights and responsibilities.

State fiscal effects

The bill has no readily discernible fiscal implications for state revenues and expenditures.

Local fiscal effects

Local expenditures

It does not appear that the bill will affect the number of custody determination and modification proceedings handled by the division of the court of common pleas that has subject matter jurisdiction over domestic relations issues. The more likely potential affect appears to be that the resolution of certain proceedings may be delayed until the service member returns from active duty, and that the court may have to take certain actions, for example, review motions and schedule hearings, as a byproduct of such delays. As of this writing, however, the number of proceedings that might be affected in this manner for any given court appears likely to be relatively small. Assuming that were true, then the number of motions, hearings, and potential delays is not likely to have a significant impact on the operations of any given court, and the associated costs, to the degree that such costs are measurable, would be no more than minimal. For purposes of this analysis, in the context of expenditures, minimal means an estimated annual cost of no more than \$5,000 for any affected court of common pleas and affiliated county.

Local revenues

Courts typically charge a fee for filing a new custody determination or modification case. This fee is generally around \$100. As a result of the bill, individuals could delay filing custody determination or modification cases until the service member is released from active military service. Thus, in any given year, some courts may temporarily forego filing fee revenues that might otherwise have been collected in one fiscal year only to collect it in a subsequent fiscal year. The effect of these potential temporary shifts in the collection of filing fee revenues in any given year is likely to be minimal. This is because the number of proceedings that might be affected by the bill annually in any given court is likely to be relatively small. For purposes of this analysis, a minimal shift in revenue means an estimated annual amount of no more than \$5,000 for any affected court of common pleas and affiliated county.

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