



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** [Am. H.B. 244 of the 128th G.A.](#) **Date:** November 17, 2009

**Status:** As Reported by House Judiciary **Sponsor:** Rep. Harwood

**Local Impact Statement Procedure Required:** No — Permissive

**Contents:** Modification of a division or distribution of property in a divorce or legal separation proceeding

### State Fiscal Highlights

- No direct fiscal effect on the state.

### Local Fiscal Highlights

#### LOCAL GOVERNMENT

#### FY 2010 – FUTURE YEARS

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#### Courts of Common Pleas

Revenues

- 0 -

Expenditures

Potential, likely minimal at most, annual increase

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

- The bill's potential resulting effect would be an increase in the time and effort expended by the court to modify certain property division orders. From a fiscal perspective, the associated cost to the court is likely to be no more than minimal. Minimal herein means an estimated cost of no more than \$5,000 for any affected court per year.

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## Detailed Fiscal Analysis

### Overview

For the purposes of this fiscal analysis, the bill most notably permits the court to modify a division or disbursement of property or a distributive award upon the express written consent or agreement of both spouses.

### Local fiscal effects

#### Courts of common pleas

Under current law, the court of common pleas does not currently maintain continuing jurisdiction over property division orders set forth in a divorce decree or dissolution of marriage. It appears that the condition of the real estate market has been such that these property division orders have become difficult to execute fairly or at all. The purpose of the bill is to provide the court with the authority to address problematic circumstances<sup>1</sup> that arise during the division or distribution of property.

Based on information provided by staff of the Judicial Conference of Ohio, the bill's potential resulting effect would be an increase in the time and effort expended by the court to modify certain property division orders. From a fiscal perspective, the associated cost to the court is likely to be no more than minimal. Minimal herein means an estimated cost of no more than \$5,000 for any affected court per year.

### State fiscal effects

The bill's provisions will have no direct effect on state revenues and expenditures.

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<sup>1</sup> An example of a "problematic circumstance" includes situations where a house will not sell or the purchaser cannot get a mortgage.