

Fiscal Note & Local Impact Statement

125th General Assembly of Ohio

Ohio Legislative Service Commission
77 South High Street, 9th Floor, Columbus, OH 43215-6136 ✦ Phone: (614) 466-3615
✦ Internet Web Site: <http://www.lsc.state.oh.us/>

BILL: **Sub. S.B. 185** DATE: **December 7, 2004**
STATUS: **As Enacted – Effective April 11, 2005** SPONSOR: **Sen. Jordan**
LOCAL IMPACT STATEMENT REQUIRED: **Yes**
CONTENTS: **Repeals the Uniform Child Custody Jurisdiction Act and replaces it with the Uniform Child Custody Jurisdiction and Enforcement Act**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2005	FY 2006	FUTURE YEARS
Counties			
Revenues	Gain, not likely to exceed minimal	Gain, not likely to exceed minimal	Gain, not likely to exceed minimal annually
Expenditures	Increase, likely to exceed minimal in two types of counties: (1) those located in rural areas with relatively small populations, and (2) some located in urban areas with more moderately-sized populations	Increase, likely to exceed minimal in two types of counties: (1) those located in rural areas with relatively small populations, and (2) some located in urban areas with more moderately-sized populations	Increase, likely to exceed minimal annually in two types of counties: (1) those located in rural areas with relatively small populations, and (2) some located in urban areas with more moderately-sized populations

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

- **Rural areas.** Based on LSC fiscal staff's research, it seems reasonable to conclude that the bill's effect on workload, training, and technology will trigger an increase in the annual operating expenses of certain courts of common pleas that could easily exceed minimal. The courts of common pleas likely to be affected in this manner are of two types: (1) those located in rural areas with relatively small populations, and (2) those located in urban areas with more moderately sized populations. For the purposes of this fiscal analysis, "minimal" means an estimated annual cost of no more than \$5,000 for any affected county. A more precise estimate of the magnitude of the increase in annual operating expenses is difficult to calculate at this time.
- **Urban areas.** It also seems reasonable to conclude that certain other courts of common pleas – most courts of common pleas located in urban areas with more moderately sized populations and all of the courts of common pleas located in the state's larger, more urban counties – will experience some increase in their annual cost of doing



business as well. Such an increase would not, however, be likely to exceed minimal on an ongoing basis, as these courts will have more resources at their disposal to implement changes to the management of child custody cases.

- ***Parenting determination advance deposit or fee.*** The bill permits a parenting order issued by another state to be registered in this state if certain conditions are met, including sending to the clerk of a juvenile court an advance deposit or fee established by the court. Legislative Service Commission fiscal staff has gathered no information suggesting that the number of parenting determinations registered annually with the clerk of any given juvenile court will be significant enough that any associated gain in annual revenues from such deposits or fees would exceed minimal. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated annual increase of no more than \$5,000 for any affected county.

Detailed Fiscal Analysis

Overview

The bill replaces existing law (originally the Uniform Child Custody Jurisdiction Act) with the Uniform Child Custody Jurisdiction and Enforcement Act and includes the following fiscally notable provisions:

- Communicating court-to-court regarding parenting orders status and determination of appropriate jurisdiction;
- Creating and maintaining a parenting orders registry;
- Training court administrative staff and magistrates in new procedures;
- Determining appropriate compensation for travel and other miscellaneous expenses incurred by parties required to appear before the court;
- Imposition of an advance deposit or fee when registering a parenting determination issued by a court of another state in this state.

The fiscal effect of the bill's provisions will be faced predominantly by courts of common pleas in two types of counties: (1) those located in rural areas with relatively small populations, and (2) those located in urban areas with more moderately sized populations. It appears that many of the former counties and some of the latter counties will need to: (1) upgrade technology in order to perform court-to-court information sharing, and (2) increase staff to handle additional workload.

It also appears that most courts of common pleas located in urban areas with more moderately sized populations and all of the courts of common pleas located in the state's larger, more urban counties will likely already be equipped with the necessary technology and sufficiently staffed to handle the additional workload created by the bill's child custody jurisdiction and enforcement provisions.

Legislative Service Commission fiscal staff research indicates no expectation raised by various court personnel that the bill will result in a net increase in the number of child custody cases heard in Ohio's courts of common pleas statewide.

Local fiscal effects: courts of common pleas

Workload and training

The bill will require the courts of common pleas to engage in court-to-court information sharing in order to determine the appropriate venue for child custody actions as well as to gather information relevant to cases. A parenting orders registry, mandated by the bill, will require each court of common pleas to create and maintain a registry of some type. In addition, each court of common pleas will be required to make determinations regarding compensation for parties required to appear before the court.

Based on LSC fiscal staff's conversations with the Judicial Conference of Ohio, it seems likely that workload increases as a result of the court-to-court information sharing, maintenance of the parenting orders registry, and determination of expenses will require the courts of common pleas located in rural areas with relatively small populations and some courts of common pleas located in urban areas with more moderately sized populations to each hire at least one additional employee.

Most courts of common pleas located in urban areas with more moderately sized populations and all of the courts of common pleas located in the state's larger, more urban counties will likely be able to redistribute existing staff capacity to handle the increased workload.

In addition, the bill's provisions would require the training of administrative staff and magistrates in all courts of common pleas regarding new policies and procedures established by the bill.

Technology upgrade

Some courts of common pleas, most likely those located in rural areas with relatively small populations, will require a one-time upgrade to the technological infrastructure of their operations to accommodate the court-to-court information sharing required by the bill. The addition of new telephone lines, telephone equipment, and computer and internet hardware may be necessary in order to handle both court-to-court information sharing and teleconferencing for parties unable to appear before the court.

Costs

Based on LSC fiscal staff's research, it seems reasonable to conclude that the bill's effect on workload, training, and technology will trigger an increase in the annual operating expenses of certain courts of common pleas that could easily exceed minimal. The courts of common pleas likely to be affected in this manner are of two types: (1) those located in rural areas with relatively small populations, and (2) those located in urban areas with more moderately sized populations. For the purposes of this fiscal analysis, "minimal" means an estimated annual cost of no more than \$5,000 for

any affected county. A more precise estimate of the magnitude of the increase in annual operating expenses is difficult to calculate at this time.

It also seems reasonable to conclude that certain other courts of common pleas – most courts of common pleas located in urban areas with more moderately sized populations and all of the courts of common pleas located in the state’s larger, more urban counties – will experience some increase in their annual cost of doing business as well. Such an increase would not, however, be likely to exceed minimal on an ongoing basis, as these courts will have more resources at their disposal to implement changes to the management of child custody cases.

Revenues

The bill permits a parenting order issued by another state to be registered in this state if certain conditions are met, including sending to the clerk of a juvenile court an advance deposit or fee established by the court. Legislative Service Commission fiscal staff has gathered no information suggesting that the number of parenting determinations registered annually with the clerk of any given juvenile court will be significant enough that any associated gain in annual revenues from such deposits or fees would exceed minimal. For the purposes of this fiscal analysis, a minimal revenue gain means an estimated annual increase of no more than \$5,000 for any affected county.

State fiscal effects

As of this writing, it does not appear that the bill will directly affect state revenues and expenditures.

*LSC fiscal staff: Holly Wilson, Budget Analyst
Sarkis Mahdasian, Budget Analyst
Maria Seaman, Budget Analyst*

SB0185EN/arc