

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: Am. H.B. 191

DATE: April 21, 1999

STATUS: As Reported by House Children & Family Services

SPONSOR: Rep. Clancy

LOCAL IMPACT STATEMENT REQUIRED: No — Minimal cost

CONTENTS: Denies custody and visitation rights to, and terminates existing custody or visitation rights of, a parent who has been convicted of aggravated murder, murder, or voluntary manslaughter of the child's other parent

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1999	FY 2000	FUTURE YEARS
Counties			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Minimal increase	Minimal increase	Minimal increase

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

- Counties would experience a minimal increase in expenditures as a result of revoking existing visitation or custody arrangements involving a parent who has killed a child's other parent. LBO assumes that the vast majority of juvenile and domestic relations courts already consider the factors outlined in the bill when awarding custody and visitation.



Detailed Fiscal Analysis

Provisions of the Bill

The bill denies custody and visitation rights to parents who killed the other parent of the children in question, and provides an administrative mechanism to terminate existing visitation. Under the provisions of the bill, the court shall deny custody and visitation rights to, and terminate existing custody or visitation rights of, a parent who has been convicted to aggravated murder, murder, or voluntary manslaughter of the other parent of the child.

Number of Affected Cases

The Department of Justice's Bureau of Justice Statistics (BJS) reported that there were 1,472 murders and non-negligent manslaughters involving husbands, wives, boyfriends, and girlfriends of offenders in the U.S. in 1996. Census data shows that Ohio is about 4.2 percent of the national population, which leaves us with approximately 62 cases annually affected by this bill ($11,192,932$ Ohio residents \div $267,743,595$ U.S. residents in 1997 = 0.0418 , and $1,472$ national murders \times 0.042 = 61.8). However, this number represents an overcount of affected cases, because not all of these individuals will have children, or will desire to, or be able to, seek custody.

A separate BJS study stated in 1996 that there were 1,800 murders attributable to intimates (spouses, ex-spouses, boyfriends, and girlfriends of the victim). This works out to approximately 76 in Ohio annually ($1,800$ murders nationally \times 0.042 population proportion = 75.6 murders in Ohio). BJS further states that, in 40 percent of these cases, there were children in the household. This works out to around 30 affected cases annually (76 murders \times $.40$ = 30.4). However, as previously mentioned, custody may not necessarily be sought in all of these cases.

Local Cost

Discussions with county domestic relations and juvenile judges indicate that judges already routinely consider these matters in awarding custody and visitation rights. Thus, one might argue that this bill simply codifies what is most likely current practice in most local jurisdictions around Ohio at this time. As a result, counties are not expected to incur any additional costs for the consideration of these matters.

On the other hand, local administrative costs may arise for some counties, as courts will presumably be required to terminate any existing visitation and custody rights that violate the bill's prohibition. However, as the number of those existing arrangements that will have to be terminated is likely to be very small, any additional local costs for courts will be minimal at most.

□ *LBO staff: Laura Bickle, Budget/Policy Analyst*

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