



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 257 of the 130th G.A.](#)

Date: December 10, 2013

Status: As Reported by House Judiciary

Sponsor: Reps. Antonio and Schuring

Local Impact Statement Procedure Required: No

Contents: Parental rights of a father declared to be the parent of a child conceived as a result of rape or sexual battery

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- Very few court actions or proceedings will be initiated or affected by the bill's parental rights and child custody provisions. This means that there will be no discernible costs for the domestic relations and juvenile divisions of the courts of common pleas to hear and decide certain parental rights or child custody matters. The potential costs for a county public children services agency (PCSA) to file a motion and possibly take permanent custody of a child will be minimal annually, as a PCSA is expected to rarely take such action.

Detailed Fiscal Analysis

The bill: (1) permits the mother of a child alleging that the child was conceived as the result of rape or sexual battery to bring an action before the court to declare the father to be the parent of a child conceived as a result of rape or sexual battery, (2) permits the mother to initiate other related actions and proceedings (termination of the marriage and granting of parental rights), and (3) prohibits the alleged father of a child conceived as a result of rape or sexual battery from filing a paternity action.

As a result of these provisions, the domestic relations division of certain courts of common pleas may experience a negligible impact on workload as it relates to parental rights cases. The bill has the potential to: (1) create a very small number of mother-initiated cases for courts to hear and determine, and (2) prevent the filing of a very small number of father-initiated cases that may have been filed under current law. Based on conversations with the Ohio Judicial Conference, these types of actions or proceedings will be extremely rare, which means that, for any given domestic relations division, the handling of these matters, or the potential reduction in cases, is not likely to generate any discernible ongoing costs or savings.

The bill also authorizes a juvenile court to grant permanent custody of a child conceived as a result of rape or sexual battery to a public children services agency (PCSA) or a private child placing agency if such an agency files a motion for permanent custody and the court determines it is in the child's best interest. Such filings are expected to be relatively infrequent. For a PCSA, this likely means the potential for minimal annual costs to occasionally file and argue a permanent custody motion, and if the motion is granted, to pay the ongoing costs of placing a child in permanent custody. There will be no discernible ongoing costs for a juvenile court to hear an occasional motion and make a determination.