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FISCAL IMPACT REPORT

SPONSOR: HCPAC DATE TYPED: 3/11/01 HB 806/HCPACS/aHCPAC
 SHORT TITLE: Notice of Child Support Withholdings SB _____
 ANALYST: Rael/Hayes

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
Negative -- See Narrative			Recurring	Federal Funds

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Human Services Department/Child Support Enforcement Division (HSD/CSED)

SUMMARY

Synopsis of HCPAC Amendment

The House Consumer and Public Affairs Committee amendment to its committee substitute inserts clarifying language to two sentences, such as “pursuant to this section,” but they do not change the content or intent of the bill.

Synopsis of Committee Substitute

The committee substitute provides adds new material to explain that time-sharing or visitation arrangements may be enforced with a motion for order to show cause with an affidavit and an order of contempt. Any order to show cause must be served upon the respondent personally.

If a court finds that the respondent has violated a custody, time-sharing or visitation order the court may impose additional terms or conditions; modify the order; require the respondent to post bond or security; requiring make-up visitation; impose a fine or jail; awarding attorney’s fees and costs; supervision; or modifying or suspending child support payments. Any court order must be in the best interest of the child.

Significant Issues

If enacted, this law would blur the current distinction between visitation and child support.

FISCAL IMPLICATIONS

HSD/CSED reports that the amount of funding that could be lost from federal sources due to reduced collections cannot be determined at this time. Federal matching funds for the Child Support Enforcement Division (CSED) are based, in part, on collections. Decreased collections would reduce matching incentives.

There may be an administrative impact on the courts commensurate with the increase in caseload or in the amount of time necessary to resolve and dispose of the cases brought by a petitioner seeking to enforce compliance with visitation arrangements pursuant to the provisions of this bill.

OTHER SUBSTANTIVE ISSUES

The committee substitute provides that the court may modify or withhold child support payments after repeated custody, time-sharing or visitation violations. However, this is only if it is in the best interest of the child. It is difficult to imagine a situation in which the court would find that modified or suspended child support payments (other than increased payments) would be in the best interest of a child.

If enacted, this law could encourage contests to wage withholding.

The court's ultimate responsibility should be the best interest of the child. As a matter of public policy, this includes both a relationship with both parents (at least as a rebuttable presumption) and the financial support of the child. A strong argument could be made that one parent's denial of a relationship should not consequentially lead to the denial of financial support.

FAR/njw