

**NOTE: As provided in LFC policy, this report is intended for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used in any other situation.**

**Only the most recent FIR version, excluding attachments, is available on the Intranet. Previously issued FIRs and attachments may be obtained from the LFC office in Suite 101 of the State Capitol Building North.**

## FISCAL IMPACT REPORT

SPONSOR: Carraro DATE TYPED: 03/16/01 HB \_\_\_\_\_  
 SHORT TITLE: Judicial Neutral Corner Program SB 348/aSJC  
 ANALYST: Dotson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	None		None	See Fiscal Implications	

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in The General Appropriation Act \_\_\_\_\_

### SOURCES OF INFORMATION

Administrative Office of the Courts

### SUMMARY

#### Synopsis of SJC Amendments

The Senate Judiciary Committee amendments provide that the program be a “supervised visitation” program instead of a “neutral corner” program.

An added section, “10-12B-10. Member Contributions - Tax Treatment, has nothing to do with the original bill or a supervised visitation program.

#### Synopsis of Bill

SB 348 establishes a “neutral corner program” which provides a facility at which a child or children may be left for a short period while waiting to be picked up by the other parent, and a facility at which a child or children may visit with a parent under supervision. The bill authorizes the district court to create such programs by employing staff or by entering into a contract for these services.

#### Significant Issues of SJC Amendments

Changing the name of the program from “neutral corner” to “supervised visitation” is more descriptive of the activities entailed in the program.

## Senate Bill 348/aSJC -- Page 2

Removing the surcharge could remove some monetary obstacles which might otherwise prohibit utilization of the program.

### Significant Issues

According to the Administrative Office of the Courts, the services of a supervised visitation program are needed when the relationship between the parents includes a history of violence which could erupt whenever they are required to meet to transfer custody of their children. Children are necessarily present at those times and can be permanently affected by witnessing physical or verbal violence that occurs. These programs are also needed when one or both parents have a history of abusing their children, requiring that their visitation rights be under supervision for the children's safety.

### Fiscal Implications of SJC Amendments

Deleting the thirty dollar surcharge would have a small affect on the amount of fees collected by the district court.

### Fiscal Implications of Original Bill

The Neutral Corner Programs would be funded from the district's "domestic relations mediation fund" authorized by NMSA 1978 Section 40-12-4. Proposed Section 40-12-5.1 C would require parents to pay a fee for the services of the program based on sliding fee scale, based upon ability to pay, set by the supreme court. These fees would be paid to the district court and credited to the domestic relations mediation fund.

According to the Administrative Office of the Courts, the bill as drafted will not lead to the creation of additional supervised visitation programs. New Mexico's judicial districts are already using all funds available in their domestic relations mediation funds to support mediation programs for the resolution of custody, child support, and property settlement issues in domestic relations cases. There are no funds available from this source to support supervised visitation programs.

According to the Administrative Office of the Courts, the experience of existing programs is that only one half or less of the funding needed to maintain such programs can be raised from fees charged to parents. Programs have found that the imposition of fees is necessary to cause parents to take advantage of the program. If the services are free, parents will often disregard appointments that they have made. When they must pay, they are much more likely to keep their appointments.

According to the Administrative Office of the Courts, the existing programs are funded by a combination of federal funds administered by the Children, Youth, and Families Department (roughly \$105,000 per year), funding from counties and municipalities, and parental use fees. The programs need additional funding to maintain their viability. Programs in additional communities need state funding in order to get established.

According to the Administrative Office of the Courts, the preferred way to fund supervised visitation programs would be the creation of a statewide fund for this purpose under the Administrative Office of the Courts. The AOC could then administer state and federal funds to support the statewide Supervised Visitation Network, existing struggling programs, and new programs throughout the state. Funds for specific programs would be transferred to the appropriate judicial district to be administered as contracts with non-profit organizations. All funded programs would be required to obtain matching funding from local sources and to charge sliding scale fees. They would also be required to maintain adequate liability insurance. A reasonable first-year appropriation for such a

program would be \$220,000 in general funds. In the absence of such additional general fund support, no support will be available for supervised visitation programs authorized by the bill and no judicial district will establish them. The judicial districts currently without domestic relations mediation programs, in which the collection of those fees would be mandated by the bill, are small districts that would not collect sufficient revenue to support a supervised visitation network through this revenue source.

### **ADMINISTRATIVE IMPLICATIONS**

The Administrative Office of the Courts, and the judicial districts, would be willing to take on the responsibility for managing the funds and supervising the programs that could be supported by a general funds appropriation – with no appropriation for the administrative costs involved. The value of such programs and the priority assigned them by the Chief Justice justifies the additional work involved.

### **TECHNICAL ISSUES**

According to the Administrative Office of the Courts, The term “supervised visitation program” is a more generic, descriptive name for the programs to be authorized than “neutral corner programs.”

### **OTHER SUBSTANTIVE ISSUES**

According to the Administrative Office of the Courts, “Neutral Corner” is the name of a “supervised visitation” program currently operating in Bernalillo County under the auspices of the County’s Youth Development Incorporated. “Supervised visitation” programs exist in at least two other locations in New Mexico – Taos and Silver City. Persons involved in those programs, and others interested in encouraging the creation of such programs elsewhere in New Mexico, recently created a non-profit corporation named the New Mexico Supervised Visitation Network to foster them.

According to the Administrative Office of the Courts, if a community does not have these services, judges generally require that parents in conflicted relationships use the local police department or county sheriff’s office as the location for transfers of custody and supervised visitation. A law enforcement office does not provide an appropriate environment for these activities.

PD/njw