



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 1639

PRINTER'S NO: 4468

PRIME SPONSOR: Manderino

FISCAL IMPACT SUMMARY	FY 2010/11	FY 2011/12
Expenditure Increase/(Decrease):		
General Fund	\$0	\$0

OVERVIEW:

House Bill 1639 amends Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) relating to child custody provisions. The changes to Title 42 are technical in nature; however, changes proposed to Title 23 differ from current law in numerous areas.

The bill amends definitions in Title 23 to include qualifying language relating to the actual time spent with a child. The bill also amends the penalties for those failing to comply with a custody order and found in contempt. In addition, the bill codifies common law, to include the right of individuals standing in loco parentis to file a custody action with respect to a child. This legislation also outlines guidelines for presumptions in custody cases. House Bill 1639 includes a list of factors (more extensive than current law) to be given "weighted consideration" when determining custody. The bill also expands on considerations of criminal convictions, adding some crimes not currently listed in law (such as driving under the influence and drug-related convictions). This legislation expands on the parenting plan which a court may order in proceedings, including specific items to be addressed in such a plan. House Bill 1639 revises provisions on the appointment of a guardian ad litem, including latitude for a non-lawyer appointed guardian ad litem. Under the bill, the court also will now be permitted to appoint counsel for a child during a custody hearing. This legislation amends provisions relating to relocation of a parent in a custody order, including a list of factors to be given "weighted consideration."

The revisions regarding child custody matters in House Bill 1639 consider recommendations from the Joint State Government Commission's Advisory Committee on Domestic Relations Law.

The act shall take effect in 60 days.

ANALYSIS:

The changes to current law set forth in House Bill 1639 are not expected to impact current programs or practices affecting commonwealth funds.

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House Appropriations Committee, (D)

DATE: November 15, 2010

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*