

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1280-02  
Bill No.: SB 0314  
Subject: Imposes time limitations for judges and commissioners in child custody decisions.  
Type: Original  
Date: February 5, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 pages.

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** stated the proposed legislation would mandate time limits for custody decisions in child custody/dissolution cases. The CTS officials stated that because of problems with some provisions of the legislation they are unable to provide a precise summary of its fiscal impact at the present time. However, the CTS officials believe there is the potential for a considerable increase in the workload of the courts. Any significant increase would be addressed in future budget requests.

Officials from the **Jackson County Circuit Court** stated they do not anticipate a direct fiscal impact from the proposed legislation.

Officials from the **Green County Circuit Clerk** stated the proposed legislation will have no fiscal impact on their organization.

Officials from the **Callaway County Clerk of the Circuit Court** stated they do not anticipate the proposed legislation would have a fiscal impact on their organization although it will require additional duties.

Officials from the **St. Louis County Circuit Clerk** stated that with a court as large as St. Louis County (21<sup>st</sup> Judicial Circuit), computer programs may need to be developed and implemented to tract custody proceedings and the various time requirements to comply with the notice requirements proposed in the bill. The officials also stated the development of these programs would be written by an outside computer company and the current contract for program development is \$65 per hour.

Officials from the **Department of Social Services (DOS)** stated the proposed legislation requires circuit court judges to rule on custody matters within 180 days in dissolution proceedings or forfeit their pay. The DOS officials stated that since this bill deals only with dissolution proceedings (not Division of Family Services or Division of Youth Services custody actions), there is no fiscal impact to the DOS.

Officials from the **Office of Administration - Division of Accounting** stated the proposed legislation will not fiscally impact their organization.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<u>Costs - Local Political Subdivisions</u>			
Increase in county costs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
Total <u>Costs</u> - Local Government	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation mandates that in any custody proceeding, the judge or commissioner of the court shall enter a final judgment within eighteen months from the first date the issue of determining or modifying custody is first filed with the court. In addition, a final judgment shall be entered within sixty days from the date that all evidence has been received by the court. If a judge or commissioner fails to meet the time limitation in this legislation, a notice is to be posted, the clerk of the circuit court is to notify the Office of Administration, and the judge or commissioner who fails to comply with these terms and conditions will forfeit any increase in compensation or benefits for the calendar year following the violation.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Social Services  
Office of State Courts Administrator  
Office of Administration  
St. Louis County Circuit Clerk  
Jackson County Circuit Clerk  
Green County Circuit Clerk  
Callaway County Circuit Clerk

NOT RESPONDING:

**St. Louis City Circuit Clerk**  
**St. Louis County Family Court**  
**Cole County Circuit Clerk**  
**Boone County Circuit Clerk**



Jeanne Jarrett, CPA  
Director

February 5, 2001