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Office

S.B. 174
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 174's Bill Analysis](#)

Version: As Passed by the Senate

Primary Sponsors: Sens. Gavarone and Hicks-Hudson

Local Impact Statement Procedure Required: No

Robert Meeker, Senior Budget Analyst, and other LBO staff

Highlights

- Courts of common pleas will incur costs to adopt, implement, and administer rules on standard parenting time guidelines and cases involving the allocation of parenting responsibilities. The likely outcome is that courts will generally expend more time and effort to administer such cases, including possible costs associated with additional hearings, expert testimony, and guardian ad litem appointments. Some costs may be partially offset if fees are raised, which would be at the discretion of each court.
- Courts of common pleas will incur decreased fee revenue from the bill's requirement to waive filing fees in cases related to the allocation of parenting time for a child born to an unmarried mother.
- County child support enforcement agencies (CSEAs) could realize costs to review or modify child support orders. The total cost will depend on the number of requests received and the scope of review for requests.

Detailed Analysis

The bill makes numerous changes to current law regarding the allocation of parental rights and responsibilities and the factors that a court may consider for both new and existing parenting plans. For more details on these changes, please refer to the [LSC bill analysis](#).

Courts of common pleas

Allocation of parental rights and responsibilities for parenting plans

Courts of common pleas have jurisdiction over all proceedings involving divorce or dissolution of marriages, annulment, legal separation, spousal support, and allocation of parental rights and responsibilities for the care of children. The bill will affect divisions of the court with

jurisdiction over domestic relations and juvenile cases, with the latter involving child custody matters where the parents are not married.

Existing law requires the court to allocate parental rights and responsibilities upon hearing the parents' testimony and considering any mediation report. The bill repeals this existing law and instead establishes a new process requiring parents or legal custodians to file a parenting plan. If no parent or legal custodian files a parenting plan, the court must issue its own parenting plan. The bill makes further procedural changes in order to weigh certain considerations, for instance when no parent is considered suitable for custody arrangements or if the mother is unmarried.

Courts of common pleas will be required to rewrite their local rules to conform to the bill's provisions regarding the allocation of parental rights and responsibilities. The changes are expected to increase the number of hearings associated with cases involving parental rights and custody. The court's responsibility to review proposed parenting plans, to issue its own plan if necessary, and to make best interest determinations could add time to cases as more evidence may be submitted and reviewed. However, other procedural changes and clarifying language contained in the bill may lead to certain efficiencies, potentially offsetting some of the increased costs, if any.

Additional cases may require expert witness testimony if a court finds that a shared parenting agreement is detrimental to the children. More situations requiring the appointment of a guardian ad litem are likely. Under current practice, the cost of a guardian ad litem is set and assessed by the court. Typically, the costs are attached to the case and shared by the parties. If the parties are indigent though, those costs may be borne by the court or other local agencies. It is uncertain how many new cases will or may qualify for a guardian ad litem. Costs and fees vary from court to court, but as one example, the Franklin County Court of Common Pleas requires an \$800 deposit by the parties, with the hourly rate set by the judge or magistrate.

The bill contains transitional provisions that address orders allocating parental rights and responsibilities, parenting time orders, and orders for companionship and visitation under existing law. Under the bill, these orders that were issued under existing law will remain in effect upon the bill's enactment, but could be modified in accordance with the bill's provisions. These provisions appear to create the potential for settled cases being reopened and reexamined using the new criteria and guidelines. This would further affect court caseloads and costs.

Parenting responsibilities – unmarried mother

The bill specifies that, when a child is born to an unmarried woman and the father of the child has established paternity, either the mother or father may file a complaint requesting the allocation of parenting responsibilities rather than just the father as under current law. The bill requires a court to (1) waive the initial filing fee for such a complaint and (2) to generally hold a hearing within 30 days after a complaint is filed and served. The requirement to waive the filing fee will decrease fee revenues collected by the courts. The magnitude of the impact on any specific court will depend on the number of relevant complaints filed.

Child support services

The bill may result in additional requests for modifications or terminations of child support orders, including an initial increase in requests shortly after enactment. There would be administrative costs to child support enforcement agencies (CSEAs) to review and process any

additional requests received. The total costs would depend on the number of requests received and the scope of review associated with each request. The bill also establishes new provisions with regard to the effect of child custody on the calculation of child support after the bill's effective date, which would result in costs to update policies and procedures. Additionally, the bill outlines several requirements that must be included in a parenting plan. This may result in possible training costs for CSEAs.

The Ohio Department of Job and Family Services supervises the state's Child Support Program while county CSEAs administer it at the local level. CSEA services are available to all residents who apply for services. However, public assistance recipients are automatically referred to CSEAs to establish paternity or support orders. Available CSEA services include location of noncustodial parents, establishment of paternity, establishment and enforcement of monetary and medical support orders, collection of support, and review and modification of support orders. Funding for CSEAs consists of federal, state, and local dollars.