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S.B. 202
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 202's Bill Analysis](#)

Version: As Passed by the Senate

Primary Sponsors: Sens. Hackett and Antonio

Local Impact Statement Procedure Required: No

Ryan Sherrock, Economist

Highlights

- Courts, public children services agencies, private child placing agencies, or private noncustodial agencies may experience a cost to determine if support services or modifications are necessary and reasonable for a person with a disability in cases involving custody, visitation, or other care arrangements. The impact is anticipated to be minimal.

Detailed Analysis

The bill specifies that a person's disability cannot be used solely as a reason to deny or limit custody, parenting time, visitation, adoption, or services as a guardian or foster caregiver to a minor. The bill requires a court, public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) to determine whether supportive services or modifications designed to assist the person regarding the activities or authority are necessary and reasonable when determining whether to grant a person with a disability the right to conduct the previously mentioned activities. In addition, these entities must provide reasons for a determination. Further, a court must make specific written findings of fact and conclusions of law providing the basis for its determination. If support services or modifications are determined to be necessary and reasonable, the court, PCSA, PCPA, or PNA that made the determination may require the supportive services or modifications to be implemented. The entity imposing the modifications or services must review their continued necessity and reasonableness after a reasonable amount of time. If it is found that supportive services or modifications are not determined reasonable, the court, PCSA, PCPA, or PNA is required to deny or limit the activities or exercise of authority. Under the bill, the person with a disability is permitted to bring an action or, in the case of a court determination, file a motion, to challenge (1) the modifications or supportive services required or (2) the limitation or denial. If an action is brought or a motion is

filed, the court is required to either (1) affirm the modifications or supportive services or limitation or denial and make specific written finding of fact and conclusions of law providing the basis for its decision or (2) rescind the modifications or supportive services or limitation or denial and grant the person the right to conduct the activities or exercise authority as mentioned above. Local courts, PCSAs, PCPAs, and PNAs could realize an increase in costs to make these determinations. The costs are likely to be minimal. There could also be costs if an action is brought forward or if a motion is filed. These costs will depend on the number of such cases and the specifics of each individual case. In addition, if support services or modifications are required to be implemented and an individual is eligible for public programs that offer these, it is possible that the state or political subdivisions could incur additional costs.