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FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/09
LAST UPDATED 02/26/09 **HB** _____

SPONSOR Keller

SHORT TITLE Judicial District Safe Exchange and Visitation **SB** 299

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Children Youth and Families Department (CYFD)
 Department of Public Safety (DPS)
 Public Education Department (PED)

SUMMARY

Synopsis of Bill

Senate Bill 299 amends the Domestic Relations Mediation Act at Sec. 40-12-5.1, NMSA 1978, to provide greater clarification on two issues:

- In subsections A and B, inserts the words “safe exchange and” before the program description to recognize the additional services currently being desired by the courts and provided in the program. The courts refer parents for monitored safe exchanges and/or for supervised visitation so that children can maintain their relationships with both the custodial and noncustodial parents.
- In subsection C, strikes the words “neutral corner” and substitutes “safe exchange and supervised visitation”. This change eliminates any confusion caused by the use of the trade name of one of the current program providers, Neutral Corner in Albuquerque, by replacing it with a more generic and descriptive term for the services.

FISCAL IMPLICATIONS

SB 299 would recognize the services that are already being provided in response to the family courts' case referrals in eight of the State's thirteen judicial districts. There is no additional fiscal impact on the courts.

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The term "safe exchange and supervised visitation" is more accurate than the trade name "neutral corner".

PERFORMANCE IMPLICATIONS

AOC already collects and reports a key measure to the LFC on the number supervised visitations provided monthly. AOC is also currently collecting data on the number of safe exchanges provided monthly. AOC has begun to work with LFC to the measure in the budget for FY 2011 to include the number of monthly safe exchanges by slightly modifying the current measure to read "the number of monthly safe exchanges and supervised child visitations conducted."

TECHNICAL ISSUES

The phrase "safe exchange" may also need to be added to the title section of Section 40-12-5.1.

OTHER SUBSTANTIVE ISSUES

According to the United States Department of Justice, the Supervised Visitation and Safe Exchange Grant Program (Supervised Visitation Program) provides an opportunity for communities to support the supervised visitation and safe exchange of children in situations involving domestic violence, dating violence, child abuse, sexual assault, or stalking. Studies have shown that the risk of violence is often greater for victims of domestic violence and their children after separation from an abusive situation. Even after separation, batterers often use visitation and exchange of children as an opportunity to inflict additional emotional, physical, and/or psychological abuse on victims and their children. Visitation and exchange services provided through the Supervised Visitation Program should reflect a clear understanding of the dynamics of domestic violence, dating violence, sexual assault and stalking; the impact of domestic violence on children; and the importance of holding offenders accountable for their actions.

This program currently called Access and Supervised Visitation would use one of its 12 local providers contracted with the Administrative Office of the Courts for the safe exchange or supervised visitation site. School properties would not be used for this program.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The act clarifying the ability of a judicial district to establish a safe exchange and supervised visitation program may not take place.

CS/svb