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FISCAL IMPACT REPORT

SPONSOR: Stewart DATE TYPED: 03/06/01 HB 130/aSJC
 SHORT TITLE: Amend Family Violence Protection Act SB _____
 ANALYST: Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
NFI					

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)
 Department of Public Safety (DPS)
 Attorney General (AG)
 Public Defender (PD)

No Response Received

Administrative Office of DAs (AODA)
 Children, Youth and Families (CYFD)

SUMMARY

Synopsis of SJC Amendment

The amendment changes the bill to provide that only the petitioner, and not others, may recover expenses reasonably related to the occurrence of domestic abuse.

Synopsis of Original Bill

This bill amends the Family Violence Protection Act to provide that the court may order a respondent to make reimbursements for any expenses related to domestic abuse including medical and counseling expenses, temporary shelter expenses, property damage and lost wages. The bill also amends the act to provide that the court may order the respondent to participate in professional counseling programs, including those designed for perpetrators of domestic abuse or substance abuse, at the respondent's expense.

This amendment does not give the court additional powers, but rather seeks to clarify and articulate the powers that the court already possesses and exercises regularly.

Significant Issues

The Administrative Office of the Courts reports that these remedies allow courts to impose costs of injuries and losses as well as costs for treatment upon the abuser instead of burdening state programs or victims.

The Department of Public Safety notes that no level of proof is articulated for recovery.

FISCAL IMPLICATIONS

The Administrative Office of the Courts reports that comprehensive use of this amendment could significantly reduce state expenditures for victims of domestic violence by making the abuser financially responsible instead of the state. (For example, the state could make the abuser liable for the payment of medical bills for an abused indigent woman. This would allow a state hospital to attempt collection from the abuser before having to pick up the tab itself.)

ADMINISTRATIVE IMPLICATIONS

The Second Judicial District Court noted that the only administrative implication would occur if courts handled the disbursement of the money directly. However, this situation is currently rare and any additional impact would be minimal.

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