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FISCAL IMPACT REPORT

SPONSOR: Park DATE TYPED: 03/07/03 HB 838

SHORT TITLE: Protection Orders On Behalf Of Children SB _____

ANALYST: Fox-Young

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			.1 Minimal	Recurring	

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

- Administrative Office of the Courts (AOC)
- Administrative Office of the District Attorneys (AODA)
- Attorney General (AG)
- Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 838 amends 40-13-3 of the Family Violence Protection Act, providing that the parent of a child who is a victim of domestic abuse may petition the court for an order of protection, upon a finding by the court that such action is in the best interest of the child.

The bill also amends 36-2-27, which prohibits the unauthorized practice of law, to allow a parent to file for an order of protection on behalf of a child. The bill limits such petitions to those filed pursuant to the Family Violence Protection Act.

Significant Issues

The Administrative Office of the District Attorneys (AODA) reports that currently, a number of parents petition for orders of protection for themselves in order to protect their children. The bill would allow parents to obtain orders of protection for children who are victims of domestic abuse.

FISCAL IMPLICATIONS

Courts will likely experience a small increase in workload as a result of an increase in filings.

To the extent that additional filings prompt an increase in litigation, courts, PDD and district attorneys may experience an increase in caseload and a need for additional resources.

TECHNICAL ISSUES

AG notes that Section 40-13-5, which establishes what action the court can take if it finds that domestic abuse has occurred, should be made consistent with Section 40-13-3, as amended. 40-13-5(A)(7) provides that the court may order injunctive relief the court deems necessary "for the protection of the petitioner;" however, the purpose of a petition filed by a parent on behalf of an abused child is to protect the child, not the petitioner. AG suggests the subsection be amended to allow the court to order injunctive relief necessary for "the protection of the petitioner **or the victim.**"

JCF/yr