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FISCAL IMPACT REPORT

SPONSOR Sharer DATE TYPED 3/7/2005 HB _____

SHORT TITLE Parent Education Course for Certain Divorces SB 1042

ANALYST Dunbar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$100.0-\$400.0 See Narrative	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children Youth and Families Department (CYFD)

Attorney General (AG)

SUMMARY

Synopsis of Bill

Senate Bill 1042 requires parents to complete a parent education course when petitioning the court for dissolution of a marriage in which minor children are involved. Prior to the issuance of a divorce decree by the district court, each parent shall complete an eight-hour course for the purpose of educating the parties on the impact of divorce on children, parenting issues for divorced parents, cooperative parenting, financial and parental responsibilities and dispute resolution.

Significant Issues

The bill specifies that a course instructor must be either a licensed professional or a official representative of a religious institution. CYFD would determine the content of the parent education course based on a review of comparable courses in other states and would approve course instructors. A fee schedule would be determined for course attendees and the fees generated would pay for the instructor's costs of providing the course. Each party attending a parent education course would pay a fee directly to the course instructor. CYFD is required to reimburse course instructors for unpaid fees not received due to a party's inability to pay.

The course is limited to divorcing couples however there are other legal relationships involving the custody of children that could be included, such as non-traditional custodial parents and paternity actions.

The AG notes the bill requires that each party to a divorce complete the parenting course prior to the issuance of a divorce decree. However, there is no time frame included in the legislation. Presumably, such a course would be most helpful as the couple went through the sometimes-acrimonious divorce process. This process can take place over years. Parties should be required to complete the class within a reasonable time period after the filing of the petition.

Also, the AG indicates there is no enforcement provision. The only penalty in the legislation is the refusal to grant a decree, which may be used as a tool or weapon by an uncooperative spouse. Appropriate sanctions could include holding the non-compliant party in contempt, denying or restricting the non-compliant parties shared parental responsibility, or financial penalties.

FISCAL IMPLICATIONS

The bill makes no appropriation. CYFD is required to reimburse course instructors for unpaid fees not received due to a party's inability to pay.

There is no way to determine what the scale will be as the fees are set by the instructor, with CYFD approval. There is no definition of "inability to pay", therefore CYFD could experience significant financial burden. There is no appropriation for the administration of this program.

ADMINISTRATIVE IMPLICATIONS

The bill requires CYFD to oversee development of the parent education course, to coordinate and approve instructors, to coordinate referrals with district courts throughout the thirteen districts, to determine a reasonable fee schedule and non-payment reimbursement plan for instructors, and to monitor actual client reimbursement.

CYFD may require additional staff to administrate the hiring of instructors, approval of course content, and administering the financial need portion of the program.

TECHNICAL ISSUES

Although CYFD is required to reimburse course instructors for unpaid fees not received due to a party's inability to pay, the bill makes no provision for client responsibility or for recouping unpaid fees.

Because divorce proceedings and decrees occur in district court, the Administrative Office of the Courts may be an appropriate administrator for the program.

BD/lg