

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6063**  
**BILL NUMBER: SB 2**

**DATE PREPARED:** Mar 25, 1999  
**BILL AMENDED:** Mar 25, 1999

**SUBJECT:** Custody modification and termination of parent-child relationship.

**FISCAL ANALYST:** Ron Sobecki  
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**FUNDS AFFECTED:**  **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill allows a court with child custody jurisdiction to modify a child custody order in a dissolution of marriage proceeding that relates to a child who is under juvenile court jurisdiction as the result of a child in need of services proceeding or a non-offense based juvenile delinquency proceeding. The bill provides that whenever a court with child custody jurisdiction modifies child custody under these circumstances, the custody modification takes effect only if the juvenile court: (1) enters an order approving the custody modification; or (2) terminates the child in need of services proceeding or juvenile delinquency proceeding. (Current law provides that child custody may not be modified while the child is under the juvenile court jurisdiction as the result of a child in need of services proceeding or a juvenile delinquency proceeding.)

This bill adds a paternity case to the types of cases over which a dissolution court has concurrent jurisdiction for purposes of modifying custody of a child. The bill provides that, for purposes of modifying custody of a child, a juvenile court with jurisdiction over a paternity case has concurrent jurisdiction with another juvenile court that has jurisdiction over a child in need of services proceeding or juvenile delinquency proceeding involving the same child. It provides that an order of the paternity court modifying custody takes effect only if the other juvenile court: (1) enters an order approving the custody modification; or (2) terminates the child in need of services proceeding or juvenile delinquency proceeding.

This bill provides that a petition to terminate the parent-child relationship must indicate whether certain factors apply that would require a party to file a motion to dismiss the termination petition. The bill removes the provision in the law that requires a party in a termination proceeding to file a motion to dismiss the petition to terminate the parent-child relationship if the child is being cared for by a custodian who is a parent, stepparent, grandparent, or by certain other responsible adults or relatives who are caring for the child as a guardian. It requires a person or entity who files a motion to dismiss a petition to terminate the parent-child relationship to send notice to certain persons.

**Effective Date:** July 1, 1999.

**Explanation of State Expenditures:** There could be a cost savings to the state and local governments who pay for services for children who are adjudicated a CHINS or a juvenile delinquent. This bill would allow a divorce court to change the custody of a child who is a CHINS or a non-offense based juvenile delinquent, if the juvenile court approves the change in custody. The cost savings would occur if the change in custody leads the CHINS or juvenile delinquent designation to be dropped. The exact number of cases where a change in custody would lead to a dropping of a CHINS or juvenile delinquent designation is unknown.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** See State Expenditures.

**Explanation of Local Revenues:**

**State Agencies Affected:** Family and Social Services Administration.

**Local Agencies Affected:** Counties.

**Information Sources:**