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FISCAL IMPACT STATEMENT

LS 6373

BILL NUMBER: HB 1029

NOTE PREPARED: Apr 4, 2013

BILL AMENDED: Jan 29, 2013

SUBJECT: Adoption History Information.

FIRST AUTHOR: Rep. Negele

FIRST SPONSOR: Sen. Glick

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- (1) Adds a relative of an adoptee and a pre-adoptive sibling to the list of interested persons who may obtain medical history information and file a petition with an appropriate court to request the release of medical information, nonidentifying information, or identifying information.
- (2) Requires that a petition requesting release of medical, nonidentifying, or identifying information must include the reasons why the release of information may be beneficial to an adoptee, birth parent, relative of an adoptee, or relative of a birth parent. (Current law requires that the petition must include reasons why the release of information may be beneficial to the adoptee or birth parent.)
- (3) Requires the court to appoint a confidential intermediary if certain requirements are met and the petitioner has shown an emergency medical need or good cause relating to the welfare of an adoptee, birth parent, relative of an adoptee, or relative of a birth parent. (Current law requires the court to appoint a confidential intermediary if certain requirements are met and the petitioner has shown an emergency medical need or good cause relating to the welfare of an adoptee or birth parent.)

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: To the extent this bill increases the number of individuals who request adoption history information from courts with probate jurisdiction, revenue to the state General Fund could increase.

Court Fee Revenue: A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment Fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation for use to assist with pro bono legal services programs in Indiana. And proceeds from the automated record keeping fee (\$5) are deposited into the state User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: This bill could increase court caseload to the extent pre-adoptive siblings and relatives of an adoptee petition the court for the release of adoption history information. Actual increases in court caseload are unknown but expected to be small.

Explanation of Local Revenues: To the extent this bill increases the number of individuals who request adoption history information from courts with probate jurisdiction, local revenue from court fees could increase.

Court Fee Revenue: The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also be required to pay the following fees that are deposited in local funds.

The document storage fee (\$2) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per document) are charged for preparing transcripts or copies of record or certificate under seal.
- Service fee (\$10) collected from the filing party for each defendant beyond the first cited in the lawsuit.

State Agencies Affected:

Local Agencies Affected: Courts with probate jurisdiction.

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