

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 494

SHORT TITLE: Uniform Child-Custody Act

SPONSOR(S): Reps. Hackney, Barefoot and Gardner

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available (X)		
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>
REVENUES					
EXPENDITURES					may be significant impact for the judicial branch
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Judicial Branch				
EFFECTIVE DATE:	October 1, 1999				

BILL SUMMARY:

UNIFORM CHILD-CUSTODY ACT. TO ADOPT THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT AND TO MAKE CONFORMING CHANGES. Repeals the provisions of the Uniform Child Custody Jurisdiction Act (UCCJA; GS 50A-1 through 50A-25) and replaces it with a new Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) which is enacted as Art. 2 of GS Ch. 50A. The UCCJEA is based on a recommended uniform state law promulgated by the National Conference of Commissioners on Uniform State Laws. The UCCJEA would clarify some of the troublesome decisions that have resulted from differences between the UCCJA and the federal Parental Kidnapping Prevention Act. Among other things, the new UCCJEA would (1) make it clear that the courts of the child's "home state" have priority over the courts of a sister state that claims jurisdiction regarding the child's custody based on "significant evidence" regarding the child's welfare or "substantial connections" with the child; (2) clarify the temporary nature of a court's "emergency" jurisdiction in child custody cases; (3) provide that a court that issues a child custody order retains jurisdiction until all parties leave the state or it relinquishes jurisdiction; (4) make it clear that the UCCJEA applies to juvenile cases involving child abuse or neglect; (5) eliminate "best interests" language so that a court will not consider the merits of the case in deciding whether the court has jurisdiction over the case; and (6) apply to Indian tribes. Makes

conforming changes to other statutes that referred to the UCCJA. Effective Oct. 1, 1999; applies to causes of action arising on or after that date.

Source: Institute of Government, Daily Bulletin, March 18, 1999.

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

According to the Administrative Office of the Courts (AOC), there could be a substantial fiscal impact on the court system from the passage of this bill but the AOC is unable to make a specific estimate. The AOC does not anticipate that changes made in the bill concerning jurisdiction would substantially increase the number of cases because the language only clarifies certain jurisdictional questions. However, four other areas of the bill could produce additional workload for the courts:

- 1) under the bill, clerks would be required to more uniformly register out-of-state custody orders and under a new requirement send notice for hearings which would include additional mailing costs and workload;
- 2) currently, warrants may be requested in the pleadings but under the bill there would be an application process for a warrant for physical custody of the child;
- 3) new authority is given to prosecutors and certain public officers to act on the courts' behalf to locate a child, obtain a child, or enforce a child-custody determination under certain circumstances; and
- 4) the bill provides for expedited enforcement of child custody determinations and requires hearings be held on the next judicial day after service of an order directing the respondent to appear in court.

The AOC does not have an estimate of the fiscal impact of the above activities because no data exists. It is not known how many out-of-state orders will be registered and would require a notice and hearing. Because the application process is new, it is not known how often an application will be filed for a warrant for physical custody of a child. It is unknown how often prosecutors and certain public officers will act on the courts' behalf under the bill or how often the circumstances providing the authority will occur. In general, child custody cases are heard within 10 days. Decreasing the amount of time to the next judicial day may require additional resources rather than allowing current resources to spread the workload.

Both the AOC and the Fiscal Research Division believe the fiscal impact of this bill could be substantial for the judicial branch but are unable to provide an estimate.

TECHNICAL CONSIDERATIONS: none
FISCAL RESEARCH DIVISION 733-4910
PREPARED BY: Tammy Lester

APPROVED BY: Tom Covington

DATE: Monday, April 12, 1999



Signed Copy Located in the NCGA Principal Clerk's Offices