

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE

House Bill 447 (Delegate O'Donnell, *et al.*)
 Judiciary

Judicial Proceedings

Calvert County Child Visitation and Exchange Monitoring Pilot Program

This bill establishes the Calvert County Child Visitation and Exchange Monitoring Pilot Program in the Circuit Court for Calvert County. The purpose of the program is to authorize the Administrative Judge of the Circuit Court for Calvert County to enter into contracts with eligible providers to provide “exchange monitoring” and supervised visitation services to parents and children in Calvert County to promote and encourage healthy parent and child relationships between noncustodial or joint custodial parents and their children, while ensuring the health, safety, and welfare of children.

The bill terminates September 30, 2005.

Fiscal Summary

State Effect: General fund expenditures could increase by as much as \$75,000 in FY 2003, which reflects the bill’s October 1, 2002 effective date, if full funding for the Calvert County Child Visitation and Exchange Monitoring Pilot Program is provided by the State. Special fund revenues from fees cannot be estimated due to lack of information, but are assumed to approximate expenditures over time. Out-year expenditures reflect annualization and the bill’s September 30, 2005 sunset.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
SF Revenue	-	-	-	-	\$0
GF Expenditure	75,000	80,100	80,100	20,000	0
Net Effect	(\$75,000)	(\$80,100)	(\$80,100)	(\$20,000)	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None, assuming that the Calvert County Child Visitation and Exchange Monitoring Pilot Program would be fully funded by the State.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: Exchange monitoring is defined as third person supervision of the movement of a child between the custodial and the noncustodial parent or between joint custodial parents at the start of a visit and at the end of a visit, as required under a court order or with the mutual consent of the child's parents for the purposes of facilitating a visitation. The administrative judge must develop a fee schedule for exchange monitoring services that is applicable only to parents who voluntarily participate in the program and incorporates a sliding scale of fees based on each parent's ability to pay.

The bill also creates the Calvert County Child Visitation and Exchange Monitoring Pilot Program Fund, a special, nonlapsing fund consisting of moneys appropriated in the State budget to the fund, investment earnings, revenue generated by fees for exchange monitoring services, and any other moneys from any governmental or private source.

The Governor may provide for a deficiency appropriation to the fund in the State budget for fiscal 2002, and may appropriate moneys to the fund in the State budget for fiscal 2003 and each year thereafter.

The administrative judge must report to the General Assembly on specified matters relating to the program by October 1, 2003 and annually thereafter.

Current Law: The establishment of child custody exchange and supervised visitation programs is not provided in law. In a custody or visitation proceeding, if a court has reasonable grounds to believe that a child has been abused or neglected by a party to the proceeding, the court must determine whether abuse or neglect is likely to occur if custody or visitation rights are granted to the party. Current law also provides that unless the court specifically finds that there is no likelihood of further child abuse or neglect by the party, the court is required to deny custody or visitation rights to that party. However, the court may approve a supervised visitation arrangement that assures the safety and the physiological, psychological, and emotional well-being of the child.

Background:

Supervised Visitation and Custody Exchange in Maryland: In Maryland, a number of counties offer supervised visitation or custody exchange monitoring services. The Maryland chapter of the Children's Rights Council (CRC) worked to establish a program

for supervised visitation and custody exchange monitoring in Anne Arundel County in 1997. Subsequently, the program was expanded to include Montgomery and Prince George's counties. No fees are charged in the Anne Arundel, Montgomery, or Prince George's County programs. The program in Prince George's County is funded under a grant from the State of Maryland Community Services Administration.

Harford County has established a Parent Access Program designed to provide an opportunity for never married, separated, and divorced parents to resolve their child custody and visitation problems without having to petition the court. The program offers services at no cost to parents who are referred by the Bureau of Support Enforcement. Among the services offered are arrangements for supervised visitation.

Twelve jurisdictions operate court-funded visitation centers. Six of those jurisdictions on the Eastern Shore share two regionally-operated centers. An additional eight jurisdictions make referrals to privately-operated visitation centers or providers. According to the Administrative Office of the Courts, on a statewide basis, courts referred 165 families for monitored exchange services in fiscal 2001. Visitation centers also provided supervised visitation services to 303 families in fiscal 2001.

Legislation in Other States: Statewide legislation related to child custody exchange and supervised visitation programs has been enacted in Florida and California. Florida established a Family Visitation Network and a Family Visitation Task Force. The law requires the task force to develop a network of supervised visitation programs and provides that within existing resources, the University of Florida is authorized to establish supervised visitation projects in communities throughout the state.

In 1999, the California State Assembly passed legislation authorizing the family law division of a superior court, subject to the availability of federal funding, to establish programs for supervised visitation and custody exchange services. The California legislation authorizes superior courts in the state to contract with "eligible providers" for providing supervised visitation and custody exchange services and requires the court to approve a sliding scale of fees for families based on their ability to pay. The California legislation requires the state Judicial Council to apply for federal grants to fund the custody exchange and visitation programs. The California legislation also specifies the criteria for evaluating proposals made by persons seeking to provide custody exchange and supervised visitation services.

State Fiscal Effect: It is assumed that the State would fully fund the program created by the bill. Calvert County had previously estimated one-time start-up costs for the program created by the bill at \$15,000, which includes office furniture and supplies. Ongoing costs are estimated at \$80,050 on an annual basis, which includes salary expense for a

case manager, visitation supervisors, security personnel, lease expense, and costs for miscellaneous supplies. (Ongoing costs would be \$60,038 in fiscal 2003 due to the bill's October 1, 2002 effective date, and \$20,013 in fiscal 2006 due to the bill's September 30, 2005 sunset.) The Governor's proposed fiscal 2003 budget does not include funding to implement this bill.

Additional Information

Prior Introductions: An identical bill, HB 447, was introduced in the 2001 session. It passed the House and was referred to the Senate Judicial Proceedings Committee, where it received no action after a hearing.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Calvert County, Department of Legislative Services

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