

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 236** HLS 24RS 576

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: April 18, 2024	9:26 AM	Author: MCMAKIN
Dept./Agy.: Courts		Analyst: Daniel Druilhet
Subject: Evaluations in Child Custody Proceedings		

CHILDREN/CUSTODY

RE SEE FISC NOTE LF EX

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Provides for evaluations in child custody proceedings

Current law allows courts to order evaluations of a party or a child in a custody or visitation proceeding for good cause shown and provides rules regarding the use of licensed mental health evaluations in child custody or visitation proceedings. Proposed law clarifies that evaluations are mental health evaluations; allows the court to take into consideration the ability of the parties to the mental health or child custody evaluation to pay; allows the court to preliminarily allocate costs at the outset and reserve the right to reallocate costs upon conclusion of the mental health or child custody evaluation; requires any mental health professional appointed by the court in a case where domestic abuse is an issue to have current and demonstrable training and experience working with perpetrators of domestic violence; requires a licensed mental health professional that serves as a court-ordered child custody evaluator to have completed at least 5 co-evaluations under direct supervision; mandates child custody evaluators to serve as witnesses; provides that no indigent parent shall be denied the opportunity to depose, cross-examine, or otherwise challenge a court-appointed licensed mental health professional in the same manner as a non-indigent parent, and any fees or costs incurred in any such deposition shall be considered a right of a party permitted to litigate without payment of costs.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	

Annual Total

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable increase in Local Funds expenditures to local courts, to the extent that indigent parents are permitted to litigate without payment of costs in matters involving the deposition or challenge to a court-appointed licensed mental health professional or child custody evaluator offering opinion testimony as evidence in a child custody or visitation proceeding. Proposed law has the effect of expanding rights provided to parties to litigate without the payment of costs (specifically in depositions or challenges to a court-appointed licensed mental health professional or child custody evaluator offering opinion testimony as evidence), which may increase costs to local courts for incurring those expenditures on behalf of indigent parents in child custody or visitation proceedings. The exact fiscal impact to local courts is indeterminable, as it is unknown the number of indigent parents that will attempt to invoke this right, the resulting expenditures that may be incurred by the courts as a result, or if whether these costs may be reallocated at the conclusion of the child custody or visitation hearings.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate

Dual Referral Rules

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Patrice Thomas
Deputy Fiscal Officer