

**COMMONWEALTH OF KENTUCKY STATE FISCAL NOTE STATEMENT
LEGISLATIVE RESEARCH COMMISSION
2018 REGULAR SESSION**

MEASURE

2018 BR NUMBER **0905**

SENATE BILL NUMBER **68/GA**

RESOLUTION NUMBER _____

AMENDMENT NUMBER _____

SUBJECT/TITLE **An ACT relating to dissolution of marriage.**

SPONSOR **Senator McGarvey**

NOTE SUMMARY

FISCAL ANALYSIS: IMPACT NO IMPACT INDETERMINABLE IMPACT

LEVEL(S) OF IMPACT: STATE LOCAL FEDERAL

BUDGET UNIT(S) IMPACT: **Finance and Administration**

FUND(S) IMPACT: GENERAL ROAD FEDERAL RESTRICTED AGENCY _____ OTHER

FISCAL SUMMARY

FISCAL ESTIMATES	2017-2018	2018-2019	2019-2020	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES				
EXPENDITURES		Indeterminable	Indeterminable	Indeterminable
NET EFFECT		(Indeterminable)	(Indeterminable)	(Indeterminable)

() indicates a decrease/negative

MEASURE’S PURPOSE: This measure provides that a victim of domestic violence is not required to pay the legal fees of the abusive spouse in a divorce action when the spouse is incarcerated for crimes against the petitioner. Guardians ad Litem specific to these provisions would be paid by the Finance and Administration Cabinet (FAC).

PROVISIONS/MECHANICS: Section 1 creates a new section of KRS Chapter 403 to provide that a victim of domestic violence is not required to pay the legal fees of the abusive spouse in a divorce action when the spouse is incarcerated for crimes against the petitioner.

Section 2 provides that this Act shall be known and may be cited as Jeanette’s Law.

FISCAL EXPLANATION: The impact of this legislation is indeterminable, but additional expenditures to the state will occur. The FAC indicated that no fee is established in the legislation, and it is unknown if existing Guardian ad Litem statutes would apply to SB 68/GA. In addition, the FAC stated that the number of potential appointments specific to the new provisions is unknown.

Likewise, the Administrative Office of the Courts (AOC) indicated it can identify anyone who has been convicted of any of the relevant violent offenses, but matching these individuals to the parties in divorce cases is not possible because a criminal history identifier is not used in civil cases. AOC can identify instances of most violent offenses in which domestic violence is a component because it is specified in the agency's database; however, victim information is not tracked. In addition, AOC can identify the convictions, but it cannot determine whether a party was still in jail or prison at any given time because the agency stops tracking individuals at sentencing. While the Department of Corrections (DOC) has such data, there are issues with reconciling the two datasets produced by AOC and DOC.

Lastly, AOC indicated that the courts only appoint Guardians ad Litem. While it may be assumed that the courts would establish a reasonable fee that would be paid by the FAC, there are no provisions in SB 68/GA that establish such a process or fee structure.

DATA SOURCE(S): Finance and Administration Cabinet and Administrative Office of the Courts
PREPARER: Zach Ireland, Savannah Wiley, and Liz Columbia NOTE NUMBER: 155 REVIEW:
JAB DATE: 3/6/2018