

CONFIDENTIAL
AHS LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H. 220 Name of Bill: Domestic relations; annulment & divorce; rights and responsibilities order; best interests of the child

Agency/ Dept: AHS/DCF Author of Bill Review: Robin Arnell

Date of Bill Review: 2/25/15 Related Bills and Key Players _____

Status of Bill: (check one): ☒ X Upon Introduction ☐ As passed by 1st body ☐ As passed by both

Recommended Position:

☐ Support ☐ Oppose ☒ X Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses.

This bill proposes to change the existing statute that governs how parental rights and responsibilities are determined in divorce, separation and parentage cases. Currently, shared parenting time can only be ordered in cases where parents agree to divide or share custody. By definition, shared parental rights and responsibilities occurs when a parent has the child(ren) at least 25% of the time. When the parents cannot agree to shared time, the court must award sole and primary parental rights and responsibilities to one parent.

H. 220 shifts the policy considerations in existing law and would allow the court to order shared parental rights and responsibilities even in cases where parties do not agree. The proposed legislation requires that whenever the Court does *not* order shared parental rights and responsibilities and equal parent-child contact, it must cite clear and convincing evidence that make shared parental rights and responsibilities and equal parent-child contact unreasonable and not in the best interest of the child(ren).

2. Is there a need for this bill?

OCS takes a neutral position with respect to whether there is a need for this bill. The Department for Children and Families, Office of Child Support (OCS), does not get involved with parental rights and responsibilities or parent-child contact matters. It is only after the Court enters the order relative to the parenting time that support can be calculated. The child support guideline has two distinct formulas that are representative of the shared and sole custody situations.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

There will likely be more orders based on shared custody child situations as opposed to sole custody obligations, but this has no fiscal or programmatic implications on OCS.

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4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

There could be an increase in Relief from Abuse filings in an effort by parents to convince the Court that shared parenting time is unreasonable based on a history or evidence of abuse.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

None known

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Parent advocacy groups who believe that there should be a presumption that children should have equal time with each parent will likely support this bill.

6.2 Who else is likely to oppose the proposal and why?

Domestic violence advocates will likely be opposed to a law that presumes children should receive equal time with each parent unless the Court makes specific findings related to abuse.

7. Rationale for recommendation: N/A

8. Specific modifications that would be needed to recommend support of this bill: N/A

9. Gubernatorial appointments to board or commission? N/A

Secretary/Commissioner has reviewed this document: _____ **Date:** _____

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