

Colorado Legislative Council Staff

STATE
FISCAL IMPACT

Drafting Number: LLS 04-0458

Date: January 28, 2004

Prime Sponsor(s): Rep. Sinclair

Bill Status: House Information & Technology

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TITLE: CONCERNING TERMINATION OF CHILD SUPPORT OBLIGATIONS BASED UPON DNA EVIDENCE OF NONPARENTAGE.

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues General Fund		
State Expenditures General Fund	Increase in General Fund Expenditures See State Expenditures Section of Fiscal Note	
FTE Position Change		
Other State Impact: None		
Effective Date: 90 Days After Adjournment Unless Referendum Petition Is Filed (August 4, 2004)		
Appropriation Summary for FY 2004/2005: None Required		
Local Government Impact: None		

Summary of Legislation

The bill stipulates that conclusive DNA genetic testing results demonstrating that a person is not the biological parent of a child shall constitute a substantial and continuing change in circumstances warranting modification of child support. In such cases, the court is required to terminate the child support installments accruing after filing the motion for modification based on the genetic testing results.

State Expenditures

Judicial Branch. Under current law, the adjudication of paternity is **final**. Although there may be exceptional circumstances that under law allow the court to determine that a hearing and/or modification is warranted, such circumstance is extremely rare. This bill allows any person subject to a child support order, whether through a domestic relations or paternity action, to file for termination of the support order based upon a DNA test. For FY 2002-03, there were 9,616 support orders entered in Colorado civil, domestic and juvenile cases. HB 04-1083 would apply to these orders in addition to all that have been ordered during the last 18 years.

The number of cases resulting from the bill cannot be quantified. That said, it is estimated that a hearing wherein DNA evidence is presented will require no more than 30 minutes. If one assumed 1,000 cases/hearings per year would result from the bill (approximately 10%), the courts would require \$61,507 General Fund and 0.3 FTE magistrate. Magistrate FTE require support staff equal to the full-time equivalent of the magistrate position. Thus, under the bill, a total of 0.9 FTE would be required (0.3 FTE magistrate, 0.3 FTE division clerk, and 0.3 FTE assistant division clerk) for 1,000 hearings. Total funding would include \$42,743 for personal services and \$18,764 for capital outlay and operating expenses.

With the termination of a child support order, additional paternity establishment and support order may be filed by both the Department of Human Services and private parties. Case filings are contingent upon the number of terminations entered, policies of the Department of Human Services, and personal decision of the private parties. The number of these cases resulting from the bill cannot be estimated at this time.

Department of Human Services. Under HB 04-1083, child support for adopted children would not be required from either parent in the event the adoptive parents divorce. The bill effectively allows adoptive parents who divorce to be free of any child support obligations because they are not the child's biological parents. There may be increased costs in the child welfare system for children whose parents are no longer required to financially support them.

Funding. It is anticipated that the bill will drive a fiscal impact. All costs are predicated on the number of persons choosing to file for termination of the support order. Up until this point in time, the adjudication of paternity has been final. The fiscal note assumes that required funding under the bill will be addressed through the budget process as cases are filed and those numbers are known.

State Appropriations

None required at this time.

Departments Contacted

Human Services

Judicial