

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1882**

**Bill Subtitle: TO AMEND THE LAW CONCERNING CHILD SUPPORT; AND TO CREATE A DUTY OF A PARENT OF A MINOR PARENT TO SUPPORT A CHILD WHEN THE PARENT IS A MINOR.**

---

**Basic Change :** Sponsor: Rep. Hammer

This bill provides that the custodial parent or parents of a minor parent may be named as defendants in an action against the minor parent for the support of the grandchild. HB 1882 would create the potential for liability for child support in grandparents if they are the custodial parents of a minor parent. The grandparents could be ordered to be jointly and severally liable for the support ordered while the parent remained a minor.

**Revenue Impact :**

None

**Taxpayer Impact :**

Grandparents could be obligated for child support for their grandchild.

**Resources Required :**

This change would impact all parts of the ARCSIS system and would be approached in two phases. OCSE IT has estimated that Phase 1, Impact Analysis, it would take an estimated 3 months utilizing 3 resources for 1500 hours to find all online and batch programs affected by the change. Estimated cost of Phase 1, based on current contract prices, would be \$166,500.

Because of the size of the project, it does not meet the federal qualifications for maintenance and operation and would most likely have to be rebid. The hourly rate could potentially increase which would impact the Phase 2 costs.

Phase 2, Programing Changes, would take a minimum of 10-12 months and involve the work of 8-10 resources. Cost, based on current contract prices, would be approximately \$1,758,240. This figure is based on the use of 9 resources for 11 months billed at 160 hours per month.

**Total Estimated IT Cost \$1,924,740, total time to implement 15 months**

Total number of cases currently in ARCSIS where the NCP is a minor, and therefore a situation where the parents of the minor non-custodial parent might be brought before the court along with the minor non-custodial parent, is approximately 30 cases out of 119,000.

**Time Required :**

In addition to the time needed to make system changes, there would be some training time necessary.

**Procedural Changes :**

The basic procedure would remain the same except for gathering all information for not only the non-custodial parent but also for his/her parents. Additionally, the application of the support chart to the income of the payor would need guidance as to whether it is applied to the income of the ncp or the parents or both and if so, in what proportion.

**Other Comments :**

The number of cases to which this change would apply is approximately 30 out of 119,000 of OCSE's enforcement caseload. The cost in system programing time is estimated at fifteen months and the cost of those changes is estimated to be nearly two million dollars. Other questions raised by this

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1882**

**Bill Subtitle: TO AMEND THE LAW CONCERNING CHILD SUPPORT; AND TO CREATE A DUTY OF A PARENT OF A MINOR PARENT TO SUPPORT A CHILD WHEN THE PARENT IS A MINOR.**

---

proposal involve the difficulty in trying to determine whose income would be considered, i.e., the income of the grandparents or the minor non-custodial parent or both. Would the grandparents be primarily responsible for the child support or would they stand in the position of a surety if the support obligation were based on the income of the minor non-custodial parent? If, at the time the non-custodial parent reaches majority and still owes an going current support for their child, do the unpaid arrears transfer to the now adult non-custodial parent or do they remain enforceable against the grandparents and the adult non-custodial parent? There may be some reluctance by the courts to hold grandparents in contempt for failing to provide support to a grandchild if they are also supporting their own children. This may be particularly true if the grandchild is residing with the other grandparents and/or the custodial parent, who is perhaps an adult.

### **Legal Analysis :**

This bill provides that the custodial parent or parents of a minor parent **may** be named as defendants in an action against the minor parent for the support of the grandchild. The permissive nature of the joinder of the grandparents could result in an inconsistency of application of this proposal. Some plaintiffs might seek to join the grandparents while others might not. Some courts may allow joinder but not impose liability. The custodial parents may be held jointly and severally liable for the support of the grandchild until the minor parent attains the age of majority. The bill does not create a liability for child support for a parent who does not have custody of the minor parent. The bill does not address whether the support obligation would be based on the income of the minor parent, if any, or whether the income of the grandparents would be considered in determining the amount of the support obligation to be paid. While the grandparent's liability terminates upon the minor parent reaching majority, it is not clear from the bill whether the intent is for the grandparents to remain liable for any support that was owed but not paid while the parent was a minor.