

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Kwame R. Brown
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: November 8, 2011

SUBJECT: Fiscal Impact Statement – “Military Parents’ Child Custody and Visitation Rights Amendment Act of 2011”

REFERENCE: Bill 19-332 as introduced on June 07, 2011

Conclusion

Funds are sufficient in the FY 2012 through FY 2015 budget and financial plan to implement the provisions of the proposed legislation. The proposed legislation would not impact the District’s budget and financial plan, because the Family Court Operations Division of the Superior Court of D.C., which would implement the provisions of the proposed legislation, is funded by the Federal government.

Background

Thirty-six states¹ currently have laws addressing concerns related to the child custody, visitation, and financial support rights of deploying parents who serve in the military. These laws are designed to ensure the custodial relationships of military parents are not negatively impacted solely as a result of the parent’s deployment.

The proposed legislation would provide judicial protections for the District’s military parents concerning matters of child custody and visitation. The legislation would provide the following upon receipt of a deployment order²:

- The ability to request an expedited child custody or visitation hearing to obtain a temporary custody order

¹ According to testimony on Bill 19-332 by Ed Kringer, Director, Department of Defense, State-Liaison and Educational Opportunity office on October 14, 2011.

² The legislation also covers currently deployed parents.

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- The ability to request a temporary modification of a permanent order
- The ability to present testimony or evidence by affidavit or electronic means
- The opportunity to delegate visitation rights to a family member
- The opportunity to reevaluate child support in the event of a change in the deploying parent's income situation

The proposed legislation would not allow for deployment to be the sole factor of consideration in granting or denying a custody or visitation petition. Any temporary changes to an order allowed under the proposed legislation would be terminated within ten days of the deployed parents' ability to resume the custodial conditions under the permanent order.

Financial Plan Impact

Funds are sufficient in the FY 2012 through FY 2015 budget and financial plan to implement the provisions of the proposed legislation. The proposed legislation would not impact the District's budget and financial plan, because the Family Court Operations Division of the Superior Court of D.C., which would implement the provisions of the proposed legislation, is funded by the Federal government.

The District's Office of the Attorney General's Child Support Services Division may experience additional activity related to the proposed legislation's child support modification provision, but costs associated with these provisions can be absorbed through the Division's existing resources.

It is important to note data limitations prevent the Office of Revenue Analysis from identifying the population of potential cases that could impact the District's judicial system.³ Additionally, the Family Court Operations Division did not respond to fiscal impact analysis requests—but its financial and jurisdictional separation from the District limits the proposed legislation's impact on the District's budget and financial plan.

³ The U.S. Department of Defense does not maintain complete statistics regarding the custodial status of its deployable members.