

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 1129

SHORT TITLE: Grandparent Visitation

SPONSOR(S): Rep. Decker

FISCAL IMPACT

Yes () No (x) No Estimate Available ()

FY 2001-02 FY 2002-03 FY 2003-04 FY 2004-05 FY 2005-06

REVENUES

EXPENDITURES

POSITIONS:

**PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:** Judicial Branch

EFFECTIVE DATE: When it becomes law

BILL SUMMARY: HB 1129 amends GS 50-13.2A which governs the conditions under which a biological grandparent may seek visitation rights. It removes the restrictions that a child must have been adopted by a stepparent or relative and that there was a 'substantial relationship' with the grandparent. Instead it specifies factors that the court shall consider in determining whether visitation is in the best interest of the child. It also allows the court to dictate specifics of visitation. Where the child's biological parents are married and living together, there is a rebuttable presumption that visitation by a grandparent is not in the best interest of the child if the parents agree it is not.

ASSUMPTIONS AND METHODOLOGY: Proceedings on requests for grandparent visitation would be held in District Court. The Judicial Branch does not have data on how frequently visitation has been sought under current law. This bill increases the number of grandparents who may petition for visitation and expands the scope of the court in considering these cases. Because of these factors, the bill will increase the amount of court time (District Court Judges, Clerks of Court) spent on grandparent visitation. However, since there is no data to indicate there would be a substantial number of such petitions,

Fiscal Research Division assumes this increased workload can be absorbed by the court system.

TECHNICAL CONSIDERATIONS: None

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Elisa Wolper

APPROVED BY: James D. Johnson

DATE: April 16, 2001

Official
Fiscal Research Division
Publication



Signed Copy Located in the NCGA Principal Clerk's Offices