



**Fiscal Estimate Narratives**  
**DHFS 8/26/2005**

LRB Number <b>05-1850/2</b>	Introduction Number <b>SB-284</b>	Estimate Type <b>Original</b>
<b>Subject</b> Children's Code and Juvenile Justice Code; various changes		

**Assumptions Used in Arriving at Fiscal Estimate**

1. Child abuse investigations of noncaregivers

Under current law, certain persons must report suspected child abuse or neglect or threatened child abuse or neglect to the county department of human services or social services or, in Milwaukee County, to the Department of Health and Family Services, or to the local sheriff or police department. Current law also requires the sheriff or police department to refer to the county department or the Department of Health and Family Services all reports of child abuse or neglect reported to it. Within 24 hours after receiving the report, these agencies must initiate a diligent investigation to determine if the child is in need of protection or services. The statutes require that certain procedures be included in an investigation if the child is alleged to have been abused or neglected or threatened with abuse or neglect by a caregiver.

This bill permits, rather than requires, the sheriff or police department to refer a case to a child welfare agency in which a person who is not a caregiver of a child is suspected of the abuse or neglect and permits, rather than requires, the county child welfare agency to investigate these cases. All reports in which a caregiver is suspected of child abuse or neglect must still be referred to and investigated by the county child welfare agency.

In 2004, there were 4,427 reports of child abuse or neglect by a non-caregiver out of a total of 42,451 reports. This provision may reduce the number of child abuse and neglect reports that county child welfare agencies investigate. Any reduction in child welfare investigations would reduce the caseload for county child welfare workers, but not the workload, as it is assumed that counties would redirect worker time to investigating and managing dangerous conditions in abuse or neglect cases that involve caregivers. Therefore, this provision has no fiscal effect on either the Department of Health and Family Services or county departments of human or social services.

2. Definition of Relative in Children's Code and Juvenile Justice Code

Under current law, for purposes of the Children's Code and Juvenile Justice Code, a relative of a child or juvenile is defined as a parent, grandparent, greatgrandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt, whether the relationship is by blood, marriage or adoption. For purposes of determining kinship care or long-term kinship care eligibility, the definition is expanded to include a stepbrother or stepsister, any person of a previous generation denoted by the prefix grand, great, or great-great, and the spouse of any relative.

This bill expands the definition of a relative, for purposes of the Children's and Juvenile Justice Code, to include a stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, second cousin, stepuncle, steppaunt, any person of a preceding generation denoted by the prefix grand, great, or great-great, or the spouse of any relative. This expanded definition is applied to all definitions of relative in the Children's Code except for in the purpose of determining eligibility for kinship care and long-term kinship care. For this purpose, the definition of a relative excludes the parent of the child. This provision will not have a fiscal effect on the Department of Health and Family Services or county departments of human or social services.

3. Holding a child in custody

Current law requires that if a child is taken into custody under the Children's Code and is not released, the juvenile court or a circuit court commissioner must conduct a hearing within 48 hours of the time the decision to

hold the child in custody was made, excluding Saturdays, Sundays and legal holidays, and a petition initiating proceedings under the Children's Code must be filed by the time of the hearing. If a hearing is held, but no petition is filed, the child may be held in custody an additional 72 hours, excluding Saturdays, Sundays and legal holidays, if the judge or commissioner determines that probable cause exists to believe that the child is an imminent danger to himself or others or that the child's parent, guardian, or custodian is neglecting, refusing, or unable to provide adequate supervision and care for the child.

This bill allows the judge or commissioner to hold the child in custody for an additional 72 hours if it is determined that probable cause exists to believe that additional time is required to determine whether the filing of a petition initiating proceedings under the Children's Code is necessary. This provision will not have a fiscal effect on the Department of Health and Family Services or county departments of human or social services.

#### 4. Placement of a child for adoption

Under current law, if the parental rights of both parents are terminated, the juvenile court must do one of the following: 1) transfer guardianship and custody of the child pending adoptive placement to a county department, child welfare agency, the Department, a relative with whom the child resides, or an individual who has been appointed guardian of the child by a court of foreign jurisdiction; or, 2) transfer guardianship of the child to the county, a child welfare agency, or the Department and custody to a relative or an individual in whose home the child has resided for at least one year immediately prior to the termination of parental rights.

This bill allows the juvenile court, following the TPR, to transfer guardianship and custody to a county department other than Milwaukee County for placement of the child for adoption by the child's foster parent or treatment foster parent, only if the county department has agreed to accept guardianship and custody of the child and the foster parent has agreed to adopt the child. This provision will not have a fiscal effect on the Department of Health and Family Services or county departments of human or social services.

#### **Long-Range Fiscal Implications**