

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-2283/1	Introduction Number SB-378				
Description The elimination of jury trials in termination of parental rights proceedings.					
Fiscal Effect					
State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs					
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts					
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Fund Sources Affected</td> <td style="width: 40%;">Affected Ch. 20 Appropriations</td> </tr> <tr> <td style="border: none;"> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </td> <td style="border: none;"></td> </tr> </table>		Fund Sources Affected	Affected Ch. 20 Appropriations	<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Fund Sources Affected	Affected Ch. 20 Appropriations				
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Agency/Prepared By DHFS/ Nicole Groth (608) 266-9364	Authorized Signature Andy Forsaith (608) 266-7684	Date 10/24/2005			

Fiscal Estimate Narratives

DHFS 10/24/2005

LRB Number	05-2283/1	Introduction Number	SB-378	Estimate Type	Original
Description The elimination of jury trials in termination of parental rights proceedings.					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, if a petition for the termination of parental rights (TPR) is contested at the hearing on the TPR petition, the court must schedule a fact-finding hearing to determine whether there are grounds for the TPR. Any party who may be affected by the TPR has the right to request a jury trial for this hearing. This bill eliminates that right and allows only the court to determine whether there are grounds for TPR.

Between 1998 to 2002, 6.86 percent of all TPR petition filings had a jury trial. Requesting a jury trial may delay the TPR petition, thus slowing down the adoption process for some child welfare cases. While these cases remain open, county human service departments, and, in Milwaukee County, the Bureau of Milwaukee Child Welfare, may incur additional costs for the out-of-home care, ongoing services, and case management of that child. This bill may expedite the TPR process, thus reducing the costs of these cases. However, the amount by which a jury trial lengthens a TPR proceeding, as compared to a bench trial, is unknown. Therefore, the exact fiscal effect of this bill to DHFS and county human services departments cannot be determined.

Long-Range Fiscal Implications