

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-2142/1</b>	<b>Introduction Number</b> <b>AB-0214</b>
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**Description**  
 Posttermination of parental rights contact between a child and a birth relative of the child and disclosure of the report of an investigation of the home of a proposed adoptive parent on the request of the proposed adoptive parent

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input checked="" type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Decrease Existing Appropriations		
<input type="checkbox"/> Create New Appropriations		

**Local:**

<input type="checkbox"/> No Local Government Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
1. <input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory		
2. <input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue	
	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Towns       Village       Cities  
 Counties       Others  
 School Districts       WTCS Districts

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b>	<b>Authorized Signature</b>	<b>Date</b>
SPD/ Mike Tobin (608) 266-8259	Krista Ginger (608) 264-8572	4/21/2009

## Fiscal Estimate Narratives

SPD 4/21/2009

LRB Number	09-2142/1	Introduction Number	AB-0214	Estimate Type	Original
<b>Description</b> Posttermination of parental rights contact between a child and a birth relative of the child and disclosure of the report of an investigation of the home of a proposed adoptive parent on the request of the proposed adoptive parent					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill does not provide for a new criminal offense, expand the definition of a criminal offense, or increase criminal penalties. However, it would amend chapter 48, regarding termination of parental rights (TPR) cases. The SPD provides representation in these proceedings when a parent faces the involuntary termination of his or her rights. The bill does not specify whether a parent would have a statutory right to counsel in a hearing to modify or revoke a post-termination agreement to allow limited visitation or other communication between the parent and the child. Thus, it is possible that juvenile courts may refer parents for SPD representation in these proceedings under the general right to counsel in TPR cases set forth in section 48.23, Stats.

SPD cannot determine how the courts would ultimately rule regarding whether a right to SPD representation would be created by this bill. Thus, the SPD might need to appoint attorneys in additional juvenile proceedings if the bill is adopted. The average cost for this type of proceeding is \$ 199.05, based upon data from fiscal year 2008.

The SPD does not have data available to estimate the number of additional appointments that might result from the bill. However, the SPD could track the number of cases in the future, if this bill is enacted.

Counties are also subject to increased costs when a new crime or other court proceeding is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. The court also has the discretion to appoint attorneys at county expense in proceedings in which the SPD is not authorized to provide representation. Thus, the counties would experience increased costs attributable to additional juvenile proceedings.

### Long-Range Fiscal Implications