

Fiscal Estimate Narratives

SPD 1/3/2014

LRB Number	13-3869/1	Introduction Number	SB-461	Estimate Type	Original
Description Advertising related to adoption or other permanent physical placements of a child, delegation of parental power regarding the care and custody of a child for more than one year, unauthorized interstate placements of children, requesting a study of adoption disruption and dissolution, and providing penalties					

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 and certain commitment 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 makes various changes relating to advertising by any computerized communication system related to adoption or other permanent physical placements of a child, delegation of parental power regarding the care and custody of a child for more than one year, and unauthorized interstate placements of children. This bill allows for a fine, not to exceed \$10,000 or imprisonment not to exceed nine months, or both if 1) a person delegates his or her powers regarding the care of custody of a child for longer than one year without first obtaining approval of the juvenile court or 2) sends a child out of state or brings a child into a state with the purpose of permanently transferring physical custody of the child to a person who is not a relative of the child unless the placement of the child is authorized under the Interstate Compact on the Placement of Children or any other statutory provision regarding placement of children. The bill also requests the Joint Legislative Council (JLC) to study adoption disruption and dissolution in this state.

The SPD has no data to predict the impact this legislation has on our assigned cases. Since this bill modifies current law regarding advertising related to and physical placement of a child and provides a penalty the potential exists that the SPD could be requested to provide representation as part of a Termination of Parental Rights case; however, the SPD estimates that the changes proposed will not significantly increase their caseload. The SPD's FY 2013 average cost to provide representation with a private bar attorney in a Termination of Parental Rights case was \$1080.97. Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of the bill.

Counties may have increased costs for collection of fines and for imprisonment relating to physical placement of a child identified in this bill. The SPD is unable to estimate the costs associated with the the proposed legislation.

Long-Range Fiscal Implications