

Fiscal Estimate Narratives

DCF 10/28/2015

LRB Number	15-21073	Introduction Number	AB-0407	Estimate Type	Original
Description Appointment of a successor guardian for a child in need of protection or services and eligibility of a successor guardian for subsidized guardianship payments, providing an exemption from emergency rule procedures, and granting rule-making authority					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a county department of human services or social services or the Department, in reference to Milwaukee County, must provide monthly subsidized guardianship payments to the guardian of a child who has been adjudged to be in need of protection or services if the child is 14 years of age or over and has been consulted with regarding the guardianship arrangement; the guardian has a strong commitment to caring for the child permanently; the guardian is licensed as the child's foster parent; the guardian and all residents of the guardian's home have passed a criminal background investigation; and the guardian entered into a subsidized guardianship agreement with the county department or DCF.

Current law also permits a county department or DCF to provide monthly subsidized guardianship payments for a period of up to 12 months to an interim caretaker on the death, incapacity, resignation or removal of a subsidized guardian, if the interim caretaker meets certain conditions.

This bill permits a subsidized guardianship agreement or an amended agreement to name a prospective successor guardian to assume the duty and authority of guardianship upon the death or incapacity of the subsidized guardian. A person named as a prospective successor is eligible for monthly subsidized guardianship payments only if the agreement was entered into before the death or incapacity of the subsidized guardian and if certain other conditions are met. The bill also creates a procedure for the nomination and appointment of a successor guardian for a child in need of protection or services. The need to change a subsidized guardianship agreement due to the death or incapacitation of a guardian is uncommon. When death or incapacitation of a subsidized guardian does occur, the county agency or Department must establish case plans that outline the temporary placement arrangement for the child as well as a longer-term foster care placement until a guardian is found. These actions impose workload and a fiscal cost to the counties and the Department.

With the implementation of this bill, a successor guardian can be appointed at the time the initial guardianship is established and the child will not have to be placed in a temporary placement if the initial guardian dies or is incapacitated until a permanent placement is found. The county agencies and Department will not have to establish case plans for the child, which will reduce work time and staff costs. Although the extent of this fiscal effect is not known, it is likely to be minimal.

The subsidized guardianship expenditures will not increase, since only one subsidized guardianship payment is provided on behalf of a child at any time, and there will not be duplicate payments to the guardian and the successor guardian.

Some current subsidized guardianship agreements may change to include a successor guardianship. In addition, new subsidized guardianship agreements may include a successor guardianship provision.

Long-Range Fiscal Implications