

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 15-3394/1	Introduction Number SB-387	
Description Procedures for changing the placement of a child who is subject to a temporary physical custody order or termination of parental rights order of the juvenile court, procedures for amending a consent decree of the juvenile court, emergency change-in-placement procedures for a child who is placed in his or her own home under a dispositional order of the juvenile court, venue in post-dispositional proceedings under the Children's Code and Juvenile Justice Code, procedures for requesting and objecting to a proposed change in placement of a child and for changing the placement of a child when no objection is filed, the appointment of a successor guardian for a child who is subject to a termination of parental rights order of the juvenile court, case closure orders with respect to a child whose dispositional order is terminated, and the effective period of a temporary physical custody order of the juvenile court		
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 checked="" 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 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
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		
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Fiscal Estimate Narratives

CTS 1/27/2016

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Assumptions Used in Arriving at Fiscal Estimate

This bill changes various court procedures in child in need of protection or services (CHIPS), termination of parental rights (TPR), juvenile in need of protection or services (JIPS), and delinquency cases arising under Ch. 48 and Ch. 938, Stats. The bill creates procedural guidance, due process protection, and transparency where the statutes are silent or lack clarity with regard to changes in placement in these types of cases.

These modifications of court procedures should create a more efficient practice structure by reducing unnecessary filings and duplicitous court proceedings. Creating guidance for notice and procedure will result in less delays, fewer adjourned or rescheduled proceedings, and more effective use of in-court time. Fewer and more efficient court proceedings will result in conservation of time and human resources for the courts (i.e., judicial officers, court reporters, and court staff), attorneys, and agencies that handle Ch. 48 and Ch. 938 cases.

These proposals should also reduce the time to permanency, thereby eliminating ongoing scheduling of cases and potentially reducing the number of days that children are in foster care placements. The creation of the Case Closure Orders, in particular, would allow the juvenile case to terminate more quickly when the child is in a safe and stable parental placement by eliminating the need for associated litigation in the family court case.

The number of children placed under the guardianship of the Department of Children and Families (DCF) following a TPR are estimated to be from 300-400 at any given time. Of this number, those children who would be impacted by this legislation are few. Anecdotal evidence based on reported court system experiences indicates the occurrence of changes in placement post-TPR are rare. Of the proposed changes in placement, an even smaller number would result in a hearing.

There is a minimal fiscal impact at the state level, related to court system education and form/procedural modifications.

Any local fiscal impact would likely vary by jurisdiction based on current practice and the total number of changes in placement that may be occurring.

An accurate estimate of the cost savings is impossible with the data currently available. There may be additional change in placement hearings required in the post-TPR setting, but they should be rare and more than offset by the efficiencies and savings from other portions of the bill.

Long-Range Fiscal Implications