

### Fiscal Estimate - 2005 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>05-3027/2</b>	<b>Introduction Number</b> <b>AB-660</b>
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**Subject**  
 Legal custody of relinquished children after termination of parental rights

**Fiscal Effect**

**State:**

No State Fiscal Effect  
 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:**

No Local Government Costs  
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<b>5. Types of Local Government Units Affected</b> <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
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

<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> DHFS/ Nicole Groth (608) 266-9364	<b>Authorized Signature</b> Andy Forsaith (608) 266-7684	<b>Date</b> 10/5/2005
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## Fiscal Estimate Narratives

DHFS 10/6/2005

LRB Number	05-3027/2	Introduction Number	AB-660	Estimate Type	Original
<b>Subject</b>					
Legal custody of relinquished children after termination of parental rights					

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, a law enforcement officer, emergency medical technician, or hospital staff member may take a child under 72 hours old into custody under circumstances in which the child's parent relinquished custody of the child and did not express an intent to return for the child. The court may grant an involuntary termination of parental rights (TPR) to a child who was taken into custody under these circumstances.

Current law also permits the juvenile court, upon termination of parental rights, to transfer guardianship of a child to the Department of Health and Family Services to make an adoptive placement if the child has been identified as having special needs. If, within two years after entry of the TPR order, a permanent adoptive placement is not in progress, the Department may petition the court to transfer legal custody of the child to the county department of human or social services.

Similarly, an American Indian tribal court may also appoint the Department as the guardian or legal custodian of a special needs child who has no parents or whose parents' parental rights have been terminated. If, within two years after entry of the TPR order, a permanent adoptive placement is not in progress, the Department may petition the tribal court to transfer legal custody of the child back to the tribe.

This bill prohibits the Department from petitioning the court or tribal court to transfer back to the county or the tribe the legal custody or guardianship of a child who was initially taken into custody when the child's parent relinquished custody of the child when the child was 72 hours old or younger.

This bill could increase the number of children placed in the state foster care program, thus increasing costs for the Department. However, given the very small number of infants that are relinquished and that would be identified as having special needs, it is expected that there will be little change in the number of children placed in the Department's Special Needs Adoption program, and, therefore, little or no increase in costs.

### Long-Range Fiscal Implications