

Fiscal Estimate Narratives

CTS 4/20/2010

LRB Number	09-0418/3	Introduction Number	SB-140	Estimate Type	Original
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					

Assumptions Used in Arriving at Fiscal Estimate

This bill permits certain legal rights of parents to be enforced even after a termination of parental rights (TPR). Currently, Wisconsin does not allow for enforceable post-adoption or post-TPR agreements between birth parents and adoptive parents, with a few exceptions.

It is anticipated that this bill may lead to fewer involuntary TPRs. If the birth parents enter into a post-adoption or post-TPR agreement under this bill, they must agree to a voluntary TPR or to not contest an involuntary TPR.

We have relied on the Judicial Needs Assessment 2006, submitted to the Director of State Courts by the National Center for State Courts. For this study, all Wisconsin judges and court commissioners participated in a time study designed to measure the time currently spent processing different types of cases from initial filing to final resolution. According to the time study, an involuntary TPR involved an average of 151.5 minutes of judicial time. (This is nearly as long as a felony case, which involved an average of 162.8 minutes of judicial time.)

For the three calendar years of 2007, 2008 and 2009, the circuit courts disposed of an average of 631 involuntary TPR cases per year.

This bill does create the right to certain other hearings that currently do not exist. The court would be required to hold a hearing on whether to approve a post-adoption or post-TPR agreement. In the event such an agreement has been approved, the parties would have the right to petition the court to enforce its provisions or to petition the court to terminate or modify the agreement. It is impossible to predict the number or length of these hearings with the data available.

Because of the uncertainties of how many post-adoption or post-TPR agreements would be reached and thus avoid involuntary TPRs and how often parties to agreements might petition the court for enforcement or modification of those agreements, it is impossible to estimate how much time would be saved or added to the current court caseload.

Long-Range Fiscal Implications