



## Fiscal Estimate Narratives

DCF 8/4/2009

LRB Number	<b>09-0418/3</b>	Introduction Number	<b>SB-140</b>	Estimate Type	<b>Original</b>
<b>Description</b> 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 modifies current law to recognize contracts between adoptive parents and biological parents, after a termination of parental rights (TPR). Current law allows these contracts to be created, but does not provide a legal right to enforce the contract. This bill creates a legal right to enforce the agreements. This law also requires that child welfare agencies (and in the case of Milwaukee County – the Department of Children and Families) and the child’s guardian ad litem to submit recommendations regarding the post-TPR contract. The Department of Children and Families estimates that this bill has an indeterminate fiscal effect.

This bill might create additional work for child welfare agencies in preparing recommendations regarding a post-TPR contract. However, this increase in work is expected to be marginal and could be absorbed with current resources. The information contained in these recommendations would be a small addition to the court report that agencies already prepare for TPR hearings.

Additionally, the proposed law might create additional costs for parents who litigate to enforce their post-TPR contract. The number of parents who might pursue this litigation is unclear and presumed to be small. Moreover, these additional legal costs, if any, may be balanced with some savings from a shorter period of litigation during the TPR process. In the status quo, there is no option to recognize a post-TPR contract, creating a longer period of litigation to terminate the parental rights. The proposed law allows for parents to voluntarily agree to a termination of parental rights in exchange for the terms of the post-TPR contract. With the approval of the court, the terms of the contract may include: visitation, communication, sharing information, and sharing the medical history of the birth parents.

### Long-Range Fiscal Implications