

Fiscal Estimate - 2009 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 09-0418/3	Introduction Number SB-140
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	
Fiscal Effect	
State:	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local:	
<input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate	
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <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	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
Affected Ch. 20 Appropriations	
Agency/Prepared By	Authorized Signature
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Date	
8/5/2009	

Fiscal Estimate Narratives

DCF 8/5/2009

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Assumptions Used in Arriving at Fiscal Estimate

Current law on termination of parental rights (TPR) severs all legal rights and duties between a birth parent and child. Wisconsin law does not provide for enforceable post adoption or post termination contact agreements between birth parents or other birth relatives and adoptive parents, with a few exceptions.

This bill permits a post-termination contract to be entered into by the adoptive parents, or if there are no adoptive parents, the agency having guardianship, legal custody, or supervision of the child and a birth relative of the child. The agreement must be entered into before the termination of parental rights (TPR), and the following requirements must be met:

- The child is under the legal custody, guardianship, or supervision of an agency;
- The birth parent has agreed to voluntarily consent to the TPR, or to not contest an involuntary TPR (and the decision to voluntarily consent or to not contest must be made prior to the fact-finding hearing); and
- The child, if 12 years of age or older, consents to the agreement.

The bill 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.

This bill may create additional work for child welfare agencies in preparing recommendations regarding a post-TPR contract. However, this increase in work is expected to be significant and could likely 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 may create additional costs for parents who litigate to enforce their post-TPR contract. The number of parents who might pursue this litigation is unknown 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. Currently, there is no option to recognize a post-TPR contract, creating a longer period of litigation to terminate the parental rights. 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.

Because of the uncertainties of how many posttermination contract agreements will be entered into and the effect on agencies and courts, the fiscal effect of this bill cannot be determined.

Long-Range Fiscal Implications