

### Fiscal Estimate - 2011 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>11-0016/1</b>	<b>Introduction Number</b> <b>SB-063</b>	
<b>Description</b> A requirement that termination of parental rights petitions be filed with respect to children under eight years of age, and certain children eight years of age or over, who have been placed outside the home for six months.		
<b>Fiscal Effect</b>  <b>State:</b> <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 checked="" 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 checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input checked="" type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue      5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input checked="" 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> SPD/ Megan Christiansen (608) 267-0311	<b>Authorized Signature</b> Adam Plotkin (608) 264-8572	<b>Date</b> 4/27/2011

## Fiscal Estimate Narratives

SPD 4/27/2011

LRB Number	11-0016/1	Introduction Number	SB-063	Estimate Type	Original
<b>Description</b> A requirement that termination of parental rights petitions be filed with respect to children under eight years of age, and certain children eight years of age or over, who have been placed outside the home for six months.					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings, as well as in termination of parental rights petitions. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense or other proceeding for which the SPD appoints counsel, or increases the penalties for an existing offense.

This bill would increase the circumstances under which termination of parental rights (TPR) petitions must be filed, which would likely result in additional SPD appointments; however that increase cannot be quantified. In FY10, the average cost to appoint a private bar attorney to a TPR case was \$1,474.73. The SPD provided representation in 809 TPR proceedings in that year.

The SPD represents children in certain permanency planning hearings under section 938.38 (delinquency, or JIPS) and section 48.38 (CHIPS) which could also increase under this bill. In FY10, the average cost to appoint a private bar attorney to such cases was \$204.94.

Because of the annual caseloads for staff attorney positions specified for budgeting purposes under § 977.08(5), Stats., it would be more cost effective to add staff attorney positions if a significant number of SPD cases resulted from this provision of the bill.

Counties could also be subject to increased costs under this bill. There are some parents who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties would experience increased costs attributable to the increased TPR petitions resulting from this bill. Additionally, in some counties these cases are handled by county-funded corporation counsels rather than state-funded prosecutors, which would also result in increased county costs.

### Long-Range Fiscal Implications