

Fiscal Estimate Narratives

DCF 5/16/2011

LRB Number	11-1932/1	Introduction Number	SB-082	Estimate Type	Original
Description Delegation by a parent, guardian, or legal custodian of a child of powers regarding the care and custody of the child by a power of attorney					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, the court may appoint a legal custodian for a child. A legal custodian has the right and duty to protect and provide for the child. The juvenile court may also, appoint a guardian for a child. A legal guardian has the rights and duties of a legal custodian, plus the duty and authority to make important decisions in matters having a permanent effect on the life and development of the child. A parent may place his or her child in the care and custody of a relative, without court involvement or the involvement of a child welfare agency.

This bill permits a parent, guardian, or legal custodian of a child, by a properly executed power of attorney, to delegate to another person (whether a relative or not), for a period not to exceed one year, any of his or her powers regarding the care and custody of the child, except the power to consent to the marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. The bill provides that such a delegation of powers does not deprive the parent, guardian, or legal custodian of any of his or her powers regarding the care and custody of the child.

Under current law, a person who provides care and maintenance for children under a court order must obtain a license to operate a foster home. Licensed child welfare providers must pass a background check that includes a review of Child Abuse and Neglect Registries and submitting their fingerprints to the Federal Bureau of Investigation. This bill would allow any person who is delegated care and custody of a child by a properly executed power of attorney to provide care and maintenance for an unlimited number of children without having to obtain a license to operate a foster home.

This bill places no additional duties or responsibilities on the Department nor county child welfare agencies. Therefore, this bill should have no fiscal effect.

Long-Range Fiscal Implications