

Fiscal Estimate - 2011 Session

Original Updated Corrected Supplemental

LRB Number 11-3543/1	Introduction Number SB-313	
Description Relinquishing custody of a newborn child		
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 checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" 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 checked="" 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	Date
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Fiscal Estimate Narratives

DCF 1/4/2012

LRB Number	11-3543/1	Introduction Number	SB-313	Estimate Type	Original
Description Relinquishing custody of a newborn child					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, a parent, who does not express intent to return for a newborn child, may relinquish a child 72 hours old or younger to a law enforcement officer, emergency medical technician, or hospital staff member. This law is commonly referred to as the "safe haven law." This bill permits a parent to relinquish custody of a child 30 days old or younger under the safe haven law. The bill also permits a health care clinic staff member to take a child into custody under that law.

In calendar years 2010 and 2011, there have been 51 children relinquished under the safe haven law. It is difficult to predict how many additional children would be relinquished under the safe haven law if the time period was extended up to 30 days; however, the number of children relinquished is expected to increase.

Department and County social worker staff may be required to provide services for additional cases as the result of this bill. In addition, the bill will create additional requirements for county and Department attorneys. First, an increase in the number of safe haven cases, may create an increase in the number of termination of parental rights cases that are contested or appealed by the parent that did not relinquish the child. In these cases, county or Department attorneys may be involved in the ensuing legal dispute. Second, legal proceedings requiring agency representation are also needed in cases that fall under the federal Indian Child Welfare Act (ICWA). The ICWA requires that 10 days must pass before a voluntary placement or termination of parental rights of a newborn Indian child. Expanding the safe haven timeframe to 30 days increases the possibility that an Indian child could be placed in a private adoption before 10 days have passed. In those cases, state and county attorneys are often required to represent agency interests in obtaining otherwise confidential information to determine whether the rules of ICWA must apply to the TPR and adoption case initiated by the child relinquishment.

The changes under the bill may also require additional state staff resources in the adoption search program. Adult adoptees who were relinquished by their parent as infants might contact the adoption search program in search of information about their biological history.

Due to the uncertainty regarding the number of additional cases that may result from this bill and the extent to which State and local resources will be needed to deal with the expected increase, the fiscal impact cannot be determined.

Long-Range Fiscal Implications