

Fiscal Estimate Narratives

DCF 1/10/2014

LRB Number	13-3542/1	Introduction Number	AB-0581	Estimate Type	Original
Description Advertising related to adoption or other permanent physical placements of a child, delegation of parental power regarding the care and custody of a child for more than one year, unauthorized interstate placements of children, requesting a study of adoption disruption and dissolution, and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

This bill has four major provisions related to: 1) advertising related to adoption or permanent physical placements of a child; 2) delegation of parental power regarding the care and custody of a child for more than one year, 3) unauthorized interstate placements of children, and 4) a Joint Legislative Council to study adoption disruption and dissolution in this state.

Advertising related to adoption

This bill expands the prohibition against advertising in a public medium related to adoption to include communicating by any computerized communication system, including by electronic mail, Internet site, Internet profile, or any similar medium of communication provided via the Internet. The bill also expands the prohibition against advertising related to adoption to prohibit a person from advertising: 1) for the purpose of finding a child to otherwise take into permanent physical custody; 2) that the person will find any other permanent physical placement for a child or arrange for or assist in any other permanent physical placement of a child; or 3) that the person will place a child in any other permanent physical placement. In addition, the bill limits the current exception to the prohibition against advertising related to adoption that permits an individual seeking to place his or her own child for adoption to permit such an individual to advertise for adoption only if the child is under one year of age.

Delegation of parental power for more than one year

Under the bill, a parent who wishes to delegate his or her parental powers to an agent for longer than one year, the agent to whom the parent wishes to delegate those powers, or an organization that is facilitating that delegation must file a petition with the juvenile court requesting the court's approval of that delegation. The petition must have a draft copy of the power of attorney delegating those powers attached to the petition and must include a number of requirements.

The juvenile court must hold a hearing on a petition requesting the court's approval of a proposed delegation of parental powers. In determining the appropriate disposition of such a petition, the juvenile court must consider the best interests of the child as the prevailing factor and must also consider whether the person nominated as agent would be fit, willing, and able to exercise the parental powers to be delegated, the reasons for the delegation of parental powers, and the amount of support that the parent is willing and able to provide to the agent during the term of the delegation of parental powers. If the juvenile court determines that the proposed delegation of parental powers is in the best interests of the child, the juvenile court may approve the proposed delegation of parental powers and may also designate an amount of support to be paid by the child's parents to the agent. If the juvenile court approves the proposed delegation of parental powers, the parent and the person nominated as agent may execute a power of attorney delegating those powers as approved by the juvenile court. Under the bill, any person who delegates his or her powers regarding the care and custody of a child for longer than one year without first obtaining the approval of the juvenile court is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

Unauthorized interstate placements of children

This bill prohibits any person from sending a child out of this state, bringing a child into this state, or causing a child to be sent out of this state or brought into this state for the purpose of permanently transferring physical custody of the child to a person who is not a relative of the child. A person who violates that prohibition is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both. That prohibition, however, does not apply to a placement of a child that is authorized under the Interstate Compact on the Placement of Children or any other statutory provisions governing the interstate placement

of children or a placement of a child that is approved by a court of competent jurisdiction of the sending state or receiving state.

JLC Study

This bill requests the Joint Legislative Council (JLC) to study adoption disruption and dissolution in this state, with specific requirements for the study.

This bill places no additional duties or responsibilities on the Department and county child welfare agencies, and therefore should have no fiscal effect.

Long-Range Fiscal Implications