

Fiscal Estimate Narratives

CTS 12/29/2021

LRB Number	21-1261/1	Introduction Number	AB-0628	Estimate Type	Original
Description Elimination of a jury trial in a proceeding under the Children's Code					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, in a proceeding to determine whether a child or unborn child is in need of protection or services (CHIPS or UCHIPS), and in a termination of parental rights (TPR) proceeding, a child or the child's parent, guardian, or legal custodian; an unborn child's guardian ad litem; or an expectant mother of an unborn child has a statutory right to a jury trial in the fact-finding portion of the proceeding. This bill, as amended, eliminates that statutory right in a CHIPS or UCHIPS proceeding.

The state court system will be responsible for creating and/or updating existing training and reference materials, as well as circuit court forms, jury instructions, and the juvenile benchbook. Any cost associated with these updates are likely to be completed through our normal course of work. There is no state fiscal effect associated with this bill.

Elimination of the ability to request a jury trial in CHIPS or UCHIPS cases is likely to result in a cost savings to local circuit courts based upon reduction of judicial and court staff time associated with jury trials, including the empanelling of a jury. Less court calendar time would be necessary for holding TPR trials to the court versus a jury, which would include motion hearings and jury selection. In addition, the county would not incur the juror related expenses (jury fees, mileage, meals) for CHIPS cases. However, fewer than one percent of CHIPS cases go to jury trials. The local cost savings is indeterminate.

Long-Range Fiscal Implications

None.