

Fiscal Estimate - 2021 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 21-4219/1	Introduction Number AB-0632
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Description
 Duty to participate in an appeal of an order terminating parental rights

Fiscal Effect

State:

No State Fiscal Effect
 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 checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
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Local:

No Local Government Costs
 Indeterminate

1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase 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 checked="" type="checkbox"/> Others <u>Tribes</u> <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

Fund Sources Affected	Affected Ch. 20 Appropriations
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

Agency/Prepared By	Authorized Signature	Date
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Fiscal Estimate Narratives

DCF 10/27/2021

LRB Number	21-4219/1	Introduction Number	AB-0632	Estimate Type	Original
Description Duty to participate in an appeal of an order terminating parental rights					

Assumptions Used in Arriving at Fiscal Estimate

The legislation requires parents who have filed an appeal of a TPR order or who have had an appeal filed on their behalf to participate in the appeal process. The bill also allows for any person who receives the notice of intent to appeal to request a finding that the parent has abandoned the appeal process if the parent fails to fulfill their duty to participate in the appeal. If enacted, this bill may increase the rate at which appeals are dismissed as a result of the parent's abandonment of the appeals process.

For children in public adoptions, guardianship of the child is transferred to DCF at the time of TPR. Guardianship responsibility remains with DCF even if the TPR is appealed; unless and until TPR is overturned on appeal, or permanency is achieved. DCF is unable to estimate any increase in appeals dismissals, thus the state fiscal effect is indeterminate. Any increase in state guardianship costs as a result of this bill can be absorbed within current budget and will be re-estimated as a cost-to-continue decision item in the Department's subsequent biennial budget request. DCF does not anticipate additional state expenses beyond state guardianship costs, as DCF legal staff is not directly involved in the TPR appeals process.

The changes in proceedings under this bill may impact the Department's Division of Milwaukee Child Protective Services (DMCPS) and balance-of-state (BOS) county child welfare staff who may require additional time and resources to litigate the appeals because this would add a new process as part of the appeal. Tribes that have their own Children's Code are not impacted by this bill as any appeal would fall under their code. However, county cases involving an Indian child are affected by this bill.

This bill eliminates some potential time delays in reaching permanency for a child when appeals processes are dismissed due to the parent's abandonment of the appeals process. However, post-TPR adoption workers (as agents of the guardian, DCF) are responsible for the safety of the child until permanency is achieved and face increased costs if the rate of dismissed appeals increases. Correspondingly, DCF is unable to estimate the number of additional appeals dismissals under this bill, thus the local fiscal effect, and the state fiscal effect as pertained to DMCPS, is indeterminate.

Long-Range Fiscal Implications