



# Wisconsin State Public Defender

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Attorney Margit Kelley  
Legislative Council  
1 E. Main St.  
Madison, WI 53703

Dear Attorney Kelley,

Thank you for providing a copy of draft legislation WLC 0022/1 regarding the reinstatement of a biological parent's rights. You requested that the Office of the State Public Defender (SPD) provide a preliminary fiscal estimate for the Study Committee on Adoption Disruption and Dissolution on the impact of requiring the SPD to provide representation for parents who meet financial eligibility guidelines in Reinstatement of Parental Rights (RPR) proceedings.

Section 3 of the draft amends current s. 48.23(4) to require that a parent who is the petitioner in an RPR proceeding be referred by the court to the SPD for a determination of indigency. If the person meets the financial eligibility criteria contained in Chapter 977 and administrative code chapter PD 6, then SPD would appoint an attorney to provide representation.

Section 11 of the draft creates a new section of Wisconsin statute in s. 48.923 entitled "Reinstatement of parental rights." This section enumerates the process to initiate an RPR proceeding. The newly created s. 48.923(1)(b) limits who may file the petition initiating the RPR proceeding. Because of the required elements of the petition, namely s. 48.923(1)(c)7., 48.923(1)(c)8., and 48.923(1)(c)9., it is unlikely that a significant number of RPR petitions would be filed in a year. While we do not have data on which to estimate the total possible number of cases in which an RPR petition may be filed and in which the parent meets financial eligibility criteria, it is unlikely to exceed 5-10 cases per year statewide.

SPD expects that with current staffing levels the SPD would be able to absorb this limited number of additional cases. Thus we do not estimate a significant fiscal impact as a result of the bill.

Thank you for the opportunity to review this draft legislation and to provide feedback to the Study Committee as it considers this and other proposals.

Sincerely,

Adam Plotkin  
Legislative Liaison  
Office of the State Public Defender