

Fiscal Estimate - 2005 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 05-2751/1	Introduction Number AB-521
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Subject
 Termination of parental rights and adoption

Fiscal Effect

State:

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Increase Existing Appropriations	<input type="checkbox"/> Decrease Existing Appropriations	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations			<input type="checkbox"/> Decrease Costs

Local:

<input type="checkbox"/> No Local Government Costs	<input type="checkbox"/> Indeterminate	5. Types of Local Government Units Affected	
1. <input checked="" type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input checked="" type="checkbox"/> Counties	<input type="checkbox"/> Others
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		

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

Agency/Prepared By DHFS/ Nicole Groth (608) 266-9364	Authorized Signature Andy Forsaith (608) 266-7684	Date 7/26/2005
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Fiscal Estimate Narratives
DHFS 7/26/2005

LRB Number 05-2751/1	Introduction Number AB-521	Estimate Type Original
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Assumptions Used in Arriving at Fiscal Estimate

1. Declarations of Paternal Interest

Under current law, any person claiming to be the father of a nonmarital child whose paternity has not yet been established may file a declaration of paternal interest with the Department of Health and Family Services. This declaration may be filed at any time before the termination of the father's parental rights.

This bill requires the declaration of paternal interest be filed either before or within 14 days of the child's birth. Additionally, the bill permits the declaration to be revoked at any time, requires the declaration or revocation to be verified upon oath or affirmation, requires the Department to keep all declarations confidential, provides penalties for making a false statement in a declaration, revocation of a declaration, or a response to a declaration and for obtaining, using, and disclosing confidential information relating to a declaration, and creates alternative TPR notice requirements for a person who may be the father of a nonmarital child.

This bill also creates a new provision under which the petitioner in a proceeding to terminate the parental rights of a person who may be the father of a nonmarital child under one year of age must file an affidavit signed by the child's mother that identifies or describes the father. The petitioner must then notify any man alleged to be the father in the affidavit that he may file a declaration of paternal interest.

The bill also requires the Department, upon request of the court or person authorized to file a CHIPS, JIPS, TPR, or adoption proceeding, to search whether a declaration of paternal interest has been filed for the child who is the subject of the proceeding or action. The Department must issue a certified copy of the declaration or a certified statement that no declaration was found to the person who requested the search. The Department is allowed to charge a reasonable fee to offset the costs of this service.

In order to track the declarations of paternal interest and respond to requests for copies of the declarations, the Department would need to develop and maintain a birth parent registry database. The cost of developing an internet-based, secure system would be a minimum of \$50,000 PRO in one-time development costs and \$3,600 PRO in annual hosting fees. It is estimated that the additional workload of maintaining this database, searching for declarations of paternal interest and issuing certified copies and statements would require a 1.0 PRO FTE Program Assistant 4. This position would have an annual ongoing cost of \$41,800 PRO and a one-time cost of \$7,200 PRO. The database and the position would be funded with program fees charged to perform the search services.

Finally, this bill requires the Department to publicize to all persons who might claim to be the father of a nonmarital child the following: 1.) that a person claiming to be the father of a nonmarital child may file a declaration of interest, 2.) the procedures for filing a declaration of interest, 3.) the consequences of filing a declaration of interest, and 4.) the consequences of not filing a declaration of interest. To meet this provision, the Department would publish this information on the Department's internet site. It is assumed that the Department could absorb the cost of posting this information on the internet.

2. Grounds for involuntary termination of parental rights (TPR)

This bill makes several technical changes to the definitions of certain grounds for involuntary termination of parental rights including failure to assume parental responsibility and substantial parental relationship, prior involuntary TPR to another child, and continuing need for protection or services. Additionally, the bill provides that the grounds for involuntary TPR apply to parents and to persons who may be the parent of the child.

These changes will not have a fiscal effect on the Department of Health and Family Services or county departments of human or social services.

3. Termination of parental rights (TPR) procedures

This bill makes several changes to current law regarding procedures to terminate parental rights. These changes include providing a penalty for making a false statement or representation of material fact in the course of a TPR proceeding, permitting a parent who is unable to appear at a TPR proceeding in person to provide testimony by telephone or live audiovisual means, specifying that statements made by a parent and the results of any tests conducted and diagnosis made in the course of a court-ordered examination or assessment are not privileged in a TPR proceeding, and providing that notice of a TPR proceeding may be given to the parents of a child whose custody was relinquished under the safe haven law by publication in a newspaper instead of by personal service.

This bill also limits the services required to be provided under a CHIPS dispositional order for a parent who is serving a prison sentence to services that are available within the correctional institution. The child welfare agency responsible for providing these services is required to do all of the following: advise the parent of services that may be available within the correctional institution, advise the correctional institution of the mandated services to be provided under the juvenile court order, and, if the child is placed outside the home, of the conditions contained in the juvenile court order for the safe return of the child to the home, monitor the parent's participation and progress in relevant services made available to the parent within the correctional institution, and arrange for visitation between the parent and child if the court finds that visitation is in the best interests of the child.

This provision may reduce child welfare services that county departments of human services provide to incarcerated parents. Any reduction in services would reduce the workload for county child welfare workers. It is assumed that counties would redirect worker time to other needs within the child welfare system. Therefore, this provision has no fiscal effect.

Under current law, courts are authorized, but not required, to appoint a Guardian ad Litem (GAL) for parents who are not competent to participate in TPR proceedings. This bill requires the court to appoint a GAL for a parent who is not competent and specifies the GAL's duties in these proceedings. This provision may increase GAL appointments to parents who are not competent to participate in TPR proceedings, thus increasing costs for county courts. However, it is assumed that courts are currently appointing GALs for such parents under the discretion provided under current law. Therefore, this provision has no fiscal effect.

4. Appeals in termination of parental rights (TPR) proceedings

This bill makes several changes relating to appeals in TPR proceedings. These modifications include treating a notice of intent to appeal in the same manner as a notice of appeal, requiring notification that an appeal will not be filed, allowing an enlargement of time for filing a notice of an appeal, requiring the juvenile court that orders the termination of a person's parental rights to provide written notification to that person, and limiting collateral attacks on a TPR judgment to one year.

These provisions are procedural in nature and will not have a fiscal effect on the Department of Health and Family Services or county departments of human or social services.

5. Adoption Provisions

This bill makes several changes to current law regarding adoptions. These changes include: modifications to the amounts of certain adoption expenses allowed to be paid by the proposed adoptive parents of a child, the preadoptive placement of a child with out-of-state practitioners, the continuation of dispositional orders to children who have voluntary placements agreements and restrictions on adoption advertising. These provisions will not have a fiscal effect on the Department of Health and Family Services or county departments of human or social services.

This bill also requires the court to order first-time, nonrelative, preadoptive parents to obtain preparation on issues that may affect adoptive parents. The proposed adoptive parents are to pay the cost of the preparation, unless the child is being adopted from the child welfare system. In these cases, the preparation costs must be paid by the county of residence of the proposed adoptive parent or in Milwaukee County, the Department of Health and Family Services. However, this provision would not increase costs for the Department because the Bureau of Milwaukee Child Welfare (BMCW) already requires and provides preadoptive training for families who are adopting a child through the BMCW adoption program.

In 2004, 461 children (not including Milwaukee County) were adopted through the state special needs adoption

program. It is not known how many of these children were adopted by a relative or by first-time adoptive parents. Therefore, it is assumed that all the proposed parents of these children would be required to participate in preadoptive training. BMCW requires proposed adoptive parents to complete a 12 session training program. For purposes of this estimate, it is assumed this program would be applied statewide at an estimated cost of \$240 per family for a total annual cost of \$110,600. It is estimated that 50%, or \$55,300, would be eligible for federal IV-E reimbursement. Under this bill, these costs would be paid by the county human or social services departments in the proposed adoptive parent's county of residence.

This bill also requires the Department to draft and promulgate rules on the number of hours of required preadoption preparation and the topics to be included in the training. It is estimated that the Department would need to contract for a consultant for six months to develop and draft these rules. The consultant would be equivalent to a Program and Planning Analyst-Advanced and would have a one-time cost of \$45,800 GPR. These costs cannot be absorbed within the Department's current budget.

6. Foster Parent Provisions

This bill makes several modifications to current law regarding agency decisions or orders that affect the head of a foster, treatment foster, or group home. These changes include clarifying that the head of a foster, treatment foster, or group home is a party to a proceeding appealing an agency decision affecting these homes, providing that the head of the home may examine all documents and records that support the agency's decision, and giving the county where the dispositional order was entered the jurisdiction to review an agency decision or order involving the placement of a child. These changes will not have a fiscal effect on the Department of Health and Family Services or county departments of human or social services.

This bill also specifically grants the Bureau of Milwaukee Child Welfare (BMCW) the right to judicial review in cases where an administrative law judge has made a licensing decision that the BMCW disagrees with and chooses to appeal. This provision may increase staff and legal costs for BMCW. However, because the number of appeals BMCW may choose to appeal is not known, an exact fiscal effect cannot be determined.

7. Child in Need of Protection or Services (CHIPS) provisions

Finally, this bill requires county departments of social services, or, in Milwaukee County, the Bureau of Milwaukee Child Welfare, to provide notice to the new county department when a person who is receiving child welfare services moves to that county. This provision will not have a fiscal effect on the Department of Health and Family Services or county departments of human or social services.

Long-Range Fiscal Implications

Fiscal Estimate Worksheet - 2005 Session

Detailed Estimate of Annual Fiscal Effect

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LRB Number 05-2751/1		Introduction Number AB-521	
Subject			
Termination of parental rights and adoption			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
\$103,000 (\$57,200 PRO, \$45,800 GPR) in one-time costs			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes		\$41,800	
(FTE Position Changes)		(1.0 FTE)	
State Operations - Other Costs		3,600	
Local Assistance			
Aids to Individuals or Organizations			
TOTAL State Costs by Category		\$45,400	\$
B. State Costs by Source of Funds			
GPR			
FED			
PRO/PRS (PRO)		45,400	
SEG/SEG-S			
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
GPR Taxes		\$	\$
GPR Earned			
FED			
PRO/PRS (PRO)		45,400	
SEG/SEG-S			
TOTAL State Revenues		\$45,400	\$
NET ANNUALIZED FISCAL IMPACT			
		State	Local
NET CHANGE IN COSTS		\$45,400	\$
NET CHANGE IN REVENUE		\$45,400	\$
Agency/Prepared By		Authorized Signature	Date
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