

STATE and LOCAL FISCAL IMPACT

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Prime Sponsor(s): Sen. Guzman; Roberts Rep. Foote; Gardner	Bill Status: Senate Judiciary
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SHORT TITLE: REINSTATEMENT OF PARENT-CHILD LEGAL RELATIONSHIP

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	<u>\$75,420</u>	
General Fund	75,420	
FTE Position Change		
Appropriation Required: \$75,420 - Judicial Department (FY 2014-15)		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The bill creates a process by which a parent whose parental rights have been terminated by the courts can have those rights reinstated under certain limited conditions. Reinstatement of parental rights restores all rights, powers, privileges, immunities, duties, and obligations of the former parent, including those of custody, control, and support of the child. Reinstatement of parental rights does not vacate the original termination order and approving a petition for one former parent does not apply to or affect the rights of the other parent. As discussed below, the bill sets forth the various procedures and notice requirements for reinstatement petitions.

Criteria. A county department of human services, a child's guardian ad litem, or the child himself or herself, if over the age of 16, may file a petition with the court to reinstate parental rights stating that:

- the child is 12 years of age or older, or if younger than 12 years of age, part of a sibling group including a child for whom reinstatement is being sought;
- both the child and the former parent consent to the petition;
- the child has no legal parent, is not in an adoptive placement, and is not likely to be adopted within a reasonable period of time, and other permanency options have been exhausted;
- the child is in the custody of a county department;
- the final order to terminate the parent-child relationship was at least three years before, or if less than three years, that reinstatement of parental rights is in the best interests of the child; and
- the termination of the parent-child relationship was not based on findings of sexual abuse or an incident of egregious abuse or neglect, a near fatality, a suspicious fatality, or a suspicious near fatality.

Initial hearing. At an initial hearing, the court must evaluate if the above criteria have been met. If so, the court must then evaluate, among other things, whether the parent has remedied the cause of the prior termination, what services and supports are necessary for successful reinstatement, and whether the former parent can provide a safe and stable home for the child.

Trial period and final hearing. If the court enters an order finding that the conditions for reinstatement have been met and that it is in the best interests of the child, the court must approve a transition plan, developed by the county department, that includes visitation or placement of the child with the former parent during a trial period of up to six months. A final hearing is to be scheduled at the end of the trial period and the court is to evaluate whether the trial was successful and whether reinstatement of the parent-child relationship is in the best interests of the child. Final orders to grant or dismiss a reinstatement petition must be entered by the court within 12 months of the petition being filed.

State Expenditures

The bill results in one-time costs in the Judicial Department of \$75,420 General Fund in FY 2014-15. These costs and other workload impacts of the bill are discussed below.

Information technology costs. Because the bill adds a new category of cases in which court-appointed counsel may be provided, the Judicial Department must make changes to its internet-based system for managing the appointment and payment of court-appointed counsel. One-time costs for these changes are estimated at \$75,420 based on 240 hours of analyst time, 240 hours of programmer time, and 60 hours of systems administrator time at rates of \$106, \$185, and \$93 per hour, respectively.

Trial courts. The fiscal note assumes no more than 10 to 15 reinstatement petitions will be filed annually. While review of reinstatement petitions are expected to take up a significant amount of time per case, given that a relatively small number is expected and that such cases may occur in lieu of other types of permanency proceedings concerning a child in the custody of a county department, this workload can be absorbed by the courts within existing appropriations.

Court-appointed counsel. The bill also allows for court-appointed counsel to be provided to a former parent named in a reinstatement petition if he or she meets income eligibility requirements. Assuming 15 hours per case and \$65 per hour, each appointment may cost \$975. Given the small number of petitions expected and that only some of these cases will require appointed counsel, these costs are expected to be less than \$5,000 per year and can be absorbed within existing appropriations. Costs above this amount, if incurred, can be addressed through the annual budget process.

Local Government Impact

The reinstatement process created by the bill gives county departments of human services another permanency option for caseworkers to consider. The bill increases workload in county departments of human services to identify cases where reinstatement is appropriate, file petitions for reinstatement, create transition plans, and perform other duties under the bill. Successful placement of hard-to-place children with former parents could reduce the workload and costs associated with having a child in the custody of a county department (e.g., case management, foster parent payments, etc).

State Appropriations

The bill requires an appropriation to the Judicial Department of \$75,420 General Fund for information technology services in FY 2014-15.

Effective Date

The bill takes effect August 6, 2014, if the General Assembly adjourns on May 7, 2014, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Human Services
Counties

Judicial
District Attorneys

Law