

## Department of Planning and Budget 2006 Fiscal Impact Statement

**1. Bill Number** HB 903

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron** Iaquinto, Sal R.

**3. Committee** Courts of Justice

**4. Title** Parental rights; termination thereof where child not in custody of local board of social services

**5. Summary/Purpose:** The bill would change existing laws regarding the termination of parental rights on children who are not in the custody of a local department of social services or a licensed child-placing agency. This legislation provides that when a child is not in the custody of a local department of social services or a licensed child placing agency:

- involuntary termination of parental rights may occur if the parent whose parental rights are at stake committed certain serious crimes;
- voluntary termination of parental rights may occur if the parent whose parental rights are at stake appears at the termination of parental rights hearing and gives consent, or the court may accept written consent if the court determines it would be difficult or impossible to attend the hearing;
- a person who may be the father of a child born out-of –wedlock may terminate his parental rights by signing a written, notarized statement;
- a parent may consent to termination of parental rights by filing an affidavit in situations in which the termination of parental rights hearing is held prior to an adoption proceeding by the child’s stepparent or if the child’s birth parent is a resident of a foreign jurisdiction;
- the court may appoint a guardian ad litem for a parent whose capacity to give voluntary consent is in question;
- the court is required to find that the petitioning parent is capable of providing a permanent home for the child and protect the child from abuse and neglect; and
- a child, age 14 and over, must consent to the proposed termination of parental rights unless the court determines the child has a disability that reduces the child’s developmental age and the child is not otherwise of an age of discretion.

**6. Fiscal impact is unknown (see item 8)**

**7. Budget amendment necessary:** Yes, Item 341.

**8. Fiscal implications:** There is no valid method of estimating the number of additional termination petitions that would be filed per this legislation. Therefore, there is no clear way to calculate the potential fiscal impact on courts, court services units, and local departments of social services. However, it is likely that this legislation will lead to additional cases in

which the court is petitioned to terminate parental rights. Moreover, whenever a petition is filed to terminate parental rights, a home study is typically ordered by the courts. Components of a home study include background checks, financial assessment, individual interviews, reference checks, and a home visit. Local departments of social services or court services units currently conduct court ordered home studies. Local agencies are allowed to charge a fee (about \$480) for home studies based on the direct and indirect cost of the actual services provided. However, the fee charged by the local agency is sometimes adjusted based on the income and family size of the petitioning party.

**9. Specific agency or political subdivisions affected:**

Courts  
Department of Social Services  
Local departments of social services

**10. Technical amendment necessary:** No

**11. Other comments:** None

**Date:** 01/31/06

**Document:** G:\2006 Fiscal Year\2006 Ga Session\Efis 2006\Hb903.Doc

cc: Secretary of Health and Human Resources  
Secretary of Public Safety