

Fiscal Estimate - 2015 Session

Original
 Updated
 Corrected
 Supplemental

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| LRB Number 15-0469/1 | Introduction Number AB-0650 | |
| Description Contact preference forms for birth parents whose parental rights have been terminated in this state; access by such a birth parent to identifying information about his or her child or an offspring of that child; access to medical and genetic information about such a birth parent; and access by an adult adoptee or an adult born to a surrogate mother to his or her original birth certificate | | |
| Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <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 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts | | |
| 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 DCF/ Marcie Stebbeds (608) 422-6344 | Authorized Signature Kim Swissdorf (608) 422-6351 | Date 2/9/2016 |

Fiscal Estimate Narratives

DCF 2/9/2016

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|---|-----------|---------------------|---------|---------------|----------|
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Assumptions Used in Arriving at Fiscal Estimate

Access to Medical or Genetic Records

The bill removes the requirement of a physician's letter to accompany an adoptee's request for updated medical or genetic information from birth parents. This change was also in Act 134, which was signed into law by the Governor on February 4. This has no fiscal effect on the Department.

Birth Parent Contact Preference Form

This bill requires the Department of Children and Families (DCF) to replace the current affidavit with a contact preference form. A birth parent may file a contact preference form that designates if and how they would like to be contacted by the child or an offspring of the child. The parent must choose one of the following options:

- 1-I would like to be contacted by my child or by an offspring of my child.
- 2-I would prefer to be contacted only through an intermediary. Or
- 3-I would prefer not to be contacted by my child or by an offspring of my child at this time.

This form will be created and maintained by DCF which will result in no fiscal effect on the Department.

The bill adds that in addition to an adoptee 18 years of age or over, any offspring of the adoptee can also request the Department or an adoption agency to provide any available information regarding the identity and location of the person's birth parents. The Department currently receives approximately 400 requests per year from adult adoptees requesting a search for their birth parents. The fiscal effect of adding the ability of an offspring to request a search for the birth parents is unknown at this time.

Current law states that this information will only be provided if an unrevoked contact preference form is on file that indicates the birth parent wishes to be contacted. If no contact preference form is on file, the Department or agency shall, begin a search for the birth parent within 3 months of the original request and must be completed within 6 months. Within 3 working days of contacting the birth parent, the Department or agency must send the birth parent a written copy of the information and a blank contact preference form. If the birth parent files the contact preference form, the Department or agency can disclose the requested information to the requestor. If the birth parent does not file a contact preference form or if a known birth parent cannot be located, the Department or agency cannot disclose the requested information to the requestor.

If a birth parent indicates on the contact preference form that they would not like to be contacted at this time, the Department or agency shall contact them at least 12 months after the original request to determine if their preference has changed. If it has not, the Department or agency must wait another 5 years after the last contact before contacting the birth parent again to determine if their preference has changed.

The Department is required to collect statistics and prepare a summary document on the number of contact preference forms filed or revoked by a birth parent, categorized by the three preferences, and published at a minimum on an annual basis.

Adoptee or Offspring Contact Authorization Form and Birth Parent Search Request

An adoptee or any offspring 18 years of age or older, may file a contact authorization form authorizing the Department or agency to provide the birth parents with any information about their identity and location or that of their offspring.

A birth parent may request of the Department or agency any available information about the identity and location of his or her child over the age of 18 or any of their offspring 18 years of age or over. The Department projects it will likely receive 400 or more requests from birth parents to search for adoptees or their offspring; however, the actual number is unknown at this time.

A search request for a child or their offspring will follow the same timeline as the current birth parent search. If no contact authorization form is on file, the Department or agency must begin a search for the adoptee within 3 months and complete the search within 6 months. Upon locating the adoptee or their offspring, the Department or agency must notify them of the nature of the information requested, the date of the request and that they can file a contact authorization form. A blank contact authorization form plus a written copy of the information requested must be provided to the adoptee within three (3) working days.

If the contact authorization form is returned, the information may be provided to the birth parents. If the form is not completed and returned, the information may not be provided to the birth parents.

If the adoptee or their offspring do not file a contact authorization form, the Department or agency may not contact them until at least 12 months after the previous contact. If a contact authorization form is still not filed, contact may not be made with that individual until after at least five (5) years has elapsed.

Costs for a Birth Parent, Adoptee or Offspring Search

The requirements of this bill will add new duties which include search requests for the birth parents, adoptees and an adoptee's offspring; counseling the families; preparing and publishing the annual statistics of the contact preference form; making contact with a birth parent that has selected on the contact preference form that they "do not wish to be contacted by my child or an offspring of my child at this time" 12 months after the initial contact and again 5 years after the last contact as necessary; informing birth parents who have not filed a contact preference form that a request for information has been made, informing them of the contact preference form and mailing one out; informing adoptees or their offspring that have not filed a contact authorization form that a request for information has been made, informing them of the contact authorization form and mailing one out; tracking the search for a birth parent, adoptee or an adoptee's offspring to ensure the search is started and completed according to the timeline outlined in statute; releasing the identity of a deceased birth parent(s) to a requestor; and if one parent is deceased, releasing information to the requestor on the other birth parent if they have submitted a contact preference form indicating they would like to be contacted.

According to the bill, an unrevoked affidavit filed before the effective date of this bill should be considered a contact preference form indicating that the birth parent would like to be contacted by their child or an offspring of their child. The Department currently provides an affidavit to the birth parents and they are then sealed in a closed adoption record. DCF does not keep track of the affidavit or the number of affidavits in which a parent has indicated they would like to be contacted by their child.

To fulfill this requirement of the bill, staff at the department will need to review closed adoption records from private adoption agencies and every state adoption record to determine if there is an affidavit on file. If there is, the Department will need to mail a notice informing the birth parents that they may file an optional contact preference form, how the form can be made available to them, that it can be amended or revoked at any time and that it relates to the preference of a birth parent and is not binding on an adoptee or individual. There are more than 100,000 closed adoption records that staff will need to review. The number of staff hours required to request the adoption records, search for an affidavit, mail a notice to the birth parents and track the returned contact preference form to determine the fiscal effect on the Department is unknown at this time.

The Department or agency is able to charge an application fee for the cost of a birth parent search request for a child or their offspring. The Department will charge the same \$40.00 fee to the birth parents to perform this search as is currently charged to an adoptee searching for their birth parent. The Department will need a new full-time senior accountant to handle the administrative work associated with billing for and collecting the fees from both birth parents, adoptees and their offspring who request a birth search. The projected revenue associated with charging this fee will not be sufficient to support a full-time position.

The workload associated with fulfilling the requirements of this bill cannot be absorbed by current staff.

While the extent of the workload is unknown, given the new requirements, the Department projects it will need a minimum of two (2) social workers, four (4) operations program assistants and one (1) senior accountant position to fulfill all the new duties required by this bill. Additional staff may be needed when the bill is implemented and the full workload impact is known.

Currently, the Adoption Search unit receives approximately 400 parent search requests a year and 2 staff are responsible for all work related to fulfilling the requests. The unit assumes there to be the same number of adoptee and adoptee's offspring search requests per year and that 2 additional social workers will be needed for this workload.

The unit projects a need for 4 operations program assistants to handle the new administrative tasks that will be required- preparing and publishing annual statistics on the contact preference form; contacting birth parents about the contact preference form, mailing contact preference forms; tracking the timeliness of the contacts with birth parents who select that they "do not wish to be contacted by my child or an offspring"; informing adoptees or their offspring about the contact authorization form; tracking the birth parent, adoptee or their offspring searches to ensure they are started and completed according to the statutory requirement; releasing the names of birth parents that are deceased and any other administrative tasks that are a result of the bill.

Lastly, the unit estimates a need for 1 senior accountant to track the billing for the adoption searches for the birth parents, adoptees or their offspring; track payments; enter this information into STAR and any other fiscal tasks that are a result of the bill.

Total cost of these seven (7) new full-time permanent positions will be approximately \$710,300 which includes salary, fringe benefits and supplies and services. These costs likely will increase on an annual basis as fringe benefits and supplies and services to support these positions increase. This will require new position numbers and new funding to meet the requirements of this bill.

Enhancements to the state's child welfare system, eWiSACWIS, will need to be completed in order to track the selected preference on the contact preference form to publish in the annual report; to track the number of birth parent contact preference forms that select "I do not wish to be contacted by my child or an offspring of my child at this time," the date of the signed contact preference form, when 12 months has elapsed since filling out the form and when 5 years has elapsed from the date of the last contact. This same tracking will need to be done when a birth parent requests a search for their child or an offspring of that child and a contact authorization form has not been filled out. eWiSACWIS will need to provide the names of birth parents, adoptees and their offspring that need to be contacted each month, annually and every 5 years.

The cost of conducting design sessions to determine what changes need to be made to eWiSACWIS; IT programmers making the enhancements to eWiSACWIS; IT and state staff testing eWiSACWIS to ensure the enhancements produce the information required, is projected to be approximately \$50,000.

Publicizing the Bill

The Department must publish a notice for the birth parents regarding the contact preference form as well as a notice that an adult adoptee or an adult individual born to a surrogate mother may obtain an uncertified copy of his or her original birth certificate by submitting a written request to DHS Vital Records.

The Department must also publicize this information via advertisements in newspapers, on television, radio, other media and the Department's website.

The Department of Children and Families is required to inform and educate birth parents, adoptees, individuals, adoptive parents, guardians, legal custodians and offspring of adoptees and individuals as well as the general public of the provisions of this act.

The cost of publicizing the provisions of this bill as well as mailings, advertisements in newspapers, radio and the Department's website is unknown at this time. The Department would likely need to consult a marketing agency to fulfill this requirement. The cost of this requirement is not known at this time but is anticipated to be expensive and the Department will not be able to absorb the expense.

Total Projected Cost of Bill

To implement all of the requirements of this bill will cost approximately \$760,300 in new funding, seven (7)

new position numbers plus additional unknown costs. This includes \$710,300 for seven (7) new positions; \$50,000 for enhancements to eWiSACWIS; plus unknown costs related to reviewing over 100,000 closed adoption records to search for an affidavit, mail a notice to birth parents and track returned contact preference forms; and the costs associated with publicizing the bill. The Department will not be able to absorb these costs and will need new positions and new funding in order to meet the requirements of this bill.

Long-Range Fiscal Implications