



1995 SENATE BILL 223

June 1, 1995 - Introduced by Senators LEEAN, ELLIS and RUDE, by request of Governor Tommy G. Thompson. Referred to Committee on Health, Human Services and Aging.

1 **AN ACT to repeal** 48.89 (1) (a); **to consolidate, renumber and amend** 48.89 (1)
2 (intro.) and (b); and **to amend** 48.551 (1), 48.57 (1) (hm), 48.89 (3), 48.91 (3) and
3 48.97 of the statutes; **relating to:** the adoption of a nonmarital child, the
4 readoption of a foreign adoptive child, county adoption services and the state
5 adoption center.

Analysis by the Legislative Reference Bureau

Under current law, a county department of human services or social services (county department) in a county with a population of 500,000 or more (Milwaukee County) may place children under its guardianship for adoption. Currently, a county department of a county with a population of less than 500,000 must be licensed by the department of health and social services (DHSS) before it may place children under its guardianship for adoption. This bill eliminates the requirement that a county department in a county with a population of less than 500,000 be licensed by DHSS before it may place children under its guardianship for adoption. The bill, however, permits those county departments to place children for adoption only in foster home conversion cases, that is, cases in which the county department has placed a child in a foster home or treatment foster home and the foster parents or treatment foster parents now wish to adopt the child.

Under current law, the recommendation of DHSS is required for the adoption of: 1) a nonmarital child who is not adopted or whose parents do not subsequently intermarry; and 2) a child who has no living parents or whose parents have had their parental rights terminated if the child is not under the guardianship of a county department or a child welfare agency. Currently, DHSS is not required to make a recommendation if one of the adoption petitioners is a stepparent or if DHSS, a county department or a child welfare agency is required to make a recommendation in its role as guardian of the child. This bill eliminates the requirement that DHSS

make a recommendation regarding the adoption of a nonmarital child who is not adopted or whose parents do not intermarry and regarding the adoption of a child who has no living parents or whose parents have had their parental rights terminated. The bill instead requires DHSS to make a recommendation if the child is not under the guardianship of a county department or child welfare agency. The bill also provides that DHSS is not required to make a recommendation if DHSS, a county department or a child welfare agency is required to conduct a preadoption investigation of the suitability of the child and the home for adoption or if one of the adoption petitioners is any relative of the child, not just a stepparent.

Under current law, a child who has been adopted in another country and whose adoption is otherwise valid may be readopted in this state if readoption is necessary under federal law to permit the child to enter this country. This bill eliminates the requirement that readoption be necessary under federal law to permit the child to enter the country.

Under current law, DHSS may contract with individuals and private agencies to operate a state adoption center for the purpose of increasing public knowledge of and promoting the availability of adoption services. This bill permits DHSS to provide grants to, rather than contract with, individuals and private agencies to operate the state adoption center. The bill also limits the amount that DHSS may provide in grants to operate the state adoption center to \$65,000 in each fiscal year.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.551 (1) of the statutes is amended to read:

2 48.551 (1) The department shall establish a state adoption center for the
3 purposes of increasing public knowledge of adoption and promoting to adolescents
4 and pregnant women the availability of adoption services. From the appropriation
5 under s. 20.435 (6) (dg), the department may ~~contract with~~ provide not more than
6 \$65,000 in grants in each fiscal year to individuals and private agencies to operate
7 the adoption center.

8 **SECTION 2.** 48.57 (1) (hm) of the statutes is amended to read:

9 48.57 (1) (hm) If a county department in a county with a population of less than
10 500,000 ~~and licensed by the department to do so~~, to accept guardianship of children,

1 when appointed by the court, of a child whom the county department has placed in
2 a foster home or treatment foster home under a court order or voluntary agreement
3 under s. 48.63 and to place ~~children~~ that child under its guardianship for adoption
4 by the foster parent or treatment foster parent.

5 **SECTION 3.** 48.89 (1) (intro.) and (b) of the statutes are consolidated,
6 renumbered 48.89 (1) and amended to read:

7 48.89 (1) The recommendation of the department is required for the adoption
8 of the following children: ~~(b) A a child who has no living parents or whose parents~~
9 ~~have had their rights legally terminated~~ if the child is not under the guardianship
10 of a county department under s. 48.57 (1) (e) or (hm) or a child welfare agency under
11 s. 48.61 (5).

12 **SECTION 4.** 48.89 (1) (a) of the statutes is repealed.

13 **SECTION 5.** 48.89 (3) of the statutes is amended to read:

14 48.89 (3) The recommendation of the department shall not be required if the
15 recommendation of the department, a licensed child welfare agency or a county
16 department under s. 48.57 (1) (e) or (hm) is required by s. 48.841, if a report of an
17 investigation by the department, a county department under s. 48.57 (1) (e) or (hm)
18 or a licensed child welfare agency is required by s. 48.88 (2) (a) 2. or if one of the
19 petitioners is a ~~stepparent~~ relative of the child.

20 **SECTION 6.** 48.91 (3) of the statutes is amended to read:

21 48.91 (3) If after the hearing and a study of the report required by s. 48.88 and
22 the recommendation required by s. 48.841 or 48.89, the court is satisfied that the
23 necessary consents or recommendations have been filed and that the adoption is in
24 the best interests of the child, the court shall make an order granting the adoption.
25 The order may change the name of the minor to that requested by petitioners.

