

## 1999 ASSEMBLY BILL 821

February 29, 2000 – Introduced by Representative WARD, cosponsored by Senator PLACHE. Referred to Committee on Children and Families.

- 1     **AN ACT to amend** 48.833 of the statutes; **relating to:** the placement of a child  
2             for adoption outside of the county where the child is located.

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### *Analysis by the Legislative Reference Bureau*

Under current law, the department of health and family services (DHFS), a county department of human services or social services (county department) or a child welfare agency may place a child for adoption in a licensed foster home without a court order if DHFS, the county department or the child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child. Current law requires DHFS, a county department or a child welfare agency, before placing a child for adoption, to consider the availability of a placement for adoption with a relative of the child. In addition, current federal law prohibits a state that is receiving federal foster care and adoption assistance moneys under Title IV–E of the federal Social Security Act from denying or delaying the adoptive placement of a child when an approved family is available outside of the jurisdiction that is responsible for handling the case of the child. This bill prohibits DHFS, a county department or a child welfare agency from denying or delaying the placement of a child for adoption when a family that has been approved as an appropriate adoptive placement for the child is available outside of the county where the child is located.

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

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

1           **SECTION 1.** 48.833 of the statutes is amended to read:

2           **48.833 Placement of children for adoption by the department, county**  
3 **departments and child welfare agencies.** The department, a county department  
4 under s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.60 may  
5 place a child for adoption in a licensed foster home or a licensed treatment foster  
6 home without a court order if the department, county department under s. 48.57 (1)  
7 (e) or (hm) or the child welfare agency is the guardian of the child or makes the  
8 placement at the request of another agency which is the guardian of the child. Before  
9 placing a child for adoption under this section, the department, county department  
10 or child welfare agency making the placement shall consider the availability of a  
11 placement for adoption with a relative of the child who is identified in the child's  
12 permanency plan under s. 48.38 or 938.38 or who is otherwise known by the  
13 department, county department or child welfare agency. The department, county  
14 department or child welfare agency may not deny or delay the placement of a child  
15 for adoption when a family that has been approved as an appropriate adoptive  
16 placement for the child is available outside of the county where the child is located.  
17 When a child is placed under this section in a licensed foster home or a licensed  
18 treatment foster home for adoption, the department, county department or child  
19 welfare agency making the placement shall enter into a written agreement with the  
20 adoptive parent, which shall state the date on which the child is placed in the licensed  
21 foster home or licensed treatment foster home for adoption by the adoptive parent.

