

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/20/99

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-8017

By/Representing: Carabell

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Children - TPR and adoption

Extra Copies:

Pre Topic:

LFB:.....Carabell -

Topic:

Special needs adoption placements (LFB motion #294)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 05/21/99	chanaman 05/25/99		_____			
/1			martykr 05/26/99	_____	lrb_docadmin 05/26/99		

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/20/99

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 6-8017

By/Representing: Carabell

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Children - TPR and adoption

Extra Copies:

Pre Topic:

LFB:.....Carabell -

Topic:

Special needs adoption placements (LFB motion #294)

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	malaigm	cmm 1 5/25	Jm 5/25	J 5/26 km 26			

FE Sent For:

<END>

HEALTH AND FAMILY SERVICES

Special Needs Adoptions
[LFB Paper #532]

Motion:

Move to prohibit DHFS and agencies that provide adoption placement services to children with special needs from including a potential adoptive family's location of residence as a factor in matching a child with special needs with a potential adoptive family, except in cases where the best interests of the child's need for care and treatment dictate that DHFS or the agency make such a consideration. Further, specify that if DHFS or the agency considers the family's residence as a factor, require DHFS or the agency to document why such consideration was necessary.

Note:

This motion would prohibit DHFS and adoption agencies from using the potential adoptive family's location of residence as a factor in matching children with special needs with potential adoptive families, except in cases where DHFS or the agency determines that using this factor is in the best interests of the child's need for care. If DHFS or an agency makes such an exception, it must document why this factor was used in its decision.



State of Wisconsin
1999 - 2000 LEGISLATURE

PNote

soon

LRBb0359? ¹
GMM.....

cmf

LFB:.....Carabell – Special needs adoption placements (LFB motion #294)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 650, line 3: after that line insert:

3 “SECTION 1131^g. 48.235^g (8) (c) 1. of the statutes is amended to read:

4 48.235 (8) (c) 1. In an uncontested termination of parental rights and adoption
5 proceeding under s. 48.833^g (1), the court shall order the agency that placed the child
6 for adoption to pay the compensation of the child’s guardian ad litem.

History: Sup. Ct. Order, 151 W (2d) xxv (1989); 1991 a. 189, 268; 1993 a. 16, 318, 395; 1995 a. 27, 275; 1997 a. 237, 292, 334.

7 SECTION 1131k. 48.38 (4) (d) of the statutes is amended to read:

8 48.38 (4) (d) If the child is living more than 60 miles from his or her home,
9 documentation that placement within 60 miles of the child’s home is either
10 unavailable or inappropriate or documentation that placement more than 60 miles
11 from the child’s home is in the child’s best interests. The placement of a child in a

1 licensed foster home or a licensed treatment foster home more than 60 miles from the
2 child's home is presumed to be in the best interests of the child if documentation is
3 provided ~~which~~ that shows ~~all~~ any of the following:

4 1. That the placement is made pursuant to a voluntary agreement under s.
5 48.63 (1).

6 ~~2. That~~ that the voluntary agreement provides that the child may be placed
7 more than 60 miles from the child's home.

8 ~~3. That~~ and that the placement is made to facilitate the anticipated adoptive
9 placement of the child under s. 48.833 [✓](1) or 48.837.

History: 1983 a. 399; 1985 a. 70 ss. 1, 10; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1987 a. 383; 1989 a. 31, 86, 107; 1993 a. 377, 385, 395, 446, 491; 1995 a. 27 ss. 2474 to 2478, 9126 (19); 1995 a. 77, 143, 275; 1997 a. 27, 35, 104, 237.

10 **SECTION 1131L. 48.38 (4) (d) 1m.** of the statutes is created to read:

11 48.38 (4) (d) 1m. That the placement is of a child with special needs, as defined
12 by rule promulgated under s. 48.975 (5) (b), [✓]that the placement is made to facilitate
13 the anticipated adoptive placement of the child under s. 48.833 [✓](1) and that the
14 department, county department or child welfare agency making the placement has
15 determined under s. 48.833 [✓](3) that consideration of the location of the proposed
16 adoptive parent's residence is not necessary to ensure the best interests of the child
17 in light of the child's need for care or treatment to meet those special needs.

18 **SECTION 1131m. 48.38 (4) (dm)** of the statutes is created to read:

19 48.38 (4) (dm) In the case of a child with special needs, as defined by rule
20 promulgated under s. 48.975 (5) (b), [✓]who is placed to facilitate the anticipated
21 adoptive placement of the child under s. 48.833 [✓](1), if the department [✓], county
22 department or child welfare agency making the placement has determined under s.
23 48.833 [✓](3) that consideration of the location of the proposed adoptive parent's
24 residence is necessary to ensure the best interests of the child in light of the child's

1 need for special care or treatment to meet those special needs, documentation
2 showing the reasons why that consideration is necessary.

3 SECTION 1131r. 48.434 (2) of the statutes is amended to read:

4 48.434 (2) Any birth parent of a child may file with the agency that placed the
5 child for adoption under s. 48.833 (1) or that was appointed the guardian of the child
6 under s. 48.837 (6) (d) a written authorization for the agency to release any available
7 information about the birth parent's identity and location to one or both adoptive
8 parents of the child.

9 History: 1997 a. 104.

9 SECTION 1131s. 48.434 (3) of the statutes is amended to read:

10 48.434 (3) Any adoptive parent of a child may file with the agency that placed
11 the child for adoption under s. 48.833 (1) or that was appointed the guardian of the
12 child under s. 48.837 (6) (d) a written authorization for the agency to release any
13 available information about the adoptive parent's identity and location to one or both
14 birth parents of the child."

15 History: 1997 a. 104.

15 2. Page 653, line 23: after that line insert:

16 "SECTION 1148m. 48.63 (3) of the statutes is amended to read:

17 48.63 (3) Subsection (1) does not apply to the placement of a child for adoption.
18 Adoptive placements may be made only as provided under ss. 48.833 (1), 48.835,
19 48.837 and 48.839.

20 History: 1977 c. 354, 449; 1979 c. 300; 1981 c. 81; 1983 a. 351, 399; 1985 a. 176; 1989 a. 31, 107; 1993 a. 446; 1995 a. 27 ss. 2594, 9126 (19); 1995 a. 77.

20 SECTION 1148p. 48.64 (1m) of the statutes is amended to read:

21 48.64 (1m) FOSTER HOME, TREATMENT FOSTER HOME AND GROUP HOME AGREEMENTS.

22 If an agency places a child in a foster home, treatment foster home or group home
23 under a court order or voluntary agreement under s. 48.63, the agency shall enter
24 into a written agreement with the head of the home. The agreement shall provide

1 that the agency shall have access at all times to the child and the home, and that the
 2 child will be released to the agency whenever, in the opinion of the agency placing
 3 the child or the department, the best interests of the child require it. If a child has
 4 been in a foster home, treatment foster home or group home for 6 months or more,
 5 the agency shall give the head of the home written notice of intent to remove the
 6 child, stating the reasons for the removal. The child may not be removed before
 7 completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the
 8 receipt of the notice, whichever is later, unless the safety of the child requires it or,
 9 in a case in which the reason for removal is to place the child for adoption under s.
 10 48.833 (1), unless all of the persons who have the right to request a hearing under
 11 sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the
 12 safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes
 13 a child from an adoptive placement, the head of the home shall have no claim against
 14 the placing agency for the expense of care, clothing or medical treatment.

w.p.o. -
please
check
font

History: 1971 c. 40; 1973 c. 328; 1977 c. 271, 354, 418, 447, 449; 1985 a. 176; 1985 a. 292 s. 3; 1985 a. 332; 1989 a. 31, 107; 1993 a. 395, 446, 491; 1995 a. 27 ss. 2595, 9126 (19); 1997 a. 104.

15 **3.** Page 658, line 8: after that line insert:

16 "SECTION 1160d. 48.685 (1) (bg) of the statutes is amended to read:

17 48.685 (1) (bg) "Foster home" includes a placement for adoption under s. 48.833
 18 (1) of a child for whom adoption assistance will be provided under s. 48.975 after the
 19 adoption is finalized.

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

20 **SECTION 1160g.** 48.685 (1) (d) of the statutes is amended to read:

21 48.685 (1) (d) "Treatment foster home" includes a placement for adoption under
 22 s. 48.833 (1) of a child for whom adoption assistance will be provided under s. 48.975
 23 after the adoption is finalized."

History: 1997 a. 27, 237, 281; s. 13.93 (2) (c).

1 4. Page 670, line 10: after that line insert:

2 “SECTION 1189p. 48.75 (1g) (a) 4. of the statutes is amended to read:

3 48.75 (1g) (a) 4. The county of the public licensing agency issuing the license
4 has a population of 500,000 or more and the placement is for adoption under s. 48.833
5 (1), 48.835 or 48.837.”.

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237.

6 5. Page 671, line 8: after that line insert:

7 “SECTION 1192g. 48.833 of the statutes is renumbered 48.833 (1) and amended
8 to read:

9 48.833 (1) ADOPTIVE PLACEMENT. The department, a county department under
10 s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.60 may place a
11 child for adoption in a licensed foster home or a licensed treatment foster home
12 without a court order if the department, county department ~~under s. 48.57 (1) (e) or~~
13 (hm) or the child welfare agency is the guardian of the child or makes the placement
14 at the request of another agency which ~~that~~ is the guardian of the child.

15 (2) CONSIDERATION OF PLACEMENT WITH RELATIVE. Before placing a child for
16 adoption under ~~this subsection~~ sub. (1), the department, county department or child
17 welfare agency making the placement shall consider the availability of a placement
18 for adoption with a relative of the child who is identified in the child’s permanency
19 plan under s. 48.38 or 938.38 or who is otherwise known by the department, county
20 department or child welfare agency.

21 (4) WRITTEN AGREEMENT. When a child is placed under ~~this section~~ sub. (1) in
22 a licensed foster home or a licensed treatment foster home for adoption, the
23 department, county department or child welfare agency making the placement shall
24 enter into a written agreement with the adoptive parent, which shall state the date

1 on which the child is placed in the licensed foster home or licensed treatment foster
2 home for adoption by the adoptive parent.

3 History: 1981 c. 81, 384; 1985 a. 176; 1989 a. 336; 1993 a. 446; 1995 a. 275.

3 SECTION 1192j. 48.833 (3) of the statutes is created to read:

4 48.833 (3) CHILD WITH SPECIAL NEEDS. In placing a child with special needs, as
5 defined by rule promulgated under s. 48.975 (5) (b), for adoption under sub. (1), the
6 department, county department or child welfare agency making the placement may
7 not consider the location of a proposed adoptive parent's residence as a factor in
8 making that placement unless the department, county department or child welfare
9 agency determines that consideration of that factor is necessary to ensure the best
10 interests of the child in light of the child's need for care or treatment to meet those
11 special needs. If the department, county department or child welfare agency
12 considers the location of a prospective adoptive parent's residence as a factor in
13 placing a child with special needs, the department, county department or child
14 welfare agency shall document the reasons why that consideration is necessary in
15 the child's permanency plan as provided in s. 48.38 (4) (dm). If the department,
16 county department or child welfare agency does not consider the location of a
17 prospective adoptive parent's residence as a factor in placing a child with special
18 needs and the child is placed more than 60 miles from the child's home, the
19 department, county department or child welfare agency shall document the reasons
20 why that consideration is not necessary in the child's permanency plan as provided
21 in s. 48.38 (4) (d) ~~er~~ (M.)

22 SECTION 1192m. 48.913 (2) (c) 3. of the statutes is amended to read:

1 48.913 (2) (c) 3. With a petition under s. 48.90, if the parental rights of both
2 parents of the child are terminated in another state and the child is placed for
3 adoption under s. 48.833 (1)."

History: 1997 a. 104.

4 6. Page 1295, line 24: after that line insert:

5 "SECTION 3044g. 632.896 (1) (c) 1. of the statutes is amended to read:

6 632.896 (1) (c) 1. The department, a county department under s. 48.57 (1) (e)
7 or (hm) or a child welfare agency licensed under s. 48.60 places a child in the insured's
8 home for adoption and enters into an agreement under s. 48.833 (4) with the
9 insured."

History: 1989 a. 336; 1995 a. 27 s. 9126 (19); 1995 s. 289; 1997 a. 27.

10 7. Page 1355, line 13: after that line insert:

11 "SECTION 3197j. 948.24 (1) (b) of the statutes is amended to read:

12 948.24 (1) (b) For anything of value, solicits, negotiates or arranges the
13 placement of a child for adoption except under s. 48.833 (1)."

History: 1981 c. 81; 1987 a. 332 s. 50; Stats. 1987 s. 948.24; 1989 a. 161; 1997 a. 104.

14 8. Page 1453, line 17: after that line insert:

15 "(12g) SPECIAL NEEDS ADOPTION. The treatment of section 48.833 (3) of the
16 statutes first applies to children who are placed for adoption on the effective date of
17 this subsection.

18 (12h) PERMANENCY PLANS. The treatment of sections 48.38 (4) ~~(d)~~ and (dm) of
19 the statutes first applies to permanency plans filed on the effective date of this
20 subsection."

(END)

Initial
App

Initial
App

the amendment of section 48.38 (4)(d) of the statutes
and the creation of section 48.38 (4)(d) 1m.
of the statutes

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0359/1dn

GMM.....

cmv

Rachel:

Motion #294 arguably conflicts with Title IV-E of the federal Social Security Act, specifically 42 USC 675 (5) (a) (i), insofar as the motion prohibits an adoption agency from considering the location of a proposed adoptive family's residence in placing a child with special needs and 42 USC 675 (5) (a) (i) requires the permanency plan of a child who is placed a substantial distance from home to set forth reasons why the placement is in the best interests of the child. The conflict would arise when a child is placed far from home in that the motion would *prohibit* the agency from considering the location of the placement as a factor in making the placement, yet the federal law would *require* the agency to explain why a placement far from home is in the best interests of the child. As such, the agency would be caught in the untenable position of having to explain under federal law what is it prohibited from considering under state law. Accordingly, this draft, in addition to prohibiting an adoption agency from considering the location of a proposed adoptive family's residence in placing a child with special needs, amends s. 48.38 (4) (d) to provide that a placement of a child with special needs for adoption more than 60 miles from the child's home is *presumed* to be in the child's best interests if the adoption agency documents that it has determined that consideration of the location of the proposed adoptive parent's residence is not necessary to ensure the best interests of the child.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: Gordon.Malaise@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0359/1dn
GMM:cmh:km

May 25, 1999

Rachel:

Motion #294 arguably conflicts with Title IV-E of the federal Social Security Act, specifically 42 USC 675 (5) (a) (i), insofar as the motion prohibits an adoption agency from considering the location of a proposed adoptive family's residence in placing a child with special needs and 42 USC 675 (5) (a) (i) requires the permanency plan of a child who is placed a substantial distance from home to set forth reasons why the placement is in the best interests of the child. The conflict would arise when a child is placed far from home in that the motion would *prohibit* the agency from considering the location of the placement as a factor in making the placement, yet the federal law would *require* the agency to explain why a placement far from home is in the best interests of the child. As such, the agency would be caught in the untenable position of having to explain under federal law what is it prohibited from considering under state law. Accordingly, this draft, in addition to prohibiting an adoption agency from considering the location of a proposed adoptive family's residence in placing a child with special needs, amends s. 48.38 (4) (d) to provide that a placement of a child with special needs for adoption more than 60 miles from the child's home is *presumed* to be in the child's best interests if the adoption agency documents that it has determined that consideration of the location of the proposed adoptive parent's residence is not necessary to ensure the best interests of the child.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: Gordon.Malaise@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0359/1
GMM:cmh:km

LFB:.....Carabell – Special needs adoption placements (LFB motion #294)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 650, line 3: after that line insert:

3 “**SECTION 1131g.** 48.235 (8) (c) 1. of the statutes is amended to read:

4 48.235 (8) (c) 1. In an uncontested termination of parental rights and adoption
5 proceeding under s. 48.833 (1), the court shall order the agency that placed the child
6 for adoption to pay the compensation of the child’s guardian ad litem.

7 **SECTION 1131k.** 48.38 (4) (d) of the statutes is amended to read:

8 48.38 (4) (d) If the child is living more than 60 miles from his or her home,
9 documentation that placement within 60 miles of the child’s home is either
10 unavailable or inappropriate or documentation that placement more than 60 miles
11 from the child’s home is in the child’s best interests. The placement of a child in a
12 licensed foster home or a licensed treatment foster home more than 60 miles from the

1 child's home is presumed to be in the best interests of the child if documentation is
2 provided ~~which~~ that shows all any of the following:

3 1. That the placement is made pursuant to a voluntary agreement under s.
4 48.63 (1);

5 ~~2. That, that~~ the voluntary agreement provides that the child may be placed
6 more than 60 miles from the child's home.

7 ~~3. That and that~~ the placement is made to facilitate the anticipated adoptive
8 placement of the child under s. 48.833 (1) or 48.837.

9 **SECTION 1131L.** 48.38 (4) (d) 1m. of the statutes is created to read:

10 48.38 (4) (d) 1m. That the placement is of a child with special needs, as defined
11 by rule promulgated under s. 48.975 (5) (b), that the placement is made to facilitate
12 the anticipated adoptive placement of the child under s. 48.833 (1) and that the
13 department, county department or child welfare agency making the placement has
14 determined under s. 48.833 (3) that consideration of the location of the proposed
15 adoptive parent's residence is not necessary to ensure the best interests of the child
16 in light of the child's need for care or treatment to meet those special needs.

17 **SECTION 1131m.** 48.38 (4) (dm) of the statutes is created to read:

18 48.38 (4) (dm) In the case of a child with special needs, as defined by rule
19 promulgated under s. 48.975 (5) (b), who is placed to facilitate the anticipated
20 adoptive placement of the child under s. 48.833 (1), if the department, county
21 department or child welfare agency making the placement has determined under s.
22 48.833 (3) that consideration of the location of the proposed adoptive parent's
23 residence is necessary to ensure the best interests of the child in light of the child's
24 need for care or treatment to meet those special needs, documentation showing the
25 reasons why that consideration is necessary.

1 **SECTION 1131r.** 48.434 (2) of the statutes is amended to read:

2 48.434 (2) Any birth parent of a child may file with the agency that placed the
3 child for adoption under s. 48.833 (1) or that was appointed the guardian of the child
4 under s. 48.837 (6) (d) a written authorization for the agency to release any available
5 information about the birth parent’s identity and location to one or both adoptive
6 parents of the child.

7 **SECTION 1131s.** 48.434 (3) of the statutes is amended to read:

8 48.434 (3) Any adoptive parent of a child may file with the agency that placed
9 the child for adoption under s. 48.833 (1) or that was appointed the guardian of the
10 child under s. 48.837 (6) (d) a written authorization for the agency to release any
11 available information about the adoptive parent’s identity and location to one or both
12 birth parents of the child.”

13 **2.** Page 653, line 23: after that line insert:

14 “**SECTION 1148m.** 48.63 (3) of the statutes is amended to read:

15 48.63 (3) Subsection (1) does not apply to the placement of a child for adoption.
16 Adoptive placements may be made only as provided under ss. 48.833 (1), 48.835,
17 48.837 and 48.839.

18 **SECTION 1148p.** 48.64 (1m) of the statutes is amended to read:

19 48.64 (1m) FOSTER HOME, TREATMENT FOSTER HOME AND GROUP HOME AGREEMENTS.
20 If an agency places a child in a foster home, treatment foster home or group home
21 under a court order or voluntary agreement under s. 48.63, the agency shall enter
22 into a written agreement with the head of the home. The agreement shall provide
23 that the agency shall have access at all times to the child and the home, and that the
24 child will be released to the agency whenever, in the opinion of the agency placing

1 the child or the department, the best interests of the child require it. If a child has
2 been in a foster home, treatment foster home or group home for 6 months or more,
3 the agency shall give the head of the home written notice of intent to remove the
4 child, stating the reasons for the removal. The child may not be removed before
5 completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the
6 receipt of the notice, whichever is later, unless the safety of the child requires it or,
7 in a case in which the reason for removal is to place the child for adoption under s.
8 48.833 (1), unless all of the persons who have the right to request a hearing under
9 sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the
10 safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes
11 a child from an adoptive placement, the head of the home shall have no claim against
12 the placing agency for the expense of care, clothing or medical treatment.”.

13 **3.** Page 658, line 8: after that line insert:

14 “**SECTION 1160d.** 48.685 (1) (bg) of the statutes is amended to read:

15 48.685 (1) (bg) “Foster home” includes a placement for adoption under s. 48.833
16 (1) of a child for whom adoption assistance will be provided under s. 48.975 after the
17 adoption is finalized.

18 **SECTION 1160g.** 48.685 (1) (d) of the statutes is amended to read:

19 48.685 (1) (d) “Treatment foster home” includes a placement for adoption under
20 s. 48.833 (1) of a child for whom adoption assistance will be provided under s. 48.975
21 after the adoption is finalized.”.

22 **4.** Page 670, line 10: after that line insert:

23 “**SECTION 1189p.** 48.75 (1g) (a) 4. of the statutes is amended to read:

1 48.75 (1g) (a) 4. The county of the public licensing agency issuing the license
2 has a population of 500,000 or more and the placement is for adoption under s. 48.833
3 (1), 48.835 or 48.837.”

4 **5.** Page 671, line 8: after that line insert:

5 “**SECTION 1192g.** 48.833 of the statutes is renumbered 48.833 (1) and amended
6 to read:

7 48.833 (1) ADOPTIVE PLACEMENT. The department, a county department under
8 s. 48.57 (1) (e) or (hm) or a child welfare agency licensed under s. 48.60 may place a
9 child for adoption in a licensed foster home or a licensed treatment foster home
10 without a court order if the department, county department ~~under s. 48.57 (1) (e) or~~
11 ~~(hm)~~ or the child welfare agency is the guardian of the child or makes the placement
12 at the request of another agency ~~which~~ that is the guardian of the child.

13 (2) CONSIDERATION OF PLACEMENT WITH RELATIVE. Before placing a child for
14 adoption under ~~this subsection~~ sub. (1), the department, county department or child
15 welfare agency making the placement shall consider the availability of a placement
16 for adoption with a relative of the child who is identified in the child’s permanency
17 plan under s. 48.38 or 938.38 or who is otherwise known by the department, county
18 department or child welfare agency.

19 (4) WRITTEN AGREEMENT. When a child is placed under ~~this section~~ sub. (1) in
20 a licensed foster home or a licensed treatment foster home for adoption, the
21 department, county department or child welfare agency making the placement shall
22 enter into a written agreement with the adoptive parent, which shall state the date
23 on which the child is placed in the licensed foster home or licensed treatment foster
24 home for adoption by the adoptive parent.

1 **SECTION 1192j.** 48.833 (3) of the statutes is created to read:

2 **48.833 (3) CHILD WITH SPECIAL NEEDS.** In placing a child with special needs, as
3 defined by rule promulgated under s. 48.975 (5) (b), for adoption under sub. (1), the
4 department, county department or child welfare agency making the placement may
5 not consider the location of a proposed adoptive parent's residence as a factor in
6 making that placement unless the department, county department or child welfare
7 agency determines that consideration of that factor is necessary to ensure the best
8 interests of the child in light of the child's need for care or treatment to meet those
9 special needs. If the department, county department or child welfare agency
10 considers the location of a prospective adoptive parent's residence as a factor in
11 placing a child with special needs, the department, county department or child
12 welfare agency shall document the reasons why that consideration is necessary in
13 the child's permanency plan as provided in s. 48.38 (4) (dm). If the department,
14 county department or child welfare agency does not consider the location of a
15 prospective adoptive parent's residence as a factor in placing a child with special
16 needs and the child is placed more than 60 miles from the child's home, the
17 department, county department or child welfare agency shall document the reasons
18 why that consideration is not necessary in the child's permanency plan as provided
19 in s. 48.38 (4) (d) 1m.

20 **SECTION 1192m.** 48.913 (2) (c) 3. of the statutes is amended to read:

21 **48.913 (2) (c) 3.** With a petition under s. 48.90, if the parental rights of both
22 parents of the child are terminated in another state and the child is placed for
23 adoption under s. 48.833 (1).”

24 **6.** Page 1295, line 24: after that line insert:

1 **“SECTION 3044g. 632.896 (1) (c) 1. of the statutes is amended to read:**

2 **632.896 (1) (c) 1.** The department, a county department under s. 48.57 (1) (e)
3 or (hm) or a child welfare agency licensed under s. 48.60 places a child in the insured’s
4 home for adoption and enters into an agreement under s. 48.833 (4) with the
5 insured.”.

6 **7. Page 1355, line 13: after that line insert:**

7 **“SECTION 3197j. 948.24 (1) (b) of the statutes is amended to read:**

8 **948.24 (1) (b)** For anything of value, solicits, negotiates or arranges the
9 placement of a child for adoption except under s. 48.833 (1).”.

10 **8. Page 1453, line 17: after that line insert:**

11 **“(12g) SPECIAL NEEDS ADOPTION.** The treatment of section 48.833 (3) of the
12 statutes first applies to children who are placed for adoption on the effective date of
13 this subsection.

14 **(12h) PERMANENCY PLANS.** The treatment of section 48.38 (4) (dm) of the
15 statutes, the amendment of section 48.38 (4) (d) of the statutes and the creation of
16 section 48.38 (4) (d) 1m. of the statutes first apply to permanency plans filed on the
17 effective date of this subsection.”.

18 **(END)**