

## 2015 DRAFTING REQUEST

### Bill

Received: **12/23/2014** Received By: **gmalaise**  
Wanted: **As time permits** Same as LRB:  
For: **Legislative Council -study cmmte 6-9280** By/Representing: **Margit Kelley**  
May Contact: Drafter: **gmalaise**  
Subject: **Children - child welfare** Addl. Drafters: **eshea**  
**Children - TPR and adoption**  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Margit.Kelley@legis.wisconsin.gov**  
Carbon copy (CC) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Tracking of adopted children who enter the child welfare system

---

### Instructions:

Draft up WLC: 00301/3

---

### 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>
/?	gmalaise 12/30/2014			_____			
/P1	gmalaise 1/27/2015	csicilia 1/13/2015	jmurphy 1/13/2015	_____	lparisi 1/13/2015		State
/P2	eshea 1/30/2015	csicilia 1/30/2015	rschluet 1/30/2015	_____	lparisi 1/30/2015		State
/1		csicilia	rschluet	_____	lparisi	sbasford	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/30/2015	1/30/2015	_____	1/30/2015	2/11/2015	

FE Sent For:

*at  
intro*

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/23/2014 Received By: gmalaise  
Wanted: As time permits Same as LRB:  
For: Legislative Council -study cmmte 6-9280 By/Representing: Margit Kelley  
May Contact: Drafter: gmalaise  
Subject: Children - child welfare Addl. Drafters: eshea  
Children - TPR and adoption  
Extra Copies:

Submit via email: YES  
Requester's email: Margit.Kelley@legis.wisconsin.gov  
Carbon copy (CC) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Tracking of adopted children who enter the child welfare system

---

**Instructions:**

Draft up WLC: 00301/3

---

**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>
/?	gmalaise 12/30/2014			_____			
/P1	gmalaise 1/27/2015	csicilia 1/13/2015	jmurphy 1/13/2015	_____	lparisi 1/13/2015		State
/P2	eshea 1/30/2015	csicilia 1/30/2015	rschluet 1/30/2015	_____	lparisi 1/30/2015		State
/1		csicilia	rschluet	_____	lparisi		State

Vers. Drafted

Reviewed  
1/30/2015

Typed  
1/30/2015

Proofed  
\_\_\_\_\_

Submitted  
1/30/2015

Jacketed

Required

FE Sent For:

<END>

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/23/2014 Received By: gmalaise  
Wanted: As time permits Same as LRB:  
For: Legislative Council -study cmmte 6-9280 By/Representing: Margit Kelley  
May Contact: Drafter: gmalaise  
Subject: Children - child welfare Addl. Drafters: eshea  
Children - TPR and adoption

Extra Copies:

Submit via email: YES  
Requester's email: Margit.Kelley@legis.wisconsin.gov  
Carbon copy (CC) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Tracking of adopted children who enter the child welfare system

---

**Instructions:**

Draft up WLC: 00301/3

---

**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>
/?	gmalaise 12/30/2014			_____			
/P1	gmalaise 1/27/2015	csicilia 1/13/2015	jmurphy 1/13/2015	_____	lparisi 1/13/2015		State
/P2		csicilia 1/30/2015	rschluet 1/30/2015	_____	lparisi 1/30/2015		State

1/30/15

FE Sent For:

**<END>**

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/23/2014 Received By: gmalaise  
Wanted: As time permits Same as LRB:  
For: Legislative Council -study emmte 6-9280 By/Representing: Margit Kelley  
May Contact: Drafter: gmalaise  
Subject: Children - child welfare Addl. Drafters: eshea  
Children - TPR and adoption  
Extra Copies:

Submit via email: YES  
Requester's email: Margit.Kelley@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Tracking of adopted children who enter the child welfare system

**Instructions:**

Draft up WLC: 00301/3

**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>
/?	gmalaise 12/30/2014			_____			
/P1		csicilia 1/13/2015	jmurphy 1/13/2015	_____	lparisi 1/13/2015		State
FE Sent For:	P2 gs 1/30 15		jm 1/30/15 <END>				

**2015 DRAFTING REQUEST**

**Bill**

Received: 12/23/2014 Received By: gmalaise  
Wanted: As time permits Same as LRB:  
For: Legislative Council -study cmmte 6-9280 By/Representing: Margit Kelley  
May Contact: Drafter: gmalaise  
Subject: Children - child welfare Addl. Drafters: eshea  
Children - TPR and adoption  
Extra Copies:

Submit via email: YES  
Requester's email: Margit.Kelley@legis.wisconsin.gov  
Carbon copy (CC) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Tracking of adopted children who enter the child welfare system

---

**Instructions:**

Draft up WLC: 00301/3

---

**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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/? gmalaise

Plgis 1/13  
1/5  
Jm 12/26  
Jm HES  
1/13

FE Sent For:

<END>



1     **AN ACT** *to renumber and amend* 48.981 (9) (a); *to amend* 48.245 (3), 48.255 (1) (a),  
2           48.42 (1) (a), 48.63 (1) (c), 48.977 (4) (b) 1., 48.979 (1m) (a) 1., 49.32 (1) (a), 54.34  
3           (1) (a), 938.245 (3) and 938.255 (1) (a); and *to create* 48.981 (9) (a) 2. and 48.981  
4           (9) (a) 3. of the statutes; **relating to:** including a statement as to whether a child has  
5           been adopted in a petition or written agreement for a proceeding under the Children’s  
6           Code or Juvenile Justice Code and in a petition for guardianship of a minor, and  
7           requiring an annual report to the Governor and the Legislature.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Joint Legislative Council’s Study Committee on Adoption Disruption and Dissolution.

Under current law, information regarding a child who enters the child welfare system is recorded into the Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). The system maintains information on all aspects of a child welfare case, including intake, assessment, case management, and court proceedings. Generally, information on whether a child is adopted is not recorded. However, federal law requires a report to the U.S. Department of Health and Human Services, Administration for Children and Families, on children who entered state custody after being adopted from another country, and, under the newly-enacted Preventing Sex Trafficking and Strengthening Families Act of 2014, will require reporting on all children who entered state custody after being adopted.

This draft requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted. This information is required in all cases in which the adoption status is known or can be ascertained, and is required whether the adoption occurred in the United States or another country. The status information then becomes a part of the child’s case record, to track when a child who has previously been adopted is subject to proceedings under the child welfare system or juvenile justice system, or when an adoption is

dissolved by a termination of parental rights. Recording of a child's adoption status is not required for a child or juvenile who is held in custody for less than 48 hours (excluding weekends and legal holidays) and who is released to the parent, guardian, or legal custodian without a hearing.

This draft also requires the Department of Children and Families (DCF) to submit an annual report to the Governor and the Legislature, beginning on December 31, 2017, regarding the number of children who have previously been adopted or given a guardian who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. The report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand how such children may enter the child welfare or juvenile justice system.

1           **SECTION 1.** 48.245 (3) of the statutes is amended to read:

2           48.245 (3) The obligations imposed under an informal disposition and its effective date  
3 shall be set forth in writing. The written agreement shall state whether the child has been  
4 adopted. The child and a parent, guardian, and legal custodian; the child expectant mother,  
5 her parent, guardian, and legal custodian, and the unborn child's guardian ad litem; or the adult  
6 expectant mother and the unborn child's guardian ad litem, shall receive a copy, as shall any  
7 agency providing services under the agreement.

**NOTE:** This SECTION requires a written agreement for an informal disposition to state whether the child has been adopted. Obligations under an informal disposition may be imposed in lieu of the filing of a petition for a child who is alleged to be in need of protection or services.

8           **SECTION 2.** 48.255 (1) (a) of the statutes is amended to read:

9           48.255 (1) (a) The name, birth date and address of the child, and whether the child has  
10 been adopted.

**NOTE:** This SECTION requires a petition for a child alleged to be in need of protection or services to state whether the child has been adopted.

11           **SECTION 3.** 48.42 (1) (a) of the statutes is amended to read:

1           48.42 (1) (a) The name, birth date or anticipated birth date, and address of the child and  
2 whether the child has been adopted.

NOTE: This SECTION requires a petition for termination of parental rights to state whether the child has been adopted.

3           SECTION 4. 48.63 (1) (c) of the statutes is amended to read:

4           48.63 (1) (c) Voluntary agreements may be made only under par. (a) or (b) or sub. (5)  
5 (b), shall be in writing, shall state whether the child has been adopted, and shall specifically  
6 state that the agreement may be terminated at any time by the parent, guardian, or Indian  
7 custodian or by the child if the child's consent to the agreement is required. In the case of an  
8 Indian child who is placed under par. (a) or (b) by the voluntary agreement of the Indian child's  
9 parent or Indian custodian, the voluntary consent of the parent or Indian custodian to the  
10 placement shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement  
11 under par. (a) or (b) is required whenever the child is 12 years of age or older.

NOTE: This SECTION requires a written agreement for voluntary placement of a child in a foster home, group home, or a shelter care facility to state whether the child has been adopted.

12           SECTION 5. 48.977 (4) (b) 1. of the statutes is amended to read:

13           48.977 (4) (b) 1. The name, birth date and address of the child, and whether the child  
14 has been adopted.

NOTE: This SECTION requires a petition for appointment of a guardian for a child or juvenile who has been found to be in need of protection or services to state whether the child or juvenile has been adopted.

15           SECTION 6. 48.979 (1m) (a) 1. of the statutes is amended to read:

16           48.979 (1m) (a) 1. The name, address, and date of birth of the child who is the subject  
17 of the delegation of powers, and whether the child has been adopted.

NOTE: This SECTION requires a petition for court approval of a delegation of parental powers to an agent who is not a relative of the

child, which is to remain in effect for longer than one year, to state whether the child has been adopted.

1           **SECTION 7.** 48.981 (9) (a) of the statutes is renumbered 48.981 (9) (a) (intro.) and  
2 amended to read:

3           48.981 (9) (a) *Annual reports.* Annually, the department shall prepare and transmit to  
4 the governor, and to the legislature under s. 13.172 (2), a report on ~~the~~ all of the following:

5           1. The status of child abuse and neglect programs and on the status of unborn child abuse  
6 programs. The report shall include a full statistical analysis of the child abuse and neglect  
7 reports, and the unborn child abuse reports, made through the last calendar year, an evaluation  
8 of services offered under this section and their effectiveness, and recommendations for  
9 additional legislative and other action to fulfill the purpose of this section. The department  
10 shall provide statistical breakdowns by county, if requested by a county.

**NOTE:** This SECTION revises the structuring of a provision that requires annual reporting by DCF to the legislature, in order to incorporate other annual reports.

11           **SECTION 8.** 48.981 (9) (a) 2. of the statutes is created to read:

12           48.981 (9) (a) 2. The number of adoptions under the special needs adoption program  
13 granted in the preceding calendar year and the costs to the state for services relating to such  
14 adoptions.

**NOTE:** This SECTION incorporates an annual reporting provision required under a separate provision of current law.

15           **SECTION 9.** 48.981 (9) (a) 3. of the statutes is created to read:

16           48.981 (9) (a) 3. The number of children during the preceding calendar year who  
17 entered out-of-home care under the placement and care responsibility of a county department  
18 or the department under ch. 48 or 938 after finalization of an adoption or guardianship. The  
19 report may include information concerning the length of the prior adoption or guardianship,

1 the age of the child at the time of the prior adoption or guardianship, the age at which the child  
2 subsequently entered such out-of-home care, the type of agency involved in making the prior  
3 adoptive or guardianship placement, and any other factors determined necessary to better  
4 understand factors associated with a child entering such out-of-home care after finalization  
5 of an adoption or guardianship.

**NOTE:** This SECTION requires DCF to submit an annual report to the Legislature regarding the number of children who have previously been adopted or given a guardian who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. The report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand how such children may enter the child welfare or juvenile justice system:

6 **SECTION 10.** 49.32 (1) (a) of the statutes is amended to read:

7 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department shall  
8 establish a uniform system of fees for services provided or purchased under this subchapter  
9 and ch. 48 by the department, or a county department under s. 46.215, 46.22, or 46.23, except  
10 as provided in s. 49.22 (6) and except when, as determined by the department, a fee is  
11 administratively unfeasible or would significantly prevent accomplishing the purpose of the  
12 service. A county department under s. 46.215, 46.22 or 46.23 shall apply the fees that it  
13 collects under this program to cover the cost of those services. ~~The department shall report~~  
14 ~~to the joint committee on finance no later than March 1 of each year on the number of children~~  
15 ~~placed for adoption by the department during the previous year and the costs to the state for~~  
16 ~~services relating to such adoptions.~~

**NOTE:** This SECTION deletes an annual reporting provision that is incorporated into SECTION 8 of this draft.

17 **SECTION 11.** 54.34 (1) (a) of the statutes is amended to read:





State of Wisconsin  
2015 - 2016 LEGISLATURE

FEAS



LRB-1030/P1  
GMM:...jm

IN 12/30  
Wanted 11/13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

y's

DMSE

Gen  
Pwf  
Jan  
12/26

in an informal disposition under the Children's Code or the  
in an informal disposition under the Children's Code or the  
Juvenile Justice Code, or in a voluntary out-of-home  
care agreement under the Children's Code  
care agreement under the Children's Code

Gen

1 AN ACT to renumber and amend 48.981 (9) (a); to amend 48.245 (3), 48.255  
2 (1) (a), 48.42 (1) (a), 48.63 (1) (c), 48.977 (4) (b) 1., 48.979 (1m) (a) 1., 49.32 (1)  
3 (a), 54.34 (1) (a), 938.245 (3) and 938.255 (1) (a); and to create 48.981 (9) (a) 2.  
4 and 48.981 (9) (a) 3. of the statutes; relating to: including a statement as to  
5 whether a child has been adopted in a petition or written agreement for a  
6 proceeding under the Children's Code or Juvenile Justice Code and in a petition  
7 for guardianship of a minor, and requiring an annual report to the Governor  
8 and the Legislature.

on children who enter out-of-home care after  
children who enter out-of-home care after  
they have been adopted or placed under a guardianship  
they have been adopted or placed under a guardianship

Analysis by the Legislative Reference Bureau

anal: Jkenote  
FE-5

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council's Study Committee on Adoption Disruption and Dissolution.

Under current law, information regarding a child who enters the child welfare system is recorded into the Wisconsin Statewide Automated Child Welfare Information

bill

ALPS  
after you create this component, delete the words "Law Revision Committee of the" from the text that comes in.

System (eWiSACWIS). The system maintains information on all aspects of a child welfare case, including intake, assessment, case management, and court proceedings. Generally, information on whether a child is adopted is not recorded. However, federal law requires a report to the U.S. Department of Health and Human Services, Administration for Children and Families, on children who entered state custody after being adopted from another country, and, under the newly-enacted Preventing Sex Trafficking and Strengthening Families Act of 2014, will require reporting on all children who entered state custody after being adopted.

This <sup>bill</sup> draft requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted. This information is required in all cases in which the adoption status is known or can be ascertained, and is required whether the adoption occurred in the United States or another country. The status information then becomes a part of the child's case record, to track when a child who has previously been adopted is subject to proceedings under the child welfare system or juvenile justice system, or when an adoption is dissolved by a termination of parental rights. Recording of a child's adoption status is not required for a child or juvenile who is held in custody for less than 48 hours (excluding weekends and legal holidays) and who is released to the parent, guardian, or legal custodian without a hearing.

This <sup>bill</sup> draft also requires the Department of Children and Families (DCF) to submit an annual report to the Governor and the Legislature, beginning on December 31, 2017, regarding the number of children who have previously been adopted or given a guardian who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. ~~The~~ report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand how such children may enter the child welfare or juvenile justice system.

For each child enumerated in the report the P-1, the

placed under guardianship placed under guardianship

after finalization of an adoption or guardianship after finalization of an adoption or guardianship

why

- 1 SECTION 1. 48.245 (3) of the statutes is amended to read:
- 2 48.245 (3) The obligations imposed under an informal disposition and its
- 3 effective date shall be set forth in writing. The written agreement shall state
- 4 whether the child has been adopted. The child and a parent, guardian, and legal
- 5 custodian; the child expectant mother, her parent, guardian, and legal custodian,
- 6 and the unborn child's guardian ad litem; or the adult expectant mother and the
- 7 unborn child's guardian ad litem, shall receive a copy, as shall any agency providing
- 8 services under the agreement.

NOTE: This SECTION requires a written agreement for an informal disposition to state whether the child has been adopted. Obligations under an informal disposition may be imposed in lieu of the filing of a petition for a child who is alleged to be in need of protection or services.

- 9 SECTION 2. 48.255 (1) (a) of the statutes is amended to read:



1

48.255 (1) (a) The name, birth date <sup>(D)</sup> and address of the child <sup>(D)</sup> and whether the

2 child has been adopted.

NOTE: This SECTION requires a petition for a child alleged to be in need of protection or services to state whether the child has been adopted.

3 SECTION 3. 48.42 (1) (a) of the statutes is amended to read:

4 48.42 (1) (a) The name, birth date or anticipated birth date, and address of the  
5 child and whether the child has been adopted.

NOTE: This SECTION requires a petition for termination of parental rights to state whether the child has been adopted.

6 SECTION 4. 48.63 (1) (c) of the statutes is amended to read:

7 48.63 (1) (c) Voluntary agreements may be made only under par. (a) or (b) or  
8 sub. (5) (b), shall be in writing, shall state whether the child has been adopted, and  
9 shall specifically state that the agreement may be terminated at any time by the  
10 parent, guardian, or Indian custodian or by the child if the child's consent to the  
11 agreement is required. In the case of an Indian child who is placed under par. (a) or  
12 (b) by the voluntary agreement of the Indian child's parent or Indian custodian, the  
13 voluntary consent of the parent or Indian custodian to the placement shall be given  
14 as provided in s. 48.028 (5) (a). The child's consent to an agreement under par. (a)  
15 or (b) is required whenever the child is 12 years of age or older.

NOTE: This SECTION requires a written agreement for voluntary placement of a child in a foster home, group home, or a shelter care facility to state whether the child has been adopted.

16 SECTION 5. 48.977 (4) (b) 1. of the statutes is amended to read:

17 48.977 (4) (b) 1. The name, birth date <sup>(D)</sup> and address of the child <sup>(D)</sup> and whether  
18 the child has been adopted.

NOTE: This SECTION requires a petition for appointment of a guardian for a child or juvenile who has been found to be in need of protection or services to state whether the child or juvenile has been adopted.

19 SECTION 6. 48.979 (1m) (a) 1. of the statutes is amended to read:

Insert  
3-5  
From  
PP  
4-5

SEC # (R); 48.47 (8)

Insert (move to p. 3) 3-5 LRB-1030/P1 GMM:...:jm SECTION 6

1 create 48.979 (1m) (a) 1. The name, address, and date of birth of the child who is the  
2 a.r. subject of the delegation of powers, and whether the child has been adopted.

NOTE: This SECTION requires a petition for court approval of a delegation of parental powers to an agent who is not a relative of the child, which is to remain in effect for longer than one year, to state whether the child has been adopted.

3 SECTION 7. 48.981 (9) (a) of the statutes is renumbered 48.981 (9) (a) (intro.)

4 and amended to read:

5 48.981 (9) (a) Annual reports. Annually, the department shall prepare and  
6 transmit to the governor, and to the legislature under s. 13.172 (2), a report on the

7 all of the following:

NO STRIKE

8 1. ~~The status of child abuse and neglect programs and on the status of unborn~~  
9 child abuse programs. The report shall include a full statistical analysis of the child  
10 abuse and neglect reports, and the unborn child abuse reports, made through the last  
11 calendar year, an evaluation of services offered under this section and their  
12 effectiveness, and recommendations for additional legislative and other action to  
13 fulfill the purpose of this section. The department shall provide statistical  
14 breakdowns by county, if requested by a county.

NOTE: This SECTION revises the structuring of a provision that requires annual reporting by DCF to the legislature, in order to incorporate other annual reports.

15 SECTION 8. 48.981 (9) (a) 2. of the statutes is created to read:

16 48.981 (9) (a) 2. The number of adoptions under the special needs adoption  
17 program granted in the preceding calendar year and the costs to the state for services  
18 relating to such adoptions. (house)

NOTE: This SECTION incorporates an annual reporting provision required under a separate provision of current law.

19 SECTION 9. 48.981 (9) (a) 3. of the statutes is created to read:

20 48.981 (9) (a) 3. The number of children during the preceding calendar year  
21 who entered out-of-home care under the placement and care responsibility of a

Insert 3-5  
Continued

For each child enumerated in the report, the

1 county department or the department under ch. 48 or 938 after finalization of an  
 2 adoption or guardianship. ~~The~~ report may include information concerning the  
 3 length of the ~~prior~~ adoption or guardianship, the age of the child at the time of the  
 4 ~~prior~~ adoption or guardianship, the age at which the child ~~subsequently~~ entered ~~such~~  
 5 out-of-home care, the type of agency involved in making the ~~prior~~ adoptive or  
 6 guardianship placement, and any other ~~factors~~ <sup>information</sup> determined necessary to better  
 7 understand factors associated with a child entering ~~such~~ out-of-home care after  
 8 finalization of an adoption or guardianship.

For each child  
enumerated  
in the  
report, the

NOTE. ~~This SECTION~~ requires DCF to submit an annual report to the ~~Legislature~~ <sup>governor and the</sup>  
 regarding the number of children who have previously been adopted or ~~given a guardian~~  
 who enter out-of-home care in the child welfare or juvenile justice system during the  
 preceding calendar year. ~~The~~ report may include information on the circumstances of the  
 child's adoption or guardianship, and any other aspects associated with the child in order  
 to better understand ~~how such~~ children ~~may~~ enter the child welfare or juvenile justice  
 system ~~after finalization of an adoption or guardianship~~ <sup>also why</sup>

9 SECTION 10. 49.32 (1) (a) of the statutes is amended to read:

10 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department  
 11 shall establish a uniform system of fees for services provided or purchased under this  
 12 subchapter and ch. 48 by the department, or a county department under s. 46.215,  
 13 46.22, or 46.23, except as provided in s. 49.22 (6) and except when, as determined by  
 14 the department, a fee is administratively unfeasible or would significantly prevent  
 15 accomplishing the purpose of the service. A county department under s. 46.215,  
 16 46.22 <sup>(b)</sup> or 46.23 shall apply the fees that it collects under this program to cover the cost  
 17 of those services. The department shall report to the joint committee on finance no  
 18 later than March 1 of each year on the number of children placed for adoption by the  
 19 department during the previous year and the costs to the state for services relating  
 20 to such adoptions. use a.r. X

NOTE: This SECTION deletes an annual reporting provision that is incorporated into SECTION 8 of this draft

<sup>(CS)</sup>  
 This Section incorporates an annual reporting provision currently  
 required under s. 49.32 (1) (a) a state.

1 SECTION 11. 54.34 (1) (a) of the statutes is amended to read:

2 54.34 (1) (a) The name, date of birth, residence and post-office address of the  
3 proposed ward, and, if the proposed ward is a minor, whether the minor has been  
4 adopted.

NOTE: This SECTION requires a petition for appointment of a guardian of a minor under the general guardianship provisions to state whether the child has been adopted.

5 SECTION 12. 938.245 (3) of the statutes is amended to read:

6 938.245 (3) OBLIGATIONS IN WRITING. The obligations imposed under a deferred  
7 prosecution agreement and its effective date shall be set forth in writing. The written  
8 agreement shall state whether the juvenile has been adopted. The intake worker  
9 shall provide a copy of the agreement and order to the juvenile, to the juvenile's  
10 parent, guardian, and legal custodian, and to any agency providing services under  
11 the agreement.

NOTE: This SECTION requires a written agreement for deferred prosecution of a juvenile to state whether the juvenile has been adopted. Obligations under a deferred prosecution agreement may be imposed in lieu of the filing of a petition for a juvenile who is alleged to be delinquent or in need of protection or services.

12 SECTION 13. 938.255 (1) (a) of the statutes is amended to read:

13 938.255 (1) (a) The name, birth date and address of the juvenile, and whether  
14 the juvenile has been adopted.

NOTE: This SECTION requires a petition for a juvenile alleged to be delinquent or in need of protection or services to state whether the juvenile has been adopted.

15 SECTION 14. Effective date. The treatment of section ~~48.981 (9) (a) 2~~ takes  
16 effect on December 31, 2017.

NOTE: This SECTION requires the annual reporting of children who enter out-of-home care, who have previously been adopted or given a guardian, to begin on December 31, 2017.

17 (END)

This act takes effect on the day after publication, except

fix component

as follows:  
① (#) ② ANNUAL REPORT

placed under guardianship  
placed under guardianship

48.47 (8)

D-NOTE

1030/P12w

GMM:cjs:

DNOTE - date -

Margit  
Margit:

48.981

Section 48.981 relates to child abuse and neglect reporting

Reports on children entering the child welfare system after  
an adoption or guardianship has been finalized  
an adoption or guardianship has been finalized do not belong

48.47(8)

Therefore, accordingly, this draft creates s. 48.47(8) under the

general duties of DCS to require those reports.  
to require those reports.

GMM

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1030/P1dn  
GMM:cjs:jm

January 13, 2015

Margit:

Section 48.981 relates to child abuse and neglect reporting. Reports on children entering the child welfare system after an adoption or guardianship has been finalized do not belong there. Accordingly, this draft creates s. 48.47 (8) under the general duties of DCF to require those reports.

Gordon M. Malaise  
Senior Legislative Attorney  
(608) 266-9738  
gordon.malaise@legis.wisconsin.gov

## Malaise, Gordon

---

**From:** Kelley, Margit  
**Sent:** Monday, January 26, 2015 4:35 PM  
**To:** Malaise, Gordon; Shea, Elisabeth  
**Subject:** FW: Draft review: LRB -1030/P1 Topic: Tracking of adopted children who enter the child welfare system  
**Attachments:** 15-1030/P1.pdf; DraftersNote1.pdf

Hi Gordon and Lis,

Thank you for reviewing and editing this draft. The consolidation of the three annual reports to the Governor and the Legislature under s. 48.981 (9) (a) that is separated in LRB-1030/P1 was requested by DCF and was approved by vote of the committee. [See Committee Memo No. 5, Dec. 16, 2014.] Therefore, there appear to be three options in order to maintain the approved consolidation:

- Restore the consolidation of the three reports under s. 48.981 (9) (a) as under the draft.
- Remove the annual report under s. 48.981 (9) (a) and consolidate that report with the two reports under s. 48.47 (8) as created under LRB-1030/P1.
- Create a statement under s. 48.981 (9) (a), or under s. 48.47 (8) as created under LRB-1030/P1, to the effect that the annual reports may be combined and submitted together.

Would it be do-able to have the drafts back by the end of this week? The JLC co-chairs would like to get these drafts on the agenda for their next meeting. If it looks towards the end of the week like that timing just won't work, could you let me know?

Thank you!

*Margit*

---

**From:** LRB.Legal  
**Sent:** Tuesday, January 13, 2015 4:10 PM  
**To:** Kelley, Margit  
**Subject:** Draft review: LRB -1030/P1 Topic: Tracking of adopted children who enter the child welfare system

Following is the PDF version of draft LRB -1030/P1 and drafter's note.



State of Wisconsin  
2015 - 2016 LEGISLATURE

(FRI by 430)  
EN 1127  
Wanted Fri 1/30



LRB-1030/P1/P2  
GMM&EHS:cjs:jm

stays

P2  
DMP

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen Cat

1 AN ACT ~~to amend~~ 48.245 (3), 48.255 (1) (a), 48.42 (1) (a), 48.63 (1) (c), 48.977 (4)  
2 (b) 1., 48.979 (1m) (a) 1., 49.32 (1) (a), 54.34 (1) (a), 938.245 (3) and 938.255 (1)  
3 (a); and **to create** 48.47 (8) of the statutes; **relating to:** including a statement  
4 as to whether a child has been adopted in a petition for a proceeding under the  
5 Children’s Code or Juvenile Justice Code, in a petition for guardianship of a  
6 minor, in an informal disposition under the Children’s Code or the Juvenile  
7 Justice Code, or in a voluntary out-of-home care agreement under the  
8 Children’s Code, and requiring an annual report to the governor and the  
9 legislature on children who enter out-of-home care after they have been  
10 adopted or placed under a guardianship.

**Analysis by the Legislative Reference Bureau**

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.



For further information see the *state* 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:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Adoption Disruption and Dissolution.

Under current law, information regarding a child who enters the child welfare system is recorded into the Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). The system maintains information on all aspects of a child welfare case, including intake, assessment, case management, and court proceedings. Generally, information on whether a child is adopted is not recorded. However, federal law requires a report to the U.S. Department of Health and Human Services, Administration for Children and Families, on children who entered state custody after being adopted from another country, and, under the newly-enacted Preventing Sex Trafficking and Strengthening Families Act of 2014, will require reporting on all children who entered state custody after being adopted.

This bill requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted. This information is required in all cases in which the adoption status is known or can be ascertained, and is required whether the adoption occurred in the United States or another country. The status information then becomes a part of the child's case record, to track when a child who has previously been adopted is subject to proceedings under the child welfare system or juvenile justice system, or when an adoption is dissolved by a termination of parental rights. Recording of a child's adoption status is not required for a child or juvenile who is held in custody for less than 48 hours (excluding weekends and legal holidays) and who is released to the parent, guardian, or legal custodian without a hearing.

This bill also requires the Department of Children and Families (DCF) to submit an annual report to the governor and the legislature, beginning on December 31, 2017, regarding the number of children who have previously been adopted or placed under guardianship who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. For each child enumerated in the report, the report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand why children enter the child welfare or juvenile justice system after finalization of an adoption or guardianship.

1       **SECTION 1.** 48.245 (3) of the statutes is amended to read:  
2       48.245 (3) The obligations imposed under an informal disposition and its  
3       effective date shall be set forth in writing. The written agreement shall state  
4       whether the child has been adopted. The child and a parent, guardian, and legal  
5       custodian; the child expectant mother, her parent, guardian, and legal custodian,  
6       and the unborn child's guardian ad litem; or the adult expectant mother and the

1 unborn child's guardian ad litem, shall receive a copy, as shall any agency providing  
2 services under the agreement.

NOTE: This SECTION requires a written agreement for an informal disposition to state whether the child has been adopted. Obligations under an informal disposition may be imposed in lieu of the filing of a petition for a child who is alleged to be in need of protection or services.

3 SECTION 2. 48.255 (1) (a) of the statutes is amended to read:

4 48.255 (1) (a) The name, birth date, and address of the child and whether the  
5 child has been adopted.

NOTE: This SECTION requires a petition for a child alleged to be in need of protection or services to state whether the child has been adopted.

6 SECTION 3. 48.42 (1) (a) of the statutes is amended to read:

7 48.42 (1) (a) The name, birth date or anticipated birth date, and address of the  
8 child and whether the child has been adopted.

NOTE: This SECTION requires a petition for termination of parental rights to state whether the child has been adopted.

*(b) and (c) are*

9 SECTION 4. 48.47 (8) of the statutes ~~is~~ created to read:

10 48.47 (8) ANNUAL REPORTS. Annually, the department shall prepare and  
11 transmit to the governor, and to the legislature under s. 13.172 (2), a report on all of  
12 the following:

13 *(b)* *(a)* The number of adoptions under the special needs adoption program granted  
14 in the preceding calendar year and the costs to the state for services relating to those  
15 adoptions.

16 *(c)* *(b)* The number of children during the preceding calendar year who entered  
17 out-of-home care under the placement and care responsibility of a county  
18 department or the department under ch. 48 or 938 after finalization of an adoption  
19 or guardianship. For each child enumerated in the report, the report may include  
20 information concerning the length of the adoption or guardianship, the age of the

**SECTION 4**

1 child at the time of the adoption or guardianship, the age at which the child entered  
2 out-of-home care, the type of agency involved in making the adoptive or  
3 guardianship placement, and any other information determined necessary to better  
4 understand factors associated with a child entering out-of-home care after  
5 finalization of an adoption or guardianship.

NOTE: This SECTION incorporates an annual reporting provision currently required under s. 49.32 (1) (a), stats. This SECTION also requires DCF to submit an annual report to the governor and the legislature regarding the number of children who have previously been adopted or who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. For each child enumerated in the report, the report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand why children enter the child welfare or juvenile justice system after finalization of an adoption or guardianship.

6 **SECTION 5.** 48.63 (1) (c) of the statutes is amended to read:

7 48.63 (1) (c) Voluntary agreements may be made only under par. (a) or (b) or  
8 sub. (5) (b), shall be in writing, shall state whether the child has been adopted, and  
9 shall specifically state that the agreement may be terminated at any time by the  
10 parent, guardian, or Indian custodian or by the child if the child's consent to the  
11 agreement is required. In the case of an Indian child who is placed under par. (a) or  
12 (b) by the voluntary agreement of the Indian child's parent or Indian custodian, the  
13 voluntary consent of the parent or Indian custodian to the placement shall be given  
14 as provided in s. 48.028 (5) (a). The child's consent to an agreement under par. (a)  
15 or (b) is required whenever the child is 12 years of age or older.

NOTE: This SECTION requires a written agreement for voluntary placement of a child in a foster home, group home, or a shelter care facility to state whether the child has been adopted.

16 **SECTION 6.** 48.977 (4) (b) 1. of the statutes is amended to read:

17 48.977 (4) (b) 1. The name, birth date, and address of the child and whether  
18 the child has been adopted.

NOTE: This SECTION requires a petition for appointment of a guardian for a child or juvenile who has been found to be in need of protection or services to state whether the child or juvenile has been adopted.

1           **SECTION 7.** 48.979 (1m) (a) 1. of the statutes is amended to read:

2           48.979 (1m) (a) 1. The name, address, and date of birth of the child who is the  
3 subject of the delegation of powers and whether the child has been adopted.

NOTE: This SECTION requires a petition for court approval of a delegation of parental powers to an agent who is not a relative of the child for longer than one year to state whether the child has been adopted.

4           **SECTION 8.** 49.32 (1) (a) of the statutes is amended to read:

5           49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department  
6 shall establish a uniform system of fees for services provided or purchased under this  
7 subchapter and ch. 48 by the department, or a county department under s. 46.215,  
8 46.22, or 46.23, except as provided in s. 49.22 (6) and except when, as determined by  
9 the department, a fee is administratively unfeasible or would significantly prevent  
10 accomplishing the purpose of the service. A county department under s. 46.215,  
11 46.22, or 46.23 shall apply the fees that it collects under this program to cover the  
12 cost of those services. ~~The department shall report to the joint committee on finance  
13 no later than March 1 of each year on the number of children placed for adoption by  
14 the department during the previous year and the costs to the state for services  
15 relating to such adoptions.~~

NOTE: This SECTION deletes an annual reporting provision that is incorporated into SECTION 4 of this bill.

16           **SECTION 9.** 54.34 (1) (a) of the statutes is amended to read:

17           54.34 (1) (a) The name, date of birth, residence, and post-office address of the  
18 proposed ward and, if the proposed ward is a minor, whether the minor has been  
19 adopted.

NOTE: This SECTION requires a petition for appointment of a guardian of a minor under the general guardianship provisions to state whether the child has been adopted.

Insert  
5-3



2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1030/P2ins  
GMM.....

(INSERT 5-3)



1 SECTION 1. 48.981 (9) (title) of the statutes is amended to read:

2 48.981 (9) (title) ~~ANNUAL AND QUARTERLY~~ QUARTERLY REPORTS.

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87; 2013 a. 20, 170, 261.

NOTE: This SECTION amends the title to s. 48.981 (9) to reflect the renumbering of s. 48.981 (9) (a) by the next SECTION of this bill.

3 SECTION 2. 48.981 (9) (a) of the statutes is renumbered 48.47 (8) (intro.) and  
4 amended to read:

5 48.47 (8) (intro.) ANNUAL REPORTS. Annually, the department shall prepare and  
6 transmit to the governor, and to the legislature under s. 13.172 (2), a report on the  
7 all of the following:

8 (a) The status of child abuse and neglect programs and on the status of unborn  
9 child abuse programs. The report shall include a full statistical analysis of the child  
10 abuse and neglect reports, and the unborn child abuse reports, made through the last  
11 calendar year, an evaluation of services offered under this section and their  
12 effectiveness, and recommendations for additional legislative and other action to  
13 fulfill the purpose of this section. The department shall provide statistical  
14 breakdowns by county, if requested by a county.

History: Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87; 2013 a. 20, 170, 261.

NOTE: This Section ~~revises~~ revises the structure of a provision that requires DCF to provide an annual report to the governor and the legislature in order to incorporate other annual reports that DCF is required to provide.

(END OF INSERT)



Insert  
1-14

The preceding two SECTIONS (CS)

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1030/P2insgm  
GMM.....

(INSERT 1-14 TO INSERT 5-3)

✓  
X

1           **SECTION 1.** 48.981 (9) (b) of the statutes is renumbered 48.981 (9) and amended  
2 to read:

3           48.981 (9) *Quarterly reports.* (a) Within 30 days after the end of each calendar  
4 quarter, the department shall prepare and transmit to the governor, and to the  
5 appropriate standing committees of the legislature under s. 13.172 (3), a summary  
6 report of all reports received by the department under sub. (3) (c) 8. during the  
7 previous calendar quarter of abuse, as defined in s. 48.02 (1) (b) to (f), of a child who  
8 is placed in the home of a foster parent or relative other than a parent or in a group  
9 home, shelter care facility, or residential care center for children and youth. For each  
10 report included in the summary report, the department shall provide the number of  
11 incidents of abuse reported; the dates of those incidents; the county in which those  
12 incidents occurred; the age or age group of the child who is the subject of the report;  
13 the type of placement in which the child was placed at the time of the incident;  
14 whether it was determined under sub. (3) (c) 4. that abuse occurred; and, if so, the  
15 nature of the relationship between the child and the person who abused the child,  
16 but may not provide any of the information specified in sub. (7) (cr) 6. or any  
17 information that would jeopardize an investigation, prosecution, or proceeding  
18 described in sub. (7) (cr) 7. a. or b.

19           (b) In every 4th summary report prepared and transmitted under ~~subd. 1. par.~~  
20 (a), the department shall provide for all reports of abuse, as defined in s. 48.02 (1) (b)  
21 to (f), of a child who is placed as described in ~~subd. 1. par. (a)~~ received by the  
22 department under sub. (3) (c) 8. during the previous year information indicating  
23 whether the abuse resulted in any injury, disease, or pregnancy that is known to be

1 directly caused by the abuse, but may not provide any of the information specified  
2 in sub. (7) (cr) 6. or any information that would jeopardize an investigation,  
3 prosecution, or proceeding described in sub. (7) (cr) 7. a. or b. A county department  
4 reporting under sub. (3) (c) 8. shall make an active effort to obtain that information  
5 and report the information to the department under sub. (3) (c) 8.

6 (c) The appropriate standing committees of the legislature shall review all  
7 summary reports transmitted under ~~sub. 1. par. (a)~~, conduct public hearings on  
8 those summary reports no less often than annually, and submit recommendations to  
9 the department regarding those summary reports. The department shall also make  
10 those summary reports available to the public.

**History:** Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87; 2013 a. 20, 170, 261.

**(END OF INSERT)**





(To Jan by 445)

State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1030/P2  
GMM&EHS:cjs:rs

RMR

stay

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

DUE 1/30/15

NO CHANGES

Gen Cat

1 **AN ACT to renumber and amend** 48.981 (9) (a) and 48.981 (9) (b); **to amend**  
2 48.245 (3), 48.255 (1) (a), 48.42 (1) (a), 48.63 (1) (c), 48.977 (4) (b) 1., 48.979 (1m)  
3 (a) 1., 48.981 (9) (title), 49.32 (1) (a), 54.34 (1) (a), 938.245 (3) and 938.255 (1)  
4 (a); and **to create** 48.47 (8) (b) and (c) of the statutes; **relating to:** including a  
5 statement as to whether a child has been adopted in a petition for a proceeding  
6 under the Children’s Code or Juvenile Justice Code, in a petition for  
7 guardianship of a minor, in an informal disposition under the Children’s Code  
8 or the Juvenile Justice Code, or in a voluntary out-of-home care agreement  
9 under the Children’s Code, and requiring an annual report to the governor and  
10 the legislature on children who enter out-of-home care after they have been  
11 adopted or placed under a guardianship.

***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the *state* 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:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Adoption Disruption and Dissolution.

Under current law, information regarding a child who enters the child welfare system is recorded into the Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). The system maintains information on all aspects of a child welfare case, including intake, assessment, case management, and court proceedings. Generally, information on whether a child is adopted is not recorded. However, federal law requires a report to the U.S. Department of Health and Human Services, Administration for Children and Families, on children who entered state custody after being adopted from another country, and, under the newly-enacted Preventing Sex Trafficking and Strengthening Families Act of 2014, will require reporting on all children who entered state custody after being adopted.

This bill requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted. This information is required in all cases in which the adoption status is known or can be ascertained, and is required whether the adoption occurred in the United States or another country. The status information then becomes a part of the child's case record, to track when a child who has previously been adopted is subject to proceedings under the child welfare system or juvenile justice system, or when an adoption is dissolved by a termination of parental rights. Recording of a child's adoption status is not required for a child or juvenile who is held in custody for less than 48 hours (excluding weekends and legal holidays) and who is released to the parent, guardian, or legal custodian without a hearing.

This bill also requires the Department of Children and Families (DCF) to submit an annual report to the governor and the legislature, beginning on December 31, 2017, regarding the number of children who have previously been adopted or placed under guardianship who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. For each child enumerated in the report, the report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand why children enter the child welfare or juvenile justice system after finalization of an adoption or guardianship.

1           **SECTION 1.** 48.245 (3) of the statutes is amended to read:  
2           48.245 (3) The obligations imposed under an informal disposition and its  
3 effective date shall be set forth in writing. The written agreement shall state  
4 whether the child has been adopted. The child and a parent, guardian, and legal  
5 custodian; the child expectant mother, her parent, guardian, and legal custodian,  
6 and the unborn child's guardian ad litem; or the adult expectant mother and the

1 unborn child's guardian ad litem, shall receive a copy, as shall any agency providing  
2 services under the agreement.

NOTE: This SECTION requires a written agreement for an informal disposition to state whether the child has been adopted. Obligations under an informal disposition may be imposed in lieu of the filing of a petition for a child who is alleged to be in need of protection or services.

3 **SECTION 2.** 48.255 (1) (a) of the statutes is amended to read:

4 48.255 (1) (a) The name, birth date, and address of the child and whether the  
5 child has been adopted.

NOTE: This SECTION requires a petition for a child alleged to be in need of protection or services to state whether the child has been adopted.

6 **SECTION 3.** 48.42 (1) (a) of the statutes is amended to read:

7 48.42 (1) (a) The name, birth date or anticipated birth date, and address of the  
8 child and whether the child has been adopted.

NOTE: This SECTION requires a petition for termination of parental rights to state whether the child has been adopted.

9 **SECTION 4.** 48.47 (8) (b) and (c) of the statutes are created to read:

10 48.47 (8) (b) The number of adoptions under the special needs adoption  
11 program granted in the preceding calendar year and the costs to the state for services  
12 relating to those adoptions.

13 (c) The number of children during the preceding calendar year who entered  
14 out-of-home care under the placement and care responsibility of a county  
15 department or the department under ch. 48 or 938 after finalization of an adoption  
16 or guardianship. For each child enumerated in the report, the report may include  
17 information concerning the length of the adoption or guardianship, the age of the  
18 child at the time of the adoption or guardianship, the age at which the child entered  
19 out-of-home care, the type of agency involved in making the adoptive or  
20 guardianship placement, and any other information determined necessary to better

**SECTION 4**

1 understand factors associated with a child entering out-of-home care after  
2 finalization of an adoption or guardianship.

NOTE: This SECTION incorporates an annual reporting provision currently required under s. 49.32 (1) (a), stats. This SECTION also requires DCF to submit an annual report to the governor and the legislature regarding the number of children who have previously been adopted or who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. For each child enumerated in the report, the report may include information on the circumstances of the child's adoption or guardianship, and any other aspects associated with the child in order to better understand why children enter the child welfare or juvenile justice system after finalization of an adoption or guardianship.

3 **SECTION 5.** 48.63 (1) (c) of the statutes is amended to read:

4 48.63 (1) (c) Voluntary agreements may be made only under par. (a) or (b) or  
5 sub. (5) (b), shall be in writing, shall state whether the child has been adopted, and  
6 shall specifically state that the agreement may be terminated at any time by the  
7 parent, guardian, or Indian custodian or by the child if the child's consent to the  
8 agreement is required. In the case of an Indian child who is placed under par. (a) or  
9 (b) by the voluntary agreement of the Indian child's parent or Indian custodian, the  
10 voluntary consent of the parent or Indian custodian to the placement shall be given  
11 as provided in s. 48.028 (5) (a). The child's consent to an agreement under par. (a)  
12 or (b) is required whenever the child is 12 years of age or older.

NOTE: This SECTION requires a written agreement for voluntary placement of a child in a foster home, group home, or a shelter care facility to state whether the child has been adopted.

13 **SECTION 6.** 48.977 (4) (b) 1. of the statutes is amended to read:

14 48.977 (4) (b) 1. The name, birth date, and address of the child and whether  
15 the child has been adopted.

NOTE: This SECTION requires a petition for appointment of a guardian for a child or juvenile who has been found to be in need of protection or services to state whether the child or juvenile has been adopted.

16 **SECTION 7.** 48.979 (1m) (a) 1. of the statutes is amended to read:

1           48.979 (1m) (a) 1. The name, address, and date of birth of the child who is the  
2 subject of the delegation of powers and whether the child has been adopted.

NOTE: This SECTION requires a petition for court approval of a delegation of parental powers to an agent who is not a relative of the child for longer than one year to state whether the child has been adopted.

3           **SECTION 8.** 48.981 (9) (title) of the statutes is amended to read:

4           48.981 (9) (title) ~~ANNUAL AND QUARTERLY~~ QUARTERLY REPORTS.

NOTE: This SECTION amends the title to s. 48.981 (9) to reflect the renumbering of s. 48.981 (9) (a) by the next SECTION of this bill.

5           **SECTION 9.** 48.981 (9) (a) of the statutes is renumbered 48.47 (8) (intro.) and  
6 amended to read:

7           48.47 (8) ANNUAL REPORTS. (intro.) Annually, the department shall prepare and  
8 transmit to the governor, and to the legislature under s. 13.172 (2), a report on ~~the~~  
9 all of the following:

10           (a) The status of child abuse and neglect programs and on the status of unborn  
11 child abuse programs. The report shall include a full statistical analysis of the child  
12 abuse and neglect reports, and the unborn child abuse reports, made through the last  
13 calendar year, an evaluation of services offered under this section and their  
14 effectiveness, and recommendations for additional legislative and other action to  
15 fulfill the purpose of this section. The department shall provide statistical  
16 breakdowns by county, if requested by a county.

17           **SECTION 10.** 48.981 (9) (b) of the statutes is renumbered 48.981 (9) and  
18 amended to read:

19           48.981 (9) ~~Quarterly reports.~~ (a) Within 30 days after the end of each calendar  
20 quarter, the department shall prepare and transmit to the governor, and to the  
21 appropriate standing committees of the legislature under s. 13.172 (3), a summary  
22 report of all reports received by the department under sub. (3) (c) 8. during the

1 previous calendar quarter of abuse, as defined in s. 48.02 (1) (b) to (f), of a child who  
2 is placed in the home of a foster parent or relative other than a parent or in a group  
3 home, shelter care facility, or residential care center for children and youth. For each  
4 report included in the summary report, the department shall provide the number of  
5 incidents of abuse reported; the dates of those incidents; the county in which those  
6 incidents occurred; the age or age group of the child who is the subject of the report;  
7 the type of placement in which the child was placed at the time of the incident;  
8 whether it was determined under sub. (3) (c) 4. that abuse occurred; and, if so, the  
9 nature of the relationship between the child and the person who abused the child,  
10 but may not provide any of the information specified in sub. (7) (cr) 6. or any  
11 information that would jeopardize an investigation, prosecution, or proceeding  
12 described in sub. (7) (cr) 7. a. or b.

13 (b) In every 4th summary report prepared and transmitted under ~~subd. 1. par.~~  
14 (a), the department shall provide for all reports of abuse, as defined in s. 48.02 (1) (b)  
15 to (f), of a child who is placed as described in ~~subd. 1. par. (a)~~ received by the  
16 department under sub. (3) (c) 8. during the previous year information indicating  
17 whether the abuse resulted in any injury, disease, or pregnancy that is known to be  
18 directly caused by the abuse, but may not provide any of the information specified  
19 in sub. (7) (cr) 6. or any information that would jeopardize an investigation,  
20 prosecution, or proceeding described in sub. (7) (cr) 7. a. or b. A county department  
21 reporting under sub. (3) (c) 8. shall make an active effort to obtain that information  
22 and report the information to the department under sub. (3) (c) 8.

23 (c) The appropriate standing committees of the legislature shall review all  
24 summary reports transmitted under ~~subd. 1. par. (a)~~, conduct public hearings on  
25 those summary reports no less often than annually, and submit recommendations to

1 the department regarding those summary reports. The department shall also make  
2 those summary reports available to the public.

NOTE: The preceding two SECTIONS revises the structure of a provision that requires DCF to provide an annual report to the governor and the legislature in order to incorporate other annual reports that DCF is required to provide.

3 **SECTION 11.** 49.32 (1) (a) of the statutes is amended to read:

4 49.32 (1) (a) Except as provided in s. 49.345 (14) (b) and (c), the department  
5 shall establish a uniform system of fees for services provided or purchased under this  
6 subchapter and ch. 48 by the department, or a county department under s. 46.215,  
7 46.22, or 46.23, except as provided in s. 49.22 (6) and except when, as determined by  
8 the department, a fee is administratively unfeasible or would significantly prevent  
9 accomplishing the purpose of the service. A county department under s. 46.215,  
10 46.22, or 46.23 shall apply the fees that it collects under this program to cover the  
11 cost of those services. ~~The department shall report to the joint committee on finance  
12 no later than March 1 of each year on the number of children placed for adoption by  
13 the department during the previous year and the costs to the state for services  
14 relating to such adoptions.~~

NOTE: This SECTION deletes an annual reporting provision that is incorporated into SECTION 4 of this bill.

15 **SECTION 12.** 54.34 (1) (a) of the statutes is amended to read:

16 54.34 (1) (a) The name, date of birth, residence, and post-office address of the  
17 proposed ward and, if the proposed ward is a minor, whether the minor has been  
18 adopted.

NOTE: This SECTION requires a petition for appointment of a guardian of a minor under the general guardianship provisions to state whether the child has been adopted.

19 **SECTION 13.** 938.245 (3) of the statutes is amended to read:

20 938.245 (3) OBLIGATIONS IN WRITING. The obligations imposed under a deferred  
21 prosecution agreement and its effective date shall be set forth in writing. The written

1 agreement shall state whether the juvenile has been adopted. The intake worker  
2 shall provide a copy of the agreement and order to the juvenile, to the juvenile's  
3 parent, guardian, and legal custodian, and to any agency providing services under  
4 the agreement.

NOTE: This SECTION requires a written agreement for deferred prosecution of a juvenile to state whether the juvenile has been adopted. Obligations under a deferred prosecution agreement may be imposed in lieu of the filing of a petition for a juvenile who is alleged to be delinquent or in need of protection or services.

5 **SECTION 14.** 938.255 (1) (a) of the statutes is amended to read:

6 938.255 (1) (a) The name, birth date, and address of the juvenile and whether  
7 the juvenile has been adopted.

NOTE: This SECTION requires a petition for a juvenile alleged to be delinquent or in need of protection or services to state whether the juvenile has been adopted.

8 **SECTION 15. Effective dates.** This act takes effect on the day after publication,  
9 except as follows:

10 (1) ANNUAL REPORT. The treatment of sections 48.47 (8) (b) and (c) and 48.981  
11 (9) (title), (a), and (b) of the statutes takes effect on December 31, 2017.

NOTE: This SECTION requires the annual reporting of children who enter out-of-home care, who have previously been adopted or placed under guardianship, to begin on December 31, 2017.

12 (END)



**Basford, Sarah**

---

**From:** Kelley, Margit  
**Sent:** Wednesday, February 11, 2015 11:21 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1030/1 Topic: Tracking of adopted children who enter the child welfare system

Please Jacket LRB -1030/1 for the ASSEMBLY.

*Margit Kelley*  
Senior Staff Attorney  
Wisconsin Legislative Council  
608-266-9280