

ADMINISTRATIVE RULES – NOTICE OF PUBLIC HEARING

Health and Family Services Ch. HFS 51

NOTICE IS HEREBY GIVEN that pursuant to s. 48.84, Stats., and interpreting s. 48.84, Stats., Stats., the Wisconsin Department of Health and Family Services will hold a public hearing to consider the emergency rules and the proposed permanent rules amending ch. HFS 51 (title), HFS 51.01, HFS 51.02, and HFS 51.09 (2) (a) 1. and Note; and creating HFS 51.03 (15g), (15r), (18g) and (18r) and HFS 51.10, relating to the adoption of children to include preadoption training requirements that will apply to private adoptions, international adoptions, and adoptions of children with special needs, and affecting small businesses.

Hearing Date(s) and Location(s)

Date and Time	Location
April 27, 2007 8:00 a.m. – 12:00 p.m.	Department of Health and Family Services 1 W. Wilson St. Room 751 Madison, WI 53703
April 27, 2007 8:00 a.m. – 12:00 p.m.	Public hearing available by webcast at: http://media1.wi.gov/DHFS/Viewer/?peid=fbce571a-fbdc-4e1a-bfec-2daf83eabd77

The hearing site is fully accessible to people with disabilities. If you are hearing impaired, do not speak English or have circumstances that might make communication at a hearing difficult; you require an interpreter or a non-English large print or taped version of the proposed rules, contact the person at the address or telephone number given below at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Place Where Written Comments May be Submitted

Written comments may be submitted at the public hearing or submitted to the contact person listed below. Comments may also be made using the Wisconsin Administrative Rule Website at <http://adminrules.wisconsin.gov>.

Deadline for Comment Submission

The deadline for submitting comments to the Department is 4:30 p.m. on April 27, 2007.

Analysis Prepared by the Department of Health and Family Services

Effective April 1, 2007, 2005 Wisconsin Act 293 creates s. 48.84, Stats., to require prospective adoptive parents to receive preadoption preparation (i.e., training) in the following instances:

- Before a child may be placed under s. 48.833, Stats., (special needs adoption) for adoption;
- Before a proposed adoptive parent who has not previously adopted a child may petition for placement of a child for adoption under s. 48.837, Stats., (nonrelative adoptions); and
- Before a proposed adoptive parent who has not previously adopted a child may bring a child into Wisconsin for adoption under s. 48.839, Stats., (international adoptions).

Under s. 48.84, Stats., preadoption training must be provided by a licensed child welfare agency, a licensed private adoption agency (child placing agency), the state adoption information exchange under s. 48.55, Stats., the state adoption center under s. 48.55, Stats., a state-funded foster care and adoption resource center, or a state-funded post adoption resource center.

Section 48.84, Stats., requires the Department to establish, by rule, the number of hours of training necessary, and the training content, including information on issues that may confront adoptive parents, generally, and that may confront adoptive parents of special needs and international children.

Effect on Small Business (Initial Regulatory Flexibility Analysis)

Effective April 1, 2007, 2005 Wisconsin Act 293 creates s. 48.84, Stats., to require prospective adoptive parents to receive preadoption preparation (i.e., training) in the following instances:

- Before a child may be placed under s. 48.833, Stats., (special needs adoption) for adoption;
- Before a proposed adoptive parent who has not previously adopted a child may petition for placement of a child for adoption under s. 48.837, Stats., (nonrelative adoptions); and
- Before a proposed adoptive parent who has not previously adopted a child may bring a child into Wisconsin for adoption under s. 48.839, Stats., (international adoptions).

Under s. 48.84, Stats., licensed private adoption agencies are among the entities that may provide the preadoption training under s. 48.84 (1), Stats. There are 28 such agencies in the state. According to a February 2007 Department survey, at least 25 of the 28 licensed agencies already require and provide training to first-time adoptive parents. The training currently being provided and the training required to be provided under the proposed rule is substantially similar. Consequently, any costs that these agencies may incur under the proposed rule should be nominal.

Small Business Regulatory Coordinator

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Fiscal Estimate

Effective April 1, 2007, 2005 Wisconsin Act 293 creates s. 48.84, Stats., to require prospective adoptive parents to receive preadoption preparation (i.e., training) in the following instances:

- Before a child may be placed under s. 48.833, Stats., (special needs adoption) for adoption;
- Before a proposed adoptive parent who has not previously adopted a child may petition for placement of a child for adoption under s. 48.837, Stats., (nonrelative adoptions); and
- Before a proposed adoptive parent who has not previously adopted a child may bring a child into Wisconsin for adoption under s. 48.839, Stats., (international adoptions).

Under s. 48.84, Stats., preadoption training must be provided by a licensed child welfare agency, a licensed private adoption agency (child placing agency), the state adoption information exchange under s. 48.55, Stats., the state adoption center under s. 48.55, Stats., a state-funded foster care and adoption resource center, or a state-funded post adoption resource center. The number of hours of training necessary, the training content, including information on issues that may confront adoptive parents, generally, and that may confront adoptive parents of special needs and international children must be established by the Department by rule.

Under s. 48.84, Stats., the annual cost to the Department of training first-time adoptive parents for special needs adoptions of children in the public child welfare system is estimated to be \$135,000 (\$74,250 GPR and \$60,750 FED). In addition, state law may require first time adoptive parents who use private adoption agencies to be trained by the Department. This would be an additional cost to the Department.

The costs identified above result from the creation of s. 48.84 in 2005 Act 293, rather than this proposed rule. Therefore, this rule has no fiscal effect.

Licensed private adoption agencies are among the entities that may provide the preadoption training under s. 48.84 (1), Stats. There are 28 such agencies in the state. According to a February, 2007 Department survey, at least 25 of the 28 licensed agencies already require and provide training to first-time adoptive parents. The training currently being provided and the training required to be provided under the proposed rule is substantially similar. Consequently, any costs that these agencies may incur under the proposed rule should be nominal.

Obtaining Copies of Rules and Fiscal Estimate

A copy of the full text of the rules and the fiscal estimate can be obtained at no charge from the Wisconsin Administrative Rules Website at <http://adminrules.wisconsin.gov> or by contacting the person listed below.

Contact Person

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