

Report From Agency

ADMINISTRATIVE RULES REPORT TO LEGISLATURE CLEARINGHOUSE RULE 07-028

By the Department of Health and Family Services relating to ch. HFS 51, Adoption of Children With Special Need And Preadoption Preparation Training

Basis and Purpose of Proposed Rule

Section 48.84, Stats., requires first-time proposed adoptive parents to receive preadoption preparation (i.e., training) before the child may be placed under s. 48.833, Stats., for adoption; before a prospective adoptive parent may petition for placement of a child for adoption under s. 48.837, Stats., or before a proposed adoptive parent may bring a child into Wisconsin for an international adoption under s. 48.839, Stats.

As required by statute the Department has developed a proposed rule that identifies 10 competencies that cover issues that may confront adoptive parents in general and that may confront adoptive parents of special needs or international children. The proposed permanent rule also requires that first-time adoptive parents receive two hours of orientation and 16 hours of training on the required competencies.

The Department believes that first-time adoptive parents will be better prepared for the challenges of adopting a child if they receive the proposed training, and therefore fewer adoptions will disrupt and dissolve and fewer children will be placed in the child welfare system because their adoptive parents do not wish to or cannot care for them any longer.

Responses to Legislative Council Rules Clearinghouse Recommendations

The Department accepted the comments made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested.

Final Regulatory Flexibility Analysis

Rules will not have a significant economic impact on a substantial number of small businesses.

Changes to the Analysis or Fiscal Estimate

Analysis

No changes were made to the analysis.

Fiscal Estimate

No changes were made to the fiscal estimate.

Public Hearing Summary

The Department began accepting public comments on the proposed rule via the Wisconsin Administrative Rules Website on April 1, 2007. The Department held one public hearing in Madison that was web cast statewide, on April 27, 2007. The hearing record closed at 4:30 p.m., April 27, 2007. Four people participated in the public hearing.

List of Public Hearing Attendees and Commenters

The following is a complete list of the persons who attended the public hearing or submitted comments on the proposed rule, the position taken by the commenter and whether or not the individual provided written or oral comments.

Name and Address		Position Taken (Support or Opposed)	Action (Oral or Written)
1.	Oriana Carey Adoption Resources of Wisconsin 6682 W. Greenfield Ave., Suite 310 Milwaukee, WI 53214-4960	None provided	Observing
2.	Stephanie Tust DHFS/DCFS 200 N. Jefferson, Room 411 Green Bay, WI 54301	None provided	Observing
3.	Karen Jick Sunshine Adoption Inc. 3505 N. 124 th Street, LL-2 Brookfield, WI 53005	Support with concerns about implementation	Written
4.	Mary Morse DHFS/DCFS/Bureau of Regulation and Licensing 1 W. Wilson St. Madison, WI 53703	None provided	Observing

Public Comments and Department Responses

The number(s) following each comment corresponds to the number assigned to the individual listed in the Public Hearing Attendees and Commenters section of this document.

Rule Provision	Public Comment	Department Response
HFS 51.10(3)(c)	Question asked whether the rule mandated a particular format for training, such as requiring a certain number of hours be face to face. (3.)	As specified in s. HFS 51.10 (3) (c), a variety of formats may be used to do training. If, however, non-face to face training is used, agency staff must be available to answer, in person, any questions

Rule Provision	Public Comment	Department Response
		the prospective adoptive parent may have, and the agency must document that training on the ten required competencies was accomplished.
HFS 51.10(5)	Question asked what sort of evidence of having met the requirements will be required. (3.)	Documentation that the parents have received the training must be provided to the parents and agencies involved in the adoption or foster care licensing and maintained for five years. A document is a written or printed paper which can be used to provide evidence or information. The Department has developed a certificate for its own use that is available for use as a model by other agencies if the agency so chooses.
General	Questions asked how the rule would be applied to families that completed an adoption of a child in a foreign county and wanted to again adopt the same child in Wisconsin. (3.)	The rule was revised to clarify the rule's application to proposed adoptive parents who are adopting children in international jurisdictions. (s. 48.97, Stats.)