

## Chapter HSS 51

### ADOPTIONS

#### HSS 51.50 Adoption procedures

**HSS 51.50 Adoption procedures.** (1) **INTRODUCTION.** (a) *Statement of intent.* The intent of these rules is to establish procedures to be followed by all child placing units within the department to ensure the most suitable adoptive placement with the well being of the child of paramount concern.

(b) *Purpose.* The purpose of these rules is to establish procedures and criteria pursuant to ss. 48.01 (1) (f), 48.48 (8), 48.975, and ch. 227, Stats., to ensure that the needs of the child as the primary client are met, and to provide for the fair and equal treatment of all persons seeking to adopt.

(c) *Applicability.* The rules apply to all persons making adoption inquiry or application to the department, to all children placed in custody of the department, to all foreign born or out of state children referred to the department for home study, and to all child placing units within the department, with the following exceptions:

1. Adoption procedures involving American Indians shall be in accordance with Public Law 95-608, Indian Child Welfare Act of 1978.

2. The department may allow exceptions to any screening criteria in (2) (b) or any eligibility criteria in (5) when making determinations regarding adoption placements of children with special needs.

(d) *Definitions.* 1. "Adoption" means a method provided by law to establish the legal relationship of parent and child between persons who are not related by birth, with the same mutual rights and obligations that exist between children and their natural parents.

2. "Approval for placement" is the agency decision that the family meets eligibility criteria and is approved and available for placement of a child. Such approval does not guarantee placement of a child since an actual placement is also dependent on the availability of a child appropriate for that family.

3. "Case closed" means an adoption case is closed when:

a. The family withdraws its application.

b. The agency decides it cannot approve the family for placement of a child based on the eligibility criteria and study of the family.

4. "Child with special needs" means a child for whom it is difficult to find an adoptive home. This difficulty may be due to medical, psychological, developmental, behavioral conditions or may be due to other circumstances such as age, sibling group, sex, race or national and cultural origin. All foreign born children, referred to the department for placement in Wisconsin, shall also be considered to have special needs.

5. "Department" means the department of health and social services.

6. "Director" means director of a regional office.

7. "Division" means the division of community services of the department.

8. "Extreme family crisis" means an event such as severe illness, death, separation, divorce, or bankruptcy which significantly disrupts the normal functioning of a family and which may affect a family's ability to adopt a child.

9. "Finalization" means court action which makes a child a full legal member of the adoptive family.

10. "Formal application" means a departmental form completed by applicants who wish to proceed to the home study phase of adoption. It contains specific information regarding the applicant's family which is used in the home study. It includes, but is not limited to, financial and family information and a listing of references.

11. "Healthy infant" means a child under one year old who is considered to be a child without special needs.

12. "Inquiry application" means a brief departmental form completed by a family to begin the process of adoption. It contains basic information which the agencies initially require from the applicant such as names, addresses, birthdates, other identifying information and the kind of child that the applicants would prefer to adopt. This form is used for a preliminary screening of applicants.

13. "Inquiry application date" means the date on which applicants contact the agency by letter, phone or in person to request information on adoptions and begin the adoption process.

Note: An inquiry application is made on form DCS SS 135AD and a formal application is made on form DCS SS 136AD. These forms are available on request from the adoption and permanent planning sections in each Division of Community Services regional office or from the Division at 1 West Wilson Street, Madison, Wisconsin 53702.

14. "Legally free" means the severance of the legal rights of the natural parents of a child through a termination of parental rights proceedings or consent proceedings according to the laws of the state or the federal government or both.

15. "Placement" means the social service process of assisting a child to move physically, socially and emotionally from one family to another.

16. "Region" means one of the geographical areas of the state as designated by the department.

17. "Suspension" means to stop all action regarding the adoptive home study process until the problems or circumstances causing the suspension are resolved. When a home study is suspended the applicants do not lose their place in the process or have to start over as when the applicant's case is closed.

(2) INQUIRY APPLICATION. (a) Adoption inquiry shall be made in the region in which applicants reside, on a form supplied by the department.

(b) All inquiry applications shall be screened pursuant to the following criteria: