



**SENATE SUBSTITUTE AMENDMENT 2,
TO 2005 SENATE BILL 606**

March 9, 2006 – Offered by Senator LAZICH.

1 **AN ACT** *to amend* 48.833; and *to create* 48.38 (4) (br), 48.834 and 938.38 (4) (br)
2 of the statutes; **relating to:** placement of a child for adoption with an adoptive
3 parent or proposed adoptive parent of a sibling of the child.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS), a county department of human services or social services (county department), or a child welfare agency may place a child for adoption in a licensed foster home without an order of the court assigned to exercise jurisdiction under the Children's Code if DHFS, the county department, or the child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child. Current law requires DHFS, a county department, or a child welfare agency, before placing a child for adoption, to consider the availability of a placement for adoption with a relative of the child who is identified in the child's permanency plan, which is a plan designed to ensure that the child quickly attains a placement or home providing long-term stability, or who is otherwise known by DHFS, the county department, or the child welfare agency.

This substitute amendment requires DHFS, a county department, or a child welfare agency to include in a child's permanency plan a statement as to the availability of a safe and appropriate placement for the child with a fit and willing foster parent, adoptive parent, or proposed adoptive parent of a sibling of the child

and, before placing for adoption a child who has a sibling who has been adopted or has been placed for adoption, to consider the availability of a placement for adoption with an adoptive parent or proposed adoptive parent of a sibling of the child who is identified in the child's permanency plan or who is otherwise known by DHFS, the county department, or the child welfare agency.

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

1 **SECTION 1.** 48.38 (4) (br) of the statutes is created to read:

2 48.38 (4) (br) A statement as to the availability of a safe and appropriate
3 placement with a fit and willing foster parent, adoptive parent, or proposed adoptive
4 parent of a sibling of the child and, if a decision is made not to place the child with
5 an available foster parent, adoptive parent, or proposed adoptive parent of a sibling,
6 a statement as to why placement with the foster parent, adoptive parent, or proposed
7 adoptive parent of a sibling is not safe or appropriate.

8 **SECTION 2.** 48.833 of the statutes is amended to read:

9 **48.833 Placement of children for adoption by the department, county**
10 **departments, and child welfare agencies.** The department, a county
11 department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under
12 s. 48.60 may place a child for adoption in a licensed foster home or a licensed
13 treatment foster home without a court order if the department, county department
14 ~~under s. 48.57 (1) (e) or (hm) or the,~~ or child welfare agency is the guardian of the child
15 or makes the placement at the request of another agency ~~which~~ that is the guardian
16 of the child. ~~Before placing a child for adoption under this section, the department,~~
17 ~~county department or child welfare agency making the placement shall consider the~~
18 ~~availability of a placement for adoption with a relative of the child who is identified~~
19 ~~in the child's permanency plan under s. 48.38 or 938.38 or who is otherwise known~~

1 by the department, county department or child welfare agency. When a child is
2 placed under this section in a licensed foster home or a licensed treatment foster
3 home for adoption, the department, county department, or child welfare agency
4 making the placement shall enter into a written agreement with the proposed
5 adoptive parent, which shall state the date on which the child is placed in the licensed
6 foster home or licensed treatment foster home for adoption by the proposed adoptive
7 parent.

8 **SECTION 3.** 48.834 of the statutes is created to read:

9 **48.834 Placement of children with relatives or siblings for adoption by**
10 **the department, county departments, and child welfare agencies. (1)**

11 PLACEMENT WITH RELATIVES. Before placing a child for adoption under s. 48.833, the
12 department, county department under s. 48.57 (1) (e) or (hm), or child welfare agency
13 making the placement shall consider the availability of a placement for adoption
14 with a relative of the child who is identified in the child's permanency plan under s.
15 48.38 or 938.38 or who is otherwise known by the department, county department,
16 or child welfare agency.

17 **(2) PLACEMENT WITH SIBLINGS.** Before placing for adoption under s. 48.833 a
18 child who has a sibling who has been adopted or has been placed for adoption, the
19 department, county department under s. 48.57 (1) (e) or (hm), or child welfare agency
20 making the placement shall consider the availability of a placement for adoption
21 with an adoptive parent or proposed adoptive parent of a sibling of the child who is
22 identified in the child's permanency plan under s. 48.38 or 938.38 or who is otherwise
23 known by the department, county department, or child welfare agency.

24 **SECTION 4.** 938.38 (4) (br) of the statutes is created to read:

