



---

---

## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

---

---

<b>2007 Wisconsin Act 186</b> [2007 Senate Bill 464]	<b>Adoption</b>
---------------------------------------------------------	-----------------

2007 Wisconsin Act 186 clarifies the statutes relating to placement of a child with proposed adoptive parents who are not the child's relative prior to termination of parental rights (TPR), requires proposed adoptive parents to pay for preadoptive preparation or training when a child is placed for adoption by a child welfare agency (private adoption), and clarifies the applicability of the Interstate Compact on the Placement of Children (ICPC).

### **Adoptive Placement Prior to TPR**

Under Act 186, at the request of a parent having custody of a child and the proposed adoptive parents of the child, the Department of Health and Family Services (DHFS), a county department of human or social services, or a licensed child welfare agency may place a child in the home of the proposed adoptive parents prior to terminating the child's parents' parental rights if the proposed adoptive parents live in Wisconsin and the home is licensed as a foster home.

If the proposed adoptive parents live in another state, the child may be placed in their home at the request of the child's parent and the proposed adoptive parents if the placement is made in compliance with the ICPC; the home meets the criteria of that state's laws for a preadoptive placement of a child in the home of a nonrelative; and an appropriate agency in that state has completed an investigation of the home and filed a report and recommendation concerning the home with DHFS, the county department, or the licensed child welfare agency.

Before a child may be placed with proposed adoptive parents, as described above, DHFS, the county department, or the licensed child welfare agency making the placement and the proposed adoptive parents must enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the agreement, DHFS, the county department, or the child welfare agency or the proposed adoptive parents

---

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

must be financially responsible for those costs. The agreement may not provide that the child's birth parent or an alleged or presumed father of the child is responsible for the costs.

Under the Act, prior to the TPR, no person may coerce a birth parent of the child or any alleged or presumed father of the child into refraining from exercising his or her right to withdraw consent to the transfer or surrender of the child or to terminate his or her parental rights to the child. If the court finds that a person has coerced a birth parent, the court must dismiss the petition for placement of the child and the TPR petition.

**Payment for Preadoptive Preparation**

Proposed adoptive parents who have not previously adopted a child are required to obtain preadoptive preparation, or training, on issues that may confront adoptive parents. Under Act 186, DHFS must pay for the preparation if the child is placed for adoption by DHFS or a county department. If the child is placed for adoption by a licensed child welfare agency, the proposed adoptive parents must pay for the training.

**Applicability of the ICPC**

The ICPC provides procedures for sending a child from this state to another state, placing a child from this state in an institution in another state, bringing a child from another state into this state, and placing a child from another state in an institution in this state. The ICPC does not apply to the sending or bringing of a child by the child's parent, stepparent, grandparent, adult brother or sister, adult aunt or uncle, or guardian and leaving the child with any such relative or nonagency guardian in the receiving state. Act 186 specifies that the exemption applies only if the relative or guardian, as listed above, is a person whose full legal right to plan for the child has been established by law prior to the initiation of the placement arrangement and has not been voluntarily terminated or diminished or severed by the action or order of any court.

***Effective Date:*** Act 186 takes effect on April 11, 2008.

***Prepared by:*** Anne Sappenfield, Senior Staff Attorney

March 31, 2008

AS:ksm