



**STATE OF WISCONSIN
JOINT LEGISLATIVE COUNCIL**

REPORT NO. 4 TO THE 1997 LEGISLATURE

**LEGISLATION ON ADOPTION LAWS, ADOPTION ASSISTANCE
AND LONG-TERM KINSHIP CARE**

1997 ASSEMBLY BILL 600, Relating to Payments by an Adoptive or Proposed Adoptive Parent for the Expenses of a Birth Parent or Child; the Release of Identifying Information Related to an Adoption; Advertising Related to Adoption; Who May be Adopted; School Age Parents Programs; Informational Resources on Adoption Instruction; Adoption Procedures; and Providing a Penalty

1997 ASSEMBLY BILL 601, Relating to Adoption Assistance

1997 ASSEMBLY BILL 602, Relating to Long-Term Kinship Care

Legislative Council Staff

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One East Main Street, Suite 401

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JOINT LEGISLATIVE COUNCIL
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PART I

**KEY PROVISIONS OF LEGISLATION; COMMITTEE
AND JOINT LEGISLATIVE COUNCIL VOTES**

**A. 1997 ASSEMBLY BILL 600, RELATING TO PAYMENTS BY AN ADOPTIVE OR
PROPOSED ADOPTIVE PARENT FOR THE EXPENSES OF A BIRTH PARENT OR
CHILD; THE RELEASE OF IDENTIFYING INFORMATION RELATED TO AN
ADOPTION; ADVERTISING RELATED TO ADOPTION; WHO MAY BE ADOPTED;
SCHOOL AGE PARENTS PROGRAMS; INFORMATIONAL RESOURCES ON ADOPTION
INSTRUCTION; ADOPTION PROCEDURES; AND PROVIDING A PENALTY¹**

1. Key Provisions

1997 Assembly Bill 600 does all of the following:

- Amends and clarifies current law regarding payments by proposed adoptive and adoptive parents and creates new provisions relating to such payments. Specifically, the Bill does all of the following: (a) provides a clear statement of which payments are permissible and which are prohibited; (b) authorizes proposed adoptive parents of a child to pay up to \$1,000 of the living expenses of the birth mother of the child if that payment is necessary to protect the health and welfare of the birth mother or the fetus; (c) authorizes proposed adoptive parents of a child to pay any expense of a birth parent residing in another state if that state permits such payment and if certain other conditions are met; (d) for agency adoptions, requires submission and review by the court to exercise jurisdiction under chs. 48 and 938, Stats. (juvenile court), of the same information regarding adoption-related payments that is currently required for an independent adoptive placement with a nonrelative; (e) provides that if the juvenile court finds that impermissible payments have been made, it may dismiss the petition with which the report was submitted; and (f) makes other minor changes relating to the payment of expenses.
- Authorizes an adoption agency that has placed a child for adoption or that was appointed the guardian of a child who was adopted in an independent adoption to: (a) release identifying information about the child's birth parent to the child's adoptive parents when authorized by the birth parent to do so; and (b) release identifying information about the child's adoptive parent to the child's birth parents, when authorized by the adoptive parent to do so.

1. All relating clauses in this Report are abbreviated.

- Prohibits certain advertising related to adoption, specifically, among other provisions, prohibits agencies which are not licensed in Wisconsin from advertising that they will find an adoptive home for a child, and prohibits individuals who have not received a favorable home study from advertising for the purpose of finding a child to adopt.
- Requires school age parents programs to provide instruction on adoption and adoption services and specifies certain information which must be included in that instruction. Also requires the Department of Public Instruction (DPI) to provide to schools information about materials and services available through the state adoption center which may serve as resources for instruction on adoption for pupils in grades kindergarten through 12.
- Clarifies the law regarding who may be adopted with respect to: (a) a child one or both of whose parents are deceased; (b) stepparent adoption; and (c) readoption of a child who was adopted in another state or nation.
- Provides that, subject to certain exceptions, a petition for rehearing of a contested involuntary termination of parental rights (TPR) or a paternity adjudication under subch. VIII of ch. 48 with respect to a child, based on new evidence, may not be filed after the finalization of the adoption of the child.
- Amends two references to “relative” in adoption law to clarify that: (a) a child may be placed for adoption in the home of a relative of the child without a court order; and (b) the Interstate Compact on the Placement of Children (ICPC) does not apply to the sending or bringing of a child into a receiving state by certain relatives of the child or to leaving the child with certain relatives of the child.
- Provides that a hearing on a TPR petition and a petition for adoptive placement of a child with a nonrelative in an independent adoption must be held within 30 days after the petitions are filed, rather than 60 days.
- Clarifies that a child may be placed in preadoptive foster care more than 60 miles from the child’s home if the birth mother consents to the placement and if the placement will facilitate the anticipated adoptive placement of the child.
- Creates an exception to the current law regarding when a child may be removed from a foster home, treatment foster home or group home (substitute care) to permit a child to be removed for the purpose of adoptive placement without a hearing or waiting period if the substitute care provider signs a written waiver of his or her right to object to the child’s removal.

2. Committee Vote

At its meeting on May 19, 1997, the Special Committee on Adoption Laws voted to combine the following drafts and to recommend the combined draft (subsequently drafted by the Legislative Reference Bureau (LRB) as **LRB-3546/2**) to the Joint Legislative Council by a vote of Ayes, 14 (Reps. Ward, Plale and Young; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Martin, Mireles and Swessel); Noes, 0; and Absent, 6 (Reps. Schafer and Ziegelbauer; and Public Members Ehrke, Lepkowski, Mayo and Schneiders).

The drafts which were combined into LRB-3546/2 and the Special Committee votes on those drafts are as follows:

- **WLCS: 0103/4**, relating to education about adoption and school age parents programs. At its meeting on April 25, 1997, the Committee requested amendments to WLCS: 0103/3 and approved WLCS: 0103/3, as amended, by a vote of Ayes, 12 (Reps. Ward and Young; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Mireles and Swessel); Noes, 0; and Absent, 8 (Reps. Plale, Schafer and Ziegelbauer; and Public Members Ehrke, Lepkowski, Martin, Mayo and Schneiders).
- **WLCS: 0106/5**, relating to payments by an adoptive or proposed adoptive parent for expenses of a birth parent or child. At its meeting on May 19, 1997, the Committee requested amendments to WLCS: 0106/4 and approved WLCS: 0106/4, as amended, by a vote of Ayes, 14 (Reps. Ward, Plale and Young; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Martin, Mireles and Swessel); Noes, 0; and Absent, 6 (Reps. Ziegelbauer and Schafer; and Public Members Ehrke, Lepkowski, Mayo and Schneiders).
- **WLCS: 0107/4**, relating to the release of identifying information by an agency which placed a child for adoption or was appointed guardian of a child who was adopted. At its meeting on May 19, 1997, the Committee approved WLCS: 0107/4 by a vote of Ayes, 12 (Reps. Ward and Young; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Mireles and Swessel); Noes, 0; and Absent, 8 (Reps. Plale, Schafer and Ziegelbauer; and Public Members Ehrke, Lepkowski, Martin, Mayo and Schneiders).
- **WLCS: 0109/4**, relating to who may be adopted. At its meeting on April 25, 1997, the Committee requested amendments to WLCS: 0109/3 and approved WLCS: 0109/3, as amended, by a vote of Ayes, 14 (Reps. Ward, Plale, Schafer and Young; and Public Members Albergottie, Day, Ellingson, Hakala, Hayes, Leib, Lepkowski, Mireles, Schneiders and

Swessel); Noes, 0; and Absent, 6 (Rep. Ziegelbauer; and Public Members Arnesen, Cook-Pipping, Ehrke, Martin and Mayo).

- **WLCS: 0164/3**, relating to advertising related to adoption and providing a penalty. At its meeting on May 19, 1997, the Committee approved WLCS: 0164/3 by a vote of Ayes, 12 (Reps. Ward and Young; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Mireles and Swessel); Noes, 0; and Absent, 8 (Reps. Plale, Schafer and Ziegelbauer; and Public Members Ehrke, Lepkowski, Martin, Mayo and Schneiders).
- **WLCS: 0165/3**, relating to the documentation required in a permanency plan for preadoptive placement of a child in foster care or treatment foster care under a voluntary agreement. At its meeting on April 25, 1997, the Committee requested amendments to WLCS: 0165/2 and approved WLCS: 0165/2, as amended, by a vote of Ayes, 18 (Reps. Ward, Plale, Schafer, Young and Ziegelbauer; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Lepkowski, Martin, Mireles, Schneiders and Swessel); Noes, 0; and Absent, 2 (Public Members Ehrke and Mayo).
- **WLCS: 0167/1**, relating to the placement of a child with a relative for adoption and application of the interstate compact on the placement of children. At its meeting on February 28, 1997, the Committee approved WLCS: 0167/1 by a vote of Ayes, 17 (Reps. Ward, Plale, Schafer, Young and Ziegelbauer; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ehrke, Ellingson, Hayes, Leib, Lepkowski, Mireles, Schneiders and Swessel); Noes, 0; and Absent, 3 (Public Members Hakala, Martin and Mayo).
- **WLCS: 0169/2**, relating to the time by which a juvenile court must hold a hearing on a petition for adoptive placement of a child with a nonrelative and a petition to terminate parental rights which is filed with the petition for adoptive placement. At its meeting on April 25, 1997, the Committee approved WLCS: 0169/2 by a vote of Ayes, 18 (Reps. Ward, Plale, Schafer, Young and Ziegelbauer; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Lepkowski, Martin, Mireles, Schneiders and Swessel); Noes, 0; and Absent, 2 (Public Members Ehrke and Mayo).
- **WLCS: 0171/2**, relating to removal of a child from a foster home, treatment foster home or group home for the purpose of placing the child by an agency for adoption. At its meeting on April 25, 1997, the Committee approved WLCS: 0171/2 by a vote of Ayes, 17 (Reps. Ward, Plale, Schafer, Young and Ziegelbauer; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Lepkowski,

Mireles, Schneiders and Swessel); Noes, 0; Absent, 2 (Public Members Ehrke and Mayo); and Not Voting, 1 (Public Member Martin).

- **WLCS: 0373/2**, relating to the time by which a petition for a rehearing on the ground of new evidence shall be filed in juvenile court. At its meeting on May 19, 1997, the Committee requested amendments to WLCS: 0373/1 and approved WLCS: 0373/1, as amended, by a vote of Ayes, 14 (Reps. Ward, Plale and Young; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Martin, Mireles and Swessel); Noes, 0; and Absent, 6 (Reps. Ziegelbauer and Schafer; and Public Members Ehrke, Lepkowski, Mayo and Schneiders).

3. Joint Legislative Council Vote

At its November 5, 1997 meeting, the Joint Legislative Council voted to introduce LRB-3546/2 (1997 Assembly Bill 600) by a vote of Ayes, 16 (Sens. Risser, Burke, Cowles, Drzewiecki, Shibilski and Zien; and Reps. Kelso, Duff, Foti, Freese, Gard, Hubler, Jensen, Kunicki, Linton and Schneider); Noes, 0; and Absent, 6 (Sens. Chvala, Ellis, Jauch, Moen and Moore; and Rep. Klusman).

B. ASSEMBLY BILL 601, RELATING TO ADOPTION ASSISTANCE

1. Key Provisions

1997 Assembly Bill 601, relating to adoption assistance, granting rule-making authority and making appropriations, makes several changes in current law relating to the adoption assistance benefit that is provided by the Department of Health and Family Services (DHFS) to the adoptive or proposed adoptive parents of a child with special needs when it has been determined that such assistance is necessary to assure the child's adoption.

Assembly Bill 601 does all of the following:

- Provides adoption assistance under a deferred adoption assistance agreement for a child who, at the time of adoptive placement, is at high risk of developing moderate or intensive difficulty-of-care problems after adoption (at-high-risk child). (Under current law, an at-high-risk child is not defined as a child with special needs. Therefore, no adoption assistance benefits are available.)
- Clarifies current law regarding the initial amount of adoption assistance monthly maintenance payments.
- Allows an adoptive parent to request an increase in adoption assistance monthly maintenance payments due to a substantial change in circumstances.

- Requires DHFS to promulgate an administrative rule to set forth the extenuating circumstances under which an adoption assistance agreement may be entered into after an adoption becomes final.
- Requires DHFS to promulgate an administrative rule regarding required photolisting of a child and specifies that the rule may not require photolisting under circumstances in which photolisting is not required by federal statutes, regulations or guidelines.
- Clarifies the extent of parental liability for the cost of substitute care of children receiving adoption assistance.
- Increases appropriations and expenditures for DHFS by \$241,700 general purpose revenue (GPR) and by \$306,400 federal program revenue for fiscal year 1998-99.

2. Committee Vote

At its meeting on May 19, 1997, the Special Committee on Adoption Laws requested amendments to WLCS: 0116/3, relating to adoption assistance, granting rule-making authority, authorizing positions for the department of health and family services and making appropriations, and approved WLCS: 0116/3, as amended, by a vote of Ayes, 14 (Reps. Ward, Plale and Young; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Martin, Mireles and Swessel); Noes, 0; and Absent, 6 (Reps. Ziegelbauer and Schafer; and Public Members Ehrke, Lepkowski, Mayo and Schneiders). WLCS: 0116/3, as amended, subsequently became LRB-3547/2.

3. Joint Legislative Council Vote

At its November 5, 1997 meeting, the Joint Legislative Council voted to introduce LRB-3547/2 (1997 Assembly Bill 601) by a vote of Ayes, 16 (Sens. Risser, Burke, Cowles, Drzewiecki, Shibilski and Zien; and Reps. Kelso, Duff, Foti, Freese, Gard, Hubler, Jensen, Kunicki, Linton and Schneider); Noes, 0; and Absent, 6 (Sens. Chvala, Ellis, Jauch, Moen and Moore; and Rep. Klusman).

C. 1997 ASSEMBLY BILL 602, RELATING TO LONG-TERM KINSHIP CARE

1. Key Provisions

1997 Assembly Bill 602, relating to kinship care, creating a long-term kinship care program and making appropriations, creates a long-term kinship care program which provides monthly payments to a relative of a child who is caring for the child on a long-term basis. The long-term care kinship program is similar to the kinship care program in current law under which a relative who is caring for a child may receive monthly benefit payments (currently set at

\$215) if the child meets certain conditions and if the kinship care relative meets certain conditions. Under Assembly Bill 602, the funding source and the amount of the monthly benefit payment are the *same* for both kinship care programs.

Assembly Bill 602 does all of the following:

- Provides that only a relative who has been appointed as a child's guardian under s. 48.977 (2), Stats., may receive long-term kinship care payments.
- Requires an investigation of the home of the relative who will provide long-term kinship care.
- Requires a criminal background investigation, but requires an individualized consideration of a long-term kinship care relative's conviction record, as well as the conviction record of an adult resident in the long-term kinship care relative's home or an employee or prospective employee of the long-term kinship care relative who has or would have regular contact with the child.
- Requires a written agreement between a county department of human services or county department of social services (county department) and a long-term kinship care relative.
- Requires an annual review of a case under the long-term kinship care program.

2. Committee Vote

At its meeting on May 19, 1997, the Special Committee on Adoption Laws voted to recommend WLCS: 0349/2 by a vote of Ayes, 14 (Reps. Ward, Plale and Young; and Public Members Albergottie, Arnesen, Cook-Pipping, Day, Ellingson, Hakala, Hayes, Leib, Martin, Mireles and Swessel); Noes, 0; and Absent, 6 (Reps. Ziegelbauer and Schafer; and Public Members Ehrke, Lepkowski, Mayo and Schneiders). WLCS: 0349/2 subsequently became LRB-3548/2.

3. Joint Legislative Council Vote

At its November 5, 1997 meeting, the Joint Legislative Council voted to introduce LRB-3548/2 (1997 Assembly Bill 602) by a vote of Ayes, 16 (Sens. Risser, Burke, Cowles, Drzewiecki, Shibilski and Zien; and Reps. Kelso, Duff, Foti, Freese, Gard, Hubler, Jensen, Kunicki, Linton and Schneider); Noes, 0; and Absent, 6 (Sens. Chvala, Ellis, Jauch, Moen and Moore; and Rep. Klusman).

PART II

COMMITTEE ACTIVITY

A. ASSIGNMENT

The Joint Legislative Council established the Special Committee on Adoption Laws and appointed its Chairperson by a July 19, 1996 mail ballot. The Special Committee was directed to study adoption laws and procedures and the delivery of adoption services, other than the issue of who may consent to adoption searches. The study was required to include a review of: (1) the efficiency and effectiveness of the current adoption process; and (2) incentives for adoption.

The membership of the Special Committee, appointed by September 20 and 27, 1996 mail ballots, originally consisted of six Representatives and 14 Public Members. Due to resignations and subsequent appointments, the membership of the Committee subsequently consisted of five Representatives and 15 Public Members. A membership list of the Joint Legislative Council is included as **Appendix 1**. A list of the Committee membership is included as **Appendix 2**.

B. SUMMARY OF MEETINGS

The Committee held seven meetings on the following dates. Unless otherwise indicated, all of the meetings were held at the State Capitol in Madison:

October 23, 1996	February 28, 1997
November 12, 1996 (Milwaukee)	April 25, 1997
December 11, 1996	May 19, 1997
January 31, 1997	

At the October 23, 1996 meeting, the Special Committee briefly reviewed a staff brief which provided an overview of Wisconsin law relating to the adoption of children. The Committee heard testimony from invited speakers. **Linda Hisgen, Director, Bureau of Programs and Policies (BPP), Division of Children and Families (DCF), DHFS, and Christopher Marceil, Manager, Adoption and Consultation Section, BPP, DCF, DHFS**, discussed the functions and services of DHFS related to adoption, trends in adoption in Wisconsin, adoption laws and adoption as an option for pregnant teenagers. **Attorney Judith Sperling Newton, Stafford, Rosenbaum, Rieser and Hansen**, described her recommendations for statutory changes in adoption law. **Amy Steuer, Adoption Worker, Children's Service Society**, discussed the role that an adoption agency plays in the adoption process and emphasized that the goal of adoption law should be to find the best possible homes for children who need homes, not to find children for couples who want to be parents. **Beth Hornung** discussed the adoption process from the viewpoint of an adoptive parent and indicated that the cost of adoption is prohibitive for many couples. **Angela Brunhart, Program Coordinator, Adoption Information Center**, explained the role of the state-funded Adoption Information Center and its efforts to educate people about

adoption. Committee members identified key issues which they recommended that the Committee address.

At the November 12, 1996 meeting, which was held at the Lady Pitts School Age Parents Program at the Pleasant View School in Milwaukee, the Committee heard testimony from invited speakers. **Peggy Clapp, Administrator, Lady Pitts School Age Parents Program, Pleasant View School**, described the program and the purpose of the program. **Two students in the Lady Pitts School Age Parents Program** discussed factors which they believe lead the majority of pregnant teenagers to choose to raise their children, rather than to place them for adoption. **Chyra Trost, Program Manager, Specialized Services, Milwaukee County Department of Human Services, and Ragenia Graham-Bacon, Adoptive Family Recruiter, Youth Services Division, Milwaukee County Department of Human Services**, explained the role of the Milwaukee County Department of Human Services in the adoption of children with special needs and the adoption of children with respect to whom parental rights are terminated involuntarily. Ms. Trost made recommendations for statutory changes. She also recommended that financial resources be provided for relatives who take care of a child for an extended period of time and who may not be eligible for payments under the recently-created kinship care program. **Roger Quindel, Supervisor, Milwaukee County Board**, made various recommendations regarding issues he thought the Committee should address, including providing more education about adoption and developing community support systems to provide assistance after an adoption to adoptive parents of children with special needs. Committee members also identified additional issues which they recommended that the Committee address.

At the December 11, 1996 meeting, the Committee began its review of Committee staff MEMO NO. 6, *Recommendations Made to the Special Committee on Adoption Laws* (November 26, 1996), which summarized the recommendations for statutory changes made by invited speakers and by Committee members at the first two meetings, including recommendations relating to: (1) general provisions of adoption law; (2) preadoptive procedures; (3) advertising relating to adoption; (4) payment of the expenses of the birth parents or child; (5) the cost of adoption; (6) open adoption; (7) adoption assistance benefits; (8) post-adoption services; (9) education about adoption; and (10) guardianship of children. Committee members also made additional recommendations.

The Committee also discussed MEMO NO. 5, *Conversion of Existing Aid to Families with Dependent Children Nonlegally Responsible Relative Cases to Kinship Care Cases* (November 27, 1996); MEMO NO. 7, *Mandatory Health Insurance Coverage Requirements Pertinent to the Adoption of Children* (December 3, 1996); MEMO NO. 8, *Options Relating to Adoption Assistance Benefits After Finalization of an Adoption* (December 5, 1996); and MEMO NO. 9, *Options for Permitting Prospective Adoptive Parents or Adoptive Parents to Pay Expenses of a Birth Mother or Child in Addition to Those Permitted Under Current Law* (December 5, 1996).

The Committee asked staff to prepare drafts relating to: (1) who may be adopted; (2) adoption assistance benefits, including photolisting requirements; (3) the voluntary exchange of identifying information between birth parents and adoptive parents after adoption; (4) payment

of the expenses of the birth parents or child; and (5) adoption instruction in school age parents programs.

At the January 31, 1997 meeting, the Committee reviewed Committee staff MEMO NO. 11, *K-12 Public School Curriculum Requirements Regarding Adoption* (January 23, 1997), and discussed the need to provide more instruction about adoption in the public schools.

The Committee next reviewed and requested changes to the following drafts:

- WLCS: 0103/1, relating to school age parents programs.
- WLCS: 0107/1, relating to the release of identifying information by an agency which placed a child for adoption or was appointed guardian of a child who was adopted.
- WLCS: 0106/1, relating to payments by adoptive or proposed adoptive parents for expenses of the birth parents or child.
- WLCS: 0116/1, relating to adoption assistance.

The Committee discussed WLCS: 0109/1, relating to who may be adopted and requested more information on this topic.

The Committee reviewed and discussed MEMO NO. 10, *Issues Relating to the Definition of a "Relative" Under Wisconsin Adoption Laws* (January 23, 1997), and asked staff to prepare a draft on this topic.

Finally, the Committee turned its attention to MEMO NO. 6, *Recommendations Made to the Special Committee on Adoption Laws* (November 26, 1996; Revised January 24, 1997). Based on the discussion of items contained in that Memo, the Committee asked staff to prepare drafts relating to: (1) advertising related to adoption; (2) the time deadline by which a court must hold a hearing on a TPR petition in certain cases; (3) documentation required in a permanency plan for preadoptive placement of a child in foster care more than 60 miles from his or her home; and (4) notice of intent to remove a child from a foster home.

At its February 28, 1997 meeting, the Committee reviewed and requested changes to the following drafts:

- WLCS: 0103/2, relating to education about adoption and school age parents programs.
- WLCS: 0107/2, relating to the release of identifying information by an agency which placed a child for adoption or was appointed guardian of a child who was adopted.
- WLCS: 0109/2, relating to who may be adopted.

- WLCS: 0165/1, relating to an exception to the documentation required in a permanency plan for preadoptive placement of a child in foster care or treatment foster care under a voluntary agreement.
- WLCS: 0169/1, relating to the time by which a juvenile court must schedule a hearing on a petition for adoptive placement of a child with a nonrelative and a petition to terminate parental rights which is filed with the petition for adoptive placement.
- WLCS: 0171/1, relating to review of agency decisions or orders to remove a child from a foster home, treatment foster home or group home for the purpose of placing the child by an agency for adoption.
- WLCS: 0164/1, relating to advertising related to adoption.
- WLCS: 0106/2, relating to payments by adoptive or proposed adoptive parents for expenses of the birth parents or child.

The Committee then reviewed and approved WLCS: 0167/1, relating to the placement of a child with a relative for adoption and application of the interstate compact on the placement of children.

The Committee discussed WLCS: 0116/2, relating to adoption assistance, and requested further information on the fiscal effect of certain provisions of the draft.

The Committee also discussed certain recommendations from MEMO NO. 6 and directed staff to prepare a draft relating to establishing the paternity of a child placed for adoption and creating a penalty for knowingly misidentifying the father of a child.

The Committee also considered a suggestion by Committee Member Stephen Hayes regarding petitioning the court for a rehearing based on newly discovered evidence and asked him to gather further information on this topic.

Representative Rebecca Young suggested that the Committee create a long-term or permanent kinship care program as set forth in the memorandum to her from Legislative Council Staff Attorney Joyce L. Kiel, *Summary of Elements to Be Included in a Bill Creating a Long-Term or Permanent Kinship Care Program* (February 25, 1997), which was distributed to Committee members at the meeting. Committee members indicated their support for the proposal and directed staff to prepare a draft and obtain fiscal information about the proposal.

At the April 25, 1997 meeting, the Committee discussed and approved the following drafts:

- WLCS: 0103/3, relating to education about adoption and school age parents programs (with amendments).

- WLCS: 0109/3, relating to who may be adopted.
- WLCS: 0169/2, relating to the time by which a juvenile court must hold a hearing on a petition for adoptive placement of a child with a nonrelative and a petition to terminate parental rights which is filed with the petition for adoptive placement.
- WLCS: 0165/2, relating to an exception to the documentation required in a permanency plan for preadoptive placement of a child in foster care or treatment foster care under a voluntary agreement (with amendments).
- WLCS: 0171/2, relating to removal of a child from a foster home, treatment foster home or group home for the purpose of placing the child by an agency for adoption.
- WLCS: 0346/1, relating to payments made by or on behalf of proposed adoptive parents or adoptive parents to a birth parent residing in another state (with amendments). (This was later combined with WLCS: 0106/4.)

The Committee reviewed and requested changes to:

- WLCS: 0107/3, relating to the release of identifying information by an agency which placed a child for adoption or was appointed guardian of a child who was adopted.
- WLCS: 0349/1, relating to amending the kinship care program, creating a long-term kinship care program and making an appropriation.
- WLCS: 0106/3, relating to payments by an adoptive or proposed adoptive parent for expenses of a birth parent or child.
- WLCS: 0164/2, relating to advertising related to adoption.

The Committee also reviewed WLCS: 0116/2, relating to adoption assistance, and reviewed the preliminary fiscal estimate prepared by DHFS regarding the draft. Committee members were informed that DHFS was preparing a revised fiscal estimate for the draft. The Committee asked staff to prepare a draft relating to requiring an affidavit relating to paternity to be filed with a TPR petition.

At the May 19, 1997 meeting, ***Robin Lessee, Office of Strategic Finance, DHFS***, explained the revised preliminary fiscal estimate which she had prepared regarding WLCS: 0116/3, relating to adoption assistance. The Committee approved the following drafts:

- WLCS: 0107/4, relating to the release of identifying information by an agency which placed a child for adoption or was appointed guardian of a child who was adopted.

- WLCS: 0164/3, relating to advertising related to adoption and providing a penalty.
- WLCS: 0373/1, relating to the time by which a petition for a rehearing on the ground of new evidence shall be filed in a juvenile court (with amendments).
- WLCS: 0116/3, relating to adoption assistance, granting rule-making authority, authorizing positions for the department and health and family services and making appropriations (with amendments).
- WLCS: 0349/2, relating to amending the kinship care program, creating a long-term kinship care program and making an appropriation.
- WLCS: 0106/4, relating to payments by an adoptive or proposed adoptive parent for expenses of a birth parent or child (with amendments).

The Committee discussed WLCS: 0381/1, relating to requiring an affidavit relating to the paternity of a child to be filed with a petition to terminate parental rights. The Committee did not reach a consensus on this item and did not approve the draft.

At Chairperson Ward's suggestion, the Committee agreed by unanimous consent to submit WLCS: 0116/4 (with amendments) (LRB-3547/2), relating to adoption assistance, and WLCS: 0349/2 (LRB-3548/2), relating to creating a long-term kinship care program, to the Joint Legislative Council as separate drafts and to combine the other approved drafts into an omnibus bill draft (LRB-3546/2) for submission to the Joint Legislative Council. The Committee then voted to approve the omnibus bill draft. The Joint Legislative Council voted to introduce all three of the drafts, which are described in the next Part of this Report.

C. COMMITTEE MATERIALS

Appendix 3 lists all of the materials received by the Special Committee on Adoption Laws. In addition to the listed materials, Legislative Council Staff prepared numerous bill drafts for the Special Committee and a summary of each of the Special Committee meetings. The following document, prepared by the Legislative Council Staff, may be of particular interest to persons interested in the work of the Special Committee:

- Staff Brief 96-5, *Overview of Wisconsin Law Relating to the Adoption of Children* (October 16, 1996).

PART III

BACKGROUND; DESCRIPTION OF BILLS

This Part of the Report provides background information on, and a description of, the provisions of 1997 Assembly Bills 600, 601 and 602.

A. 1997 ASSEMBLY BILL 600, RELATING TO PAYMENTS BY AN ADOPTIVE OR PROPOSED ADOPTIVE PARENT FOR THE EXPENSES OF A BIRTH PARENT OR CHILD; THE RELEASE OF IDENTIFYING INFORMATION RELATED TO AN ADOPTION; ADVERTISING RELATED TO ADOPTION; WHO MAY BE ADOPTED; SCHOOL AGE PARENTS PROGRAMS; INFORMATIONAL RESOURCES ON ADOPTION INSTRUCTION; ADOPTION PROCEDURES; AND PROVIDING A PENALTY

Background information regarding each topic addressed by 1997 Assembly Bill 600 is included with the description of that provision, under the appropriate heading, below.

Assembly Bill 600 contains the following provisions:

1. Payment of Birth Parent's Expenses by Proposed Adoptive Parents

a. Background

The Special Committee on Adoption Laws devoted a significant amount of attention to the issue of payment of birth parent expenses by proposed adoptive parents. Committee members agreed that the current statutes governing those payments are not clear and the lack of clarity leads to inconsistent interpretations of those provisions by courts and practitioners throughout the state.

Some Committee members and invited speakers who testified before the Committee urged the Committee to modify current law to permit proposed adoptive parents to provide greater financial support to birth parents, in particular by allowing them to pay for the birth mother's living expenses during the pregnancy and cited the following factors in support of their position:

- Several states, most notably California, allow proposed adoptive parents to provide considerably more financial assistance to birth parents than is allowed in Wisconsin. This may influence a pregnant Wisconsin teen or woman to choose an adoptive parent from one of those states, rather than an adoptive parent from Wisconsin. This may be disadvantageous to the Wisconsin birth mother because her rights may not be as well-protected in some other states as they would be in Wisconsin.

- Often pregnant teens and women who are seeking an adoptive home for their child are in precarious financial situations. Pregnancy-related conditions may affect their ability to work. Others, such as parents, may withdraw financial support because of disapproval of the pregnancy or opposition to the decision to place the child for adoption.
- Proposed adoptive parents may strongly desire to provide financial support to the birth parent and find it frustrating that the law prohibits them from doing so. Proposed adoptive parents may worry that the birth mother's lack of financial resources will negatively affect the baby's health.
- A pregnant teen or woman often faces enormous pressure from family and peers to keep her child rather than place the child for adoption. Prohibiting proposed adoptive parents from providing meaningful financial support is one more factor which could convince a pregnant teen or woman not to place her child for adoption.

The Committee members who opposed amending the law to permit proposed adoptive parents to provide greater financial assistance to birth parents based their reluctance to do so on the following factors:

- Any increase in the already high cost of adoption could make adoption unaffordable for some people who could provide good adoptive homes. It was predicted that the maximum statutory payment amount would very likely become the minimum amount which all birth mothers would expect to receive from proposed adoptive parents.
- Payments to a birth parent by proposed adoptive parents may have an emotionally coercive effect on the birth mother by making her feel obligated to place her child with a person who has provided her with financial support, particularly if the birth mother does not have the resources to reimburse the person for the payments.
- Permitting larger payments could create the appearance of baby selling and could lead some birth mothers to shop around for adoptive parents who will provide them with the greatest financial reward.
- Proposed adoptive parents may be desperate to adopt and, therefore, vulnerable to requests for payments. A birth mother is under no legal obligation to reimburse proposed adoptive parents for any amounts they provide her if she decides not to place her child with them.
- Unlike medical and legal expenses related to pregnancy and adoption, a birth mother would incur living expenses, such as rent and food bills, regardless of whether she were pregnant, so there is no justification for the

proposed adoptive parents to pay these expenses. A birth mother would have much higher costs if she were to keep her child and, thus, it is inaccurate to state that permitting larger payments by proposed adoptive parents would be an incentive to the birth mother to place her child for adoption.

After careful consideration of these factors, the Committee chose a middle course between authorizing no payments beyond those currently permitted and authorizing proposed adoptive parents to pay all of a birth mother's living expenses during her pregnancy. The Committee considered permitting the payment of living expenses only if prior court approval were obtained but determined that this procedure would be too cumbersome and would add significantly to the legal expenses of the adoptive parents.

The Committee also studied several other issues related to payments of birth parent expenses by proposed adoptive parents. The changes proposed by the Committee which are included in Assembly Bill 600 are described under the appropriate headings in item b., below.

b. Description of Bill

(1) Payments by proposed adoptive parents which are allowed

Current law contains the following provisions relating to payments made by adoptive or proposed adoptive parents to or on behalf of a birth parent or child:

a. Section 948.24, Stats., which prohibits any person from taking any of the following actions:

- (1) Placing or agreeing to place his or her child for adoption for anything exceeding the actual cost of the hospital and medical expenses of the mother and the child incurred in connection with the child's birth and of the legal and other services rendered in connection with the adoption.
- (2) Soliciting, negotiating or arranging the placement of a child for adoption for anything of value, except under s. 48.833, Stats., relating to placement of children for adoption by DHFS, county departments and licensed adoption agencies.
- (3) Giving anything exceeding the actual cost of the hospital and medical expenses of the mother and the child incurred in connection with the child's birth and of the legal and other services rendered in connection with the adoption in order to receive a child for adoption.

The criminal prohibitions described above do not apply to adoptive placements under s. 48.839, Stats., relating to foreign adoptions. Anyone who takes any of the prohibited actions is guilty of a Class D felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both.

b. Section 48.837 (2) (d), Stats., which provides that the petition for adoptive placement in an independent adoption by a nonrelative must include a report of all transfers of anything of value made or agreed to be made by the proposed adoptive parents or on their behalf in connection with the birth of the child, the placement of the child with the proposed adoptive parents, the medical or hospital care received by the child or by the child's mother in connection with the birth of the child and any other expenses, including the estimated legal expenses, of either the child's parent or the proposed adoptive parents.

c. Section 48.837 (7), Stats., which provides that the proposed adoptive parents in an independent adoption by a nonrelative must pay the cost of any investigation of the proposed adoptive placement ordered by the juvenile court according to a fee schedule established by DHFS based on ability to pay. That section also provides that if the adoption is completed, the proposed adoptive parents must pay the cost of any foster care provided for the child.

In summary, under current law, proposed adoptive parents may pay the following:

- The hospital and medical expenses of the mother and the child incurred in connection with the child's birth.
- Legal services rendered in connection with the adoption.
- "Other services" rendered in connection with the adoption.
- The cost of any investigation of the proposed adoptive placement ordered by the juvenile court.
- The cost of any foster care provided for the child.

According to adoption practitioners, juvenile courts throughout the state interpret the current law in different ways and, thus, differ in the types of payments which they permit proposed adoptive parents to make to or on behalf of a birth parent. For example, some juvenile courts interpret the provision which permits proposed adoptive parents to pay "medical expenses" of a birth mother to permit them to pay a birth mother's lost wages if she misses work because of a pregnancy-related medical condition.

The **Bill** permits the proposed adoptive parents of a child, or a person acting on behalf of the proposed adoptive parents, to pay the actual cost of any of the following:

- Preadoptive counseling for a birth parent of the child or an alleged or presumed father of the child.
- Post-adoptive counseling for a birth parent of the child or an alleged or presumed father of the child.
- Maternity clothes for the child's birth mother, not to exceed a reasonable amount.

- Local transportation expenses of a birth parent of the child that are related to the pregnancy or adoption.
- Services provided by a licensed child welfare agency in connection with the adoption.
- Medical and hospital care received by the child's birth mother in connection with the pregnancy or birth of the child, not to include lost wages or living expenses.
- Medical and hospital care received by the child.
- Legal and other services received by a birth parent of the child, an alleged or presumed father of the child or the child, in connection with the adoption.
- Living expenses of the child's birth mother, in an amount not to exceed \$1,000, if payment of the living expenses by the proposed adoptive parents or a person acting on their behalf is necessary to protect the health and welfare of the birth mother or the fetus.
- Any investigation of the proposed adoptive home ordered by the juvenile court, according to a fee schedule established by DHFS based on ability to pay.
- If the adoption is completed, the cost of any foster care provided for the child.
- Birthing classes.
- A gift to the child's birth mother from the proposed adoptive parents, no greater than \$50 in value.

(2) Payment of expenses when the birth parent is residing in another state

The **Bill** permits the proposed adoptive parents of a child to pay an expense of a birth parent of the child or an alleged or presumed father of the child if the birth parent or the alleged or presumed father was residing in another state when the payment was made and when the expense was incurred and if all of the following apply:

- a. The child was placed for adoption in this state in accordance with the ICPC.
- b. The state in which the birth parent or the alleged or presumed father was residing when the payment was made permits the payment of that expense by the proposed adoptive parents of the child.

c. The proposed adoptive parents provide all of the following to the juvenile court:

- (1) A listing of the payments the proposed adoptive parents of the child or a person acting on their behalf have made or have agreed to make to or on behalf of the birth parent or an alleged or presumed father.
- (2) A copy of the statutory provisions of the state in which the birth parent or an alleged or presumed father was residing when those payments were made that permit those payments to be made by the proposed adoptive parents of the child.
- (3) A copy of all orders entered in the state in which the birth parent or an alleged or presumed father was residing when those payments were made that relate to the payment of expenses of the birth parent or the alleged or presumed father by the proposed adoptive parents or a person acting on their behalf.

The information listed above must be provided to the juvenile court as follows:

- a. If the parental rights of either parent of the child are terminated in this state, the information must be provided at the hearing on the TPR petition.
- b. If the parental rights of both parents of the child are terminated in another state and the child is placed for adoption in this state with a nonrelative in an independent adoptive placement, the information must be provided with the petition for adoptive placement.
- c. If the parental rights of both parents of the child have been terminated in another state and the child is placed for adoption in this state by an agency, the information must be provided with the petition for adoption.

Current law contains no similar provision.

(3) Methods by which payments may be made

Current law does not specify the method by which payments may be made by proposed adoptive parents or a person acting on their behalf to or on behalf of a birth parent of a child or an alleged or presumed father of a child.

The *Bill* requires a payment by or on behalf of a proposed adoptive parent to be made either directly to the provider of a good or service or to the birth parent of the child or an alleged or presumed father of the child as reimbursement of amounts previously paid by the birth parent or the alleged or presumed father if documentation is provided showing that the birth parent or the alleged or presumed father has made the previous payment.

(4) Payments by proposed adoptive parents which are prohibited

Current ch. 48, Stats., the Children's Code, does not specifically prohibit proposed adoptive parents from making any payments to a birth parent. Chapter 48 does contain a penalty for making, or agreeing to make, any payments which are coercive to the birth parent. In addition, provisions in the Criminal Code, described in item (7), below, provide criminal penalties for making or receiving impermissible payments related to adoption.

The **Bill** prohibits, in ch. 48, the proposed adoptive parents of a child or a person acting on their behalf from making any payments to or on behalf of a birth parent of the child, an alleged or presumed father of the child or the child other than those listed as allowed under items (1) and (2), above. In addition, as described in item (6), below, the **Bill** authorizes the juvenile court to dismiss a petition for TPR or independent adoptive placement with a nonrelative with respect to a child if it finds that impermissible payments have been made by the proposed adoptive parents of the child.

(5) Payments made after finalization of adoption

Current law does not specify whether adoptive parents of a child or a person acting on their behalf may make any payments to or on behalf of the birth parents of the child after finalization of the adoption.

The **Bill** permits the adoptive parents of a child or a person acting on their behalf to make any of the allowable payments described in items (1) and (2), above, after finalization of the adoption (at which point the proposed adoptive parents become "adoptive parents"), if the payments are included in the report to the juvenile court described in item (6), below, or an amendment to the report which is filed with the juvenile court.

(6) Report regarding payments must be submitted to and reviewed by the juvenile court

Under **current law**, a petition for independent adoptive placement with a nonrelative must include any agreement between the birth parent and proposed adoptive parent that relates to the payment of any adoption-related expenses. The juvenile court must review the agreement to determine whether any conditions specified in the agreement are coercive to the birth parent; if the juvenile court finds coercion, it must dismiss the petition or amend the agreement to delete any coercive conditions, if the parties agree to the amendment.

Also under **current law**, a petition for independent adoptive placement with a nonrelative must include a report of all transfers of value related to the adoption made or agreed to be made by the proposed adoptive parents or on their behalf. However, current law does not specifically require the juvenile court to review the report or to take any action if it finds that improper payments have been or may be made.

Under **current law**, in an agency adoption, there is no requirement that any agreement or report regarding adoption-related payments be submitted to or reviewed by the juvenile court.

The **Bill** does all of the following:

a. For an agency adoption, requires the submission of the same information regarding adoption-related payments and the same court review of that information that is required for an independent adoptive placement with a nonrelative. Specifically, the Bill requires the juvenile court, at the hearing on a TPR petition which is not filed with a petition for independent adoptive placement with a nonrelative, to determine whether a proposed adoptive parent of a child who is not a relative of the child has been identified. If a proposed adoptive parent has been identified, the juvenile court must order the petitioner to submit a report of all adoption-related payments made by or on behalf of the proposed adoptive parents to or on behalf of the birth parent of the child, an alleged or presumed father of the child or the child. The juvenile court must review that report to determine if any payments or agreement to make payments are coercive to the birth parent or to an alleged or presumed father.

b. For agency adoptions and independent adoptions by a nonrelative, adds the following items to the list of information which must be included in the report of adoption-related payments made or agreed to be made by or on behalf of the proposed adoptive parents:

- (1) Payments to or on behalf of the child.
- (2) Payments to or on behalf of an alleged or presumed father of the child.
- (3) Payments made in connection with the pregnancy of the birth mother.

c. For agency adoptions and independent adoptions by a nonrelative, requires the juvenile court to determine whether any payments or agreement to make payments are impermissible, in addition to the current requirement to determine whether any payments or agreement to make payments are coercive to the birth parent.

d. For agency adoptions and independent adoptions by a nonrelative, if the juvenile court finds that impermissible payments have been made, authorizes the juvenile court to dismiss the TPR petition or petition for adoptive placement and refer the matter to the district attorney for prosecution under s. 948.24 (1), Stats., which provides criminal penalties for making or receiving impermissible payments related to adoption.

e. For agency adoptions and independent adoptions by a nonrelative, changes the grounds for finding coercion of the birth parent or an alleged or presumed father of the child as follows:

Current law provides that “[m]aking the payment of *the birth parent’s expenses that are permitted under s. 948.24 (1) (a) or (c)* conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the adoption creates a rebuttable presumption of coercion.” (Emphasis added.)

The **Bill** changes this provision to read as follows:

“Making *any payment to or on behalf of the birth parent of the child, an alleged or presumed father of the child or the child* conditional in any part upon transfer or surrender of the child or finalization of the adoption creates a rebuttable presumption of coercion.” (Emphasis added.)

(7) Criminal penalties for unauthorized placement for adoption

Current law sets forth criminal penalties which apply to a person who makes any payments which are not authorized under s. 948.24 (1) (c), Stats., in order to receive a child for adoption or who places or agrees to place a child for adoption in exchange for any payments which are not authorized under s. 948.24 (1) (a), Stats. Specifically, current law provides that whoever does any of the following is guilty of a Class D felony:

- Places or agrees to place his or her child for adoption for anything exceeding the actual cost of the hospital and medical expenses of the mother and the child incurred in connection with the child’s birth, and of the legal and other services rendered in connection with the adoption. [s. 948.24 (1) (a), Stats.].
- In order to receive a child for adoption, gives anything exceeding the actual cost of the hospital and medical expenses of the mother and the child incurred in connection with the child’s birth, and of the legal and other services rendered in connection with the adoption. [s. 948.24 (1) (c), Stats.]

The penalty for a Class D felony is a fine not to exceed \$10,000 or imprisonment not to exceed five years, or both.

The **Bill** amends the criminal provisions to correspond to the changes the Bill makes in the Children’s Code regarding payments related to adoption. Thus, under the Bill, making or receiving any of the payments authorized by the Bill is not grounds for criminal prosecution.

Under **current law and the Bill**, the criminal provisions do not apply to the adoption of a foreign child under s. 48.839, Stats. A criminal penalty could apply in a relative adoption if it were shown that a person placed or agreed to place his or her child for adoption with a relative for anything other than the payments authorized or that a relative of a child gave anything other than the payments authorized in order to receive the child for adoption.

2. Release of Identifying Information by Agency to Adoptive Parents and Birth Parents

a. Background

Under current law, after an adoption is finalized, subject to certain exceptions, an agency may not release any identifying information about a birth parent or an adoptive parent. Specifically, under current law, all records and papers pertaining to an adoption proceeding must be kept in a locked file and may not be disclosed except by order of the court for good cause shown or under any of six exceptions set forth in the statutes. The six exceptions are as follows:

- Section 48.93 (1g), Stats., which requires a juvenile court, at the time the juvenile court enters an order granting an adoption, to provide the adoptive parents with a copy of the child's medical records or other medical information pertaining to the child, after deleting the names and addresses of the child's birth parents and the identity of any provider of health care to the child or the child's birth parents.
- Section 48.93 (1r), Stats., which requires any agency that has placed a child for adoption, at the request of an adoptive parent or of the adoptee, after the adoptee has reached 18 years of age, to provide the requester with certain medical or genetic information and nonidentifying social history information.
- Section 46.03 (29), Stats., which authorizes DHFS to use in the media a picture or description of a child in the guardianship of DHFS for the purpose of finding adoptive parents for that child.
- Section 48.432, Stats., which authorizes the release of certain medical and genetic information to certain persons upon request.
- Section 48.433, Stats., which authorizes the release of certain identifying information about birth parents pursuant to the formal adoption search program administered by DHFS.
- Section 48.57 (1) (j), Stats., which authorizes county departments providing child welfare services to use in the media a picture or description of a child in its guardianship for the purpose of finding adoptive parents for that child.

It sometimes happens that, after the finalization of an adoption in which the birth parents and adoptive parents did not reveal their identities to one another, the birth parents or adoptive parents, or both, decide that they would like to voluntarily disclose their identity to the other party. Typically, in that situation, the birth parent or adoptive parent will ask the adoption agency to provide their name and address to the other party. However, as discussed above, current law prohibits an agency from releasing identifying information after an adoption is finalized. Therefore, an agency may find itself acting as a conduit for information between birth

parents and adoptive parents, a task for which agencies generally receive no compensation and a service which is not guaranteed to the parties. The Bill addresses this situation by permitting an agency to release identifying information as discussed below.

b. Description of Bill

Assembly Bill 600 creates a new exception to the statutory prohibition against disclosing records and papers pertaining to an adoption proceeding. The Bill requires an agency that has placed a child for adoption or that was appointed the guardian of a child who was adopted in an independent adoption to release information about the child's birth parents to the child's adoptive parents, and to release information about the child's adoptive parents to the child's birth parents, when authorized to do so, as described below.

Release of information to an adoptive parent; requirement for written authorization.

The Bill requires an agency to provide to an adoptive parent of a child, at the request of the adoptive parent, any available information about the identity and location of a birth parent of the child if the agency has on file the unrevoked written authorization of that birth parent to release that information to the adoptive parent.

The Bill permits any birth parent whose child was adopted or placed for adoption in this state to grant written authorization to the agency that placed the child for adoption or that was appointed the guardian of the child in an independent adoption to release any available information about the birth parent's identity and location to an adoptive parent of the child.

Release of information to a birth parent; requirement for written authorization. Similarly, the Bill requires an agency to provide to a birth parent of a child, at the request of the birth parent, any available information about the identity and location of an adoptive parent of the child if the agency has on file the unrevoked written authorization of that adoptive parent to release that information to the birth parent.

The Bill permits any adoptive parent who has adopted a child in this state or who has adopted a child who was placed for adoption with the adoptive parent in this state to grant written authorization to the agency that placed the child for adoption or that was appointed the guardian of the child in an independent adoption to release any available information about the adoptive parent's identity and location to a birth parent of the child.

Notarization required. The Bill requires a written authorization for the release of identifying information by an agency to be notarized.

Revocation of authorization. The Bill permits a birth parent or an adoptive parent to revoke a written authorization filed by the birth parent or adoptive parent at any time by notifying the agency in writing.

Adoptee must be less than 21 years old. The Bill authorizes the release of information as described above only if the child who the agency placed for adoption, or was appointed the guardian of, is less than 21 years of age.

Immunity from liability. The Bill provides that any person, including the state or any political subdivision of the state, who participates in good faith in any requirement created by the Bill is immune from any liability, civil or criminal, that results from his or her actions. The Bill further provides that in any proceeding, civil or criminal, the good faith of any person participating in the requirements of the Bill must be presumed.

Reasonable fees may be assessed. The Bill permits an agency to assess reasonable fees for responding to requests for information or requests by a birth parent or adoptive parent to file a written authorization.

Agency may not contact parties who have not filed an authorization. The Bill prohibits agencies from contacting birth parents or adoptive parents for the purpose of determining whether they wish to file a written authorization authorizing the release of information about themselves. The Bill, however, permits agencies to contact one time, by mail, the birth parents or adoptive parents of a child who was adopted before the Bill becomes effective, to inform them of the new procedure for the release of identifying information created by the Bill.

Information provided to birth parent when parental rights are terminated. Under current law, at the time a TPR order is entered, the juvenile court is required to inform each birth parent whose rights have been terminated of the provisions of the law governing the adoption search program administered by DHFS. The Bill requires the juvenile court at that time to also inform the birth parents of the statutory provisions created by the Bill relating to the release of identifying information to adoptive parents and birth parents.

The Bill does not affect the adoption search program under s. 48.433, Stats., administered by DHFS.

3. Advertising Related to Adoption

a. Background

Current law does not explicitly address advertising related to adoption.

Persons testifying to the Committee, as well as Committee members, explained that individuals and agencies from other states advertise in Wisconsin, seeking infants available for adoption. As discussed in item 1., above, some other states permit prospective adoptive parents to pay the living expenses of a birth parent. In addition, in some other states, a birth parent is not required to appear in court to terminate parental rights prior to adoption, but rather may consent to the adoption under a less rigorous procedure.

It was suggested that permitting advertising by agencies and individuals from other states should be prohibited for the following reasons: (1) it is unfair to Wisconsin residents who want to adopt a child and are prohibited from offering the same financial incentives; (2) Wisconsin birth mothers could be coerced financially by proposed adoptive parents from states which have less procedural safeguards to protect the rights of birth mothers; and (3) adoption agencies in Wisconsin are regulated by the state and their activities monitored to ensure that they serve the

best interests of children. Wisconsin has no control over out-of-state agencies and, thus, no way to ensure that the best interests of the child of a Wisconsin birth mother will be served if the birth mother travels out of state to place her child for adoption.

On the other hand, some Committee members felt a birth mother is entitled to know that she could receive greater financial support from proposed adoptive parents in other states and, therefore, advertising should not be restricted.

b. Description of Bill

Assembly Bill 600 prohibits certain advertising relating to adoption. Specifically, the Bill prohibits any person except those listed below from doing any of the following:

- (1) Advertising for the purpose of finding a child to adopt.
- (2) Advertising that the person will find an adoptive home for a child or assist in the adoption or adoptive placement of a child.
- (3) Advertising that the person will place a child for adoption.

Under the Bill, “advertise” means to communicate by any public medium that originates within this state, including by newspaper, periodical, telephone book listing, outdoor advertising sign, radio or television.

The prohibition does ***not*** apply to any of the following:

- (1) DHFS.
- (2) A county department.
- (3) A child welfare agency licensed under s. 48.60, Stats., to place children for adoption.
- (4) An individual or agency providing adoption information exchange services under s. 48.55, Stats.
- (5) An individual or agency providing adoption information under s. 48.551, Stats.
- (6) An individual who has received a favorable home study in this state or in another jurisdiction.
- (7) An individual seeking to place his or her own child for adoption.

The Bill provides that a person who violates the prohibitions on advertising created by the Bill may be fined not more than \$10,000 or imprisoned for not more than nine months, or both. (This is equivalent to the current punishment for a Class A misdemeanor.)

The Bill also provides that the prohibition on advertising does not prohibit an attorney licensed to practice in this state from advertising his or her availability to practice or to provide services relating to the adoption of children.

4. School Age Parents Programs and Informational Resources on Adoption Instruction

a. Background

Under current law, any school board may establish and receive state aid for a program for school age parents who are residents of the school district. A “school age parent” is defined as any person under the age of 21 who is not a high school graduate and who is a parent, an expectant parent or a person who has been pregnant within the immediately preceding 120 days.

A school age parents program must be designed to provide services and instruction to meet the needs of school age parents, including education on the skills required of a parent, family planning and “information on adoption services.” [s. 115.92 (1), Stats.]

Section 115.92 (3), Stats., directs the State Superintendent of Public Instruction to establish criteria for the approval of school age parents programs for the purpose of determining which programs are eligible for state aid. Those criteria are set forth in ch. PI 19, Wis. Adm. Code. The only mention of adoption in those criteria is in s. PI 19.03 (6) (b), Wis. Adm. Code, which provides that the services provided by a school age parents program must include “[p]rovision of social services to facilitate accessibility to needed resources including information on adoption resources.”

The Committee held one of its meetings at a school which provides a school age parents program and heard testimony from the administrator of the program, a social worker employed by the program and two students enrolled in the program. Based on that testimony, the Committee felt more information could be provided to students about adoption.

In addition, several invited speakers who testified before the Committee, as well as several Committee members, felt that more information about adoption should be provided to all kindergarten through grade 12 students. However, the Committee was reluctant to increase school costs or to mandate specific curriculum requirements.

b. Description of Bill

Assembly Bill 600 amends current law regarding school age parents programs by requiring those programs to provide “instruction on adoption and adoption services,” rather than “information on adoption services.” In addition, the Bill specifies that the instruction on adoption and adoption services must include all of the following:

(1) Information on the options available and the procedures followed in independent and agency adoptions, including current practices regarding a birth parent’s involvement in the selection of an adoptive home and the sharing of information between birth parents and adoptive parents.

(2) Information on the impact of adoption on birth parents and children who have been adopted.

(3) An explanation that the adoption process may be initiated even after a child has been born and has left the hospital.

The Bill also requires the DPI annually and upon request to disseminate to appropriate public school staff information about materials and services available through the state adoption center under s. 48.551, Stats., which may serve as resources for instruction on adoption for pupils in grades kindergarten through 12.

5. Who May Be Adopted

a. Background

Current law provides that any minor who meets ***all*** of the following criteria may be adopted:

(1) Except as provided under s. 48.839 (3) (b) [relating to certain cases involving the adoption of a child from a foreign country] or if an appointment of guardianship has been made under s. 48.831 [relating to appointment of a guardian for a child without a living parent for an adoptability finding], a minor whose parental rights have been terminated under subch. VIII [relating to TPR] or in another state or foreign jurisdiction.

(2) A minor who is present within this state at the time the petition for adoption is filed. [s. 48.81, Stats.]

As interpreted by the Wisconsin Supreme Court in *In the Interest of Angel Lace M.*, 184 Wis. 2d 492, 516 N.W.2d 678 (1994), s. 48.81 (1), Stats., means that, unless one of the two statutory exceptions cited above applies, the parental rights of ***both*** parents must be terminated before a child is eligible for adoption. However, the Court also held that a third exception applies although not explicitly stated in s. 48.81 (1), Stats., namely, that in cases of stepparent adoption, only one parent's parental rights must have been terminated. [*Angel Lace*, 184 Wis. 2d. at 509, n.8.]

Current s. 48.81, Stats., does not explicitly provide that a child whose parents are deceased may be adopted, although current s. 48.81, Stats., provides that a TPR is not required if a guardian is appointed under s. 48.831, Stats., for an adoptability finding for a child who is without a living parent. (The appointment of a guardian under s. 48.831, Stats., is not required for children without a living parent.)

Also, current s. 48.81, Stats., does not explicitly provide that a child who has been adopted in another state or nation may be readopted in Wisconsin. Such a provision is included in current s. 48.97, Stats.

b. Description of Bill

Assembly Bill 600 permits any child who is present in this state at the time the petition for adoption is filed to be adopted if **any** of the following criteria are met:

- (1) Both of the child's parents are deceased.
- (2) The parental rights of both of the child's parents with respect to the child have been terminated under subch. VIII of ch. 48, Stats., or in another state or a foreign jurisdiction.
- (3) The parental rights of one of the child's parents with respect to the child have been terminated under subch. VIII of ch. 48, Stats., or in another state or a foreign jurisdiction and the child's other parent is deceased.
- (4) The spouse of the child's parent (stepparent) with whom the child and the child's parent reside files the adoption petition and either: (a) the child's other parent is deceased; or (b) the parental rights of the child's other parent with respect to the child have been terminated under subch. VIII of ch. 48, Stats., or in another state or a foreign jurisdiction.
- (5) Section 48.839 (3) (b), Stats., applies, which provides that in certain cases involving the adoption of a child from a foreign country, a TPR is not required, but proof must be available to show that the child has been freed for adoption.
- (6) The child is being readopted under s. 48.97, Stats.

6. Time for Filing Petition for Rehearing

a. Background

Current law provides as follows:

- (1) Current s. 48.46 (1), Stats., permits, except as discussed in item (2), below, a child whose status is adjudicated under ch. 48, Stats., by the juvenile court or the parent, guardian or legal custodian of the child to petition the juvenile court for a rehearing on the ground that new evidence has been discovered affecting the advisability of the juvenile court's original adjudication. If there is a showing that such evidence exists, the juvenile court must order a new hearing. Such a petition must be filed within one year after the entering of the court's order.
- (2) Notwithstanding item (1), above, current s. 48.46 (2), Stats., limits the remedies for relief from a TPR judgment or order when the aggrieved party is a parent whose parental rights were terminated voluntarily or who did not contest the TPR petition. In such cases, a motion for relief from the TPR judgment or order must be filed within 30 days after entry of the TPR judgment or order, unless the parent files a timely notice of intent to pursue relief from the TPR judgment or order within 30 days after the date of entry of the TPR judgment or order. In the latter case, the motion must be filed within 30 days after service of the transcript under s.

809.107 (4), Stats. A motion under s. 48.46 (2), Stats., and an appeal to the court of appeals are the exclusive remedies for such a parent to obtain a new hearing in a TPR proceeding.

Some Committee members indicated that the provision in s. 48.46 (1), Stats., that allows up to one year to petition for a rehearing on a contested involuntary TPR order or order adjudicating paternity under subch. VIII of ch. 48, Stats., based on new evidence is very worrisome to adoptive parents who have adopted a child who is the subject of such an order. These parents fear disruption of the adoption until the year has passed. Some Committee members recommended that such a petition not be allowed after the adoption becomes final, but that a minimum of 30 days to file such a petition should always be allowed.

b. Description of Bill

Assembly Bill 600 amends current s. 48.46 (1), Stats., as discussed above, to provide that a petition for rehearing with respect to a TPR order in a contested involuntary TPR proceeding or an order adjudicating paternity under subch. VIII of ch. 48, Stats., with respect to a child, based on newly discovered evidence, must be filed within one year after the date on which the order is entered, unless within that one-year period a juvenile court in this state or a court in another jurisdiction enters an order granting adoption of the child. The Bill provides that, in the latter case, the petition for rehearing must be filed before the date on which a juvenile court in Wisconsin or in another jurisdiction enters the order granting adoption of the child or within 30 days after the date on which the TPR order or paternity order is entered, whichever is later.

This provision does not apply to a TPR order if the parent consented to the TPR or did not contest the TPR petition; in that case, s. 48.46 (2), Stats., applies.

7. Placement With a “Relative” for Adoption

a. Background

Under current s. 48.835 (2), Stats., a parent having custody of a child may place the child for adoption in the home of a *relative* without a court order. Current s. 48.835 (2) Stats., however, does not specify who the person with whom the child may be placed must be a relative of. (Section 48.02 (15), Stats., which defines “relative” for general purposes in ch. 48, Stats., defines that term in terms of specific relationships, such as parent, grandparent, and so on, without specifying who the relationship is to.) According to Committee members, s. 48.835 (2), Stats., is usually interpreted to refer to a relative of the child, but some have interpreted it to refer to a relative of the birth mother.

Also, current law provides that the ICPC does not apply to the sending or bringing of a child into a receiving state by a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or a guardian and leaving the child with any such relative or nonagency guardian in the receiving state. Current law does not specify whose parent, stepparent, etc., is referred to.

b. Description of Bill

Assembly Bill 600 specifies that the person with whom a parent places a child for adoption under s. 48.835 (2), Stats., must be a ***relative of the child***. This change clarifies, for example, that a child may be placed for adoption with the child's grandparent without a court order, but not with the birth mother's grandparent without a court order.

The Bill also specifies that the ICPC does not apply to the sending or bringing of a child into a receiving state by ***the child's*** parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt or guardian and leaving the child with any such relative or nonagency guardian in the receiving state. This clarification is consistent with the ICPC.

8. Time for Hearing on TPR Petition Filed With Independent Adoptive Placement Petition

a. Background

Under current law, if a petition for independent adoptive placement of a child with a nonrelative is filed under s. 48.837 (2), Stats., a petition for TPR must be filed at the same time. [s. 48.837 (3), Stats.] In such cases, a juvenile court must schedule a hearing on both petitions within 60 days of the date of filing, except that the hearing may not be held before the birth of the child.

Under current law, if a TPR petition is filed in a case not involving an independent adoptive placement with a nonrelative, a juvenile court must hold a hearing on the TPR petition within 30 days after the petition is filed. [s. 48.422 (1), Stats.]

b. Description of Bill

Assembly Bill 600 provides that when a TPR petition is filed with a petition for independent adoptive placement of a child with a nonrelative under s. 48.837 (2), Stats., a juvenile court must hold, rather than schedule, a hearing on both petitions within 30 days after the date of filing of the petitions, rather than within 60 days after that date, except that the hearing may not be held before the birth of the child.

9. Permanency Plan Documentation for Voluntary Preadoptive Placement

a. Background

Under current law, for each child living in a foster home, treatment foster home, group home, child-caring institution (CCI), secure detention facility or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to a child found to be in need of protection or services must prepare a written permanency plan for the child if certain conditions exist. One of those conditions is that "the child was placed under a voluntary agreement between the agency and the child's parent under s. 48.63 (1)." Under s. 48.63 (1), Stats., a child's parent or a child welfare agency licensed to place children may, pursuant to a written, voluntary agreement, place a child or negotiate or act as

intermediary for the placement of a child in a foster home or treatment foster home. Thus, s. 48.63 (1), Stats., applies to the placement of a child in a foster home by an agency after the child is born, but before the child is placed for adoption.

Section 48.38 (4) (d), Stats., provides that if a child who has been placed outside the home is living more than 60 miles from his or her home, the permanency plan must include documentation that placement within 60 miles of the child's home is either unavailable or inappropriate. According to staff at the Division of Children and Family Services in DHFS, this provision is based on Title IV-E of the Federal Social Security Act, 42 U.S.C. ss. 670 to 679a, which requires that each child placed in a licensed foster home or licensed treatment foster home have a case plan designed to achieve placement "in close proximity to the parent's home ***consistent with the best interest and special needs of the child.***" [42 U.S.C. s. 675 (5) (A) (emphasis added).]

The Committee heard testimony that DHFS interprets s. 48.38 (4) (d), Stats., as prohibiting agencies from placing a child in preadoptive foster care more than 60 miles from the home of the birth parent even though the birth mother and the proposed adoptive parents may desire that the child be placed in a preadoptive foster home that is close to the proposed adoptive parents so they can visit the child.

b. Description of Bill

Assembly Bill 600 permits a permanency plan to include documentation that placement more than 60 miles from a child's home is in the child's best interests. The Bill also provides that the placement of a child in a licensed foster home or licensed treatment foster home more than 60 miles from the child's home is presumed to be in the best interests of the child if documentation is provided showing all of the following:

(1) That the placement is made pursuant to a voluntary agreement under s. 48.63 (1), Stats.

(2) That the voluntary agreement provides that the child may be placed more than 60 miles from the child's home.

(3) That the placement is made to facilitate the anticipated adoptive placement of the child under s. 48.833, Stats., which governs adoptive placement of children by DHFS, county departments and child welfare agencies, or s. 48.837, Stats., which governs independent adoptive placements of children with nonrelatives.

10. Removal of Child for Adoptive Placement

a. Background

Under current law, if a child has been in a foster home, treatment foster home or group home for six months or more, the agency that placed the child (agency), that is, the DHFS, the Department of Corrections, a county department or a licensed child welfare agency authorized to

place children in foster homes or treatment foster homes, must give the head of the home written notice of intent to remove the child, stating the reasons for the removal.

In such cases, current law provides that, unless the safety of the child requires it, a child may not be removed before the later of the following: (1) completion of the hearing under s. 48.64 (4) (a) or (c), Stats., described below, if requested; or (2) 30 days after receipt of the notice of intent to remove.

Current s. 48.64 (4) (a), Stats., provides, in pertinent part, that any decision or order issued by an agency that affects the head of a foster home, treatment foster home or group home or the children involved may be appealed to DHFS under fair hearing procedures. Thus, if the head of a foster home, treatment foster home or group home in which a child has been placed for six months or more requests such a hearing, then, assuming that safety considerations do not require immediate removal of the child under s. 48.19, Stats., the child may not be removed until after completion of the administrative hearing or 30 days after the receipt of the notice of intent to remove, whichever is later.

Current s. 48.64 (4) (c), Stats., provides, in pertinent part, that if an “interested party” files a petition with the circuit court for the county where a child is placed, the circuit court may call a hearing for the purpose of reviewing any decision or order of the supervising agency involving the placement and care of the child. The head of the foster home, treatment foster home or group home and the supervising agency must be present at such a hearing. If the child has been placed in a foster home, the foster parent may present relevant evidence at the hearing. If, after receiving a petition, a hearing is called by the court under s. 48.64 (4) (c), Stats., and if the child has been in the foster home, treatment foster home or group home for six months or more, then, assuming safety considerations do not require immediate removal of the child under s. 48.19, Stats., the child may not be removed until after completion of the court hearing or 30 days after the receipt of the notice of intent to remove, whichever is later.

It was pointed out to the Special Committee that the provision prohibiting removal of the child until 30 days after receipt of the notice of intent to remove could delay the placement of a child in an adoptive home by 30 days, even if none of the people who have the right to request a hearing objects to removal of the child for the purpose of an adoptive placement.

b. Description of Bill

Assembly Bill 600 provides that if a child has been in a foster home, treatment foster home or group home for six months or more and if the reason for removal is to place the child for adoption under s. 48.833, Stats., described below, the provision in current law that, absent safety considerations requiring immediate removal, the child may not be removed before completion of the hearing under s. 48.64 (4) (a) or (c), Stats., if requested, or 30 days after the receipt of the notice of intent to remove, whichever is later, does not apply if written waivers of objection to the proposed removal are signed by all of the persons who have the right to request a hearing under s. 48.64 (4) (a) or (c), Stats. (Section 48.833, Stats., provides that an agency that is the guardian of a child or that is making a placement at the request of another agency that

is the guardian of a child may place the child for adoption with a proposed adoptive parent who is licensed as a foster parent or treatment foster parent.)

B. 1997 ASSEMBLY BILL 601, RELATING TO ADOPTION ASSISTANCE

1. Background

Under current law, adoption assistance is provided by DHFS to the adoptive or proposed adoptive parents of a child to assist in the care of that child after an agreement between the adoptive or proposed adoptive parents and DHFS (adoption assistance agreement) has been signed and the child has been placed for adoption with the adoptive or proposed adoptive parents. Adoption assistance is designed as an incentive to adopt children with special needs by assisting in the cost of care when the barrier to adoption is the fiscal impact of caring for the child. DHFS may provide adoption assistance *only* if DHFS has determined that adoption assistance is necessary to assure the child's adoption. DHFS currently provides adoption assistance for: (a) maintenance, in the form of monthly maintenance payments; (b) medical care, in the form of eligibility of the child for Medical Assistance (MA); and (c) nonrecurring adoption expenses, which is currently limited by s. 50.05 (3), Wis. Adm. Code, to a \$2,000 maximum.

Under Title IV-E of the Federal Social Security Act, 42 U.S.C. ss. 670 to 679a, matching federal funds are available to states for most adoption assistance benefits. Federal statutes and regulations set forth certain requirements with respect to adoption assistance programs. Section 48.975 (5), Stats., requires DHFS to promulgate administrative rules to implement the adoption assistance program, and most aspects of the adoption assistance program are set forth in administrative rules. [See ch. HSS 50, subch. II, Wis. Adm. Code.]

Current administrative rules limit eligibility for adoption assistance to children with "special needs" as described by DHFS in s. HSS 50.03 (1) (b), Wis. Adm. Code. The description includes children who have at least one of the following special needs at the time of adoptive placement:

- a. The child is 10 years of age or older, if age is the only factor in determining eligibility.
- b. The child is a member of a sibling group of three or more children who must be placed together.
- c. The child exhibits moderate or intensive difficulty-of-care problems, as defined by DHFS by rule. (These difficulty-of-care problems are described in s. HSS 56.09 (3), Wis. Adm. Code.)
- d. The child belongs to a minority race and children of that minority race cannot be readily placed due to a lack of appropriate placement resources.

Assembly Bill 601 changes several provisions in the adoption assistance program and creates new provisions relating to that program. Background information and current law with respect to these provisions are set forth in the discussion of these provisions in item 2., below.

2. Description of Bill

a. Deferred Adoption Assistance Agreements for At-High-Risk Children

Current administrative rules do not define as a child with special needs a child who is, at the time of adoptive placement, at high risk of developing moderate or intensive difficulty-of-care problems but who has not yet developed those problems. Thus, unless the child falls under one of the other definitions of a child with special needs as discussed in item 1., above, no adoption assistance benefits are available under current law. Committee members cited the following as examples of children who may be at high risk: a child whose birth mother used drugs or alcohol during pregnancy, a child who has a family history of significant mental illness or a child who has been abused or neglected.

Some Committee members expressed concern that many of these at-high-risk children may not be adopted, or their adoption may be delayed, because of the unavailability of adoption assistance. On the other hand, some Committee members expressed reluctance to provide adoption assistance simply because problems may develop at some later date. The Committee also discussed the fact that, according to a 1996 survey, 14 other states provide adoption assistance to children who are at risk of developing problems and the fact that federal matching payments are available for adoption assistance provided to children who are at risk of later developing problems.

Assembly Bill 601 includes a statutory provision which specifies that adoption assistance may be paid only for a child with special needs, and the Bill requires DHFS to promulgate administrative rules that define a child with special needs. The Bill provides that DHFS must include in that definition a child who, at the time of adoptive placement, is at high risk of later developing moderate or intensive difficulty-of-care problems. The Bill further provides that if a child is a child with special needs based solely on being at high risk, the following adoption assistance benefits are available:

- (1) Reimbursement for nonrecurring adoption expenses.
- (2) MA coverage for the child.
- (3) An adoption assistance monthly maintenance payment that is *initially* set at \$0.

An adoption assistance agreement that provides for an initial monthly maintenance payment of \$0 for an at-high-risk child is commonly referred to as a *deferred adoption assistance agreement*. The Bill provides that, under a deferred adoption assistance agreement, if there is a substantial change in circumstances (as discussed in item b., below), that is, if the child later develops moderate or intensive difficulty-of-care problems, the adoptive or proposed adoptive parents may then request that the adoption assistance agreement be amended to increase the

monthly maintenance payments above the \$0 level. The process for requesting an amendment to an adoption assistance agreement, including a deferred adoption assistance agreement, is discussed in item b., below.

b. Amount of Adoption Assistance Monthly Maintenance Payments and Amendment of an Adoption Assistance Agreement Due to a Substantial Change in Circumstances

Current statutes require the amount of adoption assistance monthly maintenance for a child ***who was in foster care or treatment foster care*** immediately prior to adoption to be equivalent to that child's foster care or treatment foster care monthly payment. Current statutes also require the amount of adoption assistance monthly maintenance for a child ***who was not in foster care or treatment foster care*** immediately prior to placement with a subsidy to be equivalent to the uniform foster care rate.

Current statutes do not provide for variations from this amount, although current administrative rules provide that: (1) the amount paid is the amount indicated in the initial adoption assistance agreement or as revised in an amendment to that agreement; and (2) the amount is to take into consideration the circumstances of the adoptive family and the needs of the child. [See ss. HSS 50.05 (1) (b) and (4) and 50.06 (3) (a) 3., Wis. Adm. Code.]

As noted above, the ***Bill*** provides that for a child who is defined as a child with special needs solely on the basis that the child is an at-high-risk child, the initial amount of monthly maintenance payments must be set at \$0. The Bill also provides that for a child who is ***not an at-high-risk child and who was in foster care or treatment foster care*** immediately prior to placement for adoption, the initial amount of adoption assistance monthly maintenance must be equivalent to the amount of that child's foster care or treatment foster care monthly payment at the time that the adoption assistance agreement is signed ***or a lesser amount*** if agreed to by the proposed adoptive parents and specified in the adoption assistance agreement. The Bill provides that for a child who is ***not an at-high-risk child and who was not in foster care or treatment foster care*** immediately prior to placement for adoption, the initial amount of adoption assistance monthly maintenance must be equivalent to the uniform foster care rate at the time that the adoption assistance agreement is signed ***or a lesser amount*** if agreed to by the proposed adoptive parents and specified in the adoption assistance agreement.

According to officials at DHFS, the administrative rules have been interpreted as allowing an amendment decreasing the amount of adoption assistance maintenance payments if the adoptive parents agree to the reduction, but not an amendment increasing the payments. According to some Committee members, the inability to increase adoption assistance maintenance payments may create burdens for the adoptive parents if the child develops more serious problems after adoption. The Committee also heard testimony that the inability to later increase adoption assistance maintenance payments may cause the initial amount of the monthly maintenance payment to be set at a higher rate than it would have been set at if increases were allowed.

Assembly Bill 601 authorizes amending an adoption assistance agreement to change the amount of the monthly maintenance payment. Specifically, the Bill provides that if an adoption assistance agreement is in effect, including a deferred adoption assistance agreement for an

at-high-risk child, and if the adoptive or proposed adoptive parents believe there has been a substantial change in circumstances, the adoptive or proposed adoptive parents may request that the adoption assistance agreement be amended to increase the amount of the monthly maintenance payment. However, the Bill specifies that the amount of adoption assistance monthly maintenance specified in an amended agreement may not exceed the uniform foster care rate that would be applicable to the child if the child were in foster care during the time for which adoption assistance maintenance is paid.

The Bill requires DHFS to promulgate an administrative rule defining a substantial change in circumstances and requires the definition to include: (1) situations in which an at-high-risk child has developed moderate or intensive difficulty-of-care problems; and (2) situations in which a child's difficulty-of-care problems have increased from the moderate level to the intensive level under DHFS's schedule of difficulty-of-care levels.

The Bill requires DHFS to do all of the following if DHFS receives a request to amend an adoption assistance agreement:

- (1) Determine whether there has been a substantial change in circumstances.
- (2) If there has been a substantial change in circumstances, offer to increase the amount of monthly maintenance payments based on criteria established by DHFS by rule.
- (3) If the increase offered by DHFS is agreed to by the adoptive or proposed adoptive parents, amend the adoption assistance agreement in writing to specify the increased amount of monthly maintenance payments.

The Bill also permits DHFS to propose to the adoptive or proposed adoptive parents that an adoption assistance agreement be amended to adjust the amount of monthly maintenance payments. An adjustment proposed by DHFS goes into effect only if an adjustment is agreed to by the adoptive or proposed adoptive parents.

The Bill also specifies that an adoption assistance agreement may be amended more than once.

c. Entering Into an Adoption Assistance Agreement After an Adoption Becomes Final

Current statutes specify that an adoption assistance agreement must be entered into prior to the adoption. [s. 48.975 (4), Stats.] Current administrative rules specify that the adoption assistance agreement must be entered into prior to the adoptive placement unless, after the adoptive placement but before the adoption becomes final, the child exhibits moderate or intensive difficulty-of-care problems. In the latter case, if the proposed adoptive parents want adoption assistance, they must request it and the adoption assistance agreement must be entered into before the adoption becomes final. [See s. HSS 50.04 (1), Wis. Adm. Code.]

Current administrative rules also specify that a decision by DHFS not to enter into an adoption assistance agreement before the adoption becomes final may be appealed to DHFS's

Office of Administrative Hearings under certain circumstances. [See s. HSS 50.065 (2), Wis. Adm. Code.] If the adoptive parents win the appeal, DHFS will enter into an adoption assistance agreement after the adoption becomes final. Those specified circumstances are similar, but not identical, to the “extenuating circumstances” under which guidelines issued by the U.S. Department of Health and Human Services, Administration for Children, Youth and Families, require a fair hearing which may result in entering into an adoption assistance agreement after an adoption becomes final. Committee members agreed that the Wisconsin regulations should not be more stringent than federal guidelines.

The **Bill** specifies that an initial adoption assistance agreement must be entered into before an adoption becomes final unless there are extenuating circumstances, which DHFS must define by administrative rule. The Bill requires the definition of extenuating circumstances in the administrative rules to include all circumstances under which federal statutes, regulations or guidelines provide that federal matching funds for adoption assistance are available to the state if an initial agreement is made after adoption, but prohibits the definition from including circumstances under which federal statutes, regulations or guidelines provide that federal matching funds for adoption assistance are not available if an initial agreement is made after adoption.

d. Photolisting Requirements

Current statutes specify that DHFS may provide adoption assistance only if DHFS has determined that adoption assistance is necessary to assure the child’s adoption. Current administrative rules specify that all reasonable efforts must be made to place the child without adoption assistance, including registering the child for at least one month with the adoption information exchange, which is currently operated by the Special Needs Adoption Network of Wisconsin. [s. HSS 50.03 (2) (b), Wis. Adm. Code.] (This requirement is waived under certain circumstances as described in s. HSS 50.03 (3), Wis. Adm. Code.) The adoption information exchange must develop and maintain an adoption photolisting book which includes information about and a photograph of each registered child, except a child deferred from the listing under s. HSS 50.10, Wis. Adm. Code. [s. HSS 50.08 (3), Wis. Adm. Code.]

In order to minimize disruption of a relationship between a child and prospective adoptive parents with whom a child has been living, Committee members recommended that Wisconsin not require photolisting in any circumstance when photolisting is not required by federal law.

The **Bill** specifies that DHFS must promulgate an administrative rule which states when a child must be photolisted with the adoption information exchange in order to be eligible for adoption assistance. (As noted above, DHFS has already done so.) The Bill further specifies that this rule may not require photolisting under any circumstance in which photolisting is not required by federal statutes, regulations or guidelines as a prerequisite for the state to receive federal matching funds for adoption assistance.

e. Parental Liability for the Cost of Substitute Care of Children Receiving Adoption Assistance

Under **current law**, in general, parental liability for the cost of care and maintenance of a child who has been placed by a court order in a residential, nonmedical facility (“substitute care”) is determined by using the percentage standard established by the Department of Workforce Development for child support and by applying the percentage standard under rules promulgated by DHFS under s. 46.247, Stats., unless a court modifies the amount based on a consideration of various factors. Current law, however, provides that if a parent who is required to pay for the cost of substitute care is receiving adoption assistance for that child, the parent’s liability for the cost of substitute care may not exceed the amount of **adoption assistance payments** unless the court finds, after considering various factors, that limiting the amount of the parent’s liability to the amount of adoption assistance payments is unfair to the child or to either of the child’s parents.

The **Bill** does the following:

(1) Limits, except as provided, the maximum liability for the cost of substitute care of a child for a parent who is receiving adoption assistance for that child to the amount of the adoption assistance **monthly maintenance** payments received by the parent. (DHFS currently interprets the statute as applying only to monthly maintenance payments; thus, this statutory clarification does not affect current practice.)

(2) Specifies that if an adoption assistance agreement provides for a \$0 monthly maintenance payment, the payment of \$0 is considered to be an adoption assistance maintenance payment for purposes of determining parental liability for the cost of substitute care. Thus, parental liability for the cost of substitute care in such cases is limited to \$0, unless a court finds that limitation to be unfair to the child or to either of the child’s parents. This includes situations in which a deferred adoption assistance agreement is in effect covering an at-high-risk child.

f. Appropriation and Expenditure Changes

Under the Bill, the provisions relating to permitting an at-high-risk child to be eligible for adoption assistance under a deferred adoption assistance agreement and permitting the amendment of adoption assistance agreements based on a significant change in circumstances take effect on July 1, 1998 or the day after publication, whichever is later. Thus, any fiscal impact will not occur until fiscal year 1998-99.

Based on the amended preliminary fiscal estimate prepared by DHFS for the Special Committee, the Bill makes the appropriation and expenditure changes for DHFS for fiscal year 1998-99 as set forth in the following table.

**1997 Assembly Bill 601
Appropriation and Expenditure Changes
for Fiscal Year 1998-99**

	General Purpose Revenue	Federal Program Revenue
Medical Assistance--Federal Share		+\$303,800
Medical Assistance--State Share	+\$212,200	
Adoption Assistance Benefits--Federal Share		- 20,700*
Adoption Assistance Benefits--State Share	- 24,800**	
Adoption Assistance Administration--Federal Share (0.5 full-time equivalent (FTE) position)		+ 23,300
Adoption Assistance Administration--State Share (1.0 FTE position)	+ 54,300	
TOTAL	+\$241,700	+\$306,400

*Based on: (1) an increase of \$163,850 for adoption assistance nonrecurring expenses for at-high-risk children who first become eligible for adoption assistance under deferred adoption assistance agreements in fiscal year 1998-99; (2) an increase of \$143,200 for increased adoption assistance monthly maintenance payments when there is a substantial change in circumstances; and (3) a decrease of \$327,800 for adoption assistance monthly maintenance payments for parents who sign initial adoption assistance agreements in fiscal year 1998-99. (DHFS estimated that the ability to amend adoption adoption assistance agreements to increase maintenance payments based on a substantial change in circumstances may produce such savings.)

**Based on: (1) an increase of \$163,850 for adoption assistance nonrecurring expenses for at-high-risk children who first become eligible for adoption assistance under deferred adoption assistance agreements in fiscal year 1998-99; (2) an increase of \$146,300 for increased adoption assistance monthly maintenance payments when there is a substantial change in circumstances; and (3) a decrease of \$335,000 in decreased adoption assistance monthly maintenance payments for parents who sign initial adoption assistance agreements in fiscal year 1998-99. (DHFS estimated that the ability to amend adoption adoption assistance agreements to increase maintenance payments based on a substantial change in circumstances may produce such savings.)

C. 1997 ASSEMBLY BILL 602, RELATING TO LONG-TERM KINSHIP CARE

1. Background

The new welfare replacement program, Wisconsin Works (W-2), provided for a new kinship care program to replace the Aid to Families with Dependent Children Non-Legally Responsible Relative (AFDC/NLRR) Program. Under the AFDC/NLRR Program, adult caretaker relatives could, under certain circumstances, receive AFDC benefits while caring for relatives who were minors. Under the kinship care program, monthly payments (now set at \$215) are made to a kinship care relative of a dependent child under certain circumstances.

Under the kinship care program, the duties of a county department² include the following:

- a. Determining that there is a need for a child to be placed with a kinship care relative and that the placement with the kinship care relative is in the best interests of the child.
- b. Determining that the child meets one or more of the child in need of protection or services (CHIPS) or juvenile in need of protection or services (JIPS) jurisdictional criteria or that the child would be at risk of meeting one or more of those criteria if the child were to remain in his or her home.
- c. Conducting a criminal background investigation of the kinship care relative, any adult resident of the kinship care relative's home and the employees and prospective employees of the kinship care relative who have or would have regular contact with the child to determine if the kinship care relative, employee, prospective employee or adult resident has any arrests or convictions that could adversely affect the child or the kinship care relative's ability to care for the child.
- d. Reviewing the placement of the child, at least annually, to determine whether the required conditions described above continue to exist.

At the time the Special Committee was meeting, the statutes specified certain crimes and automatically prohibited the payment of kinship care payments if the kinship care relative had been convicted of any of those crimes. The statutes also automatically prohibited a kinship care relative from employing anyone who would have regular contact with the child or from permitting any adult to be a resident of his or her home if the employee or adult had been convicted of any of the specified crimes.

The Special Committee heard testimony that this automatic prohibition may be problematic, especially in Milwaukee County. This prohibition did not apply under the AFDC/NLRR Program. Thus, the Special Committee discussed the concern that under the kinship care program, children who are living with relatives may end up in foster homes if the relatives cannot afford to care for the children without assistance and are not eligible for kinship care payments. It was suggested that a case-by-case consideration of the circumstances and individuals involved would be more appropriate, especially when a child has been living with or is expected to live with a relative on a long-term basis.

The Special Committee also heard testimony that: (a) the annual review by the county department under the kinship care program would not have to be as extensive when a child will be living with a relative on a long-term basis and this placement has been approved by a juvenile court which appointed the relative as the child's guardian under s. 48.977, Stats., as described in item 2. a., below; and (b) since the creation of s. 48.977, Stats., by 1995 Wisconsin Act 275, juvenile court judges have been reluctant to appoint a relative as a s. 48.977 guardian because it

2. The 1997-99 Biennial Budget Act, 1997 Wisconsin Act 27, provides that DHFS is responsible for performing these and other duties relating to the kinship care program in Milwaukee County effective January 1, 1998.

has not been clear that income will be available to help support the child. Committee members discussed the issue and agreed to recommend the creation of a long-term kinship care program that is similar to the kinship care program, but which differs from the kinship care program in order to recognize that special circumstances exist when a child will be with a relative on a long-term basis.

Subsequent to the Special Committee's vote to recommend the draft which became 1997 Assembly Bill 602, the 1997-99 Biennial Budget Act, 1997 Wisconsin Act 27, was signed into law. The Biennial Budget Act made several changes to the kinship care program. The Special Committee had no opportunity to discuss or consider the changes made by the Biennial Budget Act, and those changes are not reflected in the text of the Bill. ***The prefatory note to the Bill and the notes throughout the Bill describe current law as it existed at the time of the Special Committee's vote.*** The only provision in the Biennial Budget Act relating to the kinship care program that is reflected in the Bill relates to appropriation changes. As noted in item 2., below, the Bill contains several provisions relating to appropriations which match those which were subsequently included in the Biennial Budget Act.

Changes made by the Biennial Budget Act to the kinship care program include: (a) appropriation changes to fund the kinship care program, as described in item 2., below; (b) providing that DHFS, rather than the county department, is responsible for performing duties relating to the kinship care program in Milwaukee County effective January 1, 1998; (c) excluding a child from eligibility for kinship care payments if the child is receiving supplemental security income under 42 U.S.C. ss. 1381 to 1383c or state supplemental payments under s. 49.77, Stats.; and (d) providing a process by which a person whose application for kinship care payments is not acted on promptly or is denied on any of several specified grounds relating to eligibility (not including a denial based on a conviction record) may petition DHFS for a fair hearing.

In addition to the changes listed above, the Biennial Budget Act provides that a person who is automatically denied kinship care payments or who is automatically prohibited from employing a person or from allowing an adult to reside in his or her home because the person, employee or adult resident has been convicted of certain crimes, may request that the director of the county department review the denial or prohibition. In Milwaukee County, after January 1, 1998, the review is conducted by the person designated by the Secretary of Health and Family Services; if a federally recognized American Indian tribe or band is administering the kinship care on a reservation, the review is by the person designated by the governing body of the American Indian tribe or band. The director of the county department (or tribal or DHFS designee) must consider various factors set forth in the Biennial Budget Act and may approve the making of kinship care payments or may permit a kinship care relative to employ a person or permit a person to be an adult resident if the director (or tribal or DHFS designee) determines that the conviction record on which the denial or prohibition was based does not include any arrests, convictions or penalties that are likely to adversely affect the child or the kinship care relative's ability to care for the child. However, under the Biennial Budget Act, this special review procedure sunsets on the day after publication of the 2001-03 Biennial Budget.

2. Description of Bill

1997 Assembly Bill 602 creates a long-term kinship care program which provides monthly payments to a relative of a child who is caring for the child on a long-term basis. The long-term kinship care program is similar to the kinship care program. The Bill amends the kinship care program to simply specify that a person may not receive both kinship care payments and long-term kinship care payments for the same child at the same time.

The long-term kinship care program is to be administered by county departments. Also, as with the kinship care program, DHFS may enter into an agreement with the governing body of a federally recognized American Indian tribe or band to administer the long-term kinship care program within the boundaries of its reservation.

The Bill provides that county departments are to make long-term kinship care payments from the same appropriations that are used for kinship care payments. Thus, with the passage of the Biennial Budget Act, the Bill provides that DHFS must reimburse counties for long-term kinship care payments from the following appropriations created in the Biennial Budget Act: (a) an appropriation for foster care services, kinship care and aid to minor custodial parents; (b) an appropriation for interagency and intra-agency aids specific to kinship care which has money transferred to it from the federal block grant under the Federal Temporary Assistance to Needy Families (TANF) program; and (c) an appropriation for kinship care assessments. The Bill provides that purposes for which these appropriations may be expended are expanded to include long-term kinship care payments and assessments.

In addition, the Bill amends various statutes which currently refer to the kinship care program by adding parallel language to also refer to the long-term kinship care program.

The primary provisions of the long-term kinship care program and a comparison of those provisions to the comparable provisions of the kinship care program are as follows:

a. Guardianship Requirement; CHIPS or JIPS Jurisdictional Criteria

Under the Bill, long-term kinship care payments may be made only if the long-term kinship care relative has been appointed as the child's guardian under s. 48.977 (2), Stats.

Under current law, a relative may be appointed as a child's guardian under s. 48.977 (2), Stats., only if the juvenile court finds all of the following: (1) that the child has been adjudged CHIPS (other than CHIPS on the basis of not being immunized) or has been adjudged JIPS under s. 938.13 (4), Stats. (the juvenile's parent or guardian has requested JIPS jurisdiction and is unable or needs assistance to control the juvenile), and has been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under a CHIPS or JIPS dispositional order, a CHIPS or JIPS change in placement order, a CHIPS or JIPS revision order or a CHIPS or JIPS extension order for a cumulative total period of one year or longer; (2) that the person nominated as the guardian of the child is a relative of the child with whom the child has been placed and that it is likely that the child will continue to be placed with that relative for an extended period of time or until the child attains the age of 18 years; (3) that, if

appointed, it is likely that the relative would be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years; (4) that it is not in the best interests of the child that a petition to terminate parental rights be filed with respect to the child; (5) that the child's parent is neglecting, refusing or unable to carry out the duties of a guardian or, if the child has two parents, both parents are neglecting, refusing or unable to carry out the duties of a guardian; and (6) that the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child.

In contrast, kinship care payments may be made if the county department determines, in pertinent part, that the child meets any CHIPS or JIPS jurisdictional criteria or that the child would be at risk of meeting one or more of those criteria if the child were to remain in his or her home. There is no requirement that the kinship care relative be appointed as the child's guardian under s. 48.977, Stats.

b. Investigation Requirement

Under the Bill, the county department must inspect the long-term kinship care relative's home, interview the long-term kinship care relative and determine that long-term placement with the long-term kinship care relative is in the best interests of the child.

In contrast, kinship care payments may be made if the county department determines, in pertinent part, that there is a need for the child to be placed with the kinship care relative and that the placement with the kinship care relative is in the best interests of the child.

c. Criminal Record

Under the Bill, the county department must conduct a criminal background investigation of the long-term kinship care relative, any adult resident of the long-term kinship care relative's home and the employees and prospective employees of the long-term kinship care relative who have or would have regular contact with the child to determine if any of these persons has any arrests or convictions that are likely to adversely affect the child or the kinship care relative's ability to care for the child. This is similar to the criminal background investigation under the kinship care program.

If the investigation reveals that there is a record of arrest or conviction, a person may not receive long-term kinship care payments or employ a person who would have regular contact with the child or permit a person to be an adult resident in his or her home unless the director of the county department determines that any arrest or conviction included in the record is not likely to adversely affect the child or the long-term kinship care relative's ability to care for the child.

In contrast, under the kinship care program as it existed prior to the passage of the Biennial Budget Act, kinship care payments could not be made if the person applying for kinship

care payments had been convicted of certain crimes which are specified in s. 48.57 (3p) (g) 1. to 3., Stats. In addition, the kinship care relative could not employ a person who would have regular contact with the child or permit a person to be an adult resident in his or her home if the person had been convicted of any of these specified crimes.

As discussed in item 1., above, the Biennial Budget Act modified this provision of the current kinship care program. Currently (and until the new provision sunsets), a review can be requested of the automatic denial or prohibition because of a conviction record, and the director of the county department (or tribal or DHFS designee) may make an exception if he or she determines that the conviction record is not likely to adversely affect the child or the kinship care relative's ability to care for the child.

d. Written Agreement

Under the Bill, subject to the provisions relating to criminal background investigations and to conviction records, a county department must enter into an agreement with a long-term kinship care relative if: (1) the required conditions for receipt of payments in the Bill are met; and (2) the long-term kinship care relative has expressed a willingness to enter into the agreement. Under the written agreement, the long-term kinship care relative agrees to provide care and maintenance for the child and the county department agrees to make monthly payments to the long-term kinship care relative at the kinship care rate until the earliest of the following: (1) the date the child attains the age of 18 years; (2) the date the child dies; (3) the date the child is placed outside the long-term kinship care relative's home under a court order or under a voluntary agreement under s. 48.63, Stats.; (4) the date the child ceases to reside with the long-term kinship care relative; (5) the date the long-term kinship care relative's guardianship under s. 48.977 terminates; or (6) the date the child moves out of the state.

In contrast, no such written agreement must be entered into before kinship care payments are made.

e. Annual Review

The Bill requires an annual determination by the county department that none of the events relating to the child's status which trigger termination of long-term kinship care payments, as described in item d., above, has occurred.

In contrast, the kinship care program requires an annual review by the county department to determine whether all prerequisite conditions for the receipt of payments under the kinship care program continue to exist.

JLK:MM:all:kjf;wu

APPENDIX 1

JOINT LEGISLATIVE COUNCIL

s. 13.81, Stats.

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APPENDIX 2

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STUDY ASSIGNMENT: The Committee is directed to study adoption laws and procedures and the delivery of adoption services, other than the issue of who may consent to adoption searches. The study shall include a review of: (1) the efficiency and effectiveness of the current adoption process; and (2) incentives for adoption. The Committee is directed to report its recommendations to the Joint Legislative Council by May 1, 1997. [Based on an April 15, 1996 letter cosigned by 54 members of the Legislature.]

Established and Chairperson appointed by a July 19, 1996 mail ballot; members appointed by September 20 and 27, 1996 mail ballots.

20 MEMBERS: 5 Representatives; and 15 Public Members.

LEGISLATIVE COUNCIL STAFF: Joyce Kiel, Staff Attorney; Mary Matthias, Senior Staff Attorney; and Roberta Lund, Administrative Assistant.

DESIGNATED AGENCY LIAISON: Linda Hisgen (DHFS).

(1) Appointed effective January 6, 1997, by a December 3, 1996 mail ballot, to replace Rep Scott Jensen, who resigned from the Committee on December 3, 1996.

(2) Originally appointed as an Assembly member; appointed to continue as a Public Member by a December 3, 1996 mail ballot.

APPENDIX 3

COMMITTEE MATERIALS

Staff Materials

1. Staff Brief 96-5, *Overview of Wisconsin Law Relating to the Adoption of Children* (October 16, 1996).
2. MEMO NO. 1, *Statutes of Oregon, Washington and Alaska Relating to Open Adoption Agreements* (November 6, 1996).
3. MEMO NO. 2, *Florida Statute Prohibiting Certain Advertising Relating to Adoption* (November 6, 1996).
4. MEMO NO. 3, *Comparison of Governmental Expenditures for Children Who Are Adopted and Children Who Remain in Long-Term Foster Care* (November 6, 1996).
5. MEMO NO. 4, *Provisions of the Wisconsin Statutes, New York Statutes and the Uniform Adoption Act of 1994 Relating to the Expenses of the Birth Mother or Child Which May Be Paid by the Prospective Adoptive Parents or Adoptive Parents* (November 6, 1996).
6. MEMO NO. 5, *Conversion of Existing Aid to Families With Dependent Children Nonlegally Responsible Relative Cases to Kinship Care Cases* (November 27, 1996).
7. MEMO NO. 6, *Recommendations Made to the Special Committee on Adoption Laws* (November 26, 1996; Revised January 24, 1997).
8. MEMO NO. 7, *Mandatory Health Insurance Coverage Requirements Pertinent to the Adoption of Children* (December 3, 1996).
9. MEMO NO. 8, *Options Relating to Adoption Assistance Benefits After Finalization of an Adoption* (December 5, 1996).
10. MEMO NO. 9, *Options for Permitting Prospective Adoptive Parents or Adoptive Parents to Pay Expenses of a Birth Mother or Child in Addition to Those Permitted Under Current Law* (December 5, 1996).
11. MEMO NO. 10, *Issues Relating to the Definition of a "Relative" Under Wisconsin Adoption Laws* (January 23, 1997).
12. MEMO NO. 11, *K-12 Public School Curriculum Requirements Regarding Adoption* (January 23, 1997).
13. MEMO NO. 12, *Provisions of the Statutes of Selected States Relating to Payment of Birth Parent Living Expenses by Prospective Adoptive Parents* (February 18, 1997).
14. MEMO NO. 13, *Department of Health and Family Services' Budget Request Relating to Providing Post-Adoption Services for Children With Special Needs* (May 13, 1997).

15. Memorandum, *Summary of Elements to be Included in a Bill Creating a Long-Term or Permanent Kinship Care Program*, to Representative Rebecca Young (February 25, 1997).

16. Information Memorandum 96-3, *New Law Relating to Children in Need of Protection or Services, Involuntary Termination of Parental Rights and Other Matters Under the Children's Code and Juvenile Justice Code (1995 Wisconsin Act 275)* (May 17, 1996).

17. Table, *Special Committee on Adoption Laws, Status of Recommendations at the Beginning of the May 19, 1997 Committee Meeting* (May 19, 1997).

Other Materials

1. The Uniform Adoption Act (1994) approved by the National Conference of Commissioners on Uniform State Laws (undated).

2. Packet of materials provided by the National Conference of Commissioners on Uniform State Laws:

- a. A Summary of the Uniform Adoption Act (1994) (undated).
- b. *A Few Facts About the Uniform Adoption Act (1994)* (May 15, 1996).
- c. *NCCUSL Uniform Adoption Act (1994)*, Overview by Joan Hollinger, Reporter (undated).
- d. *Confronting a Conundrum: The Uniform Adoption Act (1994)*, by John McCabe, Legislative Director, National Conference of Commissioners on Uniform State Laws (undated).

3. Memorandum, *Guardianship and Adoption*, from Judith Sperling Newton (October 23, 1996).

4. Memorandum, *Preadoptive Foster Care*, from Judith Sperling Newton (October 23, 1996).

5. Memorandum, *Mandatory Disclosure to Adoptive Parents*, from Judith Sperling Newton (October 23, 1996).

6. Memorandum, *Restrictions on Advertising for Adoption*, from Judith Sperling Newton (October 23, 1996).

7. Testimony submitted by Linda Hisgen, Director, Bureau of Programs and Policies, Division of Children and Family Services, Department of Health and Family Services (DHFS) (October 23, 1996).

8. "Pregnant Adolescents: Communicating the Adoption Option," Edward V. Mech, *Child Welfare*, Vol. LXV, No. 6, pp. 555-567 (November-December 1986), distributed by Angela Brunhart, Adoption Information Center (October 23, 1996).

9. Newsletter, *Hints For Helping Teenagers Consider The Adoption Option* (undated), distributed by Angela Brunhart, Adoption Information Center (October 23, 1996).
10. *Fiscal Year 1994/1995 Report Covering July 1, 1994 - December 31, 1994* (undated), distributed by Angela Brunhart, Adoption Information Center (October 23, 1996).
11. Questionnaire, *Adoption Interest Inventory (AII)* (undated), distributed by Angela Brunhart, Program Coordinator, Adoption Information Center (October 23, 1996).
12. Questionnaire, *Pregnancy Resolution Questionnaire (PRQ)* (undated), distributed by Angela Brunhart, Program Coordinator, Adoption Information Center (October 23, 1996).
13. Adoption Services telephone directory yellow pages, distributed by Stephen W. Hayes (undated).
14. Pamphlet, *The Lady Pitts School Age Parent Program Introduces: The Medical/Dental Integrated Studies Completion Program*, distributed by Peggy Clapp, Administrator, Lady Pitts School Age Parents Program (undated).
15. Paper, *Lady Pitts School Age Parent Center*, distributed by Peggy Clapp, Administrator, Lady Pitts School Age Parent Program (undated).
16. Pamphlet, *Providing Education and Supportive Services to School Age Parents and Their Families*, Milwaukee Public Schools School Age Program, distributed by Peggy Clapp, Program Administrator, District School Age Parent Center (undated).
17. Paper, *TPR's and Adoptions Completed 1992-95*, distributed by Chyra Trost, Program Manager, Specialized Services, Milwaukee County Department of Human Services (undated).
18. Letter, from Chyra A. Trost, Program Manager, Specialized Services, Milwaukee County Department of Human Services, regarding recommendations to the Committee (December 9, 1996).
19. Paper, *Teen Barriers to Education, Employment & Empowerment*, distributed by Margaret Cook-Pipping (undated).
20. Paper, *Maslow's Hierarchy of Human Need*, distributed by Margaret Cook-Pipping (undated).
21. Memorandum, from Linda Hisgen, Director, Bureau of Programs and Policies, Division of Children and Family Services, DHFS, *Statutory Provisions Regarding Placement of a Child More than 60 Miles from His or Her Home* (April 14, 1997).
22. Letter and attachments, from Stephen W. Hayes, relating to putative father registry and Baby Richard bill (March 3, 1997).
23. Memorandum, from Chet Bradley, Health Education Consultant, and Doug White, Prevention Education Consultant, Department of Public Instruction, *National Standards for*

health Education and The American Cancer Society Support for School Health Education (September 11, 1995).

24. *Preliminary Fiscal Estimate for Proposed Adoption Assistance Legislation*, Office of Strategic Finance, DHFS (April 22, 1997).

25. *Fiscal Estimate for Proposed Adoption Assistance Legislation*, Office of Strategic Finance, DHFS (May 13, 1997).

26. Amended pages 4 and 9 for the May 13, 1997 *Fiscal Estimate for Proposed Adoption Assistance Legislation*, Office of Strategic Finance, DHFS (May 16, 1997).