



WISCONSIN LEGISLATIVE COUNCIL

ADOPTION DISRUPTION AND DISSOLUTION

Large Conference Room
One East Main Street, Suite 401
Madison, WI

September 23, 2014
10:00 a.m. – 2:00 p.m.

[The following is a summary of the September 23, 2014 meeting of the Study Committee on Adoption Disruption and Dissolution. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc.>]

Call to Order and Roll Call

Chair Kleefisch called the committee to order. The roll was called and a quorum was determined to be present.

COMMITTEE MEMBERS
PRESENT:

Rep. Joel Kleefisch, Chair; Reps. André Jacque, LaTonya Johnson, and Paul Tittl; and Public Members Sam Benedict, Oriana Carey, Jill List, Mary Osgood, Ray Przybelski, Mark Sanders, Jaclyn Skalnik, and Heather Yaeger.

COMMITTEE MEMBERS
EXCUSED:

Rep. Frederick Kessler, Vice Chair; Sen. Nikiya Harris Dodd; and Public Member Teresa Roetter.

COUNCIL STAFF PRESENT:

Anne Sappenfield, Principal Attorney; and Margit Kelley, Staff Attorney.

APPEARANCES:

Fredi-Ellen Bove, Administrator, Division of Safety and Permanence; Ron Hermes, Director, Bureau of Permanence and Out-of-Home Care; Jonelle Brom, Section Chief, Out-of-Home Care; and Therese Durkin, Attorney, Office of Legal Counsel, Department of Children and Families (DCF).

Approval of the Minutes of the August 26, 2014 Meeting

The committee members unanimously approved the minutes of the August 26, 2014 meeting.

Presentation of Memo No. 1, *Options for Legislation* (September 16, 2014)

Ms. Sappenfield and Ms. Kelley described the options for legislation that have been presented to the committee through testimony, committee discussion, and other correspondence with committee staff, which were summarized in Memo No. 1, *Options for Legislation*, dated September 16, 2014. [A link to the memorandum is available on the committee's website at: <http://docs.legis.wisconsin.gov/misc/lc/study/2014/1189>.]

In response to questions from committee members, Ms. Sappenfield and Ms. Kelley described the processes under current law for appointment of a standby guardian, screening for a stepparent adoption, and adoption agency involvement in an independent adoption, and described processes under other states' laws for the reinstatement of biological parents' rights. Staff also described the policy under state and federal law that gives an adoptive family the same rights to autonomy as an intact biological family, and which restricts state involvement unless there are specific concerns for the welfare of the family.

Based on committee discussion and general consensus, Chair Kleefisch directed committee staff to prepare preliminary draft legislation for the committee's review and further discussion on the following topics:

- Requiring the use of the Structured Analysis Family Evaluation (SAFE) assessment of prospective adoptive families, including a component for an external psychological evaluation, with a fiscal estimate for cost.
- Revising certain aspects of adoptive parents' preparation training, including requiring 25 total hours; requiring part of the training to be delivered after the child is placed with the family, when possible, and offering post-placement training in all cases; and requiring one-quarter of the training to be delivered face-to-face, in person.
- Requiring re-adoption in Wisconsin for children who were adopted under a foreign home country's procedures.
- Requiring adoption agencies and counties to provide a periodic report of all finalized adoptions to the post-adoption resource center that serves the adoptive family's area.
- Requiring DCF to track when a child who has been adopted enters the child welfare system, and requiring adoption agencies to report to DCF when an adoption is disrupted or dissolved.

- Creating a process and standard for reinstating a biological parent's rights, and for considering biological family members as a resource for placement or support, when an adoption is disrupted or dissolved.
- Creating a process and standard for biological and adoptive parents to enter into an "open" adoption agreement.

Where applicable in each topic, staff were directed to apply the draft legislation to all private and public adoptions other than stepparent adoptions.

Committee members discussed the following topics, but did not reach consensus to request preliminary draft legislation for the committee's next meeting:

- Requiring a separate assessment of prospective adoptive parents' capacity and parental commitment.
- Requiring the use of a particular model curriculum for adoptive parents' preparation training.
- Requiring a specific assessment of older prospective adoptive parents' health and ability to care for a child.
- Requiring older prospective adoptive parents to nominate a standby guardian before finalizing an adoption.

Presentation by Representatives of the Department of Children and Families

Ms. Bove presented information to the committee on the background data for children adopted from the child welfare system, and described the processes used in Wisconsin for the assessment of prospective adoptive parents, matching children and parents, training for pre-adoptive parents, and providing adoption assistance. Ms. Bove also described the structure of post-adoption supports, the state and federal laws on the privacy of adoption records, the structure for training case managers in the child welfare system, and the structure of the federal funding programs relied on in the child welfare system. A link to Ms. Bove's PowerPoint slides is available on the committee's website.

In response to questions from Chair Kleefisch, Mr. Hermes noted that abuse of adoption assistance payments seems to be minimal, but that the department is exploring ways to verify that an adoptive family is continuing to be responsible for a child. In response to questions from Ms. Skalnik, Mr. Hermes stated that the adoption assistance payment is provided per child, without a cap on the total dollar amount per family, and Ms. Durkin noted that the financial assistance program arose in order to help families transition from foster care placements to a permanent home for children. Ms. Brom stated that the administrative code allows an adoption agency to consider the number of children already in a household and the family's ability to care for that number of children.

In response to questions from Ms. Osgood and Ms. Yaeger, Ms. Brom noted that the higher adoption assistance rates are provided for the cases in which a child presents severe behavioral, developmental, and medical issues. She noted that the assistance can be used for a variety of family purposes, but cannot be used for services that are reimbursable through the Medical Assistance program.

In response to questions from Chair Kleefisch and Representative Tittl, Mr. Hermes noted that adoptive parents are provided with information regarding the post-adoption resource centers at the time of adoption, and stated that the post-adoption resource centers receive funding only from the identified portion of federal funding. Ms. Bove noted that Wisconsin is heavily dependent on federal funding for all aspects of the child welfare system, and noted that the funding is focused on out-of-home care costs and the immediate issues to preserve or reunify a biological family or to move a child into another permanent placement, and is not as focused on the child's later years after a placement when issues are likely to surface.

In response to questions from Representative Johnson, Ms. Brom stated that the administrative code does not allow discrimination in considering parents for a foster or pre-adoptive placement, but that the code requires a consideration of the parents' ability to appropriately care for a child, depending on the particular child's needs and the parents' abilities. Ms. Durkin noted that the system also has some checks and balances in place to try to assure an appropriate placement, such as the appointment in some cases of a guardian ad litem to represent the child's best interests, and the necessary approval by a court of the placement.

Plans for Future Meetings

The committee will next meet on October 23, 2014, in the Large Conference Room of the Wisconsin Legislative Council.

Adjournment

The meeting was adjourned at 2:00 p.m.

MSK:jal