

1 **AN ACT** *to amend* 48.245 (3), 48.255 (1) (a), 48.42 (1) (a), 48.63 (1) (c), 938.245 (3)
2 and 938.255 (1) (a) of the statutes; **relating to:** including a statement as to whether a
3 child has been adopted in a petition or written agreement for a proceeding under the
4 Children’s Code or Juvenile Justice Code.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the Joint Legislative Council’s Study Committee on Adoption Disruption and Dissolution.

Under current law, information regarding a child who enters the child welfare system is recorded into the Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). The system maintains information on all aspects of a child welfare case, including intake, assessment, case management, and court proceedings. Generally, information on whether a child is adopted is not recorded. However, federal law requires a report to the U.S. Department of Health and Human Services, Administration for Children and Families, on children who entered state custody after being adopted from another country.

This draft requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted. This information is required in all cases in which the adoption status is known or can be ascertained, and is required whether the adoption occurred in the United States or another country. The status information then becomes a part of the child’s case record, to track when a child who has previously been adopted is subject to proceedings under the child welfare system or juvenile justice system, or when an adoption is dissolved by a termination of parental rights. Recording of a child’s adoption status is not required for a child or juvenile who is held in custody for less than 48 hours (excluding weekends and legal holidays) and who is released to the parent, guardian, or legal custodian without a hearing.

5 **SECTION 1.** 48.245 (3) of the statutes is amended to read:

1 48.245 (3) The obligations imposed under an informal disposition and its effective date
2 shall be set forth in writing. The written agreement shall state whether the child has been
3 adopted. The child and a parent, guardian, and legal custodian; the child expectant mother,
4 her parent, guardian, and legal custodian, and the unborn child's guardian ad litem; or the adult
5 expectant mother and the unborn child's guardian ad litem, shall receive a copy, as shall any
6 agency providing services under the agreement.

NOTE: This SECTION requires a written agreement for an informal disposition to state whether the child has been adopted. Obligations under an informal disposition may be imposed in lieu of the filing of a petition for a child who is alleged to be in need of protection or services.

7 **SECTION 2.** 48.255 (1) (a) of the statutes is amended to read:

8 48.255 (1) (a) The name, birth date and address of the child, and whether the child has
9 been adopted.

NOTE: This SECTION requires a petition for a child alleged to be in need of protection or services to state whether the child has been adopted.

10 **SECTION 3.** 48.42 (1) (a) of the statutes is amended to read:

11 48.42 (1) (a) The name, birth date or anticipated birth date, and address of the child and
12 whether the child has been adopted.

NOTE: This SECTION requires a petition for termination of parental rights to state whether the child has been adopted.

13 **SECTION 4.** 48.63 (1) (c) of the statutes is amended to read:

14 48.63 (1) (c) Voluntary agreements may be made only under par. (a) or (b) or sub. (5)
15 (b), shall be in writing, shall state whether the child has been adopted, and shall specifically
16 state that the agreement may be terminated at any time by the parent, guardian, or Indian
17 custodian or by the child if the child's consent to the agreement is required. In the case of an
18 Indian child who is placed under par. (a) or (b) by the voluntary agreement of the Indian child's
19 parent or Indian custodian, the voluntary consent of the parent or Indian custodian to the

1 placement shall be given as provided in s. 48.028 (5) (a). The child's consent to an agreement
2 under par. (a) or (b) is required whenever the child is 12 years of age or older.

NOTE: This SECTION requires a written agreement for voluntary placement of a child in a foster home, group home, or a shelter care facility to state whether the child has been adopted.

3 **SECTION 5.** 938.245 (3) of the statutes is amended to read:

4 938.245 (3) OBLIGATIONS IN WRITING. The obligations imposed under a deferred
5 prosecution agreement and its effective date shall be set forth in writing. The written
6 agreement shall state whether the juvenile has been adopted. The intake worker shall provide
7 a copy of the agreement and order to the juvenile, to the juvenile's parent, guardian, and legal
8 custodian, and to any agency providing services under the agreement.

NOTE: This SECTION requires a written agreement for deferred prosecution of a juvenile to state whether the juvenile has been adopted. Obligations under a deferred prosecution agreement may be imposed in lieu of the filing of a petition for a juvenile who is alleged to be delinquent or in need of protection or services.

9 **SECTION 6.** 938.255 (1) (a) of the statutes is amended to read:

10 938.255 (1) (a) The name, birth date and address of the juvenile, and whether the
11 juvenile has been adopted.

NOTE: This SECTION requires a petition for a juvenile alleged to be delinquent or in need of protection or services to state whether the juvenile has been adopted.

12 (END)