

MSK:jal

12/22/2014

1 **AN ACT** *to repeal* 48.838 (3); *to renumber and amend* 48.839 (1) and 48.97; *to*
2 *amend* 46.03 (18) (b), 46.10 (2), 48.36 (1) (a), 48.81 (6), 48.839 (2), 48.839 (3),
3 48.839 (4) (intro.), (a) and (c), 48.88 (2) (a) 4., 48.91 (3), 49.32 (1) (b), 49.345 (2),
4 54.52 (1), 301.03 (18) (b), 301.12 (2) and 632.896 (1) (c) 5.; and *to create* 48.839
5 (1d), 48.91 (4) and 48.97 (2) of the statutes; **relating to:** readoption of a child
6 adopted by a resident of this state under an order of a court of a foreign jurisdiction.

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, if a child who is a citizen of another country has been adopted in that country before being brought to Wisconsin, the adoption is legally recognized under state law only if the Department of Children and Families (DCF) first approved the placement of the child with the adoptive parents. As is the case with domestic adoptions, a home study must be completed in order for DCF to approve the placement, but other aspects of state adoption procedures are not required. The parents then may, but are not required to, readopt the child under Wisconsin procedures. The child must be readopted, however, in order to obtain a birth certificate that is recognized by the state for purposes such as obtaining a driver's license.

This draft requires that, when a child who is a citizen of another country has been adopted in that country by a parent who is a Wisconsin resident, the child must be readopted in Wisconsin. The draft provides that the readoption must follow the same procedure provided under current law for the adoption of a child by a resident of this state who has been appointed as guardian of the child by a court of the child's home country.

Under this procedure, the parents must file a certified copy of the foreign court's judgment with DCF and must post a \$1,000 bond before bringing the child into the United States. DCF must then certify to U.S. Citizenship and Immigration Services in the Department of Homeland

Security that all procedural requirements of Wisconsin have been met, including that the child has been adopted by order of the foreign court, that the bond has been filed, that DCF has received a copy of a home study recommending the adoptive parents, that the parents are receiving services from a licensed adoption agency, and that the adoptive parents have received the required preadoptive training. After bringing the child into Wisconsin, the parents are then required to file a petition to readopt the child within 60 days after that arrival. If the court is satisfied that the necessary procedural requirements have been met and that the foreign court order is effective, the court must recognize the adoption granted by the foreign court and must grant readoption of the child under Wisconsin law.

1 **SECTION 1.** 46.03 (18) (b) of the statutes is amended to read:

2 46.03 **(18)** (b) Except as provided in s. 46.10 (14) (b) and (c), any person receiving
3 services provided or purchased under par. (a) or the spouse of the person and, in the case of
4 a minor, the parents of the person, and, in the case of a foreign child described in s. 48.839 ~~(1)~~
5 (1m) who became dependent on public funds for his or her primary support before an order
6 granting his or her adoption, the resident of this state appointed guardian or granted adoption
7 of the child by a foreign court who brought the child into this state for the purpose of adoption,
8 shall be liable for the services in the amount of the fee established under par. (a). If a minor
9 receives services without consent of a parent or guardian under s. 51.47, the department shall
10 base the fee solely on the minor's ability to pay.

NOTE: This SECTION adjusts a cross-reference to the intercountry adoption procedure that is revised and renumbered under this draft and amends the reference to include an adoption granted by a court of the child's home country.

11 **SECTION 2.** 46.10 (2) of the statutes is amended to read:

12 46.10 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including
13 but not limited to a person admitted, committed, protected, or placed under s. 975.01, 1977
14 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003 stats., and 55.06, 2003
15 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13),

1 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06,
2 receiving care, maintenance, services and supplies provided by any institution in this state
3 including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with
4 all or part of the person's care, maintenance, services and supplies, any person receiving care
5 and services from a county department established under s. 51.42 or 51.437 or from a facility
6 established under s. 49.73, and any person receiving treatment and services from a public or
7 private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 971.17 (3)
8 (d) or (4) (e) or 980.08 (4) (g) and the person's property and estate, including the homestead,
9 and the spouse of the person, and the spouse's property and estate, including the homestead,
10 and, in the case of a minor child, the parents of the person, and their property and estates,
11 including their homestead, and, in the case of a foreign child described in s. 48.839 ~~(4)~~ (1m)
12 who became dependent on public funds for his or her primary support before an order granting
13 his or her adoption, the resident of this state appointed guardian or granted adoption of the
14 child by a foreign court who brought the child into this state for the purpose of adoption, and
15 his or her property and estate, including his or her homestead, shall be liable for the cost of
16 the care, maintenance, services and supplies in accordance with the fee schedule established
17 by the department under s. 46.03 (18). If a spouse, widow or minor, or an incapacitated person
18 may be lawfully dependent upon the property for their support, the court shall release all or
19 such part of the property and estate from the charges that may be necessary to provide for those
20 persons. The department shall make every reasonable effort to notify the liable persons as
21 soon as possible after the beginning of the maintenance, but the notice or the receipt thereof
22 is not a condition of liability.

NOTE: This SECTION adjusts a cross-reference to the intercountry adoption procedure that is revised and renumbered under this draft and

amends the reference to include an adoption granted by a court of the child's home country.

1 **SECTION 3.** 48.36 (1) (a) of the statutes is amended to read:

2 48.36 **(1)** (a) If legal custody is transferred from the parent or guardian or the court
3 otherwise designates an alternative placement for the child by a disposition made under s.
4 48.345 or by a change in placement under s. 48.357, the duty of the parent or guardian or, in
5 the case of a transfer of guardianship and custody under s. 48.839 (4), the duty of the former
6 guardian or parent to provide support shall continue even though the legal custodian or the
7 placement designee may provide the support. A copy of the order transferring custody or
8 designating alternative placement for the child shall be submitted to the agency or person
9 receiving custody or placement and the agency or person may apply to the court for an order
10 to compel the parent or guardian to provide the support. Support payments for residential
11 services, when purchased or otherwise funded or provided by the department or a county
12 department, shall be determined under s. 49.345 (14). Support payments for residential
13 services, when purchased or otherwise funded by the department of health services or a county
14 department under s. 51.42 or 51.437, shall be determined under s. 46.10 (14).

NOTE: This SECTION amends a cross-reference to the intercountry adoption procedure that is revised under this draft to include the parent in an adoption granted by a court of the child's home country.

15 **SECTION 4.** 48.81 (6) of the statutes is amended to read:

16 48.81 **(6)** The child is being readopted under s. 48.97 (2).

NOTE: This SECTION adjusts a cross-reference to the provision recognizing adoptions from other jurisdictions that is revised and renumbered under this draft.

17 **SECTION 5.** 48.838 (3) of the statutes is repealed.

NOTE: This SECTION removes the authority for DCF to charge a fee for approval of a placement under the procedure for statutory recognition of an adoption granted by a court of a foreign jurisdiction that is replaced in

this draft by the requirement to readopt the child, for which the same fee is already allowed.

1 **SECTION 6.** 48.839 (1) of the statutes is renumbered 48.839 (1m) and amended to read:

2 48.839 **(1m)** BOND REQUIRED. (a) ~~Any~~ Before a resident of this state who has been
3 appointed ~~by a court as guardian or granted adoption of a child who is a citizen~~ of a foreign
4 jurisdiction ~~as guardian of a child who is a citizen~~ by a court of that jurisdiction, ~~before~~
5 ~~bringing~~ may bring the child into this state for the purpose of adopting the child, the resident
6 shall file with the department a \$1,000 noncancelable bond in favor of this state, furnished by
7 a surety company licensed to do business in this state. The condition of the bond shall be that
8 the child will not become dependent on public funds for his or her primary support before he
9 or she is adopted.

10 (b) By filing the bond required under par. (a), the child's guardian or parent and the
11 surety submit to the jurisdiction of the court in the county in which the guardian or parent
12 resides for purposes of liability on the bond, and appoint the clerk of the court as their agent
13 upon whom any papers affecting their bond liability may be served. Their liability on the bond
14 may be enforced without the commencement of an independent action.

15 (c) If upon affidavit of the department it appears to the court that the condition of the
16 bond has been violated, the court shall order the guardian or parent and the surety to show
17 cause why judgment on the bond should not be entered for the department. If neither the
18 guardian or parent nor the surety appear for the hearing on the order to show cause, or if the
19 court concludes after the hearing that the condition of the bond has been violated, the court
20 shall enter judgment on the bond for the department against the guardian or parent and the
21 surety.

1 (d) If custody of the child is transferred under sub. (4) (b) to a county department or child
2 welfare agency before the child is adopted, the department shall periodically bill the guardian
3 or parent and the surety under s. 49.32 (1) (b) or 49.345 for the cost of care and maintenance
4 of the child until the child is adopted or becomes age 18, whichever is earlier. The guardian
5 or parent and surety shall also be liable under the bond for costs incurred by the department
6 in enforcing the bond against the guardian or parent and surety.

7 (e) This section does not preclude the department or any other agency given custody
8 of a child under sub. (4) (b) from collecting under s. 49.32 (1) (b) or 49.345 from the former
9 guardian or parent for costs in excess of the amount recovered under the bond incurred in
10 enforcing the bond and providing care and maintenance for the child until he or she reaches
11 age 18 or is adopted.

12 (f) The department may waive the bond requirement under ~~this subsection~~ par. (a).

NOTE: This SECTION and the following four SECTIONS incorporate readoption of a child by a resident of this state who has been granted an adoption in the child's home country into the procedure provided under current law for the adoption of a child by a resident of this state who has been appointed guardian of the child in the child's home country.

13 **SECTION 7.** 48.839 (1d) of the statutes is created to read:

14 48.839 (**1d**) DEFINITIONS. In this section:

15 (a) "Adoption" includes a readoption by a resident of this state who has been granted
16 an adoption by a court of a foreign jurisdiction of a child who is a citizen of that jurisdiction.

17 (b) "Parent" means a resident of this state who has been granted an adoption by a court
18 of a foreign jurisdiction of a child who is a citizen of that jurisdiction.

NOTE: This SECTION specifies that, for purposes of adopting a child who is a citizen of another country, the "adoption" procedure applies to "readoption" of a child who was adopted in the child's home country.

19 **SECTION 8.** 48.839 (2) of the statutes is amended to read:

1 48.839 (2) EVIDENCE OF AVAILABILITY FOR ADOPTION REQUIRED. (a) ~~Any~~ A resident of
2 this state who has been appointed ~~by a court~~ as guardian or granted adoption of a child who
3 is a citizen of a foreign jurisdiction ~~as guardian of a child who is a citizen~~ by a court of that
4 jurisdiction and who intends to bring the child into this state for the purpose of adopting the
5 child shall file with the department a certified copy of the judgment or order of a court of the
6 foreign jurisdiction or other instrument having the effect under the laws of the foreign
7 jurisdiction of freeing the child for adoption or of granting adoption to the parent. If the
8 instrument is not a judgment or order of a court, the guardian or parent shall also file with the
9 department a copy of the law under which the instrument was issued, unless the department
10 waives this requirement. The guardian or parent shall also file English translations of the court
11 judgment or order or other instrument and of the law. The department shall return the originals
12 to the guardian or parent and keep on file a copy of each document.

13 (b) If the guardian or parent files a judgment or order of a court under par. (a), the
14 department shall review the judgment or order. If the department determines that the judgment
15 or order has the effect of freeing the child for adoption or of granting adoption to the parent,
16 if the department has been furnished with a copy of a home study that was conducted as
17 provided in s. 48.88 (2) recommending the guardian or parent as an adoptive parent, if a
18 licensed child welfare agency has been identified to provide the services required under sub.
19 (5), if the guardian or parent has filed the bond required under sub. ~~(4)~~ (1m), and if the guardian
20 or parent has completed the preadoption preparation required under s. 48.84 (1) or the
21 department has determined that the guardian or parent is not required to complete that
22 preparation, the department shall certify to the U.S. citizenship and immigration and
23 ~~naturalization service~~ services that all preadoptive requirements of this state that can be met
24 before the child's arrival in the United States have been met.

1 (c) If the guardian or parent files an instrument other than a judgment or order of a court
2 under par. (a), the department shall review the instrument. If the department determines that
3 the instrument has the effect under the laws of the foreign jurisdiction of freeing the child for
4 adoption or of granting adoption to the parent, if the department has been furnished with a copy
5 of a home study that was conducted as provided in s. 48.88 (2) recommending the adoptive
6 parents, if a licensed child welfare agency has been identified to provide the services required
7 under sub. (5), if the guardian or parent has filed the bond required under sub. (1) (1m), and
8 if the guardian or parent has completed the preadoption preparation required under s. 48.84
9 (1) or the department has determined that the guardian or parent is not required to complete
10 that preparation, the department shall certify to the U.S. citizenship and immigration and
11 ~~naturalization service~~ services that all preadoptive requirements of this state that can be met
12 prior to the child's arrival in the United States have been met.

13 **SECTION 9.** 48.839 (3) of the statutes is amended to read:

14 48.839 (3) PETITION FOR ADOPTION OR TERMINATION OF PARENTAL RIGHTS REQUIRED. (a)
15 Within 60 days after the arrival of a child brought into this state from a foreign jurisdiction
16 for the purpose of adoption, the individual who is the child's guardian or parent shall file a
17 petition to adopt the child, a petition to terminate parental rights to the child, or both. If only
18 a petition to terminate parental rights to the child is filed under this paragraph, the individual
19 guardian or parent shall file a petition for adoption within 60 days of the order terminating
20 parental rights. The individual guardian or parent shall file with the court the documents filed
21 with the department under sub. (2) (a).

22 (b) Except as provided in par. (a) and sub. (4) (a), the termination of a parent's parental
23 rights to a child who is a citizen of a foreign jurisdiction is not required prior to the child's
24 adoption by his or her guardian or parent.

1 (c) If a petition for adoption is filed under par. (a), the individual guardian or parent
2 filing the petition shall file a copy of the petition with the department at the time the petition
3 is filed with the court. If the individual guardian or parent filed an instrument other than a court
4 order or judgment under sub. (2) (a), the department may make a recommendation to the court
5 as to whether the instrument filed has the effect under the laws of the foreign jurisdiction of
6 freeing the child for adoption or of granting adoption to the parent.

7 (d) If a petition for adoption is filed under par. (a) and the individual guardian or parent
8 filing the petition filed an instrument other than a court order or judgment under sub. (2) (a),
9 the court shall determine whether the instrument filed has the effect under the laws of the
10 foreign jurisdiction of freeing the child for adoption or of granting adoption to the parent. The
11 court shall presume that the instrument has that effect unless there are substantial irregularities
12 on the face of the document or unless the department shows good cause for believing that the
13 instrument does not have that effect. If the court determines that the instrument does not have
14 the effect of freeing the child for adoption or of granting adoption to the parent, the court shall
15 order the petitioner to file a petition to terminate parental rights under s. 48.42 within 10 days.

16 (e) If a petition for adoption is filed under par. (a) and the individual guardian or parent
17 filing the petition filed a court order or judgment under sub. (2) (a), the court order or judgment
18 shall be legally sufficient evidence that the child is free for adoption or has been adopted by
19 the parent.

20 **SECTION 10.** 48.839 (4) (intro.), (a) and (c) of the statutes are amended to read:

21 48.839 (4) TRANSFER OF GUARDIANSHIP; FORFEITURE OF BOND. (intro.) If a guardian or
22 parent does not file a petition as required under sub. (3) (a) or (d), or if the petition for adoption
23 under sub. (3) is withdrawn or denied, the court:

1 (a) Shall transfer guardianship of the child to the department, to a county department
2 under s. 48.57 (1) (e) or (hm) or to a child welfare agency under s. 48.61 (5) and order the
3 guardian or parent to file a petition for termination of parental rights under s. 48.42 within 10
4 days.

5 (c) Shall order the guardian or parent who filed the bond under sub. ~~(1)~~ (1m) (a) to show
6 cause why the bond should not be forfeited.

7 **SECTION 11.** 48.88 (2) (a) 4. of the statutes is amended to read:

8 48.88 **(2)** (a) 4. If the child is a citizen of a foreign jurisdiction and is under the
9 guardianship of ~~an individual~~ the petitioner, or was adopted by the petitioner, by order of a
10 court of that jurisdiction, the agency which conducted the home study required under federal
11 law prior to the child's entry into the United States that negotiated or arranged placement under
12 s. 48.839.

NOTE: This SECTION amends the home study requirements for an adoptive parent who was appointed guardian of a child in the child's home country to also apply to an adoptive parent who was granted an adoption of a child by a court of the child's home country.

13 **SECTION 12.** 48.91 (3) of the statutes is amended to read:

14 48.91 **(3)** If after the hearing and a study of the report required by s. 48.88 and the
15 recommendation required by s. 48.841 or 48.89, the court is satisfied that the necessary
16 consents or recommendations have been filed, and that, except as provided in sub. (4), the
17 adoption is in the best interests of the child, the court shall make an order granting the adoption.
18 In determining whether the adoption is in the best interests of an Indian child, the court shall
19 comply with the order of placement preference under s. 48.028 (7) (a) or, if applicable, s.
20 48.028 (7) (c), unless the court finds good cause, as described in s. 48.028 (7) (e), for departing
21 from that order. The order may change the name of the minor to that requested by petitioners.

NOTE: This SECTION specifies that the standard for approving an adoption is subject to a modified standard if the adoption proceeding is for the readoption of a child who was adopted by the adoptive parents in the child's home country.

1 **SECTION 13.** 48.91 (4) of the statutes is created to read:

2 48.91 (4) In an adoption proceeding under s. 48.839 for the readoption of a child who
3 was a citizen of a foreign jurisdiction by a petitioner who was granted adoption of the child
4 by a court of that jurisdiction, the court may not consider when granting the adoption under
5 sub. (3) whether the adoption is in the best interests of the child.

NOTE: This SECTION modifies the standard for approving the adoption of a child when the child was adopted by the adoptive parents in the child's home country. This SECTION requires a court in approving readoption of the child to consider only whether all adoption requirements have been met and whether the order of the foreign court was effective under the laws of that jurisdiction, and prohibits a court from assessing the best interests of the child. If the court is satisfied that the necessary procedural requirements have been met and that the foreign court order is effective, the court must recognize the adoption granted by the foreign court and must grant readoption of the child under Wisconsin law.

6 **SECTION 14.** 48.97 of the statutes is renumbered 48.97 (1) and amended to read:

7 48.97 **Adoption orders of other jurisdictions.** (1) OTHER STATE. When the
8 relationship of parent and child has been created by an order of adoption of a court of any other
9 state ~~or nation~~, the rights and obligations of the parties as to matters within the jurisdiction of
10 this state shall be determined by s. 48.92. ~~If the adoptive parents were residents of this state~~
11 ~~at the time of the foreign adoption, the preceding sentence applies only if the department has~~
12 ~~approved the placement. A child whose adoption would otherwise be valid under this section~~
13 ~~may be readopted in accordance with this chapter.~~

NOTE: This SECTION repeals the statutory recognition of an adoption granted by a court of a foreign jurisdiction and the discretionary allowance for a parent to readopt a child who was adopted in that home country.

1 **SECTION 15.** 48.97 (2) of the statutes is created to read:

2 48.97 **(2)** OTHER NATION. When a relationship of parent and child has been created by
3 an order of adoption of a court of any other nation, the parent shall readopt the child under s.
4 48.839.

NOTE: This SECTION requires adoptive parents to readopt a child who was adopted in the child's home country, under the same procedure in current law for adoption by a resident of this state who was appointed as guardian of the child in the child's home country.

5 **SECTION 16.** 49.32 (1) (b) of the statutes is amended to read:

6 49.32 **(1)** (b) Except as provided in s. 49.345 (14) (b) and (c), any person receiving
7 services provided or purchased under par. (a) or the spouse of the person and, in the case of
8 a minor, the parents of the person, and, in the case of a foreign child described in s. 48.839 ~~(1)~~
9 (1m) who became dependent on public funds for his or her primary support before an order
10 granting his or her adoption, the resident of this state appointed guardian or granted adoption
11 of the child by a foreign court who brought the child into this state for the purpose of adoption,
12 shall be liable for the services in the amount of the fee established under par. (a).

NOTE: This SECTION adjusts a cross-reference to the intercountry adoption procedure that is revised and renumbered under this draft and amends the reference to include an adoption granted by a court of the child's home country.

13 **SECTION 17.** 49.345 (2) of the statutes is amended to read:

14 49.345 **(2)** Except as provided in sub. (14) (b) and (c), any person, including but not
15 limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,
16 maintenance, services, and supplies provided by any institution in this state, in which the state
17 is chargeable with all or part of the person's care, maintenance, services, and supplies, and the
18 person's property and estate, including the homestead, and the spouse of the person, and the
19 spouse's property and estate, including the homestead, and, in the case of a minor child, the

1 parents of the person, and their property and estates, including their homestead, and, in the case
2 of a foreign child described in s. 48.839 (1) (1m) who became dependent on public funds for
3 his or her primary support before an order granting his or her adoption, the resident of this state
4 appointed guardian or granted adoption of the child by a foreign court who brought the child
5 into this state for the purpose of adoption, and his or her property and estate, including his or
6 her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in
7 accordance with the fee schedule established by the department under s. 49.32 (1). If a spouse,
8 widow, or minor, or an incapacitated person may be lawfully dependent upon the property for
9 his or her support, the court shall release all or such part of the property and estate from the
10 charges that may be necessary to provide for the person. The department shall make every
11 reasonable effort to notify the liable persons as soon as possible after the beginning of the
12 maintenance, but the notice or the receipt thereof is not a condition of liability.

NOTE: This SECTION adjusts a cross-reference to the intercountry adoption procedure that is revised and renumbered under this draft and amends the reference to include an adoption granted by a court of the child's home country.

13 **SECTION 18.** 54.52 (1) of the statutes is amended to read:

14 54.52 (1) A person may at any time bring a petition for the appointment of a standby
15 guardian of the person or estate of an individual who is determined under s. 54.10 to be
16 incompetent, a minor, or a spendthrift, except that, as specified in s. ~~48.97~~ 48.978 a petition
17 for the appointment of a standby guardian of the person or property or both of a minor to
18 assume the duty and authority of guardianship on the incapacity, death, or debilitation and
19 consent, of the minor's parent may be brought under s. 48.978.

NOTE: This SECTION fixes an incorrect cross-reference to the provision recognizing adoptions from other jurisdictions that is amended under this draft, which should, instead, cross-reference to the provision for appointment or designation of a standby guardian of a child.

1 **SECTION 19.** 301.03 (18) (b) of the statutes is amended to read:

2 301.03 **(18)** (b) Except as provided in s. 301.12 (14) (b) and (c), hold liable for the
3 services provided or purchased under par. (a) in the amount of the fee established under par.
4 (a) any person receiving those services or the spouse of the person and, in the case of a minor,
5 the parents of the person, and, in the case of a foreign child described in s. 48.839 ~~(1)~~ (1m) who
6 became dependent on public funds for his or her primary support before an order granting his
7 or her adoption, the resident of this state appointed guardian or granted adoption of the child
8 by a foreign court who brought the child into this state for the purpose of adoption.

NOTE: This SECTION adjusts a cross-reference to the intercountry
adoption procedure that is revised and renumbered under this draft and
amends the reference to include an adoption granted by a court of the
child's home country.

9 **SECTION 20.** 301.12 (2) of the statutes is amended to read:

10 301.12 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including
11 a person placed under s. 938.183, 938.34 (4h) or (4m), or 938.357 (4) or (5) (e), receiving care,
12 maintenance, services, and supplies provided by any institution in this state operated or
13 contracted for by the department, in which the state is chargeable with all or part of the person's
14 care, maintenance, services, and supplies, and the person's property and estate, including the
15 homestead, and the spouse of the person, and the spouse's property and estate, including the
16 homestead, and, in the case of a minor child, the parents of the person, and their property and
17 estates, including their homestead, and, in the case of a foreign child described in s. 48.839
18 ~~(1)~~ (1m) who became dependent on public funds for his or her primary support before an order
19 granting his or her adoption, the resident of this state appointed guardian or granted adoption
20 of the child by a foreign court who brought the child into this state for the purpose of adoption,
21 and his or her property and estate, including his or her homestead, shall be liable for the cost

1 of the care, maintenance, services, and supplies in accordance with the fee schedule
2 established by the department under s. 301.03 (18). If a spouse, widow, or minor, or an
3 incapacitated person, may be lawfully dependent upon the property for his or her support, the
4 court shall release all or such part of the property and estate from the charges that may be
5 necessary to provide for that person. The department shall make every reasonable effort to
6 notify the liable persons as soon as possible after the beginning of the maintenance, but the
7 notice or the receipt of the notice is not a condition of liability.

NOTE: This SECTION adjusts a cross-reference to the intercountry adoption procedure that is revised and renumbered under this draft and amends the reference to include an adoption granted by a court of the child's home country.

8 **SECTION 21.** 632.896 (1) (c) 5. of the statutes is amended to read:

9 632.896 (1) (c) 5. A court of a foreign jurisdiction appoints the insured as guardian or
10 grants adoption of a child who is a citizen of that jurisdiction, and the child arrives in the
11 insured's home for the purpose of adoption by the insured under s. 48.839.

NOTE: This SECTION amends a cross-reference to the intercountry adoption procedure that is revised under this draft to include the parent in an adoption granted by a court of the child's home country.

12 **SECTION 22. Initial applicability.** This act first applies to a home study filed with the
13 department of children and families under section 48.839 (2) (b) of the statutes on the effective
14 date of this subsection.

NOTE: This SECTION specifies that if, on or after the effective date of this draft becoming law, a person files a home study with DCF, the readoption procedure provided under this draft applies to the adoption. This means that if a person has filed, before the effective date of this draft becoming law, for approval of the placement by DCF under the procedure for statutory recognition of an adoption granted by a court of a foreign jurisdiction, the person is not required to readopt the child as

provided under the draft and the adoption granted by a court of a foreign jurisdiction is recognized in Wisconsin as under prior law.

1

(END)