

Report to the Joint Legislative Council

Study Committee on Adoption Disruption and Dissolution



February 4, 2015

LCR 2015-05

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STUDY COMMITTEE ON ADOPTION DISRUPTION AND DISSOLUTION

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February 4, 2015

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PART I

KEY PROVISIONS OF COMMITTEE RECOMMENDATIONS

The Study Committee on Adoption Disruption and Dissolution recommends the following bill drafts to the Joint Legislative Council for introduction in the 2015-16 Session of the Legislature.

LRB-1027/2, RELATING TO JURISDICTION AND VENUE IN ADOPTION PROCEEDINGS AND INVESTIGATION OF SUITABILITY OF A HOME FOR ADOPTION OF A CHILD

LRB-1027/2 revises two areas of current law. First, the draft extends jurisdiction and venue in a proceeding for an adoption or adoptive placement of a child, in order to allow the matter to be heard in the county in which a petition for termination of parental rights to the child was filed or granted. Under current law, jurisdiction and venue is allowed in the county in which the child or proposed adoptive parent resides.

Second, the draft requires all counties, licensed adoption agencies, and the Bureau of Milwaukee Child Welfare (BMCW) to use a standardized qualitative assessment system that is approved by the Department of Children and Families (DCF) to investigate foster care and adoptive homes. The requirement for a standardized assessment does not apply to adoption by a stepparent, for which other screening standards apply under current law.

LRB-1028/1, RELATING TO PREADOPTIVE PREPARATION REQUIREMENTS AND REFERRALS TO POSTADOPTION RESOURCE CENTERS

LRB-1028/1 revises certain aspects of the preadoptive training that is required under current law for first-time adoptive parents. Specifically, the draft requires all of the following:

- Twenty-five total hours of preadoptive training.
- At least six of the hours to be delivered in person, either individually or in a group.
- Part of the training to be delivered after the child is placed with the adoptive parents, and additional training to be offered after the adoption order is issued.
- Specific training on the issues of trauma and sexual abuse, in addition to the training on attachment, abuse, and neglect required under current rules.
- An in-person meeting with a representative of the Postadoption Resource Center (PARC) that serves the area in which the adoptive parents reside to describe the support and services that are available to an adoptive family after the adoption is granted.

The draft also requires all counties, licensed adoption agencies, and BMCW to report the names and contact information of each adoptive parent, and the name and birth date of the adopted

child, to the PARC that serves the area in which the parent resides, within 90 days of the adoption being granted. This provision does not apply to an adoption granted to a stepparent.

LRB-1029/1, RELATING TO READOPTION OF A CHILD ADOPTED BY A RESIDENT OF THIS STATE UNDER AN ORDER OF A COURT OF A FOREIGN JURISDICTION

LRB-1029/1 requires a child who is a citizen of another country, who has been adopted in that country by a parent who is a Wisconsin resident, to be readopted in Wisconsin using the same procedure given under current law for 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. If a 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.

LRB-1030/1, RELATING TO INCLUDING A STATEMENT AS TO WHETHER A CHILD HAS BEEN ADOPTED IN A PETITION FOR A PROCEEDING UNDER THE CHILDREN'S CODE OR JUVENILE JUSTICE CODE, IN A PETITION FOR GUARDIANSHIP OF A MINOR, IN AN INFORMAL DISPOSITION UNDER THE CHILDREN'S CODE OR THE JUVENILE JUSTICE CODE, OR IN A VOLUNTARY OUT-OF-HOME CARE AGREEMENT UNDER THE CHILDREN'S CODE, AND REQUIRING AN ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE ON CHILDREN WHO ENTER OUT-OF-HOME CARE AFTER THEY HAVE BEEN ADOPTED OR PLACED UNDER A GUARDIANSHIP

LRB-1030/1 requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted.

The draft also requires DCF to submit an annual report to the Governor and the Legislature, beginning on December 31, 2017, regarding the number of children who have previously been adopted or given a guardian who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year.

PART II

COMMITTEE ACTIVITY

ASSIGNMENT

The Joint Legislative Council established the Study Committee on Adoption Disruption and Dissolution and appointed the chairperson by a March 19, 2014 mail ballot. The committee was directed to study the extent of adoption disruption and dissolution in Wisconsin and the efforts in Wisconsin to prevent it. The committee was directed to consider legislative options such as preventing disruptions and dissolutions and meeting the needs of adoptive children and parents if this occurs. The committee was also directed to consider options for tracking the number of and reasons for such adoption issues.

Membership of the Study Committee was appointed by a May 21, 2014 mail ballot. The final committee membership consisted of four Representatives, one Senator, and nine public members. A list of committee members is included as **Appendix 3** to this report.

SUMMARY OF MEETINGS

The committee held five meetings on the following dates:

July 22, 2014

August 26, 2014

September 23, 2014

October 23, 2014

December 16, 2014

At the July 22, 2014 meeting, the Study Committee heard presentations from three speakers. First, **Susan Conwell introduced herself as Executive Director of Kids Matter Inc.**, and as an adoptive parent. With Ms. Conwell, a young woman named **Amanda Salas** read the testimony of an adoptee from Russia who was removed from her adoptive home after two years of abuse by her adoptive parents. The testimony said that she was isolated from the family and was refused basic needs. Ms. Salas then told her own story of being adopted by an abusive stepfather's brother and suffering physical, emotional, and sexual abuse for seven years. She said that her family portrayed her to others as a troubled, mentally ill child, so her allegations of abuse were never believed when she sought help.

Ms. Conwell described cases in which a child is adopted by an older caregiver who dies or becomes too ill to care for the child. She said that Illinois requires an assessment prior to the adoption of the appropriateness of placements with caregivers over age 60 and a backup plan for children placed with older caregivers. Ms. Conwell said that the state's data system for child welfare

cases does not have accurate information on adopted children who enter or return to the child welfare system, are runaways, or are put under another person's guardianship. She also said that DCF's data on out-of-home placements of children who have been adopted internationally is incomplete. Finally, Ms. Conwell mentioned that adoptive families may continue to receive adoption assistance after the child has left the home or is supporting him or herself.

Third, **Pat Ann St. Germain, Director of Healing Hearts Family Counseling Center**, provided information on the core issues of adoption, the needs of adoptive children, and the domains of some of those children's impairments. She said that the causes of adoption disruption relate to parental capacity, including expectations and the ability to adapt to what the child and family are experiencing, insight into what is going on with the child and in the family, and commitment to an enduring relationship with the child. She made the following recommendations:

- Better assessment of parental capacity.
- More training about different types of parenting.
- A recognition of the fact that a person's history influences the person's capacity to learn to parent in a new style.
- More intensive post-placement support.

Ms. St. Germain noted that there is a lack of services outside of Milwaukee and Madison. Ms. St. Germain also noted that some families are embarrassed to ask for help, because they are ashamed about how the child is behaving and feel like they have failed.

The meeting concluded with committee members recommending specific issues the committee could consider. The following issues were mentioned:

- Assessment of adoptive parents and home studies.
- Concurrently, assessing homes for parental capacity as foster parents and as adoptive parents in the child welfare system.
- Training for individuals who make adoption placement decisions.
- Documentation for children, especially children who have been adopted from another country, including their birth certificate, Social Security number, and adoption papers.
- Response to cases that fail, including identifying other resources for the child, such as the child's biological family, and barriers to using those other resources.
- Tracking adoption disruption and dissolution and other data.
- Respite care for families.
- Identifying abuse or neglect in adoptive homes.
- Evaluating the effectiveness of various postadoption services.
- Information on postadoption services in other states, recently compiled in a report prepared by the Donaldson Adoption Institute.

At the August 26, 2014 meeting, the Study Committee heard testimony from a number of presenters. In the first panel, with representatives of licensed adoption agencies, **Susan Hubbell, Director of Bethany Christian Services of Wisconsin**, explained that in her current work with a private adoption agency, she has seen a shift in the processes and issues that arise particularly over the last four years in both international and domestic adoptions. She attributed the changes in large part to the Hague Convention requirements for intercountry adoptions and the increased prevalence of alcohol and drug dependency issues in domestic adoptions.

Ms. Hubbell stated that in response to these changes, her agency has focused on three aspects of the adoption process. First, the Structured Analysis Family Evaluation (SAFE) model is now used for their home study reports. She stated that the method is thorough in gauging a prospective family's strengths and limitations and that her agency considers this analysis to be a best practice in assessing each family. Second, the agency now requires 30 hours of preadoption education, which exceeds the state's requirement for 18 total hours. She stated that the education is offered in specific phases, with very little done online, and with the final phase geared towards the specific history of the adoptive child. Third, the agency has boosted its supports and interventions for adoptive families. Ms. Hubbell stated that this includes natural supports such as identifying mentors and involving families in informal social gatherings, and clinical supports such as ensuring the availability of a trained counselor.

Amy Steuer, with the Catholic Charities Diocese of Madison, Post Adoption Resource Center, described the difficulties in her work with one of the state's few postadoption resource centers. In particular, she noted that many families do not know that the resource center services are available until the family is already in a crisis, when the resource center's referrals and information are inadequate to meet those needs. Ms. Steuer noted that most adoption agencies do not invite representatives of the postadoption resource centers to speak during the educational sessions for preadoptive families, and that because it is not part of the culture, it is unlikely to be included in these sessions unless required by law. She stated that another way to reach families sooner could be a mandatory referral from agencies of all families whose adoptions are finalized, which could be included in the checklist for agency licensure. Ms. Steuer also noted that state funding for the postadoption resource centers has remained at the same level since their inception in 1994.

Janine Gruber, with the Children's Hospital of Wisconsin, Special Needs Adoption Program, described her work with that program, and some of the system aspects that affect children. She noted that roughly 85% of special needs adoptions are by the same family that fostered the child and that during a child welfare case, the services are focused on the parent rather than the child. She said that after a child is available for adoption, the agency is asked to complete the home study and finalize the adoption within six months, and once a child has been adopted, the child is no longer in the agency's system and there is no further contact by the agency with the child.

In response to questions from committee members about the SAFE home study program, the speakers described it as a research-based evaluation, done over multiple stages, which is designed to give a more complete, analytical picture of the family's characteristics, capabilities, and their commitment to parenting. The speakers noted that the SAFE model is used by their three agencies, but not by all other licensed adoption agencies in the state. The speakers each recommended consistent use of the SAFE home study model in Wisconsin for all intercountry and domestic

adoptions other than stepparent adoptions. They noted that the program could be a change for agencies and counties that do not currently use this method, but that because of its analytical nature, once the evaluation process becomes familiar, it is consistent and reliable.

In the second panel, with two representatives of county departments of human or social services, **Robert Haupt, former director of the Ozaukee County Department of Human Services**, commented that historically the number of dissolved adoptions has been small, but that even that small number comes at a great cost to taxpayers and a tremendous cost to the child who then has a difficult time moving past that failure. He noted that there is a culture in adoption work that once an adoption has been finalized that the work for the family is done.

Mr. Haupt described two cases to highlight some of the challenges in adoption. In one, an adoptive family disclaimed any responsibility for three adopted children who became disruptive in their teen years, causing over \$500,000 in mental health services and residential costs to the county. In the other, a child with a difficult history was successfully placed in foster care and the family chose not to adopt partially in order to maintain better access to services for the child and to maintain the child's relationship with her biological family, but, because the child was not adopted, her permanency status is officially considered unsuccessful.

Mr. Haupt made a number of recommendations, including requiring prospective parents to meet with postadoption service providers during the preadoptive education; identifying a coordinated service team of professional resources before an adoption is finalized; creating a process for postadoption resource centers to meet and review the delivery of their services at regular intervals; and creating a medical home model of care for adopted children as a partnership between the child, the parents, the primary medical provider, specialists, and community supports.

Kim Van Hoof, Director of the Langlade County Department of Social Services, emphasized the limited nature of postadoption services, noting that the resource center in her area employs only a part-time person, and that when families do contact the county social services or the resource center, the family usually is already broken. She noted that postadoption visits occur only during the first six months after a public adoption. Ms. Van Hoof suggested that an earlier connection between adoptive families and postadoption resources would be valuable, along with periodic meaningful therapeutic assessments to determine the family's ongoing needs. Ms. Van Hoof observed that providers and people across the system are often not adequately trained on trauma and adoption attachment issues.

In the third presentation, two representatives of Wraparound Milwaukee discussed their agency's experience with this issue. **Dianne Thompson, Program Coordinator**, described the characteristics of the current 32 children receiving services in the Wraparound Milwaukee program for whom the adoptive parents have stated that the children are not allowed to return home. She stated that those children range in age from nine to 19, but that most are 15 or 16; placements include 12 in group homes, six of the younger children in foster homes, two older children living independently, six in residential treatment, three in detention facilities, and two with their biological parents; and that diagnoses include ADHD, anxiety, oppositional-defiant disorders, post-traumatic stress disorder, and other diagnoses, in roughly the same proportion as other children in the program. Ms. Thompson noted that of the children who were recently discharged from their

program who were not allowed to return to their adoptive families, eight were sent to correctional placements, one is in a kinship guardian placement, one is in a long-term foster home, and one returned to a biological family member.

Verneesha Banks, Child and Family Training Consultant, commented that the 32 children who are currently in the program and who are not allowed to return home reflect only the current number, and that the number has been substantial over the years. She commented that there seems to be an attitude among some adoptive parents that if the relationship is not going well that the child can be “given back,” even when the child was adopted as an infant.

Ms. Thompson and Ms. Banks discussed a number of recommendations, including a more routine assessment of a child’s bonds with biological family members before a parental relationship is terminated; requiring trauma training for adoptive parents who are adopting children with that history even if the child is not exhibiting any related behavioral problems; allowing older children to search adoption records for biological family members before turning 18; and requiring an agency to look to the biological family for placement resources when there has been a disruption from an adoption.

Ms. Thompson noted that there is a cultural stigma against parents asking for help, and many parents feel ashamed in even asking for services. She noted that when an adoptive family reaches out to the program for services, the family is already broken.

In the final presentation that day, **Cecelia Klingele** described her experience as an adoptive parent of a child with special needs. In particular, she described the difficulties her family had in receiving accurate information at the time of adoption on the child’s needs, and the later difficulties in obtaining appropriate care and services for him. She noted that her son and the family are doing well now, but that during the most difficult behaviors that surfaced in the teen years, the problems were overwhelming and she was scared for her son and the family. She commented that the family survived only because she and her husband fought repeatedly to renew the care services for her son and were able to be creative in structuring that care. Ms. Klingele commented the family had been able to obtain the needed services because of their knowledge about the system and ability to advocate.

Ms. Klingele noted that the problem for some adoptive families is not a lack of love, but a lack of proper intervention, particularly for parents who do not know where to turn for help. She noted that asking for help has a negative stigma, which should be removed.

At the September 23, 2014 meeting, Legislative Council staff 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.

In response to questions from committee members, Legislative Council staff 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, staff was directed to prepare preliminary draft legislation for the committee's review and further discussion on the following topics:

- Requiring the use of the 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 readoption 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 postadoption 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 was 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 the use of a particular model curriculum for adoptive parents' preparation training.
- Requiring older prospective adoptive parents to nominate a standby guardian before finalizing an adoption.

In addition, at this meeting, the Study Committee heard testimony from representatives of DCF. **Fredi-Ellen Bove, Administrator of the Division of Safety and Permanence**, 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 preadoptive parents, and providing adoption assistance. Ms. Bove also described the structure of postadoption 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.

Jonelle Brom, Out-of-Home Care Section Chief, noted that 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.

Ron Hermes, Director of the Bureau of Permanence and Out-of-Home Care, noted that adoptive parents are provided with information regarding the postadoption resource centers at the time of adoption, and stated that the postadoption resource centers receive funding only from a specific 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.

Therese Durkin, an attorney with the Department's Office of Legal Counsel, noted that the system 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.

At the October 23, 2014 meeting, the Study Committee heard one presentation and reviewed six bill drafts.

Susan Livingston Smith, Program and Project Director with the Donaldson Adoption Institute, presented information to the committee on certain adoption statistics, including the trends in U.S. adoptions, risk factors for children and parents in adoption, mental health service rates for adoptive families, and the rates of behavior problems for adopted children. She also presented on the special skills and support needed by adoptive parents, and the common impacts of adoption on family dynamics.

Ms. Smith reported that the best estimate from available data shows that 9.5% of adopted children reenter foster care, another 10% or more of adopted children leave the adoptive home in other ways, such as running away or being sent to other families, 30% or more receive mental health services, and another 50% receive support, education, and information and referral services. She noted that stability for adopted children begins to decline after age 12, and that, by age 16, 28% have lived away from their families at some point after adoption. Ms. Smith stated that the rates of behavior problems for adopted children compared to other children are much higher, with problem behaviors reported in up to 88% of adopted children and in around 10% of children generally.

Ms. Smith reported that 17 states have substantial postadoption services, which include information and referrals, education, support, therapeutic interventions, advocacy, respite, residential treatment, and adoption-competent counseling services.

The Study Committee then reviewed the following bill drafts:

- WLC: 0014/1, regarding the SAFE home study. Legislative Council staff relayed three comments from DCF on the draft: (1) that it could be overly prescriptive to name just one particular evaluation system and that it may be preferable to more fully describe the purpose of a standardized assessment system; (2) that the standardized assessment could be used at the time of approving a family for foster placements; and (3) that requiring a clinical assessment in all cases could cost an estimated \$4 million, and could add a delay because many competent providers have waiting lists for their services. Based on committee discussion and general consensus, staff was directed to revise the draft as follows: remove the reference to the SAFE home study; add a description for a standardized evaluation; require use of a standardized assessment at the time of approving a family for foster placement with an option to use the standardized assessment in the adoption process if not done initially; and allow a clinical assessment if there is special concern as to the suitability of the placement.
- WLC: 0022/1, regarding reinstatement for biological family rights. Based on committee members' policy concerns with the effect of the draft, Chair Kleefisch tabled this version of the draft, and asked members to contact staff or his office with any specific revisions.
- WLC: 0023/1, regarding open adoptions. Based on committee discussion and general consensus, staff was directed to revise the draft as follows: remove the requirement to obtain the child's consent to enter into a postadoption contact agreement; require a consideration of the child's wishes in determining whether to approve an agreement; allow other family members who have a substantial relationship with the child to enter into a postadoption contact agreement if allowed by the adoptive parents; and allow an adoptive parent whose rights are being terminated to enter into such an agreement with a subsequent adoptive family.
- WLC: 0029/1, regarding adoption preparation training. In response to a question, Legislative Council staff stated that there could be a cost to families and DCF for the increased hours and required in-person meetings, under the draft. Based on committee discussion and general consensus, staff was directed to revise the draft as follows: allow the in-person meeting during the preadoptive training with a representative of a postadoption resource center to count towards the minimum training hours that are required under the draft to be delivered in person; require agencies to report finalized adoptions to the resource centers within 90 days of each adoption being finalized; remove the option for the adoptive family to opt out of the referral of their names and contact information to their regional postadoption resource center; and allow preadoptive training from another state to be accepted for an adoption that is finalized in Wisconsin if the training was comparable to Wisconsin's requirements.
- WLC: 0030/1, regarding readoption after an adoption abroad. Staff noted that the draft requires a court in approving a readoption to consider the best interests of the child, although the readoption is occurring after the child has already been legally adopted in

the child's home country. Based on committee discussion and general consensus, staff was directed to revise the draft to require a court in approving a readoption to consider only whether all requirements have been met and whether the order of the foreign court was valid, rather than allowing a court to consider the best interests of the child, as the standard for approving readoption of a child legally adopted in the child's home country.

- WLC: 0031/1, regarding tracking when an adopted child enters the child welfare system. Staff stated that the draft does not allow access to closed adoption or child welfare files. Staff also noted that the draft does not have a procedure for recording breakdowns of adoptive families that occur outside of the child welfare or juvenile justice systems, and that, in those systems, recorded data could be imperfect if the child's adoptive status is not known or ascertainable in all cases. Based on committee discussion and general consensus approving the draft, Chair Kleefisch directed that the draft be continued for committee consideration at the next meeting.

At the December 16, 2014 meeting, the Study Committee reviewed revised versions of each of the six bill drafts, and approved recommendation of the following drafts to the Joint Legislative Council:

- WLC: 0014/2, regarding adoption jurisdiction and home studies, with DCF's suggested revisions to this draft that are outlined in Memo No. 3, dated December 12, 2014.
- WLC: 0029/2, regarding adoption preparation training, with the following revisions to this draft: (1) the Chair's suggestions outlined in Memo No. 2, dated December 12, 2014; (2) the first, third, and fourth items of DCF's suggestions outlined in Memo No. 3; and (3) allowing approval of equivalent preadoptive training from another state to be given by a licensed adoption agency.
- WLC: 0030/2, regarding readoption after adoption abroad, with the Chair's suggested revision to this draft that is outlined in Memo No. 2.
- WLC: 0031/2, regarding tracking when an adopted child enters the child welfare system, with DCF's suggested revisions to this draft that are outlined in Memo No. 5, dated December 16, 2014.

Two bill drafts were not submitted to a vote by the committee: WLC: 0022/2, regarding reinstatement for biological family rights; and WLC: 0023/2, regarding open adoption.

This was the final meeting of the Study Committee. The drafts were revised to reflect the modifications approved by the committee, and the final versions incorporating those revisions were approved unanimously by all committee members in a December 23, 2014 mail ballot.

PART III

RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, each draft as recommended by the Study Committee on Adoption Disruption and Dissolution.

LRB-1027/2, RELATING TO JURISDICTION AND VENUE IN ADOPTION PROCEEDINGS AND INVESTIGATION OF SUITABILITY OF A HOME FOR ADOPTION OF A CHILD

Jurisdiction and Venue

Background

Under current law, a petition for adoption or adoptive placement of a child must be filed in the county where the proposed adoptive parent or child resides.

Committee members noted that the adoption process could be smoother if adoption petitions could be filed in the same county that heard the termination of parental rights, even if that is not the same county in which the proposed adoptive parent or child resides.

Description

The draft extends jurisdiction and venue to allow a proceeding for an adoption or adoptive placement to be heard in the county in which a petition for termination of parental rights to the child was filed or granted, in addition to the county in which the child or proposed adoptive parent resides.

Home Study

Background

Under current law, in order to adopt a child in Wisconsin, a county, licensed adoption agency, or BMCW must investigate whether a proposed adoptive family's home is suitable for the child. Certain aspects of the home study are governed by administrative rule, while the method of conducting the home study is in the discretion of the agency.

Committee members discussed the need for a standardized assessment that could provide a consistent evaluation of the suitability of foster care and adoptive placements, in order to help in arranging more stable placements.

Description

The draft requires all counties, licensed adoption agencies, and BMCW to use a standardized qualitative assessment system that is approved by DCF to investigate foster care and adoptive homes. The assessment system must provide a reliable, comprehensive, and standardized

qualitative evaluation of the proposed family's personal characteristics, civil and criminal history, age, health, financial stability, and ability to responsibly meet all DCF requirements. If the standardized assessment was used in licensing a home to provide foster care, and is supplemented to evaluate suitability of the home for a child who is the subject of an adoption, the home study need not be repeated for purposes of the adoption. The requirement for a standardized assessment does not apply to adoption by a stepparent, for which other screening standards apply under current law.

The draft also specifies that in any proposed adoption in which there is special cause for concern as to the welfare of the child or the suitability of the placement, the home study may include a clinical assessment of the proposed adoptive parents.

LRB-1028/1, RELATING TO PREADOPTION PREPARATION REQUIREMENTS AND REFERRALS TO POSTADOPTION RESOURCE CENTERS

Background

Under current law, generally all proposed adoptive parents who have not previously adopted a child must receive training before the adoption is finalized. The training is not required for a proposed adoptive parent who is a stepparent of the child or who, in certain circumstances, is a relative of the child. Rules promulgated by DCF govern the specific preadoption training requirements.

The rules require 18 hours of preadoptive training on what are referred to as "core competencies." The training may be delivered in person, by audio-visual means, or in printed materials, and must include training on issues relevant to a child in an adoptive placement, including loss and grief issues, attachment issues, and the effects of abuse and neglect, as appropriate to the needs of the child to be adopted. Under the rules, the training must include a description of the support and services that are available to the adoptive family from the agency that is providing the training and a description of other postadoption services that are available to the family.

Committee members discussed the state minimum standards for preparing adoptive parents, and the need to provide basic information on the challenges that are often inherent in adoptions, in a structure that may best convey that information, in order to better prevent disruptions and dissolutions after an adoption is finalized. Committee members also considered methods of reaching out to adoptive families in order to meet the needs of adoptive children and parents after an adoption is finalized.

Description

This draft revises certain aspects of the preadoptive training that is required of a first-time adoptive parent. Specifically, the draft requires all of the following:

- Twenty-five total hours of preadoptive training.
- At least six of the hours to be delivered in person, either individually or in a group.

- Part of the training to be delivered after the child is placed with the adoptive parents, and additional training to be offered after the adoption order is issued.
- Specific training on the issues of trauma and sexual abuse, in addition to the training on attachment, abuse, and neglect required under current rules.
- An in-person meeting with a representative of the PARC that serves the area in which the adoptive parent resides, in order to describe the support and services that are available to an adoptive family after the adoption is granted.

The draft also allows preadoptive training from another state to be accepted for an adoption that is finalized in Wisconsin if the training was equivalent to Wisconsin's requirements.

Lastly, the draft requires all counties, licensed adoption agencies, and BMCW to report the names and contact information of adoptive parents, and name and birth date of the child, to the PARC that serves the geographic area in which the family resides, within 90 days of a court granting an adoption. This provision does not apply to an adoption granted to a stepparent.

LRB-1029/1, RELATING TO READOPTION OF A CHILD ADOPTED BY A RESIDENT OF THIS STATE UNDER AN ORDER OF A COURT OF A FOREIGN JURISDICTION

Background

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 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. If not readopted, certain aspects of the child's legal status are not confirmed or recognized in Wisconsin, such as the ability to obtain a birth certificate.

Committee members discussed the desire to assure the same level of family preparation, and protection of legal adoption status, for all children who are adopted by residents of Wisconsin, including those adopted in another country.

Description

The draft requires a child who is a citizen of another country, who has been adopted in that country by a parent who is a Wisconsin resident, to be readopted in Wisconsin, using the same procedure given under current law for 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, before bringing a child into the United States, the parents must file a certified copy of the foreign court's judgment with DCF and must post a \$1,000 bond. DCF must then certify to U.S. Citizenship and Immigration Services in the Department of Homeland Security whether 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.

LRB-1030/1, RELATING TO INCLUDING A STATEMENT AS TO WHETHER A CHILD HAS BEEN ADOPTED IN A PETITION FOR A PROCEEDING UNDER THE CHILDREN’S CODE OR JUVENILE JUSTICE CODE, IN A PETITION FOR GUARDIANSHIP OF A MINOR, IN AN INFORMAL DISPOSITION UNDER THE CHILDREN’S CODE OR THE JUVENILE JUSTICE CODE, OR IN A VOLUNTARY OUT-OF-HOME CARE AGREEMENT UNDER THE CHILDREN’S CODE, AND REQUIRING AN ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE ON CHILDREN WHO ENTER OUT-OF-HOME CARE AFTER THEY HAVE BEEN ADOPTED OR PLACED UNDER A GUARDIANSHIP

Background

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.

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, and, under the newly enacted Preventing Sex Trafficking and Strengthening Families Act of 2014, will require reporting on all children who entered state custody after being adopted.

Committee members discussed options for tracking the number of, and reasons for, adoption disruptions and dissolutions, but recognized the difficulty in tracking breakdowns of adoptive families that could occur without interaction with the child welfare or juvenile justice systems.

Description

In order for adoption status to become part of a child’s case record, the draft requires certain petitions and agreements related to the welfare of a child to state whether the child has previously been adopted. A notation of adoption status is required in any case in which that status is known

or ascertainable, regardless of whether the adoption occurred in the United States or another country.

The types of petitions or agreements that must include a statement of adoption status are:

- A written agreement for informal disposition under the Children’s Code.
- A petition for a child alleged to be in need of protection or services under the Children’s Code.
- A petition for termination of parental rights.
- A written agreement for voluntary placement of a child in a foster home, group home, or a shelter care facility.
- A petition for appointment of a guardian for a child or juvenile who has been found to be in need of protection or services under the Children’s Code or Juvenile Justice Code.
- A petition for court approval of a delegation of parental powers to an agent who is not a relative of the child.
- A petition for appointment of a guardian of a minor under the general state law guardianship provisions.
- A written agreement for deferred prosecution of a juvenile.
- A petition for a juvenile alleged to be delinquent or in need of protection or services under the Juvenile Justice Code.

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.

The draft also requires DCF to submit an annual report to the Governor and the Legislature, beginning on December 31, 2017, regarding the number of children who have previously been adopted or given a guardian who enter out-of-home care in the child welfare or juvenile justice system during the preceding calendar year. For each child enumerated in the report, the report may include information on the circumstances of the child’s adoption or guardianship, and any other aspects associated with the child in order to better understand how such children may enter the child welfare or juvenile justice system.

COMMITTEE AND JOINT LEGISLATIVE COUNCIL VOTES

The following drafts were recommended by the Study Committee on Adoption Disruption and Dissolution.

STUDY COMMITTEE VOTE

The Study Committee voted by a December 23, 2014 mail ballot, to recommend the following drafts to the Joint Legislative Council for introduction in the 2015-16 Session of the Legislature. The vote on the drafts was as follows:

- WLC: 0014/3, relating to jurisdiction and venue in adoption proceedings, and investigation of suitability of a home for adoption of a child, passed by a vote of Ayes, 14 (Reps. Kleefisch, Jacque, Johnson, and Tittl; Sen. Harris Dodd; and Public Members Benedict, Carey, List, Osgood, Przybelski, Roetter, Sanders, Skalnik, and Yaeger); and Noes, 0. [WLC: 0014/3 subsequently became LRB-1027/2.]
- WLC: 0029/3, relating to preadoption preparation requirements and referrals to postadoption resource centers, passed by a vote of Ayes, 14 (Reps. Kleefisch, Jacque, Johnson, and Tittl; Sen. Harris Dodd; and Public Members Benedict, Carey, List, Osgood, Przybelski, Roetter, Sanders, Skalnik, and Yaeger); and Noes, 0. [WLC: 0029/3 subsequently became LRB-1028/1.]
- WLC: 0030/3, relating to readoption of a child adopted by a resident of this state under an order of a court of a foreign jurisdiction, passed by a vote of Ayes, 14 (Reps. Kleefisch, Jacque, Johnson, and Tittl; Sen. Harris Dodd; and Public Members Benedict, Carey, List, Osgood, Przybelski, Roetter, Sanders, Skalnik, and Yaeger); and Noes, 0. [WLC: 0030/3 subsequently became LRB-1029/1.]
- WLC: 0031/3, relating to including a statement as to whether a child has been adopted in a petition or written agreement for a proceeding under the Children's Code or Juvenile Justice Code and in a petition for guardianship of a minor, and requiring an annual report to the Governor and the Legislature, passed by a vote of Ayes, 14 (Reps. Kleefisch, Jacque, Johnson, and Tittl; Sen. Harris Dodd; and Public Members Benedict, Carey, List, Osgood, Przybelski, Roetter, Sanders, Skalnik, and Yaeger); and Noes, 0. [WLC: 0031/1 subsequently became LRB-1030/1.]

JOINT LEGISLATIVE COUNCIL

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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

COMMITTEE LIST

Legislative Council Study Committee on Adoption Disruption and Dissolution	
<p>Chair Joel Kleefisch, Representative W357 N6189 Spinnaker Dr. Oconomowoc, WI 53066</p> <p>Sam Benedict, Regional Attorney Manager State Public Defender 407 Pilot Ct., Suite 500 Waukesha, WI 53188</p> <p>Nikiya Harris Dodd, Senator 2953A N. 52nd St. Milwaukee, WI 53210</p> <p>Frederick Kessler, Representative 9312 West Clovernook St. Milwaukee, WI 53224 [resigned October 17, 2014]</p> <p>Mary Osgood S1364 Thompson Rd. La Valle, WI 53941</p> <p>Theresa Roetter, Attorney Annen Roetter, LLC 211 S. Paterson St., Suite 340 Madison, WI 53703</p> <p>Jaelyn Skalnik, Founder Adoption Wellness 5757 W. Oklahoma Ave., Suite 203 Milwaukee, WI 53219</p> <p>Heather Yaeger, Executive Director Adoption and Out of Home Care Lutheran Social Services of WI and Upper Michigan, Inc. W18105 Hemlock Rd. Wittenberg, WI 54499</p>	<p>Vice Chair LaTonya Johnson, Representative 2363 N. 54th St. Milwaukee, WI 53210</p> <p>Oriana Carey, Vice President Coalition for Children, Youth & Families 6682 W. Greenfield Ave., Suite 310 Milwaukee, WI 53214</p> <p>André Jacque, Representative 1615 Lost Dauphin Rd. DePere, WI 54115</p> <p>Jill List 4370 Citation Ct. Cottage Grove, WI 53527</p> <p>Ray Przybelski, Portage County Human Services Director Portage County 817 Whiting Ave. Stevens Point, WI 54481</p> <p>Mark Sanders, Circuit Court Judge Milwaukee County Juvenile Justice Center 10201 W. Watertown Plank Rd. Wauwatosa, WI 53226</p> <p>Paul Tittl, Representative 2229 Rheahme Rd. Manitowoc, WI 54220</p>

STUDY ASSIGNMENT: The Study Committee shall study the extent of adoption disruption and dissolution in Wisconsin and the efforts in Wisconsin to prevent it. The committee shall consider legislative options such as preventing disruptions and dissolutions and meeting the needs of adoptive children and parents if this occurs. The committee shall also consider options for tracking the number of and reasons for such adoption issues.

14 MEMBERS: 4 Representatives; 1 Senator; and 9 Public Members.

LEGISLATIVE COUNCIL STAFF: Margit Kelley, Senior Staff Attorney; and Julie Learned, Support Staff.

COMMITTEE MATERIALS LIST

[Copies of documents are available at www.legis.wisconsin.gov/lc]

July 22, 2014 Meeting

- Staff Brief 2014-03, Adoption Disruption and Dissolution (July 14, 2014).
- TIME Article - Russian Kids in America: When the Adopted Can't Adapt.
- Handout from Susan Conwell, Executive Director, Kids Matter Inc.
- PowerPoint Presentation from Pat Ann St. Germain, MA, LPC, Healing Hearts Family Counseling Center, LLC.

August 26, 2014 Meeting

- Handout, from Susan Hubbell of Bethany Christian Services of Wisconsin.
- WCHSA Special Needs Adoption Focus Group, submitted by Robert Haupt, former Director, Ozaukee County Department of Human Services.
- Handout, from Amy Steuer, Catholic Charities, Diocese of Madison.
- Handout, from Susan Hubbell, Bethany Christian Services, "Domestic Adoption Program".
- Flyer, from Susan Hubbell, Director, Bethany Christian Services.
- Handout, from Susan Hubbell, Bethany Christian Services, "International Adoption Program".
- Article, "Supporting the Promise of Permanency: Post-Adoption Services for Children and Families," submitted by Amy Steuer, Catholic Charities, Diocese of Madison.
- "Adoptive Core Competencies for Adoptive Parent Education," submitted by Amy Steuer, Catholic Charities, Diocese of Madison.
- "Adoption Core Competencies for Adoptive Parent Education," submitted by Amy Steuer, Catholic Charities, Diocese of Madison.
- Handout, Adoption Ambassador Program, Lutheran Social Services of WI and Upper Michigan, distributed at the request of Heather Yaeger.
- Handout, Philippine Ambassador Program, distributed at the request of Heather Yaeger.

September 23, 2014 Meeting

- Memo No. 1, "Options for Legislation" (September 16, 2014).

- Handout, "Keeping the Promise, The Case for Adoption Support and Preservation," submitted by Susan Livingston Smith (March 2014).
- Description of Partnering for Safety and Permanence - Model Approach to Partnerships in Parenting (PS-MAPP).
- Description of Parent Resources for Information, Development, and Education (PRIDE).
- DCF Presentation to Legislative Council Study Committee on Adoption Disruption and Dissolution, by Fredi-Ellen Bove, Division of Safety and Permanence Administrator.

October 23, 2014 Meeting

- WLC: 0014/1, relating to investigation of suitability of a home for adoption of a child.
- WLC: 0022/1, relating to reinstatement of a biological parent's rights, and consideration of biological family members as a resource for placement or support, when a child is not allowed to return to an adoptive home.
- WLC: 0023/1, relating to agreement by adoptive family for postadoption contact with the child's birth parent.
- WLC: 0029/1, relating to preadoption preparation requirements, referrals to postadoption resource centers, and granting rule-making authority.
- WLC: 0030/1, relating to readoption of a child adopted by a resident of this state under an order of a court of a foreign jurisdiction.
- WLC: 0031/1, relating to including a statement as to whether a child has been adopted in a petition or written agreement for a proceeding under the Children's Code or Juvenile Justice Code.
- Factsheet by Child Welfare Information Gateway, "Openness in Adoption: Building Relationships Between Adoptive and Birth Families" (January 2013).
- Email from the Department of Children and Families (October 23, 2014).
- Email from Mary Osgood (October 22, 2014).
- Email from Heather Yaeger (October 22, 2014).
- Presentation by Susan Livingston Smith, Program and Project Director, The Donaldson Adoption Institute, "Keeping the Promise: The Case for Adoption Support and Preservation".
- Correspondence from Adam Plotkin, Office of the State Public Defender (October 14, 2014).

December 16, 2014 Meeting

- WLC: 0014/2, relating to jurisdiction and venue in adoption proceedings, and investigation of suitability of a home for adoption of a child.
- WLC: 0022/2, relating to reinstatement of a biological parent's rights, and consideration of biological family members as a resource for placement or support, when a child is not allowed to return to adoptive home.

- WLC: 0023/2, relating to agreement by adoptive family for postadoption contact with the child's birth parent.
- WLC: 0029/2, relating to preadoption preparation requirements, referrals to postadoption resource centers, and granting rule-making authority.
- WLC: 0030/2, relating to readoption of a child adopted by a resident of this state under an order of a court of a foreign jurisdiction.
- WLC: 0031/2, relating to including a statement as to whether a child has been adopted in a petition or written agreement for a proceeding under the Children's Code or Juvenile Justice Code and in a petition for guardianship of a minor.
- Memo, from Kathy Markeland, Associate Director, Wisconsin Association of Family & Children's Agencies, "Draft Committee Proposals and Recommendations for Enhanced Post-Adoption Resources".
- Memo No. 2, "Specific Recommendations from Chair Kleefisch to Revise Bill Drafts" (December 12, 2014).
- Memo No. 3, "Specific Recommendations from the Department of Children and Families to Revise Bill Drafts" (December 12, 2014).
- Memo No. 4, "Summaries of the Bill Drafts That are Before the Committee on December 16, 2014 (December 12, 2014).
- Memo No. 5, "Revised Recommendation from the Department of Children and Families for Draft WLC: 0031/2, Tracking When an Adopted Child Enters the Child Welfare System" (December 16, 2014).

December 23, 2014 Mail Ballot

- WLC: 0014/3, relating to jurisdiction and venue in adoption proceedings, and investigation of suitability of a home for adoption of a child.
- WLC: 0029/3, relating to preadoption preparation requirements and referrals to postadoption resource centers.
- WLC: 0030/3, relating to readoption of a child adopted by a resident of this state under an order of a court of a foreign jurisdiction.
- WLC: 0031/3, relating to including a statement as to whether a child has been adopted in a petition or written agreement for a proceeding under the Children's Code or Juvenile Justice Code and in a petition for guardianship of a minor, and requiring an annual report to the Governor and the Legislature.
- Mail Ballot — Mail Ballot of the Study Committee on Adoption Disruption and Dissolution.
- Results of Mail Ballot.