

State of Wisconsin



2015 Assembly Bill 40

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2015 WISCONSIN ACT 379

AN ACT to amend 48.84 (1), 48.84 (2), 48.84 (3) and 48.93 (1d); and to create 48.84 (2g), 48.84 (2r) and 48.93 (1w) of the statutes; relating to: preadoption preparation requirements and referrals to postadoption resource centers.

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

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

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 the Department of Children and Families (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.

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

- 25 total hours of preadoptive training.
- At least six of the hours to be delivered in person, either individually or in a group.
- 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 one of the state's Postadoption Resource Centers (PARCs) to describe the support and services that are available to an adoptive family after the adoption is granted.

The bill 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 bill requires adoption agencies and county departments of human or social services to report the names and contact information of adoptive parents, within 90 days of a court granting an adoption, to the PARC that serves the geographic area within which the family resides, unless the parents opt out of having that information released to the PARC.

SECTION 1. 48.84 (1) of the statutes is amended to read:

48.84 (1) Before a child may be placed under s. 48.833 for adoption by a proposed adoptive parent who has not previously adopted a child, before a proposed adoptive parent who has not previously adopted a child may petition for placement of a child for adoption under s. 48.837, and before a proposed adoptive parent who has not previously adopted a child may bring a child into this state for adoption under s. 48.839, the proposed adoptive parent shall complete the preadoption preparation required under this section. The preparation shall be provided by a licensed child welfare agency, a licensed private adoption agency, the state adoption information

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

exchange under s. 48.55, the state adoption center under s. 48.55, a state-funded foster care and adoption resource center, a state-funded postadoption resource center, a technical college district school, or an institution or college campus within the University of Wisconsin System. If the proposed adoptive parent does not reside in this state, he or she may meet this requirement by obtaining equivalent preparation in his or her state of residence. If the proposed adoptive parent resides in this state, but the agency that negotiated or arranged placement of the child is governed by the laws of another state, the proposed adoptive parent may meet this requirement by obtaining equivalent preparation that is provided by that agency and is approved by the department.

NOTE: This SECTION allows preadoptive training from another state to be accepted for an adoption that is finalized in Wisconsin if the training is equivalent to Wisconsin's requirements.

SECTION 2m. 48.84 (2) of the statutes is amended to read:

48.84 (2) The department shall promulgate rules establishing the number of hours of topics covered under the preadoption preparation that is required under sub. (1) and the topics covered under that preparation. The preparation shall include training on issues that may confront adoptive parents, in general, and that may confront adoptive parents of special needs children or foreign children. In all cases, the training shall cover the topics of attachment, trauma, neglect, and abuse, including sexual abuse.

NOTE: This SECTION separates the provisions governing the topics and number of hours for the preadoptive training, requires the training in all cases to cover the topic of trauma, in addition to the training required under current rule on attachment, abuse, and neglect, and specifically requires the training to cover the topic of sexual abuse.

SECTION 4. 48.84 (2g) of the statutes is created to read:

48.84 (2g) A proposed adoptive parent shall obtain at least 25 hours of the preadoption preparation required under sub. (1), including all of the following:

- (a) At least 6 hours of training that is provided in person, either individually or in a group.
- (b) At least 6 hours of training that is appropriate to the specific needs of the child to be adopted.

NOTE: This SECTION specifies that at least 25 total hours of preadoptive training must be obtained when a proposed adoptive parent is required under current law to obtain such training. At least six of the hours must be delivered in person, and at least six hours must be appropriate to the specific needs of the child to be adopted. This provision does not apply to an adoption by a stepparent, or by a relative in certain circumstances.

SECTION 5. 48.84 (2r) of the statutes is created to read:

48.84 (2r) A person who is providing the preadoption preparation required under sub. (1) shall offer to the adoptive parent at least 6 additional hours of training appropriate to the postadoption needs of the family to be

provided after a court issues an order granting the adoption.

NOTE: This SECTION requires a person who is providing the preadoptive training to also offer postadoption training in all cases other than an adoption by a stepparent or by a relative in certain circumstances.

SECTION 6. 48.84 (3) of the statutes is amended to read:

48.84 (3) A proposed adoptive parent who petitions to adopt a child under s. 48.837 or 48.839 or with whom a child is placed under s. 48.833 (2) shall pay the costs of the preadoption preparation required under sub. (1) and the postadoption training offered under sub. (2r). The department shall pay the costs of the preadoption preparation required under sub. (1) and the postadoption training offered under sub. (2r) for a proposed adoptive parent with whom a child is placed under s. 48.833 (1).

NOTE: This SECTION specifies that the cost of postadoption training is paid for in the same manner as under current law for the preadoptive training. Under this provision, a proposed adoptive parent in a private adoption, whether domestic or international, is responsible for the training costs, and DCF, in the adoption of a child from the child welfare system, is responsible for the training costs.

SECTION 7. 48.93 (1d) of the statutes is amended to read:

48.93 (1d) All records and papers pertaining to an adoption proceeding shall be kept in a separate locked file and may not be disclosed except under sub. (1g), (1r), ~~or (1v), or (1w)~~, s. 48.432, 48.433, 48.434, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order of the court for good cause shown.

NOTE: This SECTION adds a reference to a release of adoptive parents' names and contact information to a PARC after an adoption has been granted.

SECTION 8. 48.93 (1w) of the statutes is created to read:

48.93 (1w) At the time a court grants an adoption of a child who was placed for adoption under s. 48.833, 48.834, 48.837, or 48.839, the court shall advise the adoptive parent that the agency that placed the child for adoption under s. 48.833 or 48.834, that was appointed the guardian of the child under s. 48.837 (6) (d), or that negotiated or arranged the placement for adoption under s. 48.839 will provide the names and contact information of the adoptive parent, and name and birth date of the adopted child, to the state-funded postadoption resource center that serves the area within which the parent resides within 90 days after the court grants the adoption unless the adoptive parent elects not to have that information so provided. If the adoptive parent makes that election, the agency may not provide that information. If the adoptive parent does not make that election, the agency shall provide that information within 90 days after the court grants the adoption.

NOTE: This SECTION requires an agency in a domestic or international adoption to report the names and contact information of each adoptive parent, and name and date of birth of

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the adopted child, to the PARC that serves the area in which the parent resides within 90 days after the adoption is granted, unless the parents opt out of having that information released

to the PARC. This provision does not apply to an adoption granted to a stepparent.
