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Department of Health and Family Services

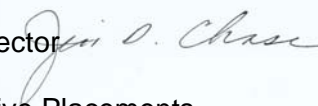
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January 21, 2003

BRL Memo 2003-01

TO: Child Placing Agency Licensing Staff

FROM: Jill D. Chase, Director 

RE: "Pre-TPR" Adoptive Placements

Recently there has been discussion between DHFS and some representatives of child placing agencies regarding placements of children (primarily infants) into adoptive homes prior to the completion of a Termination of parental Rights, (TPR).

In the past, the Department referenced ch. 48.837(4)(d) as prohibiting this practice. However, it has been a long-standing practice of the DCFS Special Needs Adoption Program to place children as "legal risk" with prospective adoptive families prior to TPR. In fact, some county courts have required that a child be placed in this manner before a TPR would be granted.

Child placing agencies have contended that if the "legal risk" process is allowed for the Department's adoption program, it should be allowed for other types of placements as well.

DCFS legal counsel has determined that we can no longer take the position that the placement of children into adoptive homes prior to a TPR is an illegal practice; since we allow it in our own adoption program.

It will still be required that the legal risk pre-adoptive homes be licensed under HFS 56 as foster homes and that foster home placement agreements be completed. Adoptive placement agreements may not be signed until the TPR is complete.

Department policy will be developed to provide further guidance regarding this issue. In the meantime, please refer any questions you might encounter to Sally Hanco Dees.

C: Licensing Chiefs
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