


STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services

To: Area Administrators/ Human Services Area Coordinators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Section Chiefs/Licensing Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Burnie Bridge 
Administrator

Re: 2005 Wisconsin Act 448: Placement of a Child with a Foster Parent, Adoptive Parent or Proposed Adoptive Parent of the Child's Sibling

This memo explains changes made by 2005 Wisconsin Act 448 (Act 448) to the placement in out-of-home care or adoptive placements of children who have siblings in those placements. The changes explained in this memo went into effect September 1, 2006, and the initial applicability provisions are explained below.

Act 448 requires agencies to consider sibling relationships when a child is removed from his or her home at two different points in time. First, when the permanency plan is prepared for a child or juvenile, Act 448 requires that the permanency plan include a statement about the availability of a safe and appropriate placement with a foster parent, adoptive parent, or proposed adoptive parent of a sibling. If the agency does not place the child in the home of his or her sibling, then the permanency plan must state why the placement was not safe or appropriate.

Second, Act 448 requires that before placing a child for adoption under s. 48.833, Stats., whose sibling has been adopted or placed for adoption, the Department of Health and Family Services, county human services and social services departments, and child welfare agencies consider the availability of a placement for adoption with the adoptive parent, or proposed adoptive parent, of the sibling. This provision is similar to current law which requires consideration of placement with relatives for adoption.

Act 448 defines a sibling for the purposes of placement in out-of-home care and adoptive placements to mean a person who is a brother or sister of the child by blood, marriage or adoption, including a person who was a brother or sister before the person was adopted or parental rights to the person were terminated.

Finally, Act 448 clarifies that when a child is placed for adoption under s. 48.833, Stats., in a licensed foster home or licensed treatment foster home the agency making the placement must enter into a written agreement with the proposed adoptive parent(s) and the agreement must state the date on which the child was placed in the home.

The provisions of Act 448 first apply to permanency plans filed after the effective date of the Act, September 1, 2006, and to children who are placed for adoption under s. 48.833, Stats., on or after September 1, 2006. Act 448 may be viewed at: <http://www.legis.state.wi.us/2005/data/acts/05Act448.pdf>

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MEMO WEB SITE:

http://dhfs.wisconsin.gov/dcfs_info/

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