


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
Licensed Child Placing Agencies
Section Chiefs/Licensing Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Reggie Bicha 
Administrator

Re: Promulgation of Administrative Rule on Pre-Adoption Preparation Training and Statutory Changes Affecting Termination of Parental Rights and Adoption

This memo discusses changes made by 2005 Wisconsin Act 293 which created a requirement for pre-adoption preparation for first-time adoptive parents and made other changes to adoption and termination of parental rights (TPR) law. The Department promulgated the permanent rule on pre-adoption training, effective August 1, 2007.

Pre-adoption Preparation for Proposed Adoptive Parents, s. 48.84, Stats.

Act 293 created a requirement that certain person(s) who have not previously adopted a child must obtain pre-adoption preparation on issues that may confront adoptive parents. The new provisions require that persons who take placement of a child for the purposes of adoption under s. 48.833, Stats., (placement of children for adoption by the Department, county departments or child welfare agencies); under s. 48.837, Stats., (placement of children with nonrelatives for adoption); or under s. 48.839, Stats. (adoption of foreign children); must receive the training before the child is placed in the adoptive home under s. 48.833, Stats., before a petition for placement is filed under s. 48.837, Stats, or before an international child enters the state under s. 48.839, Stats.

The Department has promulgated rules regarding pre-adoption training preparation at Ch. HFS 51.10, Adm. Code. The permanent rule requires two hours of orientation and 16 hours of training and identifies the topics that must be covered in the training. The Emergency Rule required 2 hours of orientation and ten hours of training and identified the topics to be covered in the training. The Emergency Rule was effective from April 1, 2007 through July 31, 2007. The permanent rule became effective August 1, 2007.

Continuation of Dispositional Orders, s. 48.368, Stats.

Act 293 added language to provide that a voluntary agreement for the placement of a child, or a guardianship order for a child remains in effect until all proceedings relating to a TPR petition or appeal are concluded. This provides the same continuity for voluntary placement agreements that is given to a Child in Need of Protection or Services (CHIPS) dispositional order or an extension order. This change was effective July 1, 2006.

Advertising Relating to Adoption, s. 48.825(3m), Stats.

Act 293 prohibits a person from publishing by a public medium an advertisement for the purpose of finding a child to adopt, or claiming that the person will find an adoptive home for a child, or arrange for, or assist

in the adoption of a child, or will place a child for adoption. Violation of this provision carries a potential penalty of a \$10,000 fine, or imprisonment of not more than nine months, or both. This prohibition does not apply to the Department, a county department of human services or social services, or a child welfare agency licensed by the Department to place children for adoption. This change was effective July 1, 2006.

Allowable Adoption Expenses that the Proposed Adoptive Parent May Pay For, s.48.913 (c), (i), and (m), Stat.

Act 293 makes the following changes to payments that adoptive parents or proposed adoptive parents may make to birth parents:

- The proposed adoptive parent(s) may pay the birth mother a maximum of \$300 for maternity clothes. Prior to passage of this Act, the language indicated “not to exceed a reasonable amount”.
- The amount the proposed adoptive parent(s) may pay the child’s birthmother for living expenses was increased from \$1,000 to \$5,000, if payment of the expenses is necessary to protect the health and welfare of the birthmother or the fetus.
- A gift of no greater than \$100 in value may be provided to the child’s birth mother by the proposed adoptive parent(s) this is an increase from \$50 allowed under prior law.

This change was effective July 1, 2006.

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MEMO Web Site: http://dhfs.wisconsin.gov/dcfs_info

ACT 293 WEB SITE: <http://www.legis.state.wi.us/2005/data/acts/05Act293.pdf>

CH. HFS 51, ADM. RULES SITE: <http://www.legis.state.wi.us/rsb/code/hfs/hfs051.pdf>