


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

To: Area Administrators/Human Services Area Coordinators
Bureau Directors
Child Placing Agency Directors
Child Welfare Agency 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
Indian Child Welfare Directors
Section Chiefs/Licensing Chiefs
Tribal Chairpersons/Human Services Facilitators

From: Reggie Bicha 
Administrator

Re: 2007 Wisconsin Acts 186 and 199: Changes to Adoption Statutes, Interstate Compact on the Placement of Children, and Informal Dispositions

Governor Doyle recently signed 2007 Wisconsin Act 186 and 2007 Wisconsin Act 199 into law. Wisconsin Act 186 (Act 186) makes changes to adoption law and clarifies when the Interstate Compact on the Placement of Children (ICPC) applies to children placed with relatives. Wisconsin Act 199 (Act 199) makes changes to the requirements for an informal disposition and to required time periods under the Children's Code and Juvenile Justice Code. This memo addresses Act 186 and the informal disposition provisions of Act 199. A separate numbered memo will be issued regarding the time limit provisions of Act 199.

2007 Wisconsin Act 186 - Adoption

Act 186 establishes a specific category of adoptive placements made by the Department and by county departments and a separate category of adoptive placements by child welfare agencies. The Act clarifies that the Department will pay for the pre-adoption preparation for first-time adoptive parents who adopt children from the public child welfare system.

The Act also amends the law to allow legal risk adoptions in Wisconsin. Legal risk adoption refers to the practice of placing children with the proposed adoptive parents before termination of the birth parents' rights. Act 186 provides:

- Legal risk adoptive placements in Wisconsin may only be made into licensed foster homes.
- Legal risk adoptive placements outside the state must meet the requirements of the Interstate Compact on the Placement of Children.
- A Legal Risk Agreement between the placing agency and adoptive parent(s) is required before any such placement could be made. The agreement must identify which party is financially responsible for the child prior to the finalization of the adoption.
- No participant may engage in behavior that discourages a birth parent from exercising or coerces a birth parent to exercise his or her right to the return of his or her child or his or her right to reasonable visitation with the child until the termination of parental rights is completed.
- No legal risk or other agreement may contain a provision that the birth parent is responsible for the costs of returning the child to the birth parent or for costs incurred by the prospective adoptive parents while the child was in their care.

Act 186 creates a structure around legal risk adoptions that ensures the safety of children; supports the public policy established by the Legislature that the rights of birth parents must be protected prior to termination of their parental rights; and makes it more likely that prospective adoptive parents understand the process and risks involved.

2007 Wisconsin Act 186 - Interstate Compact on the Placement of Children

Act 186 removes a reference inserted during the prior legislative session that incorrectly indicated that children could be placed for adoption outside the State of Wisconsin without following the provisions of the Interstate Compact on the Placement of Children (ICPC). Act 186 makes clear that out-of-state adoptive placements must comply with the ICPC.

Act 186 also clarifies that the ICPC does not apply to relatives who place children with relatives in a different state as long as the person placing the child has the full legal right to plan for the child prior to the placement, and there is no action or order of any court that terminates or limits that person's legal right to plan for the child.

2007 Wisconsin Act 199 – Informal Dispositions

Act 199 made a number of changes to the informal disposition statutes. An informal disposition creates a voluntary agreement with the family to accept services and monitoring by the agency and to meet certain obligations. Informal dispositions divert in-home placement cases which have jurisdictional grounds for the filing of a CHIPS petition from court action.

Act 199 provides as follows:

- Clarifies that a child 12 years of age or older must consent to an informal disposition and may object to the extension of or terminate an informal disposition. For a case involving a child under the age of 12, the child's parent, guardian, or legal custodian is required to consent. An unborn child, by the unborn child's guardian ad litem, is not required to consent to an informal disposition and may not object to the extension, or request the termination, of an informal disposition.
- Allows the use of information that underlies the jurisdictional grounds of the informal disposition at the point an intake worker determines that the informal disposition is failing, even if it exceeds 40 days from the date of referral.
- Allows use of statements made by the parents at the intake inquiry to support the filing of a CHIPS petition in the event that the District Attorney or Corporation Counsel overrules the informal disposition and files a CHIPS petition.
- Clarifies the process for referring a cancelled informal disposition to the District Attorney or Corporation Counsel and the timeframes within which a CHIPS petition must be filed. It also allows use of statements made by the parents at the intake inquiry and prior to the effective date of the informal disposition, during the period of the informal disposition, including information that the party has not met the obligations imposed under the informal disposition to support the filing of a CHIPS petition.
- Clarifies the deadline for filing a CHIPS petition with respect to the deadline for the intake worker's request for the filing of a CHIPS petition.

The effective date for 2007 Wisconsin Acts 186 and 199 is April 11, 2008.

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Attachments: 2007 Wisconsin Act 186 <http://www.legis.state.wi.us/2007/data/acts/07Act186.pdf>
2007 Wisconsin Act 199 <http://www.legis.state.wi.us/2007/data/acts/07Act199.pdf>