

STATE OF WISCONSIN  
Division of Children and Family Services

MEMO SERIES DCFS-98-05  
July 1, 1998  
Re: ACT 104 AND ACT 114 RELATED  
TO TPR AND ADOPTION

To: Area Administrators/Assistant area Administrators  
Bureau Directors  
County Departments of Human Services Directors  
County Departments of Social Services Directors  
Licensed Child Placing Agencies Directors

FROM: Susan N. Dreyfus  
Administrator  
Division of Children and Family Services

Many aspects of Act 104 focus on agency and identified adoption procedures. Adoption agencies will need to review and make appropriate revisions to their procedures to address new requirements about payment of birth parents' expenses by proposed adoptive parents, release of identifying information by the agency to adoptive parents and birth parents, who may be adopted, time for filing petition for rehearing, application of Interstate Compact on the Placement of Children, timing for hearing on termination of parental rights petition filed with independent adoptive placement petition, permanency plan documentation for voluntary preadoptive placement and removal of child for adoptive placement. The Act clarifies that adoption by relatives is defined by the relationship between the child to be adopted and the prospective adoptive parent.

Several provisions will impact on the activities of county social/human service agencies even if the agency is not involved in placing children for adoption. The definition of relative is expanded in s.48.02(15), Wis. Stat. to include relatives by adoption as well as by blood or marriage. In addition, the provisions of s.48.422(7)(bm), Wis. Stat. require a petition for a termination of parental rights to identify whether a proposed adoptive placement has been identified. If an identified proposed adoptive parent is not a relative of the child, the petitioner shall submit a report of payments by the proposed adoptive parents to or on behalf of a birth parent or the child.

The new law allows exchange of identifying information between a birth parent and an adoptive parent, after the adoption and before the adopted person reaches age 21, if both parents file a written authorization with the agency that was guardian of the child or that placed the child for adoption under s. 48.833, Wis. Stats. The new provision does not allow the adoption agency to search for either the birth or adoptive parents to request authorization, except for one announcement by mail of the change in law.

For a child who was in the guardianship of the Department of Health and Family Services (DHFS) or the Milwaukee County Department of Health and Human Services, the birth parent or adoptive parent should contact the DHFS Adoptions Records Search Program about filing this authorization. Procedures to file the authorization are being developed.

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#### DOCUMENT SUMMARY

Public agencies and licensed child placing agencies shall implement the changes in Act 104 and Act 114 to provide safety and permanency for children and their families.

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Act 104 also limits who may advertise related to adoption and creates requirements for instruction about adoption in the school age parents programs.

Act 114 allows adoptive parents to request a termination of parental rights, but not to seek relief through vacating an adoption order.

REGIONAL OFFICE CONTACT: Assistant Area Administrators

OFFICE CONTACT: Adoptions Program Specialist  
Division of Safety and Permanence  
608-422-6905

Attachments: <http://docs.legis.wisconsin.gov/statutes/statutes/48> Children's Code

<http://docs.legis.wisconsin.gov/statutes/statutes/948> Crimes Against Children