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Governor Scott Walker
Secretary Eloise Anderson

Division of Safety and Permanence

December 28, 2016

Child Welfare Licensing Memo 2016-43L

To: Private Adoption Agencies

From: Ron Hermes
Bureau Director

A handwritten signature in black ink, appearing to be "RH", written over the printed name "Ron Hermes".

RE: Legislation Updates

The purpose of this memo is to provide information to Private Child Placing Agencies facilitating private domestic and international adoptions of recent legislation changes. The following legislation changes and state updates have impacts on agencies facilitating private adoptions:

2015 Wisconsin Act 128, Reasonable and Prudent Parent Standard:

The Act was passed on February 4th, 2016, and went into effect on October 1, 2016. The Department of Children and Families has issued two memos regarding the Reasonable and Prudent Parent Standard:

- Child Welfare Licensing Memo 2016-23L
- DSP Numbered Memo Series 2016-03

Agencies must review these memos for requirements pertaining to the Reasonable and Prudent Parent Standard. All pre-adoptive families licensed under Wis. Admin. Code Chapter DCF 56 shall follow the requirements for the use of the Reasonable and Prudent Parent Standard, including licensed individuals or families adopting internationally or through a private domestic adoption.

These requirements include foster parent training regarding the use of the Reasonable and Prudent Parent Standard. The Department recognizes the difference between the public child welfare foster care and adoptive parents from the families adopting through a private agency. Therefore, the Department recorded a training specific for pre-adoptive parents adopting internationally with an IR-4 or IH-4 Visa (required to be licensed), pre-adoptive parents adopting through a private domestic adoption, and for "transition homes" that take placement of children prior to a private domestic adoption. This training is free and available online through the following link:

<https://connect.wisconsin.gov/p891p64gmwj/>. If a pre-adoptive parent watches this webinar and is approved by the adoption agency as having understood the content, they may be considered trained in the Reasonable and Prudent Parent Standard. Pre-adoptive parents who have watched the foster parent Reasonable and Prudent Parent Standard training do not have to watch the training in this memo, and may be considered trained if the licensing agency agrees.

Emergency Rules for the Reasonable and Prudent Parent Standard have been issued. The changes to Chapter DCF 56 and Chapter DCF 54 Administrative codes can be found in DSP Numbered Memo Series 2016-35i.

2015 Wisconsin Act 378, Jurisdiction and Venue in Adoption Proceedings and Investigation of Suitability of a Home for Adoption of a Child:

The legislation now allows adoption proceedings to occur in the county where a petition for termination of parental rights to a child was filed or granted. Adoption proceedings may still occur in the county where the proposed adoptive parent or child resides as allowed under prior law. This change does not include adoptive placements through the Interstate Compact on the Placement of Children where the child is placed out-of-state or adoptions where the Wisconsin Indian Child Welfare Act requires otherwise. This portion of the Act was effective on April 27, 2016.

The Act also requires that agencies conduct an investigation on the suitability of a family for adoptions using an assessment system that is approved by the Department. The Department has established the Structured Analysis Family Evaluation (SAFE) tool as the required standardized assessment tool for approval of adoptions. The statutes do not require the SAFE homestudy for court requested adoption investigations by a tribal child welfare department under Wis. Stat. § 48.88(2)(ag); or step-parent adoptions. The Department has issued two memoes regarding the SAFE home study tool:

- DSP Numbered Memo Series 2016-04
- DSP Numbered Memo Series 2016-34

This portion of the Act was effective on October 1, 2016. Emergency Rules for the SAFE Home Study have been issued. The changes to Chapter DCF 56 and Chapter DCF 54 Administrative codes can be found in DSP Numbered Memo Series 2016-35i.

2015 Wisconsin Act 379, Preadoption Preparation Requirements and Referrals to Postadoption Resource Centers:

The Act was passed on April 25, 2016. The effective date of the changes related to training topics is dependent on revising Wis. Admin. Code DCF Chapter 51. The Department is currently in the process of revising the administrative code to reflect statutory requirements. Once the administrative code is revised and issued, the new requirements will be in effect. Until the administrative code takes effect, agencies must follow existing preadoption preparation training requirements. A memo will be issued once the updated administrative code is effective.

The new legislation requires a minimum of 25 hours of training for pre-adoptive parents; including a minimum of six in-person training hours, as well as additional core competencies focusing on child abuse and neglect, including sexual abuse, and child specific training. The Act has not changed the requirements for who must receive preadoption preparation training. Preadoptive parents who have not previously adopted and are adopting under Wis. Stat. § 48.833 (adoptive placement by an agency), § 48.837(adoptive placement jointly made by a parent and an agency or court), or under § 48.839 (bringing a child from a foreign country into Wisconsin for adoption), or 48.97 (adopting the child in a foreign country and registering the adoption in Wisconsin), are subject to the preadoptive training requirements in Wis. Admin. Code DCF Chapter 51 and Act 379. Act 379 has not changed the requirements for who can provide the preadoptive preparation training or post adoptive training, but now allows for DCF to grant an exception to allow training provided by an out-of-state agency to be considered training to meet this requirement. Additionally, Act 379 requires that agencies providing preadoptive training offer at least 6 hours of training to families post adoption. Families are not required to take this training.

Agencies are now required to report the names and contact information of all adoptive parents to the regional Post Adoption Resource Center (PARC) within 90 days of the adoption, unless the adoptive parent(s) opt(s) out of the release of that information. The Department has created a form for agencies to complete that allows the adoptive parent to opt out of sharing their information with the PARCs. This form, "Information Provided to the Wisconsin Post Adoption Resource Centers (DCF-F-5163-E)", can be found on the Department's forms website. This form must be included in the adoptive parent's file.

2015 Wisconsin Act 380, Effect and Recognition of Foreign Adoption and Guardianship Decrees:

The Act was passed on April 25, 2016, and went into effect on June 1, 2016. Act 380 changed the requirements to recognize a foreign adoption of a child adopted in a foreign country who was not a citizen of the United States at birth and was admitted to the U.S. with an IR-3 or IH-3 visa.

Adoptive parents are not required to readopt the child in Wisconsin. The adoptive parents of a child admitted to the U.S. with an IR-3 or IH-3 visa are required to submit a letter to the court requesting the registration of the foreign adoption order within 365 days of the child's admittance to the U.S, which must include the documents and verifications required in Wis. Stat. § 48.97. The court is then required to enter an order to register the adoption and provide the order to the state registrar.

Additionally, Act 380 requires the state registrar to prepare a birth certificate for a child who was adopted in a foreign country and that adoption is recognized in Wisconsin under Wis. Stat. § 48.97.

If a resident of Wisconsin is appointed by a foreign jurisdiction as a guardian of a child who was not a citizen of the U.S. at the time of birth, and who is not adopted by the Wisconsin resident in the foreign jurisdiction, and the child was admitted to the United States with an IR-4 or IH-4 visa, the guardian must adopt the child as provided under Wis. Stat. § 48.839.

Agencies are encouraged to consult with their agency attorneys for guidance on how to modify agency practice to assist families on registering foreign adoptions. Agencies may access updated forms through the circuit court.

Contact Information

If you have additional questions, please contact your licensing specialist directly, or the individual listed as the contact within each referenced memo.

ADOPTION AND INTERSTATE
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CHILD WELFARE LICENSING
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MEMO WEBSITE:

<https://dcf.wisconsin.gov/cwportal/policy>