MEMORANDUM

TO: Honorable Members of the Senate Committee on Universities, Technical Colleges, Children and Families

FROM: Sarah Diedrick-Kasdorf, Deputy Director of Government Affairs

DATE: December 4, 2019

SUBJECT: Bills from the Speaker’s Task Force on Adoption

Thank you for the opportunity to comment on the legislation brought forward by the Speaker’s Task Force on Adoption. Changes affecting Wis. Stats. Ch. 48 and Ch. 948 tend to be complicated on a number of levels; a change in one area could have unintended consequences elsewhere. The Wisconsin Counties Association (WCA) has asked several of our county partners to review this legislation and provide feedback. That process is still ongoing. However, concerns have been raised to date with regard to some of the bills that this memo will attempt to highlight. It is our hope that the process for passing these bills slows down, allowing all affected parties the appropriate time to review the legislation and discuss the ramifications of implementation in detail.

It is our hope that the authors of the legislation pull together a group of interested parties to discuss the bills in further detail to identify areas in which a compromise could be reached. WCA is happy to recommend county corporation counsel and human services directors to participate in discussions related to the bills currently before the committee.

Senate Bill 534: post-adoption contact agreements. WCA is monitoring this bill.

Concerns raised:

- This proposal received mixed reviews.
- Agreements between birth and adoptive parents can be helpful in some circumstances but harmful in others. There could be unintended consequences with this change.
- Many parents may seek an agreement because they believe it may look bad if they do not seek one.
- Terminated parents could potentially argue that if they understood the agreement they would not have voluntarily terminated their rights. The judge will have to be
upfront and clear that a violation of this agreement will not allow for the TPR to be void.

- If these agreements are going to be brought into court to be enforced, what role will the county departments play and/or the corporation counsel/district attorneys? The departments will no longer be in touch with the families, yet they are to get notice of the proceedings. A judge could order a county to investigate and make recommendations to the court.
- Could lead to unnecessary litigation and destabilize the children.

Senate Bill 532: the rights of a foster parent or other physical custodian of a child on removal of the child from the person’s home. WCA opposes this bill.

Concerns raised:
- Section 6 of the bill provides foster parents the right to be heard and represented by counsel, seemingly at county expense. WCA is strongly opposed to these increased costs.
- It seems counties will also be on the hook for expert costs as well.
- This bill gives foster parents too many rights to impact a child and his/her change in placement. Foster parents should not be afforded the same rights as parents. Foster parents are a placement provider.
- Foster parents should not be privy to the confidential information that may be used to make a decision about placement. Parents should be allowed confidentiality. Foster parents should not have the right to all records related to the child (as opposed to just those relevant to the proceeding).
- Foster parents care about the children in their care and may have useful information to share regarding the change in placement and the treatment plan for the child, but they should not have the ability to dictate that plan on the same level as the parent.
- Children should not have to be subject to further/additional examination because the foster parents want their expert to evaluate them.
- The new rights afforded foster parents will prolong cases, especially those moving toward reunification.
- When counties are aligned with foster parents, the counties already do the heavy lifting for them. This could become a huge issue if a county believes a child should be removed from a foster placement.

Senate Bill 531: providing permanency plan and comments to foster parents and foster children over the age of 12 in advance of a permanency plan review or hearing. WCA is monitoring this bill.
Concerns raised:

- Children over the age of 12 have a right to their information; however, with the current permanency plan requirements, parent information that is not appropriate for the child may be in the permanency plan. A more appropriate solution would be for an adult to share what information is appropriate with a child over the age of 12 versus the child reading the information as it is written in the permanency plan (if the amendment is adopted this concern would be resolved).
- Foster parents should not be privy to confidential information about the biological parents.
- Ongoing case managers already provide foster parents with the information they need. Foster parents could use this information to further drive a wedge between the parties.

Senate Bill 533: eligibility for adoption assistance. WCA supports this bill.

No concerns were raised with regard to this bill. WCA supports this legislation.

Senate Bill 548: placement of a child with a relative under the Children’s Code or the Juvenile Justice Code. WCA is monitoring this bill.

- Concern has been raised that this legislation conflicts with federal policy and federal funding requirements.

Please let us know how we can be of assistance as conversations occur with regard to these bills.

Thank you for your consideration.