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41ST ASSEMBLY DISTRICT

AB 39, AB 40, AB 41 and AB 42: Adoption Proposals
Testimony of State Representative Joan Ballweg
Senate Committee on Health and Human Services
January 6, 2016

Thank you, Chair Vukmir, and members of the committee for holding this public hearing.

I would like to express support for the Legislative Council bills AB 39, AB 40, AB 41 and AB 42. These bills were the result of the rigorous Legislative Council process, and as such, have been vetted even more than normally introduced legislation.

The Study Committee on Adoption Disruption and Dissolution was one of only seven Study Committees in the 2014 Interim. The 15 member committee consisted of six legislators, ably chaired by Representative Joel Kleefisch, along with Representative LaTonya Johnson. Additionally, nine public members, seven professionals and two adoptive parents, who navigated the current adoption process, also served.

Five meetings were held that reviewed the current system, heard testimony and discussed a number of individual proposals. Not all of the ideas deliberated in the process were brought forward, but these four were approved by the Study Committee members with a 14-0 vote to be recommended to the Joint Legislative Council Committee.

The Joint Legislative Council Committee then heard a presentation of the complete report and unanimously voted for introduction of the bills to the Legislature.

The Assembly Committee on Children and Families held public hearings and passed them all out of committee 12-0 and then the Assembly passed all on voice votes.

My effort here is to point out the extensive review and discussion that has brought these bills before you today. I ask that you support these needed changes to our adoption law.

Thank you for your time and consideration of these proposals.



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Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: January 6, 2016

To: Members of the Senate Committee on Health and Human Services

From: Fredi-Ellen Bove, Administrator for the Division of Safety and Permanence

Re: Department Position on AB 39, 40, 41, and 42 – In Support

Senator Vukmir and members of the Senate Committee on Health and Human Services,

Thank you for the opportunity to testify on AB 39, 40, 41, and 42. My name is Fredi-Ellen Bove and I am the Administrator for the Division of Safety and Permanence within the Wisconsin Department of Children and Families (DCF). With me is Ron Hermes, Director of the Bureau of Permanence and Out-of-Home Care at DCF. The Department is testifying in support of AB 39, 40, 41, and 42.

The Department of Children and Families recognizes and applauds the leadership of Representative Kleefisch and the dedication of all members of the Legislative Study Committee on Adoption Disruption and Dissolution to the important issue of adoption. The Department's goal is that all adopted children thrive in safe, stable and nurturing families.

At the outset, I wish to express the Department's deep appreciation for adoptive parents who open up their homes and their hearts to children in need. The Department is committed to supporting adoptive parents to provide healthy, permanent, and loving homes for their adopted children.

A home study must be completed on prospective adoptive parents to ensure that the prospective home is suitable and the prospective parents are able to care for the child. The first bill, AB 39, will require the use of a standardized home study that has been approved by the Department of Children and Families. If the bill passes, DCF intends to require the use of the SAFE home study tool for foster and adoptive parents. The SAFE tool is nationally recognized and is already used by DCF and 45 counties. Twenty-five other states have or are in the process of implementing the SAFE tool. The Department supports AB 39 because it will streamline, strengthen, and establish uniformity within our state for the home study process.

The second bill, AB 40, addresses the training requirements for adoptive parents and the services provided by the Post-Adoption Resource Centers (PARCs). The bill increases the required pre-adoptive training from 18 to 25 hours and requires at least six hours to be delivered in person and that certain subjects are covered. The Department supports the amendment passed by the

Assembly that provides DCF, and not other agencies, the authority to determine if training provided by another state is equivalent to Wisconsin's training on the grounds that DCF has the expertise and objectivity to make such determinations. With this technical modification, the Department supports the training-related provisions of the bill because they will strengthen the capacity of adoptive parents to understand and address the often complex needs of their adoptive children.

Currently DCF supports, with a limited amount of federal funding, five Post-Adoption Resource Centers throughout the state which provide education, support activities, and services for adoptive families. AB 40 requires that a representative from a PARC hold an in-person meeting with each adoptive parent to describe the services and supports available to adoptive parents. Expanding outreach by the PARCs will be beneficial to adoptive parents. The 2015-17 biennial budget increased funding for the PARCs so they can meet this new requirement.

The third bill, AB 41, addresses international adoptions and requires that foreign children who are adopted in their native country by Wisconsin parents be re-adopted in Wisconsin. The Department has no comments on this bill because it does not affect children adopted from the public child welfare system.

The fourth bill, AB 42, requires the Department to collect and report to the legislature information on the number of children who have been adopted or given a guardian and have re-entered out-of-home care. The Department supports the bill because it will provide important data for program monitoring purposes and inform development of policies and programs designed to prevent disruptions or dissolutions of adoptions. A similar new data reporting requirement regarding disrupted and dissolved adoptions was recently enacted in federal legislation. The Department is prepared to implement the necessary change in the state's child welfare information reporting system to collect this data.

We thank the Committee for your consideration of the Department's comments and appreciate the Committee's commitment to support adopted children and adoptive families in our state.



JOEL KLEEFISCH

STATE REPRESENTATIVE • 38TH ASSEMBLY DISTRICT

Assembly Bills 39, 40, 41, and 42: Related to Various Adoption Practices

*Senate Committee on Health and Human Services
January 6, 2016*

Thank you Chairman Vukmir and members of the Committee on Children and Families for holding a hearing today on legislation that will have a significant, positive impact on adoption outcomes throughout Wisconsin. Assembly Bills 39, 40, 41 and 42 are the products of what was a very successful Legislative Study Committee, chaired by myself and Representative Johnson.

The Study Committee on Adoption Disruption and Dissolution was charged with studying the extent of disruption and dissolution of adoptive families. In order to help such families, the committee was also directed to consider legislative options to address issues that may lead an adoption to fail, and to consider options to address the needs of adoptive children and parents if an adoption should fail.

Along with several legislators, the committee members included two adoptive parents, an adoption attorney, an adoption counselor, a director of a county department of human services, a juvenile court judge, an attorney with the State Public Defender's office, and two representatives of adoption agencies.

The committee met five times, and heard from invited speakers regarding the challenges faced by children, adoptive parents, counties, and service providers when an adoptive family is unable or unwilling to continue to care for an adopted child. A common theme throughout the testimony was about the special skills and support needed by adoptive parents and the particular needs that are nearly universal among adopted children.

Based on the testimony, the committee developed draft legislation that focuses on prevention, supports, and safeguards to help children and adoptive families maintain a strong and stable home.

The study committee members unanimously recommended a package of four bill drafts, and the Joint Legislative Council unanimously approved those bills for introduction this session.



JOEL KLEEFISCH

STATE REPRESENTATIVE • 38TH ASSEMBLY DISTRICT

2015 Assembly Bill 39 relates to adoption jurisdiction and home studies. This bill revises two areas of current law. First, the bill extends jurisdiction and venue in a proceeding for an adoption or adoptive placement of a child, in order to allow the matter to be heard in the county in which a petition for termination of parental rights to the child was filed or granted. Under current law, jurisdiction and venue for an adoption is allowed only in the county in which the child or proposed adoptive parent resides.

Second, the bill requires all counties, the Bureau of Milwaukee Welfare, and licensed adoption agencies to use a standardized qualitative assessment system that is approved by the Department of Children and Families (DCF) to investigate foster care and adoptive homes.

Committee members had noted that the adoption process could be smoother if adoption petitions could be filed in the same county that heard the termination of parental rights, and had discussed the need for a standardized assessment that could provide a consistent evaluation of the suitability of foster care and adoptive placements, in order to help in arranging more stable placements.

2015 Assembly Bill 40 relates to adoption preparation training. This bill revises certain aspects of the preadoptive training that is required under current law for first-time adoptive parents. The bill requires at least 25 hours of preadoptive training, rather than 18, as required under current law, and specifies certain topic and delivery requirements for those hours. The bill also requires an in-person meeting with a representative of the Postadoption Resource Center (PARC) that serves that adoptive family's area, and, after the adoption is finalized, requires a report of the parents' and child's contact information to that PARC.

Committee members had discussed the need to provide basic information on the challenges that are often inherent in adoptions, in a structure that could more valuably convey that information, in order to better prepare families for adoption. Committee members also felt it was essential to reach out to adoptive families after an adoption is finalized.

2015 Assembly Bill 41 relates to readoption after adoption abroad. This bill requires a parent who has adopted a child abroad to readopt the child under Wisconsin procedures. This uses the same procedure that is required under current law for a parent to adopt a child after the parent was granted guardianship over the child in the child's home country. Under the bill, if a court is satisfied that the procedural requirements have been met, such



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STATE REPRESENTATIVE • 38TH ASSEMBLY DISTRICT

as the preadoption training and standardized home study, and that the foreign court order granting the adoption is effective, the court must recognize the foreign adoption and must grant readoption of the child under Wisconsin law.

Committee members had desired to assure the same level of family preparation, and protection of legal adoption status, for all children who are adopted by residents of Wisconsin, including those brought from another country.

2015 Assembly Bill 42 relates to tracking when an adopted child enters the child welfare system. This bill requires various petitions and agreements related to the welfare of a child to state whether the child has previously been adopted, and requires DCF to submit an annual report to the Governor and the Legislature on the number of adopted children, and the number of children who have a guardian, who enter the child welfare or juvenile justice system each year.

While recognizing that not all adopted children who are not welcome to return to their adoptive homes will have interactions with the child welfare or juvenile justice systems, committee members had discussed the need to begin tracking the number of adoption disruptions and dissolutions, and the reasons for those breakdowns.

Once again, thank you for considering these bills. They are a positive step in helping parents and children to find, and maintain, a strong and secure adoptive family. We would be happy to answer any questions. Margit Kelley, Legislative Council staff for the committee, is here with us today, to also help answer any questions you may have.



TO: The Honorable Members of the Senate Committee on Health and Human Services
FROM: Kathy Markeland, Associate Director
DATE: January 5, 2016
RE: Support for Legislative Council Bills on Adoption (AB 39, 40, 41 and 42)

On behalf of the Wisconsin Association of Family & Children's Agencies (WAFCA) I would like to share our support for the package of bills advanced by the Legislative Council Study Committee on Adoption Disruption and Dissolution (AB 39, 40, 41 and 42).

WAFCA is a member association working to improve the lives of children and families in Wisconsin. Our member agencies provide a wide array of prevention and supportive services including adoption, foster care, in-home support, counseling and mental health treatment. Our members include agencies that facilitate international and domestic adoptions, as well as, facilitating adoptions from the public child welfare system through the state Special Needs Adoption Program. Two of our members operate regional Post-Adoption Resource Centers (PARCs).

We are grateful for the work of the Legislative Council Study Committee and for Representative Kleefisch's leadership on behalf of Wisconsin's adopted children. We believe that the Committee's recommendations address a number of important issues facing adoptive families and the systems responsible for supporting family stability and permanence for vulnerable children.

In particular, we would like to affirm the proposals providing for increased data and reporting under AB 40 and AB 42. These new data collection efforts will facilitate better direct service delivery to families. For the first time the state will have reasonably reliable data on the number and status of adopted children in the state. As was shown throughout the course of the Study Committee's discussions, the lack of quality data on adoptive families has been a barrier to improving systems, resources and delivery of services.

In addition, we are strongly supportive of the increased role for PARCs proposed under AB 40. Wisconsin's PARCs provide valuable connections and resources to post-adoptive families.

In the most recent biennial budget, the Legislature approved a \$225,000 increase in the grant allocation for PARCs. This increase is the first funding increase for the PARCs since Wisconsin launched these services in 1999. These additional resources are essential for the PARCs to meet the new expectations outlined in AB 40 for in-person connections with all newly adopted children and their families.

An investment in PARCs is an investment in prevention. Quality post-adoption resources help families obtain supportive services before they reach a point of crisis – a crisis which can result in costly mental health and child welfare system involvement. National data tells us that 20% of adoptive families are at risk for adoption disruption. For the Committee's reference, we have attached a summary of a survey of our members that WAFCA conducted in the fall of 2014 as the Legislative Council Study committee was convening. With just a small sample of 19 agencies from around the state responding, agencies identified 92 children in foster care who had previously been adopted. The cost to the government for these disrupted adoptions is significant; the emotional cost to these adopted children and families is immeasurable.

We appreciate the Committee's support for this series of bills and for the Legislature's action in the biennial budget to increase funding to help the PARC agencies effectively carry out this very important work.

We hope to serve as a resource to you as you consider these proposals and future opportunities to improve the continuum of care provided to Wisconsin's adoptive families.

Attachment



Executive Summary

Survey on Adoption History of Children in Out-of-Home Care and Other Services Wisconsin Association of Family & Children’s Agencies - October 2014

Background: In October 2014, WAFCA sent a brief 10-question survey to all member agencies. The survey asked providers to look at their current clients and identify any children or youth in their care with an adoption history.

31 programs operating in 19 agencies across the state responded. While a small sample, the data reported below paints a picture of the prevalence of needs and demonstrates the importance of further data and research on these post-adoptive families.

Data Overview

The 31 programs that responded were **servicing a total of 1805 children.**

The program services represented included:

- Foster Care (9 programs)
- Residential Care (7)
- Group Home (7)
- Outpatient Mental Health (3)
- In-home services (3)
- Alt. Education/Day School (3)
- Day Treatment (2)
- Respite Services (2)
- Safety Services (1)
- Intensive Case Management and Coordination (1)

Agencies were asked to identify the number of children in their programs with a **known adoption history.** While a few agencies responded that they did not track this information, respondents identified **134** children in their programs who were adopted. Given the 1805 children in services identified in the sample this means one in thirteen children in services was adopted.

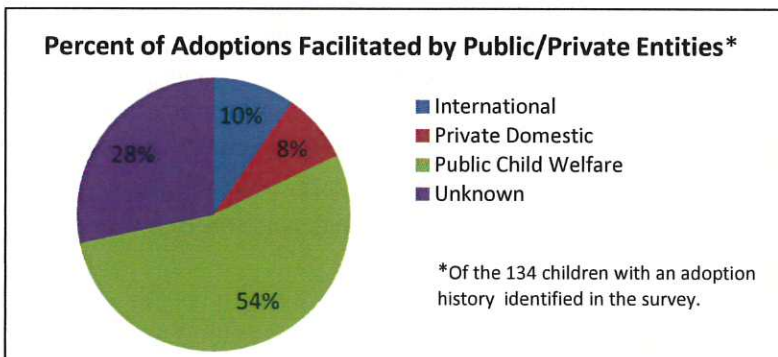


Based on WAFCA Survey 10/14

Tracking Adoption Status

16 programs reported that they collect adoption history as part of their intake process for new clients.

11 programs document the information in the client file when the information is learned by the clinician/team. 4 programs reported that they do not document adoption history.

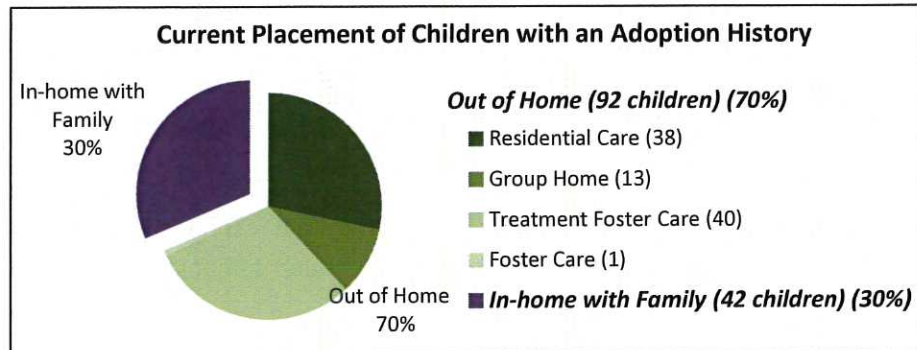


Of the 134 children in services with an adoption history, **more than 50% were adopted through the public child welfare system.** For 28% of the children, the source of the adoption was unknown.

Ages , Placement and Risk of Permanent Disruption

88% of the children in services with an adoption history were **between the ages of 11-20 years**. This is consistent with national data showing an increase in behavioral and mental health needs in adolescence and sharp increase in re-entry of children into the child welfare system beginning at age 11.

Of the 134 children with an adoption history identified in the survey, **92 were in an out-of-home placement**.



60%

Of children with an adoption history are at risk of not reunifying with their adoptive families

Based on WAFCA Survey 10/14

Programs were asked to identify the number of adopted children in their care who were at-risk of not reunifying with their families. The survey respondents identified **80 children (60%) who were at risk of not reunifying**.

Discussion

The data shared in this summary are the result of a brief, voluntary survey. The survey asked programs to respond based on known information about children currently in care. Therefore, the information reflects the “point in time” experience of a few dozen programs in the state. Given the survey design, it would be imprudent to extrapolate this information beyond the reporting entities.

In spite of the limitations, the data aligns with national findings regarding the re-entry of adopted children into out-of-home care and the prevalence of mental health needs among adopted adolescents.

In addition, while this data sample is small, it is noteworthy that a handful of programs are currently serving more than 80 adopted youth who are at risk of not reunifying with their families. National data tells us that in the absence of reunification these youth are far more likely to “age out” of foster care.

This survey was intended to generate a picture beyond the anecdotal reports of the challenges that children and families face after adoption. Universal data collection efforts are needed to develop a comprehensive understanding of the needs and the gaps in the support systems for post-adoptive families.

However small in scale, this survey identifies nearly 100 adopted children in Wisconsin who are currently in an out-of-home placement. Many of these children were formerly in foster care, were adopted and are now at-risk of losing a second family. The financial costs to the state are significant; the long-term social and emotional costs for these children are immeasurable.

Voices from the Field

Survey respondents were invited to share any additional comments or observations that they had regarding the children with an adoption history in their care. The following is a sampling of comments.

“Adoptive parents often comment that if they had really good family therapy services available to them in their region of the state, the failed adoption might have been prevented. I continue to hear that adoptive families do not have the resources and support they need post adoption.”

“It seems that the intensive, specialized needs related to attachment are not as much of a struggle for adoptive families until years after adoption [is finalized], which is often times when any aid and support has been long terminated.”

“This is a snapshot of who we have in care today. At any given time we have four or more youth [in our program] who have been adopted. The adopted families that we have served often talk about feeling like they were left on their own to deal with problems of children they adopted.”

“Most of the children currently in placement came to us at 15+ years of age. The permanency plan for these youth is long-term foster care. Parental rights have not been terminated on the adoptive parents, but the parents seem unwilling to work towards reunification. “Failed” adoptions appear to have extreme emotions of bitterness, betrayal, and rejection more so than children removed from biological families.”

“We often serve youth with sexual, acting-out issues against a sibling in their adoptive home. The adoptive parents rarely accept these youth back if/when treatment is successful. The adoptive parents also often do not terminate their parental rights and counties rarely do an involuntary TPR so these kids do not become available for another adoption.”

“There is a greater need for wraparound supportive services for adoptive families, especially with at-risk youth.”

WAFCA is a member association that works to improve the lives of families and children in Wisconsin. Representing over 50 child and family serving agencies and leaders in the field, WAFCA advocates for our members and the more than 225,000 individuals and families that they serve each year.

To: Members, Senate Committee on Health and Human Services

From: Heather Yaeger, Executive Director of Adoption and Out of Home Care Services, Lutheran Social Services Agency of WI and Upper MI

Date: January 6, 2016

Re: Written testimony in support of AB 39-AB 42

I first want to thank Senator Leah Vukmir for scheduling the bills, and allowing me the opportunity to share our support for these Bills that promote safe homes for adoptive and foster children. Lutheran Social Services of WI and Upper MI is the largest private not for profit provider of Human Services ranging from birth to end of life concerns. Founded in 1882 LSS provides services to nearly 100,000 clients annually. With a 60 million dollar annual budget and over 1,000 employees, LSS helps people learn to help themselves and care for those unable to do so. Our services are provided regardless of religious affiliation.

Through our programs serving children and youth we assist over 6,000 children between the ages of 1 day to 17 years of age with a budget of over 6 million dollars a year related to direct services of adoption and foster care. In addition, our residential treatment and group home services for youth total 7 million dollars and serve many children impacted by adoption and the foster care system. LSS has a statewide Domestic Adoption Program along with pregnancy services. We also are honored to complete child welfare adoptions for the State of Wisconsin as a provider within the Special Needs Adoption Program, in the Western and Eastern regions of the State, working closely with counties to find permanence for children. Our International adoption programs unite families across countries. LSS of WI and Upper MI is a Hague accredited agency and has certification to place children from the Philippines, Bulgaria and Kyrgyzstan, in addition to studying, preparing families and providing post placement services for additional international countries, such as China, Poland and others.

As a member of the Legislative Council Study Committee on Adoption Disruption and Dissolution, I found the work of this committee of highest importance when it comes to impacting children in a positive way and securing positive futures for families. The primary goal within our adoption programs is to assure a safe, secure and loving home for children that have often been traumatized at a young age. We all know that permanence for children is of paramount importance. A permanent home impacts the physical and mental health of children and their ability to be independent adults. It is all of our responsibility to assure the system sets children and families up for success, as all children deserve a forever family.

Assembly Bill 39 discusses the requirement of a Standardized assessment. This would be required of all adoptive and foster families if passed. Although there will be system changes required to accomplish this, including additional training and resources, it is our position that this is in the best interest of children. Within the child welfare adoptions completed by LSS, the SAFE Tool, a standardized assessment tool, provides a clear, objective guide assuring all aspects of family support and ability to parent a special needs child are evaluated. It is our belief that all children, whether in foster care or joining a family from another country, deserve this same assurance that a family can meet their needs.

Assembly Bill 40 addresses the need for solid, in person pre-adoptive training. We do realize that training is not the only factor impacting dissolution or disruption; however, we do support that the more connected and prepared a family is to supports the increased likelihood they will be able to parent a special needs child. Supports can be formal supports, such as adoption agencies, post adoption resource centers or natural supports such as other adoptive families along with friends and family. Within our programs we value the face to face time with potential adoptive families, and believe within our International programs it is that contact, along with post placement visits, that allow for us to support families well beyond their finalization date. The increase of additional training hours will allow for more in-depth training along with potential support groups among families to be formed.

Assembly Bill 41 assures all children joining families in Wisconsin, even if their adoption was finalized in their birth country, readopt within the Wisconsin Court system. This assures that these children have the same rights as children with a Wisconsin Birth Certificate and is perhaps the most important Bill addressing disruption and dissolution. We support this whole heartedly. I would like to raise a point of concern over the requirement of the \$1,000 bond and point out that these children have a finalized adoption already, and thus, this appears to be an unnecessary financial hardship for families. These families have committed a substantial amount of financial resources prior to the refinalization in Wisconsin. I believe it is in the State's best interest to minimize the barriers to this process, thus assuring these children obtain a Wisconsin birth certificate.

LSS of WI and Upper MI is in support of Assembly Bill 42. It is of paramount importance we know if we are successful in preparation of families and supporting children with special needs. Through early identification of children entering our systems of care after adoption, we can provide services directly supporting family reunification and address adoption specific treatment needs.



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Thank you for your time and for your commitment to children and families in Wisconsin. We look forward to partnering with public and private partners to further our support of adoptive and foster families.

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January 6, 2016

To: Chairperson Vukmir and Members, Senate Committee on Health and Human Services
From: The Coalition for Children, Youth and Families
Re: Assembly Bills 39, 40, 41 and 42

Dear Senator Vukmir and Committee Members,

As a member of the Joint Legislative Study Committee on Adoption, Disruption and Dissolution and CEO of The Coalition for Children, Youth and Families, Inc, I thank you for the opportunity to speak in favor of the package of bills prepared by the study committee that are before you today.

The Coalition for Children, Youth and Families is nonprofit organization funded in part by grants from the State of Wisconsin Department of Children and Families. We consider ourselves the single source for neutral, objective and current information about every aspect of foster care and adoption in Wisconsin.

The Coalition's specific reasons for supporting these bills are as follows:

- **Assembly Bill 39 :**

The Coalition strongly supports requirements that standardize the home study process. The home study process is one the first steps in the process of adoption. Ensuring that all licensed Wisconsin agencies are evaluating and engaging with potential adoptive families uniformly is critical to ensure children are placed in homes that will help them grow and thrive.

- **Assembly Bill 40:**

The Coalition supports the proposed legislation of additional training and early engagement with the Post Adoption Resource Centers (PARCs). Families choose to become adoptive parents due to their love and commitment to helping children. Often supporting, caring for and parenting children who have experienced loss, trauma or who may be questioning their own identity present challenges parents may not have foreseen.

As a contractor of 2 of 6 state Post Adoption Resource Centers we often have a difficult time making sure all families know we are here to help them and that reaching out to us

Coalition for Children, Youth & Families
Formerly Adoption Resources of Wisconsin

earlier can prevent challenges later. We believe the ability for the Post Adoption Resource Centers to have access to information on all finalized adoptions provides us the ability to reach out after finalization. Even if families do not choose to engage with us, outreach allows us to let people know there is support available.

- **Assembly Bill 41:**

This legislation gives adopted children the ability to be identified as a U.S. citizen more easily. This is important for adopted children and their families as it makes the process for securing passports, work permits, driver's license and other government issued documents more seamless.

- **Assembly Bill 42:**

The Coalition supports the requirement for tracking adoptive children who re-enter the child welfare system. In Wisconsin, and across the country, it is currently very difficult to get an accurate picture of what is happening to children and families, post adoption. Often negative anecdotes or one-off stories paint a picture that we are not sure is completely accurate. If we understand what is happening to children post-adoption, we can better address their needs and understand what, if any, improvements need to be made to our system.

The Coalition believes these bills are a good foundation for long-awaited changes to the adoption system. We look forward to working with the Legislature on additional opportunities to strengthen foster care and adoption policies in Wisconsin. Thank you for your consideration and support.

Sincerely,



Oriana Carey, CEO

Coalition for Children, Youth and Families, Inc.