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Governor Scott Walker  
Secretary Eloise Anderson

Secretary's Office

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Date: October 23, 2013

To: Members of the Assembly Committee on Children and Families

From: Fredi-Ellen Bove, Division of Safety and Permanence  
Randy Keys, Chief Legal Counsel

Re: 2013 Assembly Bill 150

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Chairman Krug and members of the Committee, thank you for the opportunity to testify on Assembly Bill 150 (AB 150). 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 Randy Keys, DCF's Chief Legal Counsel.

AB 150 addresses a range of issues related to adoption that were discussed earlier this session by the Special Committee on Permanency for Young Children in the Child Welfare System. The Department is supportive of many of these measures such as:

- Permitting the sharing of home study reports among adoption agencies;
- Allowing a home study for a foster parent to be used for adoption licensing purposes as well;
- Allowing the disclosure of information about an adoptive parent of a sibling of a child available for adoption;
- Recognizing tribal court proceeding for a suspension of parent rights or an adoption under tribal law or custom; and
- Expanding the venues for an adoption petition

Despite these positive aspects of the bill, DCF has concerns about the provisions related to post-termination contact agreements between birth parents and adoptive parents. As a result, we are testifying for information only on the bill.

Under current law, birth parents and adoptive parents may voluntarily enter into an open adoption agreement without additional court proceedings after the birth parents terminate their parental rights. Besides voluntary agreements, a judge may order visitation by a birth parent and grant visitation rights to a relative of the child.

AB 150 permits birth parents and adoptive parents to establish a post-termination contact agreement before a termination of parental rights (TPR) is granted. DCF is concerned that under AB 150 a post-termination agreement between birth parents and adoptive parents could be used inappropriately to coerce a birth parent to accept a voluntary TPR and adoption by the adoptive parent.

For example, a birth parent who does not want a TPR could be told by the prospective adoptive parent that the birth parent will not be allowed visits or contact with the child after adoption, unless the birth parent agrees to a voluntary TPR.

The type of court-ordered post-termination agreement established by AB 150 may also create conditions that a prospective adoptive parent finds to be unreasonable or costly over time. For example, the adoptive parents may need to move for employment reasons, which could make it impossible to adhere to the birth parent visitation schedule established in the post-termination agreement. If the birth parents do not voluntarily agree to modify the post-termination agreement, the adoptive parents are required to undergo mediation. If that fails, they would be required to undergo a court process to modify the agreement, which imposes time demands, stress, and cost on the adoptive parent. AB 150 could hinder child welfare agencies' efforts to recruit and retain adoptive parents, due to the potential added burden placed on adoptive parents.

For these reasons, the Department supports maintaining current law on post-termination contact agreements. It is possible for adoptive and birth parents to pursue an "open adoption" approach and reach agreement on the involvement of the birth parent after adoption without utilizing court processes.

Thank you for taking our concerns into consideration as you review this bill. The Department looks forward to working with you on AB 150. I am happy to address your questions.



October 21, 2013

To: Representative Scott Krug, Chair – Assembly Committee on Children and Families and Committee Members

We strongly support 2013 Assembly Bill 150 for passage. As a member of the Special Committee on Permanency for Young Children in the Child Welfare System, we thoughtfully convened over a number of months looking at how Wisconsin can increase permanency for children, reduce barriers and timelines.

Our organization works throughout the state with adoption agencies, county human service agencies and the Dept. of Children and Families. Over the years, we have watched the number of jury trials increase at the time of Termination of Parental Rights (TPR) hearings. In discussions with District Attorneys and Corporation Counsels, it has become clear that often birth parents know that doing a termination is the right thing, but they would like some assurance that there can be some degree of openness after the adoption. Current research has shown that connecting children with their history and family leads to a stronger sense of identity. The great majority of states have laws on openness – this post-termination contact agreement brings that into Wisconsin.

We also support the other provisions of this bill:

- Elimination of new home studies for families that have already been foster parenting the child for a number of years
- Disclosure of name and address of foster families to birth parents when safety is not an issue.
- Allowing past adoption records to be opened solely for purpose of sibling placements
- Tribal Court proceedings that allow for suspension of parental rights or an adoption under tribal law or custom
- Jurisdiction allowed over venue for an adoption petition to the juvenile court in which the TPR petition was filed

These changes will help to improve the lives of children, respect tribal authority and history, improve current foster care practices. We hope that you will support the passage of this bill.

Sincerely yours,

Colleen M. Ellingson  
Chief Executive Officer

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

