



## WISCONSIN LEGISLATIVE COUNCIL

### ADOPTION AND TERMINATION OF PARENTAL RIGHTS LAW

Room 411 South, State Capitol  
Madison, Wisconsin

August 24, 2004  
10:00 a.m. - 1:00 p.m.

[The following is a summary of the August 24, 2004 meeting of the Special Committee on Adoption and Termination of Parental Rights Law. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

#### Call to Order and Roll Call

Chair Jeskewitz called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Suzanne Jeskewitz, Chair; Sens. Jeff Plale and Tom Reynolds; Reps. Steve Kestell and Chris Sinicki; and Public Members Susan Dreyfus, Joseph Ehmann, Christopher Foley, Stephen Hayes, Patrick Kenney, Mary Jane Proft, and James Sampson.

COUNCIL STAFF PRESENT: Anne Sappenfield, Senior Staff Attorney; Laura Rose, Deputy Director; and Tracey Uselman, Support Staff.

APPEARANCES: Terry C. Anderson, Director, Legislative Council; Elizabeth Schaefer, Director of Adoption Services, Lutheran Social Services; Department of Health and Family Services panel: Kitty Kocol, Administrator, Division of Children and Family Services; Mark Mitchell, Manager, Policy Development Section, Bureau of Programs and Policies, Division of Children and Family Services; Denise Revels Robinson, Director, Bureau of Milwaukee Child Welfare; Catherine Swessel, Director of Permanency Planning, Children's Service Society of Wisconsin; Mark Campbell, Director, Bureau of Programs and Policies; and Therese Durkin, Legal Counsel.

## Opening Remarks

**Terry C. Anderson**, Director of the Legislative Council, welcomed the committee and introduced the Legislative Council staff members assigned to work with the committee. He noted that the committee's meetings will be recorded and available on the Internet.

## Introduction of Committee Members

Chair Jeskewitz welcomed all members to the committee and thanked them for their commitment to serve on the committee. Chair Jeskewitz asked each member of the committee to briefly introduce themselves.

## Invited Speakers

**Elizabeth Schaefer**, Director of Adoption Services, Lutheran Social Services, gave a brief overview of domestic adoption. Ms. Schaefer also provided the committee with recommendations for future discussions regarding termination of parental rights (TPR) and adoption law changes. Some of the recommendations include implementing a birth father registry; issues related to jailed and incarcerated fathers; increasing efforts to have adoption discussed as part of the human growth and development curriculum in the public schools; adoption advertising by out-of-state agencies not licensed in Wisconsin; closing loopholes in the "Safe Haven" law; and enhancing post-adoption services.

A panel of individuals from the Department of Health and Family Services (DHFS) provided testimony. **Kitty Kocol**, Administrator, Division of Children and Family Services, gave a brief overview of the DHFS' presentation. Ms. Kocol noted that Wisconsin had developed its statewide program enhancement plan (PEP) to address shortcomings found in the federal child welfare review.

**Mark Mitchell**, Manager, Policy Development Section, Bureau of Programs and Policies (BPP), Division of Children and Family Services (DCFS), DHFS, provided information on the history and context of permanency and the TPR. He described two major pieces of federal legislation affecting adoption: the Adoption Assistance and Child Welfare Act of 1980 and the Adoption and Safe Families Act of 1997. He also outlined subsequent changes made to the Adoption and Safe Families Act by the Chaffee Foster Care Independence Act of 1999.

Next, **Mark Campbell**, Director, BPP, DCFS, DHFS, provided an overview of statewide adoption programs in Wisconsin. He described the special needs adoption program; the state foster care program; the post-adoption resource center; assistance for international adoption; adoption assistance and medical assistance; and domestic adoption. He also described adoption and TPR-related items from the PEP. These items include developing a policy to require a concurrent permanency plan for children in foster care no later than the six-month of permanency review; clarifying and refining definitions, requirements, and procedures for permanency hearings; developing informational materials for permanency plan reviewers and inserting training requirements for reviewers in s. HFS 44, Wis. Adm. Code; clarifying what constitutes an exception to the "reasonable efforts" requirements which parents must meet for the return of children from foster care and what documentation is required; clarifying if agencies and courts may proceed to TPR if an adoptive resource has not been identified; combining the foster and adoptive family assessments to streamline the home study process; and implementing the process to enhance family connections for children in foster care.

**Denise Revels Robinson**, Director, Bureau of Milwaukee Child Welfare, stressed the improvements being pursued in Milwaukee County relating to adoption. She noted that in calendar year 2003, 585 adoptions were finalized, and in January through June of 2004, 319 have been finalized. She stated that the Bureau has implemented a “fast track” TPR, with the cooperation of the district attorney’s office, for children under the age of three. She noted that there is a lot of opportunity in the category of the adoption of adolescents and teens. She stated that many of these children are involved with their birth family and do not want to be adopted, but that they do need permanence.

**Catherine Swessel**, Vice President, Out-of-Home Care, Children’s Service Society, Milwaukee, provided an overview of the adoption process in Milwaukee County. The Children’s Service Society handles adoptions for the Bureau of Milwaukee Child Welfare. Ms. Swessel distributed handouts containing flowcharts showing the ongoing case management and adoption process in Milwaukee County. She noted that the process in Milwaukee County is similar to that in the rest of the state but that there are some differences, including the critical role of adoption consultants at the “front door” of the adoption process. She also noted several improvements that have been made to the adoption process in Milwaukee County, including a notification of appeals to the agency; a monthly meeting with judges; a 60-day status hearing after the TPR, with the goal of finalizing the adoption within that time; and working with ongoing case managers prior to the TPR.

Mr. Mitchell then summarized the legislative recommendations for improvement in the TPR and adoption process in Wisconsin. He emphasized the creation of a subsidized guardianship program; clarifying that a relative remains a relative after a TPR and until the adoption is finalized; requiring concurrent planning in certain situations to allow the agency to work simultaneously with family reunification as well as exploring other permanency adoptions such as adoptive placement; including all conditions of return of the child to the parental home to be contained in the court order; and examining the issue of jury trials in TPR proceedings.

### **Description of Materials Distributed**

Anne Sappenfield, Senior Staff Attorney, Legislative Council staff, provided a brief outline of Staff Brief 04-1, *Adoption and Termination of Parental Rights Law*, which will be used as a reference during committee deliberations.

### **Discussion of Committee Assignment**

Chair Jeskewitz asked members to provide initial thoughts on subjects that the committee should cover during its deliberations. Judge Foley expressed interest exploring the birth father registry issue. Representative Sinicki requested further information on the birth father registry, and the right to a jury trial in TPR proceedings. Mr. Hayes said that he would like to see the committee address adoption advertising that violates Wisconsin law. He also said that the Illinois “Baby Richard” law should be examined. He also mentioned some quick fixes that could be done relating to amending s. 48.64, Stats.; enlarging the group of people who can petition for a TPR, especially including foster parents; modifying the open adoption process; discussing the elimination of jury trials in TPR proceedings; modifying permissible expenses and adoption proceedings; and amending the interstate compact for placement of children.

Senator Plale mentioned that he would like to have the information on which proposals failed to pass from the prior Legislative Council Special Committee on Adoption, Chaired by Representative Ward. Senator Reynolds stated that he is interested in reducing the costs related to adoption and mentioned his bill from last session relating to a tax credit for adoption-related expenses.

Mr. Ehmann stated that the committee should be cautious when considering changes to the TPR process. He stated that it is important to be cognizant of the liberty interests of parents related to their children. He added that some technical glitches related to the adoption law could be fixed, such as the time period for filing of the notice of the intent to appeal.

Ms. Dreyfus stated that the committee should not assume that TPR and adoption is the best outcome for a child. She stated that it is traumatic for the child and suggested that the committee hear a presentation on the impact of TPR and adoption on child development. She also stated that adoption should be clearly presented as an option for those with unplanned pregnancies.

At the conclusion of the meeting, Chair Jeskewitz presented Ms. Proft with a legislative citation acknowledging her contribution in providing care for 80 foster children and adopting 13 children.

### **Other Business**

There was no other business brought before the committee.

### **Plans for Future Meetings**

The next meeting of the Special Committee will be held on *Wednesday, September 15, 2004, at 10:00 a.m., in the Legislative Council Conference Room.*

### **Adjournment**

The meeting was adjourned at 1:00 p.m.

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