

1 **AN ACT** *to amend* 48.837 (4) (c); and *to create* 48.837 (1m) and 48.837 (4) (cf) of the
2 statutes; **relating to:** permitting placement of a child in the home of a proposed
3 adoptive parent or parents who live out-of-state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on adoption and termination of parental rights laws.

Under current law, s. 48.837 provides that a parent having custody of a child and the proposed adoptive parent or parents of the child may petition the court for placement of the child for adoption in the home of a nonrelative of the child if the home is licensed as a foster home or treatment foster home.

This draft provides that, notwithstanding the provisions of the interstate compact on the placement of children, if the proposed adoptive parent or parents of the child live out of state, they may petition the court for the pre-adoptive placement of the child in their home, if their home meets the criteria established by the laws of their state of residence for accepting a child for a pre-adoptive placement by nonrelatives.

4 **SECTION 1.** 48.837 (1m) of the statutes is created to read:

5 48.837 (**1m**) Notwithstanding s. 48.988, a parent having custody of a child, and the
6 proposed adoptive parent or parents of the child if those proposed adoptive parents live out
7 of this state and are not related to the child, may petition the court for placement of the child
8 for adoption in the home, if the home meets the criteria established by the laws of the other
9 state for the acceptance of the child by nonrelatives for a pre-adoptive placement.

10 **SECTION 2.** 48.837 (4) (c) of the statutes is amended to read:

11 48.837 (**4**) (c) ~~Shall~~ When the petition has been filed under sub. (1), shall order the
12 department or a county department under s. 48.57 (1) (e) or (hm) to investigate the proposed

1 adoptive placement, to interview each petitioner, to provide counseling if requested and to
2 report its recommendation to the court at least 5 days before the hearing on the petition. If a
3 licensed child welfare agency has investigated the proposed adoptive placement and
4 interviewed the petitioners, the court may accept a report and recommendation from the child
5 welfare agency in place of the court-ordered report required under this paragraph.

NOTE: Creates a new provision, in the statute relating to pre-adoptive placement of a child in the home of the proposed adoptive parents who are nonrelatives, that applies when the proposed adoptive parents live in a state outside of Wisconsin. Under this provision, a parent having custody of the child, and the proposed adoptive parent or parents of the child if those parents live out of this state and are not related to the child, may petition the court for placement of the child for adoption in the home, if the home meets the criteria established by the laws of the other state for the acceptance of the child by nonrelatives for a pre-adoptive placement.

6 **SECTION 3.** 48.837 (4) (cf) of the statutes is created to read:

7 48.837 (4) (cf) When the petition has been filed under sub. (1m), shall request that the
8 appropriate agency where the proposed adoptive parent or parents reside to follow the
9 procedure established by the laws of that state to ensure that the proposed adoptive home meets
10 the criteria for the acceptance of the child by nonrelatives for a pre-adoptive placement.

NOTE: Under the amendments to SECTIONS 2 and 3 of the draft, the court must request, rather than order, an out-of-state agency to ensure that the proposed adoptive home meets the criteria for the acceptance of the child by nonrelatives for a pre-adoptive placement, when the proposed adoptive parents live in a state outside of Wisconsin and are seeking a pre-adoptive placement of the child in their home.