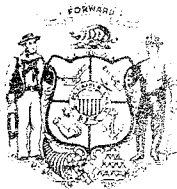


State Senator Tom Reynolds

FIFTH SENATE DISTRICT



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October 13, 2004

Members, Study Committee on Adoption and TPR Law
c/o Wisconsin Legislative Council
P.O. Box 2536
Madison, WI 53701-2536

Dear Members:

As you know, the members of the Legislative Council Study Committee on Adoption and Termination of Parental Rights Law have been discussing a variety of recommendations for changes to adoption law in Wisconsin. One of the items that has arisen in discussion is a suggestion that extended family relationships not be legally severed as the result of a termination of parental rights. This suggestion was made most forcefully by committee member Jane Proft in an undated letter to the committee, distributed in advance of the September 12, 2004 meeting.

I understand how the maintenance of legal extended familial ties would be beneficial for children whose parents' rights are terminated due to allegations of unfitness. I would support a law change that accomplishes this, if it is the committee's consensus that such a change makes sense.

I am concerned, however, about the impact of such a change on the domestic adoption of infants and young children whose birthparents have voluntarily made an adoption plan for their children. In these cases, the children who have been made available for adoption will typically be placed in the home of prospective adoptive parents who have, in almost every case, been chosen by the birthparents. Despite the ongoing movement toward openness in domestic adoptions, the specter of birth aunts, uncles, and grandparents potentially trying to assert visitation privileges to a child who has already been the subject of a TPR proceeding may well prove upsetting and disruptive to the new family, which is trying to achieve permanency. This may be especially problematic in cases where some members of the extended family are openly hostile to the adoption plan – a common difficulty in voluntary domestic adoption planning. The issue could become even stickier if the "grandparents' rights" movement should secure significant court or legislative victories in the future.

I believe that the Legislative Council should have appointed to this committee at least one member who has adopted an infant domestically, for the express purpose of representing the interests of domestic adoptive families. I fear that the committee's focus, which seems to be primarily upon special needs and CHIPS terminations and adoptions, may lead to recommendations that could have negative unintended consequences for domestic infant adoptions. I would urge you to restrict this change in the TPR law to the adoption of special needs and CHIPS children. I would also encourage you to remain cognizant of the needs of families formed through domestic (and international) infant adoptions in Wisconsin.

Sincerely,

A handwritten signature in black ink that reads "Tom Reynolds".

TOM REYNOLDS
State Senator
Fifth District

TGR:swk