

Mautz, Kelly

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Sent: Wednesday, November 14, 2012 4:18 PM
To: Laura Maki; Esie Leoso-Corbine; Michelle Snead; Amy Herbst; Mary Sowinski; Randi Othrow; Ron Rogers; Sappenfield, Anne; Divine, Kathy; Mautz, Kelly; Kelley, Margit; Schmidt, Melissa; Rep.Billings; Rep.Grigsby; Rep.Kerkman; Sen.Lazich; Anderson, Terry C.; Gumz, Mark - OSPD; Plotkin, Adam - OSPD; Molly Jasmer; Robin Neeson; Colleen Ellingson; Nancy Rottier; Sandy Ocepek; Duren, Kenneth - DOA; Lippert, MaryAnn - DCF
Subject: Re: Special Committee on Permanency for Young Children in the Child Welfare System

Hi Everyone:

I am very grateful to the staff for all of their extraordinary efforts in drafting, etc. I did, however want to express a major concern regarding the parental visitation WLC 0008/2. I am alarmed that one of the changes proposed would have the exact opposite effect of what we intend and what the law presently provides.

I am all on board with clarifying that a suspension of visitation between parent and child should not bar or eliminate an agency's obligation to make reasonable efforts to assure sibling visitation. While I do not believe that anyone in the system understands the present law to have that effect, it does not hurt to make it explicit.

My concerns go to the language limiting sibling placement preferences and visitation to siblings "who are within the jurisdiction of the court."

Under present law, if children are taken into custody the agency must make reasonable efforts to place them together unless there is a significant safety issue with common placement. If they are not placed together, the agency must make reasonable efforts to assure frequent visitation/interaction unless there is a significant safety issue with visitation.

In addition, because the legislative incorporated the definition of 48.38 (4) (br), if the agency is aware of a birth sibling who has been adopted (and was "removed from the home" in prior proceedings) they are obligated to make reasonable efforts to place the newly removed child/ren with their birth sibling in that sibling's adoptive home and/or to make efforts to assure ongoing visitation with the adopted sibling. In passing, I would note that I would read present law to also require them to attempt to place the newly removed child with a sibling who was placed with a safe parent after prior removal from the parent presently in issue, i.e. child removed from mom; dad is safe and child is placed with dad permanently with the agency ending involvement---now mom has another child by a different father and the new child is removed. Placement preference is given to that siblings home with the non-parent if they are willing.

Adoptive children are almost never "within the jurisdiction of the court." The very purpose of adoption (and, for that matter, permanent placement with a safe parent) is to remove them from the jurisdiction of the court. If the obligation of the agency becomes limited to placement or visitation with siblings "within the jurisdiction of the court", it defeats the very purpose of including adoptive siblings in the definition of siblings set forth in the present statute(s).

While 48.834 works the preference for placement with adoptive siblings back in, that is at the point where the child is being placed for adoption. The critical point in time for siblings is at the time of removal and the original dispositional hearing.

I think that this language may have popped up because we had a discussion at the last meeting to the effect that the court can't order placement with a child over which the court has no jurisdiction, i.e. if the adoptive parent says no, there is nothing we can do about it. But we do not want to relieve the agency of the responsibility to ask (and the opportunity of the adoptive family to know and welcome their adoptive child's birth sibling into their home). Yet this limiting language, as I read it, has that very effect.

I am elated that the draft proposes to let adoptive parents say yes or no at the time they adopt so that if they don't want to be involved they don't get blindsided (yes, for you sandra bullock fans, the reference is intentional!!!!). But we just can't eliminate the obligation of the agency to look first to sibling placements whether those siblings are or are not within the jurisdiction of the court.