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11/05/2012

1 **AN ACT** *to repeal* 48.428 (6) (b); *to renumber and amend* 48.428 (6) (a) and 48.93
2 (2); *to amend* 48.426 (3) (c), 48.92 (2) and 48.93 (1d); and *to create* 48.425 (1) (h),
3 48.429, 48.43 (2) (d) and 48.93 (2) (a) of the statutes; **relating to:** posttermination of
4 parental rights contact between a child and a birth relative of the child and disclosure
5 of the report of an investigation of the home of a proposed adoptive parent on the
6 request of the proposed adoptive parent.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: The bill draft was prepared for the Joint Legislative Council's Special Committee on Permanency for Young Children in the Child Welfare System.

Background

Under current law, a termination of parental rights (TPR) order permanently severs all legal rights and duties between a birth parent and the child. Current law does, however, permit the court assigned to exercise jurisdiction under the Children's Code (juvenile court) to order visitation by a birth parent of a child placed in sustaining care following a TPR. Current law also permits the juvenile court, in the case of a child who is adopted by a stepparent or relative, to grant reasonable visitation rights to a relative of the child who has maintained a relationship similar to a parent-like relationship with the child if the juvenile court determines that the visitation is in the best interests of the child and that the relative will not undermine the adoptive parents' relationship with the child.

Also under current law, the juvenile court is required to consider certain factors in determining whether TPR would be in the best interests of the child. One of those factors is whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever those relationships. The Wisconsin Supreme Court held, in *State v. Margaret H.*, 2000 WI 42, that the severance of substantial relationships factor requires the juvenile court to examine the impact of a legal severance of those relationships

on the broader relationships existing between the child and his or her family and that the juvenile court, in its discretion, may afford due weight to an adoptive parent's stated intent to permit continued visitation between the child and his or her pretermination family, even though such a promise is legally unenforceable after TPR and adoption.

Finally, under current law, all records and papers pertaining to an adoption proceeding may not be disclosed except under certain statutory exceptions or by order of the juvenile court for good cause shown.

Bill Draft

This draft permits a posttermination contact agreement to be entered into between the proposed adoptive parents of a child and a birth relative of the child at any time before a TPR order is granted if: 1) the child is in the legal custody or under the supervision or guardianship of an agency; and 2) the child, if 12 years of age or over, consents to the terms of the agreement. If at the time the agreement is entered into no proposed adoptive parent has been identified, the Department of Children and Families, a county department of human services or social services, or a licensed child welfare agency having guardianship, legal custody, or supervision of the child (collectively "agency") may enter into an agreement with the child's birth relative.

Entering the Agreement

If the birth parent agrees to voluntarily consent to the TPR or not to contest an involuntary TPR before grounds for TPR are found, the draft permits any party to the TPR proceeding, or any birth relative of the child, to propose a posttermination contact agreement. If those circumstances do not apply, only the proposed adoptive parents, the agency, the district attorney, corporation counsel, or other official who filed the TPR petition, the juvenile court, or, in the case of an Indian child, the Indian child's tribe may propose a posttermination contact agreement.

Terms of the Agreement

Under the draft, a posttermination contact agreement may provide for any of the following:

1. Visitation between the child and a birth relative of the child.
2. Future contact and communication between the child, adoptive parent, or agency and a birth relative of the child.
3. The sharing of information about the child in the future between the adoptive parent or agency and a birth relative of the child.

4. The maintenance and sharing of the medical and genetic history of any birth relative who is a party to the agreement.

A posttermination contact agreement must contain: (1) an acknowledgement by all birth relatives who are parties to the agreement that, subject to certain exceptions under current law, the TPR and adoption are irrevocable and that failure by a party to comply with the agreement is not grounds to revoke the TPR or adoption; (2) an acknowledgement by the proposed adoptive parents or agency that the agreement is enforceable by any person who is permitted posttermination visitation, contact, communication, or sharing of information under the agreement; and (3) a statement by all parties to the agreement that the agreement was entered into voluntarily and with understanding of the terms of the agreement, that no promises or threats were made to coerce any person into entering into the agreement, and that the parties have not relied on any representations other than those contained in the agreement.

Approval of the Agreement

Under the draft, at the time a TPR order is granted, a juvenile court may approve a posttermination contact agreement if: (1) the child and the birth parent meet the conditions for entering into the agreement; (2) the agreement contains the required provisions; (3) the parties to the agreement, including the birth parent and child, if 12 years of age or over, sign the agreement; (4) the agency, the child's guardian ad litem, or, in the case of an Indian child, the tribal child welfare department of the Indian child's tribe files the agreement; (5) the juvenile court addresses all parties to the agreement and determines that the agreement was entered into voluntarily and with understanding of the terms of the agreement, that no promises or threats were made to coerce any person into entering into the agreement, and that the parties have not relied on any representations other than those contained in the agreement; (6) the agency, the child's guardian ad litem, and, in the case of an Indian child, the Indian child's tribe submit to the juvenile court recommendations concerning the granting of posttermination visitation, contact, communication, or sharing of information as provided for in the agreement; and (7) the juvenile court determines that granting posttermination visitation, contact, communication, or sharing of information as provided for in the agreement would be in the best interests of the child.

In determining whether granting posttermination visitation, contact, communication, or sharing of information as provided for in the agreement would be in the best interests of the child, the juvenile court must consider: (1) whether the child has substantial relationships with

the person who would have visitation, contact, communication, or sharing of information under the agreement, and whether it would be harmful to the child not to preserve those relationships; (2) any special needs of the child and how those special needs would be affected by visitation, contact, communication, or sharing of information as provided for in the agreement; (3) the specific terms of the agreement and the likelihood that the parties will cooperate in complying with the agreement; (4) the recommendations of the agency, the child's guardian ad litem, and, in the case of an Indian child, the Indian child's tribe; and (5) any other factors that are relevant to the best interests of the child.

The draft requires the juvenile court, in evaluating the TPR factor of a child's substantial relationship with pretermination family members, to consider the terms of any posttermination contact agreement that has been entered into with respect to the child and permits the juvenile court to consider any other agreement by a proposed adoptive parent to permit contact between the child and his or her pretermination family after adoption of the child.

Enforcement of the Agreement

Under the draft, a posttermination contact agreement that has been approved by the juvenile court is enforceable by the juvenile court. Before petitioning the juvenile court for specific performance of the agreement, however, the petitioner must participate, or attempt to participate, in good faith in formal or informal mediation or other appropriate dispute resolution proceedings to resolve the dispute giving rise to the filing of the petition.

If the juvenile court finds that a person is not in compliance with the agreement, that enforcement of the agreement is in the best interests of the child, and that the petitioner, before filing the petition, participated, or attempted to participate, in good faith in formal or informal mediation or other appropriate dispute resolution proceedings to resolve the dispute giving rise to the filing of the petition, the juvenile court must issue an order requiring specific performance of the agreement, which order is the sole remedy for noncompliance with the agreement.

Termination or Modification of the Agreement

The draft provides that a posttermination contact agreement that has been approved by the juvenile court may be terminated or modified by agreement of the parties, which the juvenile court must approve if it finds that the termination or modification would be in the best interests of the child.

The juvenile court may also terminate or modify an agreement if a party shows that the termination or modification would be in the best interests of the child, or that there has been a substantial change in circumstances since the entry of the last order affecting the agreement, and that the petitioner, before filing the petition, participated, or attempted to participate, in good faith in formal or informal mediation or other appropriate dispute resolution proceedings to resolve the dispute giving rise to the filing of the petition. An order upon a petition to modify an approved posttermination contact agreement may limit, restrict, condition, or decrease visitation, contact, communication, or sharing of information between the child and a birth relative of the child, but may not expand that visitation, contact, communication, or sharing of information or place any new obligations on the adoptive parent or agency.

Sharing of Home Study Report

Finally, the draft permits a proposed adoptive parent whose home is the subject of an investigation to determine whether the home is suitable for the child (home study) to ask the agency conducting the home study to disclose its report of the home study to another agency authorized to place children for adoption, the state adoption information exchange, or the state adoption center. Within ten days after receipt of such a request, the agency must disclose the report to the person named in the request, unless within those ten days the agency petitions the juvenile court for an order permitting the agency not to disclose the report, to restrict the information to be disclosed, or to defer disclosure of the report to a later date or for such other appropriate relief as the agency may request and the juvenile court finds good cause for granting the relief requested.

COMMENT: The language in this draft is substantially the same as the language in Senate Substitute Amendment 2 to 2009 Assembly Bill 214, as amended by Senate Amendment 1 to the substitute amendment. The bill and amendments were introduced by Senator Darling.

- 1 **SECTION 1.** 48.425 (1) (h) of the statutes is created to read:
- 2 48.425 (1) (h) A statement as to whether a posttermination contact agreement has been
- 3 entered into under s. 48.429. If such an agreement has been entered into, the agency or tribal
- 4 child welfare department shall attach a copy of the agreement to the report.

NOTE: This SECTION requires an agency's report to a court in a TPR action to state whether or not a posttermination contact agreement has been entered into, and, if so, to include a copy with the report.

1 **SECTION 2.** 48.426 (3) (c) of the statutes is amended to read:

2 48.426 (3) (c) Whether the child has substantial relationships with the parent or other
3 family members, and whether it would be harmful to the child to sever ~~these~~ those
4 relationships. In determining whether it would be harmful to the child to sever those
5 relationships, the court shall consider the terms of any posttermination contact agreement that
6 has been entered into under s. 48.429 with respect to the child and may consider any other
7 agreement by a proposed adoptive parent to permit contact between the child and the parent
8 or other family members after adoption of the child.

NOTE: This SECTION requires the juvenile court, in evaluating the best interests of a child for disposition of a TPR action, to consider the terms of a posttermination contact agreement in the context of the child's substantial relationships with the parent or any other family member.

9 **SECTION 3.** 48.428 (6) (a) of the statutes is renumbered 48.428 (6) and amended to read:

10 48.428 (6) ~~Except as provided in par. (b), the~~ The court may ~~order or prohibit~~ visitation
11 by grant posttermination contact privileges under s. 48.429 to a birth parent relative of a child
12 placed in sustaining care.

NOTE: This SECTION allows a court to grant posttermination contact privileges to any birth relative of a child placed in sustaining care after a TPR is ordered.

13 **SECTION 4.** 48.428 (6) (b) of the statutes is repealed.

NOTE: This SECTION removes the considerations for a court to grant posttermination contact privileges to a parent of a child placed in sustaining care after a TPR is ordered.

14 **SECTION 5.** 48.429 of the statutes is created to read:

15 **48.429 Posttermination contact privileges. (1) DEFINITIONS.** In this section:

16 (a) "Approved posttermination contact agreement" means a posttermination contact
17 agreement that has been approved by the court under sub. (4).

1 (b) "Birth relative" means a relative, as defined in s. 48.02 (15), by blood or marriage,
2 and, in the case of an Indian child, also includes an extended family member, as defined in s.
3 48.028 (2) (am).

4 (c) "Posttermination contact agreement" means an agreement between a proposed
5 adoptive parent of a child or, if at the time the agreement is entered into no proposed adoptive
6 parent has been identified, the agency having guardianship, legal custody, or supervision of
7 the child and a birth relative of the child that provides for any of the following after termination
8 of parental rights to the child:

- 9 1. Visitation between the child and a birth relative of the child.
- 10 2. Future contact and communication between the child, adoptive parent, or agency and
11 birth relative of the child.
- 12 3. The sharing of information about the child in the future between the adoptive parent
13 or agency and a birth relative of the child.
- 14 4. The maintenance and sharing of the medical and genetic history of any birth relative
15 who is a party to the agreement.

16 (2) POSTTERMINATION CONTACT AGREEMENTS; WHEN PERMITTED. (a) Subject to par. (b),
17 at any time before a termination of parental rights order is granted, a posttermination contact
18 agreement may be entered into between the proposed adoptive parents of a child or, if at the
19 time the agreement is entered into no proposed adoptive parent has been identified, the agency
20 having guardianship, legal custody, or supervision of the child and a birth relative of the child
21 if all of the following conditions are met:

- 22 1. The child is in the legal custody or under the supervision or guardianship of an
23 agency.
- 24 2. The child, if 12 years of age or over, consents to the terms of the agreement.

1 (b) If the birth parent who is a party to the agreement agrees to voluntarily consent to
2 the termination of his or her parental rights under s. 48.41 or not to contest an involuntary
3 termination of parental rights under s. 48.415 before grounds for termination of parental rights
4 are found under s. 48.424, any party to the termination of parental rights proceeding or any
5 birth relative of the child may propose a posttermination contact agreement. If those
6 circumstances do not apply, only the proposed adoptive parents; the agency having
7 guardianship, legal custody, or supervision of the child; the district attorney, corporation
8 counsel, or other appropriate official designated under s. 48.09 who filed the petition; the
9 court, on its own motion; or, in the case of an Indian child, the Indian child's tribe, may propose
10 a posttermination contact agreement.

11 (3) PROVISIONS OF POSTTERMINATION CONTACT AGREEMENT. A posttermination contact
12 agreement shall contain all of the following provisions:

13 (a) Except as provided in this paragraph, an acknowledgement by all birth relatives who
14 are parties to the agreement that, subject to ss. 48.028 (5) (c) and (6) and 48.46 (1m) and (2),
15 the termination of parental rights to and adoption of the child are irrevocable and that failure
16 by a party to comply with the agreement is not grounds to revoke the termination of parental
17 rights or adoption. A posttermination contact agreement in which one of the parties is a parent,
18 as defined in s. 48.02 (13) for purposes of the application of s. 48.028 and the federal Indian
19 Child Welfare Act, 25 USC 1901 to 1963, is not required to contain the acknowledgement
20 described in this paragraph.

21 (b) An acknowledgement by the proposed adoptive parents or, if at the time the
22 agreement is entered into no proposed adoptive parent has been identified, the agency having
23 guardianship, legal custody, or supervision of the child that the agreement is enforceable by

1 any person who is permitted posttermination visitation, contact, communication, or sharing
2 of information under the agreement.

3 (c) A statement by all parties to the agreement that the agreement was entered into
4 voluntarily and with understanding of the terms of the agreement, that no promises or threats
5 were made to coerce any person into entering into the agreement, and that the parties have not
6 relied on any representations other than those contained in the agreement.

7 **(4) APPROVAL OF GRANTING POSTTERMINATION CONTACT AGREEMENT.** At the time a
8 termination of parental rights order is granted, a court may approve a posttermination contact
9 agreement if all of the following conditions are met:

10 (a) The child and the birth parent meet the conditions specified in sub. (2).

11 (b) The agreement contains the provisions specified in sub. (3) (a) to (c).

12 (c) The agreement is signed by all parties to the agreement including the birth parent
13 and child, if 12 years of age or over. If a birth parent who is under 12 years of age or other
14 birth relative who is a child is to be granted posttermination visitation, contact,
15 communication, or sharing of information under the agreement, the parent, guardian, legal
16 custodian, or Indian custodian of the birth parent or other birth relative shall sign the
17 agreement on behalf of the birth parent or other birth relative.

18 (d) The agency having guardianship, legal custody, or supervision of the child, the
19 child's guardian ad litem or, in the case of an Indian child, the tribal child welfare department
20 of the Indian child's tribe files the agreement with the court. If the agency or tribal child
21 welfare department files the agreement, the agency or tribal child welfare department shall
22 comply with this paragraph by including in the court report under s. 48.425 (1) the statement
23 under s. 48.425 (1) (h) and attaching the agreement to the court report.

1 (e) The court addresses all parties to the agreement and determines by clear and
2 convincing evidence that the agreement was entered into voluntarily and with understanding
3 of the terms of the agreement, that no promises or threats were made to coerce any person into
4 entering into the agreement, and that the parties have not relied on any representations other
5 than those contained in the agreement.

6 (f) The agency having guardianship, legal custody, or supervision of the child, the
7 child's guardian ad litem, and, in the case of an Indian child, the Indian child's tribe submit
8 to the court recommendations concerning the granting of posttermination visitation, contact,
9 communication, or sharing of information as provided for in the agreement.

10 (g) The court determines by clear and convincing evidence that granting
11 posttermination visitation, contact, communication, or sharing of information as provided for
12 in the agreement would be in the best interests of the child. In determining whether granting
13 posttermination visitation, contact, communication, or sharing of information as provided for
14 in the agreement would be in the best interests of the child, the court shall consider all of the
15 following factors:

16 1. Whether the child has substantial relationships with the person who would have
17 visitation, contact, communication, or sharing of information under the agreement, and
18 whether it would be harmful to the child not to preserve those relationships.

19 2. Any special needs of the child and how those special needs would be affected by
20 visitation, contact, communication, or sharing of information as provided for in the
21 agreement.

22 3. The specific terms of the agreement and the likelihood that the parties will cooperate
23 in complying with the agreement.

1 4. The recommendations of the agency having guardianship, legal custody, or
2 supervision of the child, the child's guardian ad litem, and, in the case of an Indian child, the
3 Indian child's tribe.

4 5. Any other factors that are relevant to the best interests of the child under s. 48.01 (1)
5 (intro.) or, in the case of an Indian child, the best interests of the Indian child under s. 48.01
6 (2).

7 **(5) LATER-IDENTIFIED PROPOSED ADOPTIVE PARENTS.** If the child who is the subject of an
8 approved posttermination contact agreement is placed for adoption in the home of a proposed
9 adoptive parent who was not identified at the time the agreement was entered into, the agency
10 placing the child shall require the proposed adoptive parent to agree, as a condition for
11 receiving placement of the child, to become a party to the agreement and to be bound by the
12 terms of the agreement unless terminated or modified under sub. (7).

13 **(6) ENFORCEMENT OF POSTTERMINATION CONTACT AGREEMENT.** (a) A posttermination
14 contact agreement is enforceable only if the agreement is approved by the court under sub. (4).
15 Any party to an approved posttermination contact agreement may petition the court that
16 approved the agreement for specific performance of the agreement. The petition shall allege
17 facts sufficient to show that a person who is bound by the agreement is not in compliance with
18 the agreement, that enforcement of the agreement is in the best interests of the child in light
19 of the factors specified in sub. (4) (g), and that the petitioner, before filing the petition,
20 participated, or attempted to participate, in good faith in formal or informal mediation or other
21 appropriate dispute resolution proceedings to resolve the dispute giving rise to the filing of
22 the petition.

23 (b) The court shall set a date and time for a hearing on a petition filed under par. (a) and
24 shall provide notice of the hearing to the petitioner and to all other parties to the approved

1 posttermination contact agreement, the agency that had guardianship, legal custody, or
2 supervision of the child before the termination of parental rights, and, in the case of an Indian
3 child, the Indian child's tribe. The hearing shall take place on a date that allows the persons
4 notified of the hearing a reasonable time to prepare, but is no more than 30 days after the filing
5 of the petition.

6 (c) If the court finds by clear and convincing evidence that any person bound by an
7 approved posttermination contact agreement is not in compliance with the agreement; that
8 enforcement of the agreement is in the best interests of the child in light of the factors specified
9 in sub. (4) (g); and that the petitioner, before filing the petition, participated, or attempted to
10 participate, in good faith in formal or informal mediation or other appropriate dispute
11 resolution proceedings to resolve the dispute giving rise to the filing of the petition, the court
12 shall issue an order requiring specific performance of the agreement. An order for specific
13 performance shall be the sole remedy for any noncompliance with the agreement.

14 (d) A court may not award damages, costs, or attorney fees or revoke a termination of
15 parental rights order or an order of adoption because a party to a posttermination contact
16 agreement fails to comply with the agreement.

17 **(7) TERMINATION OR MODIFICATION OF POSTTERMINATION CONTACT AGREEMENT.** (a) The
18 parties to an approved posttermination contact agreement may agree to terminate or modify
19 the agreement. If the parties agree to terminate or modify the agreement and if the child, if
20 12 years of age or over, consents to the termination or modification, the parties shall sign and
21 file with the court that approved the agreement the modified agreement or a stipulation
22 terminating the agreement. If, after reviewing the stipulation or modified agreement, the court
23 finds by clear and convincing evidence that termination or modification of the agreement

1 would be in the best interests of the child in light of the factors specified in sub. (4) (g), the
2 court shall, without a hearing, approve the termination or modification of the agreement.

3 (b) 1. Any party to an approved posttermination contact agreement may petition the
4 court that approved the agreement to terminate or modify the agreement. The petition shall
5 allege facts sufficient to show that termination or modification of the agreement would be in
6 the best interests of the child in light of the factors specified in sub. (4) (g), or that there has
7 been a substantial change in circumstances since the entry of the last order affecting the
8 agreement, and that the petitioner, before filing the petition, participated, or attempted to
9 participate, in good faith in formal or informal mediation or other appropriate dispute
10 resolution proceedings to resolve the issue giving rise to the filing of the petition.

11 2. The court shall set a date and time for a hearing on a petition under subd. 1. and shall
12 provide notice of the hearing to the petitioner and to all other parties to the approved
13 posttermination contact agreement, the agency that had guardianship, legal custody, or
14 supervision of the child before the termination of parental rights, and, in the case of an Indian
15 child, the Indian child's tribe. The hearing shall take place on a date that allows the persons
16 notified of the hearing a reasonable time to prepare, but is no more than 30 days after the filing
17 of the petition.

18 3. Notwithstanding s. 48.01 (1) (intro.) and (2), the court may terminate or modify the
19 approved posttermination contact agreement if the court finds by clear and convincing
20 evidence that termination or modification of the agreement would be in the best interests of
21 the child in light of the factors specified in sub. (4) (g), or that there has been a substantial
22 change in circumstances since the entry of the last order affecting the agreement, and that the
23 petitioner, before filing the petition, participated, or attempted to participate, in good faith in
24 formal or informal mediation or other appropriate dispute resolution proceedings to resolve

1 the issue giving rise to the filing of the petition. An order to modify an approved
2 posttermination contact agreement may limit, restrict, condition, or decrease visitation,
3 contact, communication, or sharing of information between the child and a birth relative of
4 the child, but may not expand, enlarge, or increase that visitation, contact, communication, or
5 sharing of information or place any new obligation on the adoptive parent or agency having
6 guardianship, legal custody, or supervision of the child.

NOTE: This SECTION creates a new section to govern posttermination contact privileges, specifying who may enter into such an agreement, what must be included in the agreement, the conditions for a court's approval of such an agreement, and the procedures for enforcement, modification, or termination of such an agreement. This SECTION also specifies that if a proposed adoptive parent is identified after an agreement has been approved, the parent must accept and be bound by the agreement unless the agreement is terminated or modified under the given procedures.

7 **SECTION 6.** 48.43 (2) (d) of the statutes is created to read:

8 48.43 (2) (d) A court may approve a posttermination contact agreement under s. 48.429.

NOTE: This SECTION specifies that although an order terminating parental rights permanently severs all legal rights and duties between the parent and child, a court may approve a posttermination contact agreement.

9 **SECTION 7.** 48.92 (2) of the statutes is amended to read:

10 48.92 (2) After the order of adoption is entered the relationship of parent and child
11 between the adopted person and the adopted person's birth parents and the relationship
12 between the adopted person and all persons whose relationship to the adopted person is
13 derived through those birth parents shall be completely altered and all the rights, duties, and
14 other legal consequences of those relationships shall cease to exist, unless the birth parent is
15 the spouse of the adoptive parent, in which case those relationships shall be completely altered
16 and those rights, duties, and other legal consequences shall cease to exist only with respect to

1 the birth parent who is not the spouse of the adoptive parent and all persons whose relationship
2 to the adopted person is derived through that birth parent. Notwithstanding the extinction of
3 all parental rights under this subsection, a court may approve a posttermination contact
4 agreement under s. 48.429 or order reasonable visitation under s. 48.925.

NOTE: This SECTION specifies that although an adoption order ceases all rights, duties, and legal consequences of a child's relationship with a birth parent and all birth relatives, a court may approve a posttermination contact agreement.

5 **SECTION 8.** 48.93 (1d) of the statutes is amended to read:

6 48.93 **(1d)** All records and papers pertaining to an adoption proceeding shall be kept
7 in a separate locked file and may not be disclosed except under sub. (1g), (1r), ~~or (1v)~~, or (2)
8 (b), s. 48.432, 48.433, 48.434, 48.48 (17) (a) 9., or 48.57 (1) (j), or by order of the court for
9 good cause shown.

10 **SECTION 9.** 48.93 (2) of the statutes is renumbered 48.93 (2) (b) and amended to read:

11 48.93 **(2)** (b) All correspondence and papers, relating to the investigation, ~~which that~~
12 are not a part of the court record, except those in the custody of agencies authorized to place
13 children for adoption, shall be transferred to the department and placed in its closed files.

14 **SECTION 10.** 48.93 (2) (a) of the statutes is created to read:

15 48.93 **(2)** (a) 1. A proposed adoptive parent whose home is the subject of an
16 investigation under s. 48.837 (1r) (c) or (4) (c) or 48.88 (2) (a) may request the agency
17 conducting the investigation to disclose its report of the investigation to any other agency
18 authorized to place children for adoption, to the state adoption information exchange under
19 s. 48.55, or to the state adoption center under s. 48.55. Within 10 days after receipt of the
20 request, the agency shall disclose the report to the person named in the request, unless within
21 those 10 days the agency petitions the court for an order permitting the agency not to disclose

1 the report, to restrict the information to be disclosed, or to defer disclosure of the report to a
2 later date or for such other appropriate relief as the agency may request.

3 2. The petition shall allege facts showing good cause for granting the relief requested.
4 Upon receipt of the petition, the court shall provide notice of the petition to the proposed
5 adoptive parents and the person to whom disclosure of the report was requested. If any party
6 receiving notice objects to the petition, the court shall hold a hearing to take evidence relating
7 to the relief requested in the petition. If the court determines that there is good cause to grant
8 the relief requested, the court shall grant such relief as the court may consider appropriate.
9 If the court determines that there is not good cause to grant the relief requested, the court shall
10 order the petitioner to disclose the report within 10 days after the date of the hearing.

NOTE: SECTIONS 8, 9, and 10 authorize a proposed adoptive parent who is the subject of a home study to request the agency conducting the study to disclose its report to another agency authorized to place children for adoption, the state adoption information exchange, or the state adoption center, unless, upon petition, a court finds that disclosure should be restricted, deferred, or disallowed.

11 **SECTION 11. Initial applicability.**

12 (1) POSTTERMINATION CONTACT AGREEMENTS. The treatment of sections 48.425 (1) (h),
13 48.426 (3) (c), 48.428 (6) (a) and (b), 48.429, 48.43 (2) (d), and 48.92 (2) of the statutes first
14 applies to a termination of parental rights petition filed on the effective date of this subsection.

NOTE: This SECTION specifies that the draft's provisions relating to a posttermination contact agreement apply to a TPR petition filed on or after the effective date of the draft becoming law.

15 (END)