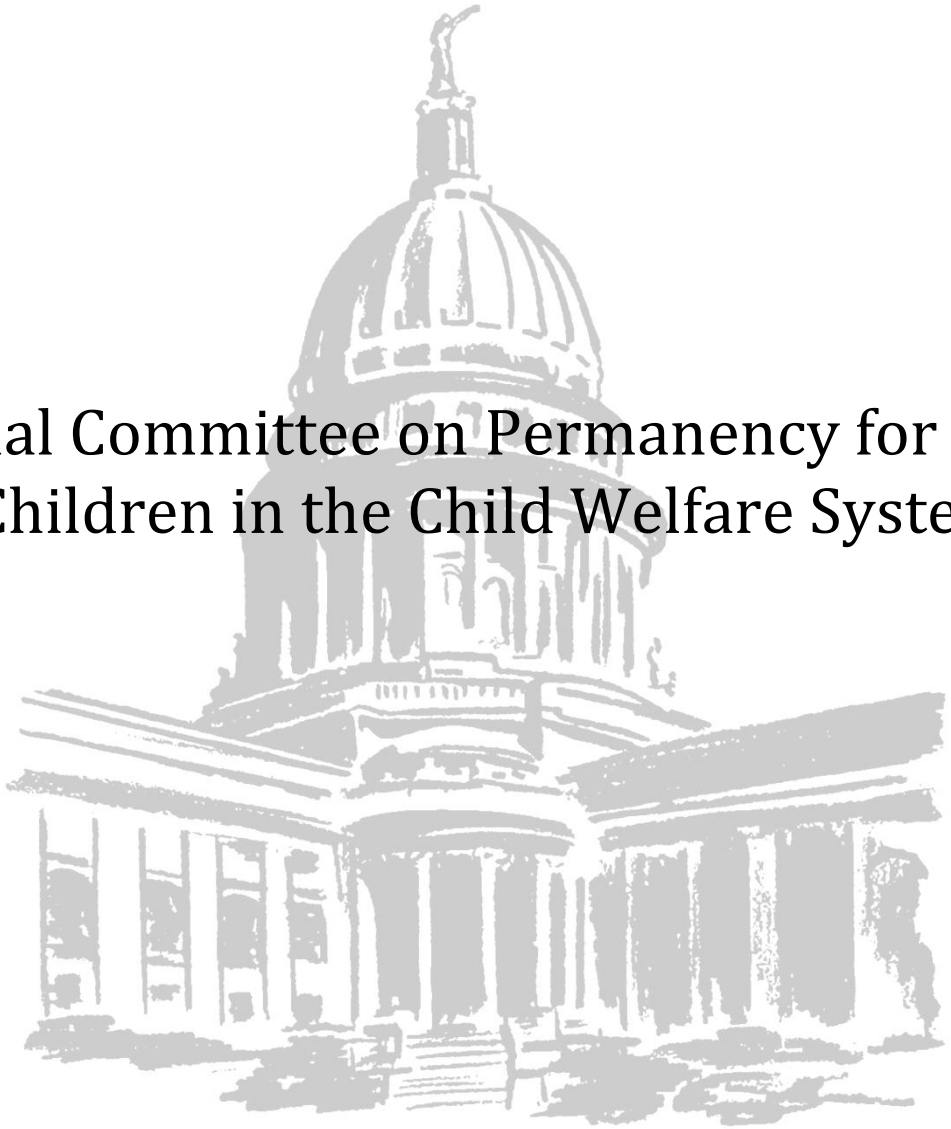
Report to the Joint Legislative Council



Special Committee on Permanency for Young Children in the Child Welfare System

February 5, 2013

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SPECIAL COMMITTEE ON PERMANENCY FOR YOUNG CHILDREN IN THE CHILD WELFARE SYSTEM

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February 5, 2013

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PART I
KEY PROVISIONS OF COMMITTEE RECOMMENDATIONS

The Special Committee on Permanency for Young Children in the Child Welfare System recommends the following bill drafts to the Joint legislative Council for introduction in the 2013-14 Session of the Legislature.

WLC: 0066/1, RELATING TO ADOPTIONS AND POSTTERMINATION CONTACT AGREEMENTS

WLC: 0066/1 makes various changes to adoption procedures. These changes include the following:

- Permitting a posttermination contact agreement to be entered into between the proposed adoptive parents or guardian of a child and a relative of the child before a termination of parental right (TPR) order is granted.
- Specifying under what circumstances a posttermination contact agreement may be entered into, including the terms, approval process, enforcement, and termination of the agreement.
- Permitting a proposed adoptive parent to request that the agency conducting an investigation to determine whether the home is suitable for a proposed adoptive child share its report with another agency.
- Creating a procedure for a juvenile court to order that the name and address of any out-of-home placement be withheld from a child or juvenile's parent or guardian if it is in the best interests of the child or juvenile.
- Eliminating the requirement for an adoption home investigation where the petitioning adoptive parent has a level 2 foster care license in good standing; the adoptive child has lived in the home for at least 12 consecutive months prior to the filing of the adoption petition; and the adoptive parent's home had been investigated for foster home licensure according to standards established by the Department of Children and Families (DCF).
- Permitting records and papers pertaining to an adoption proceeding to be disclosed for purposes of determining the availability of a placement for a child with an adoptive parent or proposed adoptive parent of the child's sibling.
- Specifying that full faith and credit is afforded to tribal court actions regarding an "adoption under tribal law or custom" or a "suspension of parental rights."
- Permitting an adoption petition to be filed in the county where the TPR was filed.

WLC: 0068/1, Relating to the Right to Counsel and the Right to a Jury Trial in Proceedings for a Child in Need of Protection or Services and for an Involuntary Termination of Parental Rights

WLC: 0068/1 provides a parent with the statutory right to counsel in a child in need of protection or services (CHIPS) proceeding and eliminates his or her right to a jury trial in either a CHIPS or involuntary TPR proceeding. Specifically, the draft does the following:

- Clarifies in the statutes that a juvenile court has the power to appoint counsel for any party during a CHIPS proceeding, including a parent 18 years of age or over, consistent with constitutional law.
- Authorizes the State Public Defender (SPD) to be appointed to represent a parent of any age during a temporary physical custody hearing and a CHIPS proceeding, if the child has been taken into custody.
- Specifies that the authority for SPD to represent a parent in CHIPS proceedings sunsets on June 30, 2017, and that DCF and SPD must submit a report by January 1, 2017, to the Joint Committee on Finance and each house of the Legislature regarding the costs and data from implementing this provision.
- Eliminates the right for a parent to request a jury trial in both CHIPS and TPR proceedings.

WLC: 0069/1, Relating to Proceedings for a Child in Need of Protection or Services and for an Involuntary Termination of Parental Rights

WLC: 0069/1 makes various changes to CHIPS and TPR proceedings. These changes include the following:

- Creating a new ground for filing a CHIPS petition in instances where: (a) a child is under the age of three; (b) the child's parent had his or her parental rights involuntarily terminated with respect to another child within the three years prior to the child's date of birth; (c) a judge or circuit court commissioner at the temporary physical custody hearing has found that the child should be continued in custody; and (d) the parent had the right to counsel at the temporary physical custody hearing during the prior TPR case, unless this right was knowingly and voluntarily waived.
- Eliminating the requirement in the TPR ground of continuing CHIPS that a parent is substantially likely to continue to fail for the next nine months to meet the conditions for the safe return of the child to the home. In its place, WLC: 0069/1 requires that if the child has not yet reached placement in out-of-home care for 15 of the last 22 months the petitioner must show that there is a substantial likelihood that the parent will not meet the conditions for returning the child home by the 15th of the last 22 months.

- Revising the TPR ground of continuing parental disability to require a parent to have had an inpatient treatment history for at least 15 of the last 22 months prior to the filing of the TPR petition.
- Revising the TPR ground of conception as a result of sexual assault to equally apply to termination of both a mother and father's parental rights and making this ground inapplicable to a perpetrator of a nonviolent sexual assault of a minor if the perpetrator was also a minor at the time of the assault with an age difference within four years of the victim.
- Revising an exception to the requirement of providing notice of a CHIPS or TPR action to a person who may be the father by removing the requirement for a physician's statement as to belief that there was a sexual assault and instead requiring proof by a final judgment of conviction or other evidence. WLC: 0069/1 makes this exception to the notice requirement inapplicable to a father who was under the age of 18 at the time of a nonviolent sexual assault of a minor, with an age difference that was within four years of the victim's age.
- Revising the three TPR grounds of child abuse, homicide of a parent, and felony against a child to allow evidence of the criminal conduct itself to be proven as an alternative to requiring proof by a final judgment of conviction.
- Revising the requirements for a responsible agency to make reasonable efforts to return a child safely to the home as follows: (a) requiring a juvenile court to determine that a child welfare agency is not required to make reasonable efforts to either prevent a child from being removed from the home or reunify the family if there are egregious circumstances under which reasonable efforts are not required, unless the court finds reasonable efforts would be in the best interests of the child; and (b) specifying that reasonable efforts to reunify a family, in actions for a TPR based upon continuing CHIPS, are inapplicable for any period when reasonable efforts were not required due to the statutory egregious circumstances. WLC: 0069/1 makes the same revision to parallel provisions in the Juvenile Justice Code.
- Specifying that a parent 18 years of age or over who was ordered to appear in person at hearings for an involuntary TPR or a contested adoption proceeding, but has failed to appear, is considered to have waived the right to counsel. The failure to appear must be egregious and without clear and justifiable excuse, which may be presumed from a parent's failure to appear at consecutive hearings.
- Requiring a parent's signature, in addition to counsel's signature, on a notice of intent to appeal or notice of appeal of a TPR judgment, petition for rehearing of a CHIPS adjudication or TPR judgment, or motion for postdisposition relief from a CHIPS adjudication or TPR judgment.
- Eliminating the right of a man who was alleged and determined in the TPR proceedings to be the father, but who has not otherwise declared or established a relationship with the child, to further participate in the proceedings, unless the man establishes that he

has been deprived of the opportunity to assume parental responsibility for the child. WLC: 0069/1 retains the requirement to serve an alleged father with a summons and petition for the TPR action, regardless of whether the alleged father has declared or established and maintained a familial relationship with the child.

PART II
COMMITTEE ACTIVITY

ASSIGNMENT

The Joint Legislative Council established the Special Committee on Permanency for Young Children in the Child Welfare System and appointed the chairperson by an April 24, 2012 mail ballot. The committee was directed to study current law relating to permanency for children under the age of eight who are placed or at risk of being placed outside of their home, such as in foster care, to determine whether modifications could be made to reduce the length of time it takes to achieve permanency and to improve outcomes for these children. The committee was also directed to determine how current law may be modified to encourage the placement of younger children with a relative as an option for permanency or support.

Membership of the Special Committee, appointed by a May 31, 2012 mail ballot, consisted of one Senator, three Representatives, and 13 public members. The final list of committee members is included as Appendix 3 to this report.

SUMMARY OF MEETINGS

The Special Committee held six meetings on the following dates:

June 27, 2012
July 24, 2012
September 11, 2012
October 9, 2012
November 15, 2012
January 24, 2013

At the June 27, 2012 meeting, the Special Committee received testimony from several invited speakers. **MaryAnn Lippert**, Executive Assistant, and **Fredi-Ellen Bove**, Division Administrator, Division of Safety and Permanence (DSP), DCF, presented data regarding Wisconsin's child welfare system. Ms. Bove then joined **Arlene Happach**, Bureau Director, Bureau of Milwaukee Child Welfare, and presented current efforts under way for improving permanency for children in Milwaukee's child welfare system. A panel of county caseworkers and supervisors discussed their experiences in county-level administration of child welfare services. The panelists included the following members of the Wisconsin County Human Services Association (WCHSA): **Vicki Tylka**, Marathon County Social Services Director and President of WCHSA; **Ray Przbelski**, Portage County Human Services Director and Co-Chair of WCHSA Children, Youth and Families Policy Advisory Committee; and **Mark Mertens**, Outagamie County Youth and Family Services

Division Manager and Co-Chair of WHCSA Children, Youth and Families Policy Advisory Committee.

At the July 24, 2012 meeting, the Special Committee received testimony from several invited speakers and panelists. **Ms. Lippert**, **John Elliott**, Deputy Administrator, DSP, and **Michelle Rawlings**, DSP Research and Program Operations, DCF, presented data on the out-of-home care services in Wisconsin's child welfare system.

Nina Williams-Mbengue, Children and Families Child Welfare Program Director, National Conference of State Legislatures, provided background information on the federal Children and Families Services Review (CFSR) and the Program Improvement Plan (PIP) process. In doing so, she reviewed state legislative responses to complying with CFSR and PIP, kinship care initiatives, and TPR jury trials.

A panel consisting of the following members of the Wisconsin Association of Family & Children's Agencies (WAFCA) presented information regarding various programming services provided by social service agencies in Wisconsin: **Linda Hall**, Executive Director, WAFCA; **Amy Herbst,** Child Welfare Vice-President, and **Rick Lockwood**, Project Director, Children's Service Society of Wisconsin; **Ron Hauser**, Program Services – Children and Families Vice-President, **Heather Yeager**, Out-of-Home Care and Adoption Services Executive Director, and **Sarah Hotchkiss**, Permanency and Stability Services Executive Director, Lutheran Social Services of Wisconsin and Upper Michigan; and **Colleen Ellingson**, Chief Executive Officer, Adoption Resources of Wisconsin.

Kristina Finnel, Chief Executive Officer, and **Karissa Vogel**, Strong Families Healthy Homes Program Director, Mental Health America (MHA) of Wisconsin, presented information regarding the Strong Families Healthy Homes program, which supports biological parents with children in the child welfare system. **Christye Johnson** and **Melanie Deavers**, MHA peer support specialists and biological parents, provided information regarding their experiences as both biological parents participating in this MHA program and then as MHA peer support specialists.

Adam Plotkin, SPD Legislative Liaison, and **Diane Rondini-Harness**, Assistant SPD, provided an overview of how TPR cases are handled by the SPD and data detailing the number of cases and average number of days it took to achieve a resolution. They also provided information regarding the barriers that exist for a child to be reunified with his or her birth parent and barriers that delay a CHIPS case or a TPR case.

At the September 11, 2012 meeting, the Special Committee received testimony from several invited speakers and panelists. **Megan L. DeVore**, La Crosse County Deputy Corporation Counsel, **Eve M. Dorman**, Dane County Assistant Corporation Counsel, and **Wendy J.N. Klicko**, Sauk County Assistant Corporation Counsel, shared their experiences handling CHIPS and TPR cases in their respective counties, and provided information regarding the barriers that they see delaying resolution of both types of cases. **Susan Conwell**, Executive Director, Kids Matter Inc., moderated a panel of current or former foster children: **Heidi Bronsdon**, **Brigette Singletary**, **Amanda Salas, Tatiana Woody**, and **Bella Xiong**, who spoke about their experiences in the foster care system. **Ann Ahlstrom**, Staff Attorney, Minnesota Supreme Court, described Minnesota's judicial process of reviewing the progress of a child's permanency plans and the outcomes of this process.

At the October 9, 2012 meeting, the Special Committee received testimony from several invited speakers. **The Honorable Ramona A. Gonzalez**, La Crosse County Circuit Court, presented information regarding La Crosse County's process of mediating CHIPS and TPR cases. **The Honorable Stephen M. Rubin**, Emeritus, Arizona Pima County Superior Court, Juvenile Division, described Arizona's experience of using jury trials in TPR cases for a three-year period, and why Arizona decided to stop using jury trials after this experience.

The Special Committee then reviewed and discussed the following bill drafts:

- WLC: 0007/1, relating to next of kin parental homicide victim.
- WLC: 0008/1, relating to sibling visitation.
- WLC: 0009/1, relating to CHIPS jurisdiction over a newborn.
- WLC: 0011/1, relating to physical, psychological, mental, or developmental examination and alcohol or other drug abuse (AODA) assessment of a parent.
- WLC: 0012/1, relating to TPR ground of continuing CHIPS.
- WLC: 0013/1, relating to when no reasonable efforts are required.

At the November 15, 2012 meeting, the Special Committee reviewed and discussed the following bill drafts:

- WLC: 0008/2, relating to sibling visitation.
- WLC: 0009/2 relating to CHIPS jurisdiction over a newborn.
- WLC: 0010/2, relating to right to counsel for parents in CHIPS proceedings.
- WLC: 0011/2, relating to physical, psychological, mental, or developmental examination and AODA assessment of a parent.
- WLC: 0012/2, relating to TPR ground of continuing CHIPS.
- WLC: 0013/2, relating to when no reasonable efforts are required.
- WLC: 0014/1, relating to demand for speedy trial in criminal case.
- WLC: 0021/1, relating to posttermination agreement.
- WLC: 0022/1, relating to standards for parental participation.
- WLC: 0026/1, relating to eliminating right to jury trial in CHIPS and TPR.
- WLC: 0027/1, relating to adoption home investigations and confidentiality of change in placement and adoptive parent information.
- WLC: 0028/1, relating to TPR participation by alleged father.
- WLC: 0030/1, relating to CHIPS jurisdiction over a child born with alcohol or controlled substances.
- WLC: 0031/1, relating to expedited appellate procedures for ch. 48 cases.

- WLC: 0033/1, relating to TPR challenge based on ineffective assistance of counsel.
- WLC: 038/1, relating to placement with relatives.
- WLC: 0040/1, relating to recognizing tribal customary adoption and suspension of parental rights.
- WLC: 0041/P1, relating to adoption petitions filed by counties.

At the January 24, 2012 meeting, the Special Committee received testimony from representatives of the Office of the Director of State Courts, who provided comments regarding the various bill drafts before the committee. These representatives who testified before the committee were: **The Honorable Shelley J. Gaylord**, Dane County Circuit Court Branch 6; **Nancy Rottier**, Legislative Liaison; and **Bridget Bauman**, Children's Court Improvement Project Policy Analyst.

The Special Committee also discussed and voted to recommend 12 of the bill drafts, with modifications, to the Joint Legislative Council for introduction:

- WLC: 0009/3, relating to CHIPS jurisdiction over a newborn.
- WLC: 0010/3, relating to right to counsel for parents in CHIPS proceedings.
- WLC: 0012/3, relating to TPR ground of continuing CHIPS.
- WLC: 0013/3, relating to when no reasonable efforts are required.
- WLC: 0021/2, relating to posttermination agreement.
- WLC: 0022/2, relating to standards for parental participation.
- WLC: 0026/1, relating to eliminating right to jury trial in CHIPS and TPR.
- WLC: 0027/2, relating to adoption home investigations and confidentiality of change in placement and adoptive parent information.
- WLC: 0028/1, relating to TPR participation by alleged father.
- WLC: 0040/1, relating to recognizing tribal customary adoption petitions and suspension of parental rights.
- WLC: 0041/1, relating to adoption petitions filed by counties.
- WLC: 0055/1, relating to revising certain TPR grounds.

The chair then requested staff to include all of the 12 bill drafts that were recommended by the committee onto a mail ballot for a final vote to recommend introduction and indicated that the

drafts would be packaged into three bill drafts, with the approved amendments, for purposes of introduction.

PART III
RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

WLC: 0066/1, RELATING TO ADOPTIONS AND POSTTERMINATION CONTACT AGREEMENTS

Posttermination Contact Agreement

Background

Under current law, a 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.

Current law requires the juvenile court 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.

Committee members discussed the advantages of formalizing posttermination contact agreements so that birth parents felt more assured that they would not lose all contact with their child.

Description

WLC: 0066/1 permits a posttermination contact agreement to be entered into between the proposed adoptive parents or guardian of a child and a relative of the child at any time before a TPR order is granted if: (a) the child is in the legal custody or under the supervision or guardianship of an agency; and (b) the child, if 12 years of age or over, consents to the terms of the agreement.

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

- Visitation between the child and a relative of the child.
- Future contact and communication between the child, adoptive parent, or guardian and a relative of the child.
- The sharing of information about the child in the future between the adoptive parent or guardian and a relative of the child.
- The maintenance and sharing of the medical and genetic history of any relative who is a party to the agreement.

A posttermination contact agreement must contain: (a) an acknowledgement by all 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; (b) an acknowledgement by the proposed adoptive parents or guardian that the agreement is enforceable by any person who is permitted posttermination visitation, contact, communication, or sharing of information under the agreement; and (c) 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 WLC: 0066/1, at the time a TPR order is granted, a juvenile court may approve a posttermination contact agreement if: (a) the child and the parent meet the conditions for entering into the agreement; (b) the agreement contains the required provisions; (c) the parties to the agreement, including the parent and child, if 12 years of age or over, sign the agreement; (d) 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; (e) 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; (f) 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; (g) the juvenile court determines that the relative will not undermine the adoptive parents' or guardian's relationship with the child; and (h) 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: (a) 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; (b) 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; (c) the specific terms of the agreement and the likelihood that the parties will cooperate in complying with the agreement; (d) 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 (e) any other factors that are relevant to the best interests of the child.

WLC: 0066/1 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 or guardian to permit contact between the child and his or her pretermination family after adoption of the child.

Enforcement of the Agreement. Under WLC: 0066/1, 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. WLC: 0066/1 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 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 guardian.

Sharing of Home Study Report

Background

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.

Committee members indicated that adoptive parents wanted the information provided in home studies to be shared between adoption agencies and thought that the statutory barrier should be removed.

Description

WLC: 0066/1 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 10 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.

Disclosure of Name and Address of an Out-of-Home Placement

Background

Under current law, if a child or juvenile is removed from the home and placed in custody, the CHIPS petition or petition filed under the Juvenile Justice Code must include the place where the child or juvenile is being held unless there is reasonable cause to believe disclosure would result in imminent danger to the child, juvenile, or physical custodian.

Also, before a child is adjudged to be in need of protection or services, DCF, a county department of human or social services (county department), or a child welfare agency must submit a report to the juvenile court that includes the name and address of the foster parent if the report recommends out-of-home placement (original disposition report to the court). A copy of this report must be given to the child's parent or guardian. However, the juvenile court may order that the name and address of the foster parent be withheld and not included in the copy of the report given to the child's parent or guardian if the court finds that disclosure would result in imminent danger to the child or to the foster parent. The court must hold a hearing on this matter prior to ordering that the information be withheld.

The court may also order the name and address of a foster parent be withheld in the copy of the dispositional order given to the child's parent or guardian if the court holds a hearing and finds that disclosure would result in imminent harm to the child or foster parent. Current law does not include a confidentiality provision for withholding this information if there is a change in out-of-home placement.

Committee members discussed the need to ensure that an out-of-home placement is a safe and healthy environment for a child. There was discussion that, to provide a safe environment it is in the best interest of the child in some cases to withhold the location of the placement from the child's parent or guardian.

Description

WLC: 0066/1 creates a procedure for a juvenile court to order the name and address of any out-of-home placement to be withheld from the copy of the CHIPS petition, petition filed under the Juvenile Justice Code, original disposition report to the court, or dispositional order that is given to a child or juvenile's parent or guardian if, after holding a hearing on the matter with notice given to the parent or guardian, the court finds that disclosure is not in the best interest of the child.

Likewise, WLC: 0066/1 also gives the ability for the name and address of a proposed change in out-of-home placement or a change from an in-home placement to out-of-home placement to be withheld from the change in placement notice given to the child or juvenile's parent or guardian, and if the child or juvenile is an Indian child or Indian juvenile, the Indian child or Indian juvenile's parent or Indian custodian, if the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel reasonably believes that withholding of this information is in the best interest of the child. The court must then hold a hearing on this matter after giving notice to the child or juvenile's parent or guardian, and if the child or juvenile is an Indian child or juvenile, the Indian child or juvenile's custodian and tribe. The court must order that this information be disclosed if it finds that withholding is not in the best interest of the child or juvenile.

Home Investigation of an Adoptive Parent

Background

Under current law, after an adoption petition is filed, the juvenile court must order an investigation to determine whether the child is a proper subject for adoption and whether the petitioner's (adoptive parent's) home is suitable for the child. The home of an adoptive parent must be investigated for adoption purposes even if the adoptive parent has obtained a license to operate a foster home.

There was concern among committee members that requiring a home investigation for purposes of adoption was redundant if the adoptive parent's home had previously been investigated for purposes of becoming a foster home. Committee members also noted that it was expensive to have an adoption home investigation conducted and discussed how this requirement delayed the adoption process in most cases.

Description

WLC: 0066/1 eliminates the requirement for a home investigation to be conducted for purposes of an adoption if all of the following apply: (a) the petitioner's home is a foster home certified to provide level 2 care; (b) the petitioner is licensed to operate his or her home as a foster home certified to provide level 2 care and the license is effective at the time the adoption petition is filed; (c) the petitioner has never had a license to operate a foster home revoked or suspended;

(d) the child to be adopted has resided in the home for 12 consecutive months or more immediately prior to the filing of the adoption petition; and (e) the foster home investigation was conducted in accordance with standards established by DCF for investigating a foster home that will be converting into an adoptive home.

Disclosure of Address of an Adoptive Parent or Proposed Adoptive Parent

Background

Current law requires DCF, a county department, or a child welfare agency to include in a child's permanency plan, which is a plan designed to ensure that the child quickly attains a placement or home providing long-term stability, a statement as to the availability of a safe and appropriate placement for the child with a foster parent, adoptive parent, or proposed adoptive parent of a sibling of the child. Current law also requires DCF, a county department, or a child welfare agency, before placing for adoption a child who has a sibling who has been adopted or has been placed for adoption, to consider the availability of a placement for adoption with an adoptive parent or proposed adoptive parent of a sibling of the child who is identified in the child's permanency plan or who is otherwise known by DCF, the county department, or the child welfare agency. However, those records and papers must be kept in a separate locked file and may not be disclosed except under certain exceptions or by order of the court assigned to exercise jurisdiction under the Children's Code for good cause shown.

Committee members discussed eliminating barriers that prevented the placement of a child out-of-home care with a sibling who had already been adopted or was in the process of being adopted. They noted that in some cases, the adoptive parent or proposed adoptive parent may be willing to be an out-of-home placement for the child, but that due to confidentiality of adoption proceedings, it is difficult to locate this family.

Description

WLC: 0066/1 permits records and papers pertaining to an adoption proceeding to be disclosed for purposes of determining the availability of a placement for a child with an adoptive parent or proposed adoptive parent of a sibling of the child.

Tribal Court Proceeding for a Suspension of Parental Rights or an Adoption Under the Tribal Law or Custom

Background

In 2009, Wisconsin incorporated the Federal Indian Child Welfare Act (ICWA) into the Children's Code and the Juvenile Justice Code.

In very general terms, ICWA applies to certain child custody proceedings in state courts involving an Indian child, and requires certain notices, findings, and placement preferences in state court child custody proceedings under certain circumstances. ICWA provides for tribal court jurisdiction in some circumstances and also provides a process for a tribe to assume exclusive jurisdiction of a state court's child custody proceeding under certain circumstances.

ICWA accords full faith and credit by the state to a tribal court's Indian child custody proceeding, just as the state would to a judicial proceeding of any other governmental entity.

An "Indian child custody proceeding" in a state court means an action for an adoptive placement, an out-of-home care placement, a preadoptive placement, or a termination of parental rights. It does not include a proceeding in a tribal court for a suspension, rather than termination, of parental rights, or an adoption under tribal law or custom.

Committee members discussed how it is not in the tribal culture to recognize TPRs. They also discussed how Minnesota law was amended to recognize the White Earth Band of Ojibwe proceedings that suspend, rather than terminate, parental rights followed by a ceremony and tribal adjudication of a customary adoption.

Description

WLC: 0066/1 provides definitions for an "adoption under tribal law or custom" and a "suspension of parental rights," and provides that such actions by a tribal court are accorded full faith and credit by a state court.

Jurisdiction and Venue for an Adoption Petition

Background

Under current law, the juvenile court located in the county where the proposed adoptive parent or child resides, upon the filing of a petition for adoption or for the adoptive placement of a child, has jurisdiction over the child until the adoption petition is withdrawn, denied, or granted. The venue for an adoption petition is the county where the proposed adoptive parent or child resides at the time that the petition is filed. The juvenile court may, however, transfer the case to another juvenile court in the county in which the proposed adoptive parents reside.

Committee members discussed making it easier for adoption petitions to be filed by the county by allowing the adoption petition to be filed in the same county that handled the TPR case.

Description

WLC: 0066/1 expands jurisdiction over an adoption petition to also include a juvenile court in a county where the TPR petition was filed and expands the venue to also include the county where the TPR petition was filed.

WLC: 0068/1, Relating to the Right to Counsel and the Right to a Jury Trial in Proceedings for a Child in Need of Protection or Services and for an Involuntary Termination of Parental Rights

Power of the Court to Appoint Counsel

Background

Under current statutes, in a proceeding under the Children's Code, the juvenile court may appoint counsel for the child and any other party, with one exception. The juvenile court may not

appoint counsel for any party other than the child, an Indian parent, or an Indian custodian in a proceeding in which it is alleged CHIPS. This statutory prohibition, however, was ruled unconstitutional by the Wisconsin Supreme Court in *Joni B. v. State*, 202 Wis. 2d 1 (1996), on the grounds that the prohibition constitutes a violation of the separation of powers doctrine of the Wisconsin Constitution.

The committee discussed the concern that since *Joni B.* held that the statutory prohibition placed upon a juvenile court was unconstitutional, the statutes have not been amended to be consistent with constitutional law.

Description

WLC: 0068/1 eliminates the statutory prohibition placed on a juvenile court regarding appointment of counsel for parents, clarifying in the statutes that a court has the power to appoint counsel for any party, including a parent 18 years of age or over, during a CHIPS proceeding, consistent with constitutional law.

Right to Counsel and Referral to the SPD

Background

Under current law, a parent over the age of 18 does not have a statutory right to be represented by counsel during a CHIPS proceeding. Therefore, the court may not refer such a parent to the SPD for possible representation. The juvenile court may, however, appoint counsel at its discretion, in which case the parent's legal representation is provided at the county's expense.

The committee discussed the advantages of having parents be represented during CHIPS proceedings, especially at the temporary custody hearing when the child is first removed from the home, when the court has the parent's full attention. Committee members also concluded that when a parent is represented by counsel proceedings are more efficient and in the long run save the court system and the county funds.

Due to fiscal concerns, the committee discussed placing a sunset provision on the statutory right for a parent to be represented by SPD in CHIPS proceedings.

Description

WLC: 0068/1 allows a parent of any age the right to counsel during a CHIPS proceeding, giving the parent the ability to be represented by an SPD, if the child has been taken into custody. In order for an SPD to be appointed immediately for a temporary physical custody hearing, a court may order an indigency determination at the conclusion of a CHIPS proceeding, rather than upon the initial referral to SPD.

Under WLC: 0068/1, the right to counsel for a parent in a CHIPS proceeding sunsets on June 30, 2017. Also, DCF and SPD must submit a report by January 1, 2017 to the joint committee on finance and each house of the legislature regarding the costs and data from implementing a parent's right to counsel in a CHIPS proceeding.

Elimination of Jury Trial in a CHIPS or TPR Proceeding

Background

Under current law, a party to a CHIPS or TPR proceeding may request a trial by a jury to determine if there are grounds to grant a CHIPS adjudication or TPR order.

The committee received testimony that the jury trial process delays the time within which permanency for a child may be achieved. One reason is the ability to schedule a jury trial on the court's docket; another is the increased grounds for an appeal when a jury is involved. Committee members discussed that, if the right to a jury trial in both CHIPS and TPR cases were eliminated, the rights of a parent would be protected if he or she were provided counsel.

Description

WLC: 0068/1 eliminates the right to request a jury trial in both CHIPS and TPR proceedings.

WLC: 0069/1, Relating to Proceedings for a Child in Need of Protection or Services and for an Involuntary Termination of Parental Rights

CHIPS Petition and Subsequent Involuntary TPR Based Upon an Involuntary TPR Within the Prior Three Years

Background

Under current law, a juvenile court has jurisdiction over a child who is alleged to be in need of protection or services. A juvenile court may issue an order to remove the child from the home and may order that services be provided if the child meets one of several specified conditions, including abuse or neglect of the child.

Also under current law, a petition for the involuntary TPR may be filed against a person, if within three years prior to the date of birth of the child a juvenile court had also ordered the termination of parental rights with respect to another child of the person.

Committee members discussed concerns over a parent who has had his or her parental rights involuntarily terminated and then has another child within three years of this TPR. The committee discussed how the second child might not be in places where there is a mandatory reporter who could report the parent if the child is being abused or neglected.

Description

WLC: 0069/1 creates a new ground to file a CHIPS petition. The draft allows the juvenile court to have jurisdiction over a child who is under three years of age, whose parent had his or her parental rights involuntarily terminated with respect to another child within three years prior to the child's date of birth, and a judge or circuit court commissioner at the temporary physical custody hearing has found that the child should be continued in custody if the parent has the right to counsel under s. 48.23 and had this right during the temporary physical custody proceeding, unless this right has been knowingly and voluntarily waived. A TPR petition may also be filed if a

child was found to be in need of protection or services based upon the new CHIPS ground created under WLC: 0069/1. The court must provide oral and written notification of this fact when entering an order terminating the parental rights of one or both parents as to a previous child. WLC: 0069/1 also allows a juvenile court to appoint a guardian for a child adjudged to be in need of protection or services based upon the new CHIPS ground.

Continuing Need of Protection or Services

Background

Under current law, in order to terminate a person's parental rights, a court or a jury must find that one or more statutory grounds exist. One of the grounds under which an involuntary TPR may be filed is if a child is in continuing need of protection or services. This ground may be established by proving all of the following elements:

- The child has been adjudicated CHIPS and continues to be placed outside the home under the CHIPS order.
- The responsible social services agency has made reasonable efforts to provide the services ordered by the court.
- The child has been placed outside the home for a cumulative total period of six months or longer pursuant to the CHIPS order.
- The parent has failed to meet the conditions established for the safe return of the child to the home.
- There is a substantial likelihood that the parent will not meet the conditions established for the safe return of the child to the home within the next nine months after the TPR fact-finding hearing.

The committee discussed making this ground consistent with the federal time period for filing an involuntary TPR under the Adoption and Safe Families Act of 1997 (ASFA).

Description

WLC: 0069/1 deletes the requirement of showing that the parent is substantially likely to continue to fail for the next nine months to meet the conditions for the safe return of the child to the home. However, if the child has been placed outside the home for less than 15 of the last 22 months, the petitioner must show that there is a substantial likelihood that the parent will not meet the conditions at the time the child will reach the 15th of the last 22 months of placement outside the home.

Continuing Parental Disability

Background

Under current law, a parent's continuing disability is a ground for involuntary TPR. This ground requires all of the following findings: (a) the parent is currently receiving inpatient treatment in a hospital or treatment facility for mental illness, developmental disability, or other like incapacity; (b) the parent has received inpatient treatment in one or more hospitals or

treatment facilities for a cumulative total period of at least two of the last five years immediately prior to the filing of the TPR petition; (c) the parent's condition is likely to continue indefinitely; and (4) the child is not being provided with adequate care by a relative, parent, or guardian.

Committee members discussed the difficulty in filing a TPR on this ground, as parents are rarely in inpatient treatment programs for this length of time. The committee discussed making the time period consistent with the federal time period for filing an involuntary TPR under ASFA.

Description

WLC: 0069/1 revises the TPR ground of a continuing parental disability to require a parent to have had inpatient treatment history for at least 15 of the last 22 months prior to the filing of the TPR petition, rather than an inpatient history for at least two of the last five years.

Parenthood as a Result of Sexual Assault

Background

Under current law, a parent's commission of sexual assault that results in conception of a child is a ground for TPR. Conception as a result of sexual assault may be proven by a final judgment of conviction or other evidence produced at a fact-finding hearing showing that the person who may be the father committed sexual assault against the mother during a possible time of conception. The mother of the child must be afforded an opportunity to be heard on her desire for the termination of the father's parental rights.

In addition, under current law, a court is not required to provide notice of a CHIPS or TPR action to a person who may be the father of a child conceived as a result of a sexual assault, if a physician attests to a belief that there was a sexual assault of the child's mother that may have resulted in the child's conception.

Committee members discussed the uncertainty in case law as to whether this ground for an involuntary TPR applied equally to both a mother and a father. The committee also discussed the need to provide an exception from the notice and grounds for juvenile offenders, similar to the exception that is provided in the sex offender registry.

Description

WLC: 0069/1 revises the TPR ground of conception as a result of sexual assault to equally apply to termination of a mother's or father's parental rights. The draft also specifies that the ground is inapplicable to a perpetrator of a nonviolent sexual assault of a minor, if the perpetrator was also a minor at the time of the assault with an age difference of within four years from the victim.

In the exceptions from providing notice of a CHIPS or TPR action to a person who may be the father, WLC: 0069/1 removes the requirement for a physician's statement as to a belief that there was a sexual assault, and instead requires proof by a final judgment of conviction or other evidence. The exception to providing notice of a CHIPS or TPR action does not apply to a father who was under age 18 at the time of a nonviolent sexual assault of a minor, with an age difference that was within four years of the victim's age.

Pattern of Child Abuse; Homicide of Parent; and Felony Against a Child

Background

Under current law, a parent's commission of one of certain egregious crimes is a ground for TPR. These include: (a) a parent who has subjected a child to a pattern of physically or sexually abusive behavior that is a substantial threat to the health of the child; (b) a parent who has committed homicide or solicitation to commit homicide of the other parent; or (c) a parent who has committed a serious felony against the person's own child or committed child trafficking against any child.

Each of these circumstances requires evidence of a final judgment of conviction for the crime. In order for a judgment of conviction to be considered as final under the law, the time for appeal must have expired, or, if appealed, all appeals directly challenging the parent's guilt must be exhausted.

Committee members raised concerns that waiting for the time for appeals of the criminal matter to have expired delays the ability for a child to obtain permanency.

Description

WLC: 0069/1 revises the TPR grounds of child abuse, homicide of a parent, and felony against a child to allow evidence of the criminal conduct itself to be proven, as an alternative to allowing proof by a final judgment of conviction.

Reasonable Efforts to Return a Child Safely Home

Background

ASFA requires that reasonable efforts be made to preserve and reunify a family prior to a child's removal from the home, and, if removed from the home, to make it possible for the child's safe return to the home or to achieve any other goal of the child's permanency plan.

ASFA specifies that reasonable efforts "shall not be required" under certain egregious circumstances. These have been codified in Wisconsin law to specify that a court is not required to include a finding as to whether an agency has made reasonable efforts if a parent:

- Has subjected the child to aggravated circumstances, including torture, chronic abuse, sexual abuse, or felony abandonment of the child.
- Committed or attempted murder of the child's other parent.
- Committed an assault crime that resulted in great or substantial bodily harm to the child or another child of the parent.
- Had parental rights to another child involuntarily terminated.
- Has relinquished custody of the child within 72 hours of the child's birth.

Wisconsin law does not expressly prohibit a juvenile court from requiring a social service agency to make reasonable efforts in these circumstances, nor does the law specify a standard to evaluate when reasonable efforts may be required under these circumstances.

In addition, under Wisconsin law, when considering a TPR petition under the ground that a child continues to be in need of protection or services, a number of elements must be found, including that a social services agency has made reasonable efforts to provide the services ordered by the court. No exception is made for the egregious circumstances under which reasonable efforts are not required.

Committee members raised concerns that while ASFA specifies that "reasonable efforts shall not be required" under the egregious circumstances listed above, Wisconsin law does not expressly prohibit the juvenile court from ordering reasonable efforts under these same circumstances. Committee members also discussed how a social service agency might still have to make reasonable efforts to reunify the child with his or her parent, even when ASFA prohibits doing so.

Description

WLC: 0069/1 revises the requirements for a responsible agency to make reasonable efforts to return a child safely to the home as follows:

- Specifies that a court must determine that an agency is not required to make reasonable efforts to prevent a child from being removed from the home or to reunify the family if there are egregious circumstances under which reasonable efforts are not required, unless the court determines that such efforts would be in the best interests of the child.
- Specifies in the TPR ground based upon a child's continuing need of protection or services that the requirement for an agency to have made reasonable efforts to reunify the family is inapplicable for any period when reasonable efforts were not required due to the statutory egregious circumstances.

Because the Juvenile Justice Code contains parallel provisions to the Children's Code for holding a child or juvenile in custody, WLC: 0069/1 revises the parallel provisions relating to reasonable efforts in both the Children's Code and the Juvenile Justice Code to make both codes consistent.

Waiver of Counsel; Parent's Signature

Background

Under current law, in a proceeding involving TPR, or a contested adoption, a parent who appears before the juvenile court must be represented by counsel. A parent 18 years of age or over may waive counsel if the juvenile court is satisfied that the waiver is knowingly and voluntarily made. However, a parent under age 18 may not waive counsel.

Current law also provides that if an attorney represented a parent during a TPR proceeding, and has not been discharged, the representation continues during a TPR appeal.

The Wisconsin Supreme Court has strictly construed the statute requiring representation during an involuntary TPR proceeding in holding that an attorney may not be discharged from representing a parent who fails to cooperate with the court and the attorney. [*State v. Shirley E.*, 2006 WI 129; *State v. Darrell K.*, 2010AP1910 (Wis. Ct. App., Oct. 19, 2010, unpublished).]

Committee members discussed instances where an attorney was required to continue to represent a parent in TPR proceedings even when the parent has had minimal contact with the attorney only at the beginning of the TPR case, and the parent fails to appear in the proceedings.

Description

WLC: 0069/1 specifies that a parent 18 years of age or over who was ordered to appear in person at hearings for an involuntary TPR or contested adoption proceeding, but has failed to appear, is considered to have waived the right to counsel. A failure to appear by an adult parent must be egregious and without clear and justifiable excuse, which may be presumed from a parent's failure to appear at consecutive hearings.

WLC: 0069/1 also requires a parent's signature, in addition to counsel's signature, on a notice of intent to appeal or notice of appeal from a TPR judgment, petition for rehearing from a CHIPS adjudication or TPR judgment, or motion for postdisposition relief from a CHIPS adjudication or TPR judgment.

TPR Participation by Alleged Father

Background

Under current law, an alleged father must be served with a TPR summons and petition. If paternity is then established during the TPR proceedings, the father may further participate in the proceedings.

In order for an alleged father to participate in the TPR proceedings after paternity has been established, at least one of the following must have occurred:

- The alleged father has filed a declaration of paternal interest upon the child's birth or upon receipt of the TPR petition, and the declaration has not been revoked.
- The mother (or other source) alleges the man to be the father.
- The man has lived in a familial relationship with the child and may be the father of the child.

Committee members discussed concerns over the delays created in the involuntary TPR process because the father, who was determined to be the father in TPR proceedings, never took affirmative steps to declare a paternal interest in the child or lived in a familial relationship with the child.

Description

WLC: 0069/1 removes the right for a man who was alleged to be the father, and determined in the TPR proceedings to be the father, but who has not otherwise declared or established a relationship with the child, to further participate in the proceedings. Specifically, a man determined to be the father may further participate in a TPR proceeding only if the man had filed a declaration of paternal interest upon the child's birth or upon receipt of the TPR petition that has not been revoked, had established and maintained a familial relationship with the child, or if the man establishes that he has been deprived of the opportunity to assume parental responsibility for the child.

WLC: 0069/1 retains the requirement to serve an alleged father with a summons and petition for the TPR action, regardless of whether the alleged father has declared or established and maintained a familial relationship with the child.

APPENDIX 1

COMMITTEE AND JOINT LEGISLATIVE COUNCIL VOTES

The following drafts were recommended by the Special Committee on Permanency for Young Children in the Child Welfare System.

SPECIAL COMMITTEE VOTE

The Special Committee voted by a January 30, 2013 mail ballot, to recommend the following three drafts to the Joint Legislative Council for introduction in the 2013-14 Session of the Legislature. The votes on the drafts were as follows:

- WLC: 0066/1, relating to adoptions and posttermination contact agreements, passed by a vote of Ayes, 12 (Rep. Kerkman; and Public Members Ellingson, Foley, Gumz, Herbst, Jasmer, Leoso-Corbine, Neeson, Othrow, Rogers, Snead, and Sowinski); Noes, 3 (Sen. Lazich; Rep. Billings; and Public Member Grigsby); and Not Voting, 1 (Public Member Maki).
- WLC: 0068/1, relating to the right to counsel and the right to a jury trial in proceedings for a child in need of protection or services and for an involuntary termination of parental rights, passed by a vote of Ayes, 10 (Rep. Kerkman; and Public Members Ellingson, Foley, Herbst, Jasmer, Leoso-Corbine, Neeson, Rogers, Snead, and Sowinski); Noes, 5 (Sen. Lazich; Rep. Billings; and Public Members Grigsby, Gumz, and Othrow); and Not Voting, 1 (Public Member Maki).
- WLC: 0069/1, relating to proceedings for a child in need of protection or services and for an involuntary termination of parental rights, passed by a vote of Ayes, 11 (Reps. Kerkman and Billings; and Public Members Ellingson, Foley, Jasmer, Leoso-Corbine, Neeson, Othrow, Rogers, Snead, and Sowinski); Noes, 4 (Sen. Lazich; and Public Members Grigsby, Gumz, and Herbst); and Not Voting, 1 (Public Member Maki).

APPENDIX 2

JOINT LEGISLATIVE COUNCIL

[s. 13.81, Stats.]

SENATE MEMBERS

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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Terry C. Anderson, Director, Legislative Council Staff
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APPENDIX 3

COMMITTEE LIST

Special Committee on Permanency for Young Children in the Child Welfare System

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STUDY ASSIGNMENT: The Special Committee is directed to study current law relating to permanency for children under the age of eight who are placed or at risk of being placed outside of their home, such as in foster care, to determine whether modifications could be made to reduce the length of time it takes to achieve permanency and to improve outcomes for these children. The committee shall also determine how current law may be modified to encourage the placement of younger children with a relative as an option for permanency or support.

16 MEMBERS: 2 Representatives; 1 Senator; and 13 Public Members.

LEGISLATIVE COUNCIL STAFF: Melissa Schmidt and Margit Kelley, Staff Attorneys; and Kelly Mautz, Support Staff.

APPENDIX 4

COMMITTEE MATERIALS LIST

[Copies of documents are available at www.legis.wisconsin.gov/lc

January 30, 2013 Mail Ballot

- WLC: 0066/1, relating to adoptions and posttermination contact agreements.
- WLC: 0068/1, relating to the right to counsel and the right to a jury trial.
- WLC: 0069/1, relating to proceedings for a child in need or protection or services and for an involuntary termination of parental rights.
- Mail Ballot of the Special Committee on Permanency for Young Children in the Child Welfare System (January 30, 2013).
- Notice of Mail Ballot.

January 24, 2013 Meeting	Notice	Agenda	Audio a.m. Audio p.m.	Minutes

- WLC: 0009/3, relating to CHIPS jurisdiction over a newborn.
- WLC: 0010/3, relating to right to counsel for parents in CHIPS proceedings.
- WLC: 0011/3, relating to physical, psychological, mental, or developmental examination and AODA assessment of a parent.
- WLC: 0012/3, relating to TPR ground of continuing CHIPS.
- WLC: 0013/3, relating to when no reasonable efforts are required.
- WLC: 0021/2, relating to posttermination agreement.
- WLC: 0022/2, relating to standards for parental participation.
- WLC: 0026/1, relating to eliminating right to jury trial in CHIPS and TPR.
- WLC: 0027/2, relating to adoption home investigations and confidentiality of change in placement and adoptive parent information.
- WLC: 0028/1, relating to TPR participation by alleged father.
- WLC: 0030/2, relating to CHIPS jurisdiction over a child born with alcohol or controlled substances.
- WLC: 0031/2, relating to expedited appellate procedures for ch. 48 cases.
- WLC: 0040/1, relating to recognizing tribal customary adoption and suspension of parental rights.
- WLC: 0041/1, relating to adoption petitions filed by counties.
- WLC: 0055/1, relating to revising certain TPR grounds.
- WLC: 0063/1, relating to locating relatives.
- Article from the Kenosha News.
- Memo, *Department Views on Family-Group Decision Making Program*, from Eloise Anderson, Secretary, Department of Children and Families (December 18, 2012).
- Letter, to Members of the Special Committee on Permanency of Young Children in the Child Welfare System, from Adam Plotkin, SPD Legislative Liaison (January 16, 2013).
- Memo, *WELFR: Expedited Appellate Procedures fo ch. 48 cases, Legislative Council Draft WLC: 0031/2, 01/18/2013* (January 10, 2013).
- Memo, *Proposed Legislation to Expedite All WIS. STAT. ch. 48 Appeals*, from Jennifer Andrews, Chief Staff Attorney, Court of Appeals (December 4, 2012).
- Memo, S*uggestions Relating to WLC 0031/1, Expedited Appellate Procedures for Chapter 48 Cases*, from Nancy Rottier, Legislative Liaison, Director of State Courts (December 14, 2012).
- Memo, *Comments Relating to Proposed Legislation from the Special Committee on Permanency for Young Children in the Child Welfare System*, from Nancy Rottier, Legislative Liaison, Director of State Courts Office (January 18, 2013).
- Memo, *Department Positions on Bill Drafts*, from Eloise Anderson, Department of Children and Families (January 23, 2013).

November 15, 2012 Meeting	Notice	Agenda	Audio	Minutes

- WLC: 0008/2, relating to sibling visitation.
- WLC: 0009/2, relating to CHIPS jurisdiction over a newborn.
- WLC: 0010/2, relating to right to counsel for parents in CHIPS proceedings.
- WLC: 0011/2, relating to physical, psychological, mental, or developmental examination and AODA assessment of a parent.
- WLC: 0012/2, relating to TPR ground of continuing CHIPS.
- WLC: 0013/2, relating to when no reasonable efforts are required.
- WLC: 0021/1, relating to posttermination agreement.
- WLC: 0022/1, relating to standards for parental participation.
- WLC: 0026/1, relating to eliminating right to jury trial in CHIPS and TPR.
- WLC: 0027/1, relating to adoption home investigations and confidentiality of change in placement and adoptive parent information.
- WLC: 0028/1, relating to TPR participation by alleged father.
- WLC: 0030/1, relating to CHIPS jurisdiction over a child born with alcohol or controlled substances.
- WLC: 0031/1, relating to expedited appellate procedures for ch. 48 cases.
- WLC: 0033/1, relating to TPR challenge based on ineffective assistance of counsel.
- WLC: 0038/1, relating to placement with relatives.
- WLC: 0040/1, relating to recognizing tribal customary adoption and suspension of parental rights.
- WLC: 0041/P1, relating to adoption petitions filed by counties.
- Memo No. 5, *Proposal to Revise a Ground for Involuntary Termination of Parental Rights* (November 8, 2012).
- Memo No. 6, *Revising the Time When a Petition for Termination of Parental Rights Must be Filed* (November 8, 2012).
- Memo No. 7, *Minnesota's Family Group Decision Making Program and Alternative Dispute Resolution* (November 7, 2012).
- Memo No. 8, *Relative Searches in Wisconsin and Minnesota* (November 8, 2012).
- Memorandum, *Appellate Filings for Child in Need of Protection or Services (CHIPS) and Termination of Parental Rights (TPR) Cases*, from Nancy Rottier, Legislative Liaison, Director of State Courts office (October 24, 2012).
- Memorandum, *Court and Jury Trials for Child in Need of Protection or Services (CHIPS) and Termination of Parental Rights (TPR) Cases*, from Nancy Rottier, Legislative Liaison, Director of State Courts office (October 24, 2012).
- Letter, from Adam Plotkin, Legislative Liaison, Wisconsin State Public Defender's office, to Representative Samantha Kerkman, Chair, Special Committee on Permanency for Young Children in the Child Welfare System.
    - Attachment to letter from Adam Plotkin.
- Letter, from Greg Benesh, Deputy Director (on behalf of the Oconto County Health and Human Services Board of Directors) (November 14, 2012).
- Handout, from Public Member Mary Sowinski (August 16, 2006).
- Letter, from Shel Gross, Director of Public Policy, Mental Health America of Wisconsin, and Hugh Davis, Executive Director, Wisconsin Family Ties (November 12, 2012).
- Email, from Public Member Judge Chris Foley (November 14, 2012).
- Report, *The unpopular but crucial role of representing abusive parents ...*, distributed at the request of Public Member Rändi Othrow.

October 9, 2012 Meeting	Notice	Agenda	Audio	Minutes

- Memo No. 4, *Proposals to Revise Certain Grounds for Involuntary Termination of Parental Rights* (September 27, 2012).
- WLC: 0007/1, relating to next of kin of parental homicide victim.
- WLC: 0008/1, relating to sibling visitation.
- WLC: 0009/1, relating to CHIPS jurisdiction over a newborn.
- WLC: 0010/1, relating to right to counsel for parents in CHIPS proceedings.
- WLC: 0011/1, relating to physical, psychological, mental, or developmental examination and AODA assessment of a person.
- WLC: 0012/1, relating to TPR ground of continuing CHIPS.
- WLC: 0013/1, relating to when no reasonable efforts are required.
- WLC: 0014/1, relating to demand for speedy trial in criminal case.
- Letter regarding TPR representation procedures from Adam Plotkin, Legislative Liaison, State Public Defender's office (September 27, 2012).
- Letter regarding TPR data from Adam Plotkin, Legislative Liaison, State Public Defender's office (September 27, 2012).
- Handout, *Through the Eyes of a Child*, distributed at the request of the Honorable Ramona A. Gonzalez, La Crosse County Circuit Court.
- Handout, *Arizona Court Improvement Project Five Years Later*: Final Report, a report from the National Center for Juvenile Justice (2002), distributed at the request of the Honorable Stephen M. Rubin, Emeritus, Arizona Pima County Superior Court.
- Handout, *Child Protective Services/Pima County Case Plan Summary (Non-Substance Abuse)*, distributed at the request of the Honorable Stephen M. Rubin, Emeritus, Arizona Pima County Superior Court.
- Handout, *Child Protective Services/Pima County Case Plan Summary (Substance Abuse)*, distributed at the request of the Honorable Stephen M. Rubin, Emeritus, Arizona Pima County Superior Court.
- Handout, *Departamento de Servicios de Proteccion al Menor/Tribunal de Menores del Condado de Pima Guia para el Plan del Caso (Sin Abuso de Sustancias)*, distributed at the request of the Honorable Stephen M. Rubin, Emeritus, Arizona Pima County Superior Court.
- Handout, *Departamento de Servicios de Proteccion al Menor/Tribunal de Menores del Condado de Pima Guia para el Plan del Caso (SAbuso de Sustancias)*, distributed at the request of the Honorable Stephen M. Rubin, Emeritus, Arizona Pima County Superior Court.
- Handout, *Protocol for using the Child Protective Services/Pima County Juvenile Court Case Plan Summary*, distributed at the request of the Honorable Stephen M. Rubin, Emeritus, Arizona Pima County Superior Court.

September 11, 2012 Meeting	Notice	Agenda	Audio	Minutes

- Memo No. 3, *Options for Legislation* (September 5, 2012).
- National Conference of State Legislatures (NCSL) Memorandum, *Child Welfare Information Request*, from Nina Williams-Mbengue, NCSL and Kate Bartell Nowak, NCSL Intern (August 27, 2012).
- NCSL State Legislator Fact Sheet, Child Welfare Title IV-E Waiver Demonstration Projects 2012-2014.
- Report, *Using Yesterday to Shape Tomorrow, Uniting 500,000 Foster Youth Voices for One Mission*, 2009 Foster Youth Intern Report, Congressional Coalition on Adoption Institute.
- Handout from Susan Conwell, Executive Director, Kids Matter, Inc. (September 7, 2012).
- Presentation, *Minnesota's Permanency Progress Review Hearing*, by Ann Ahlstrom, Staff Attorney and Manager, Minnesota's Children's Justice Initiative, State Court Administrator's Office and Department of Human Services.
- To view video of the meeting provided by WisconsinEye, please click here.

July 24, 2012 Meeting	Notice	Agenda	Audio	Minutes

- Memo No. 2, *Termination of Parental Rights When Child is in Need of Protection or Services* (July 17, 2012)
- Presentation, *Special Committee on Permanency Requested Out-of-Home Care Data*, Department of Children and Families Follow-Up Presentation (July 24, 2012)
- Presentation, *Improving Child Welfare: State Legislative Experience and CFSR Key Findings*, National Conference of State Legislatures (July 24, 2012).
    - Handout, *Expedited Permanency and Termination of Parental Rights and Other Related Issues*, by Nina Williams-Mbengue, National Conference of State Legislatures (July 2012).
- Presentation, *Permanency in the Child Welfare System, Panel Presentation by: Melanie Deavers, Kristina Finnel, Karissa Vogel, and Christye Johnson*, Mental Health America of Wisconsin.
    - Pamphlet, *Strong Families Healthy Homes*, prepared by Mental Health America of Wisconsin.
    - Pamphlet, *Bringing Wellness Home*, prepared by Mental Health America of Wisconsin.
- Handout distributed at the request of Brent and Veronica Diller, Knapp WI (July 1, 2012).
- Testimony from the Office of the Public Defender, Adam Plotkin, Legislative Liaison, and Diane Rondini-Harness, Assistant State Public Defender (July 24, 2012).
    - Charts distributed by the Office of the Public Defender.
- Testimony from Rick Lockwood and Amy Herbst, Children's Service Society of Wisconsin
    - Pamphlet, *Out of Home Care: Family Finding*, prepared by Children's Service Society of Wisconsin.
- Handout, *Family Interactions - Lutheran Social Services*, prepared by Lutheran Social Services of Wisconsin and Upper Michigan.
- Handout, *WAFCA: Wisconsin Association of Family & children's Agencies*, prepared by WAFCA.
- Handout, *Family Partnerships Initiative (FPI)*, prepared by Lutheran Social Services of Wisconsin and Upper Michigan.
- Testimony from Colleen Ellingson, ECO, Adoption Resources of Wisconsin (July 24, 2012).
- To view video of the meeting provided by WisconsinEye, please click here.

June 27, 2012 Meeting	Notice	Agenda	Audio	Minutes

- Staff Brief 2012-01, *Permanency for Children in the Child Welfare System*.
- Memo No. 1, *Wisconsin Department of Children and Families (DCF) Annual Report for Children in Out-of-Home Care* (June 19, 2012).
    - Report, *Wisconsin Children in Out-of-Home Care, Annual Report for Calendar Year 2010* (December 8, 2011), Wisconsin Department of Children and Families.
    - Appendices to the *Wisconsin Children in Out-of-Home Care Annual Report* (December 8, 2011).
- Brochure, *Public Member Service on Study Committees* (April 2012).
- Memorandum, *Impediments to Timely Permanency for Young Children in the Child Welfare System*, distributed at the request of Judge Chris Foley (June 26, 2012).
- Presentation, *Out-of-Home Care Overview, Wisconsin State Legislature*, by MaryAnn Lippert, Executive Assistant, Wisconsin Department of Children and Families (June 27, 2012).
- Presentation, *Improving Permanency for Children in the Child Welfare System*, by Fredi-Ellen Bove, Administrator, Division of Safety and Permanence, Wisconsin Department of Children and Families (June 27, 2012).
- Handout by the Wisconsin County Human Services Association members panel: Vicki Tylka, Marathon County; Ray Przybelski, Portage County; and Mark Mertens, Outagamie County.
- To view video of the meeting provided by WisconsinEye, please click here.