

# Unadoptable is Unacceptable

Increasing adoptions for youth in foster care



Wisconsin Speaker's Task Force on Adoption  
Wednesday, August 14



Dave Thomas  
Foundation  
*for Adoption*

Finding Forever Families for Children in Foster Care

## About us



Melinda Haggerty, Esq.

SVP, General Counsel

[Melinda\\_Haggerty@davethomasfoundation.org](mailto:Melinda_Haggerty@davethomasfoundation.org)



Dave Thomas  
Foundation  
for Adoption

**Our Mission:**

Dramatically increase the number of adoptions of children waiting in North America's foster care systems.

**Our Vision:**

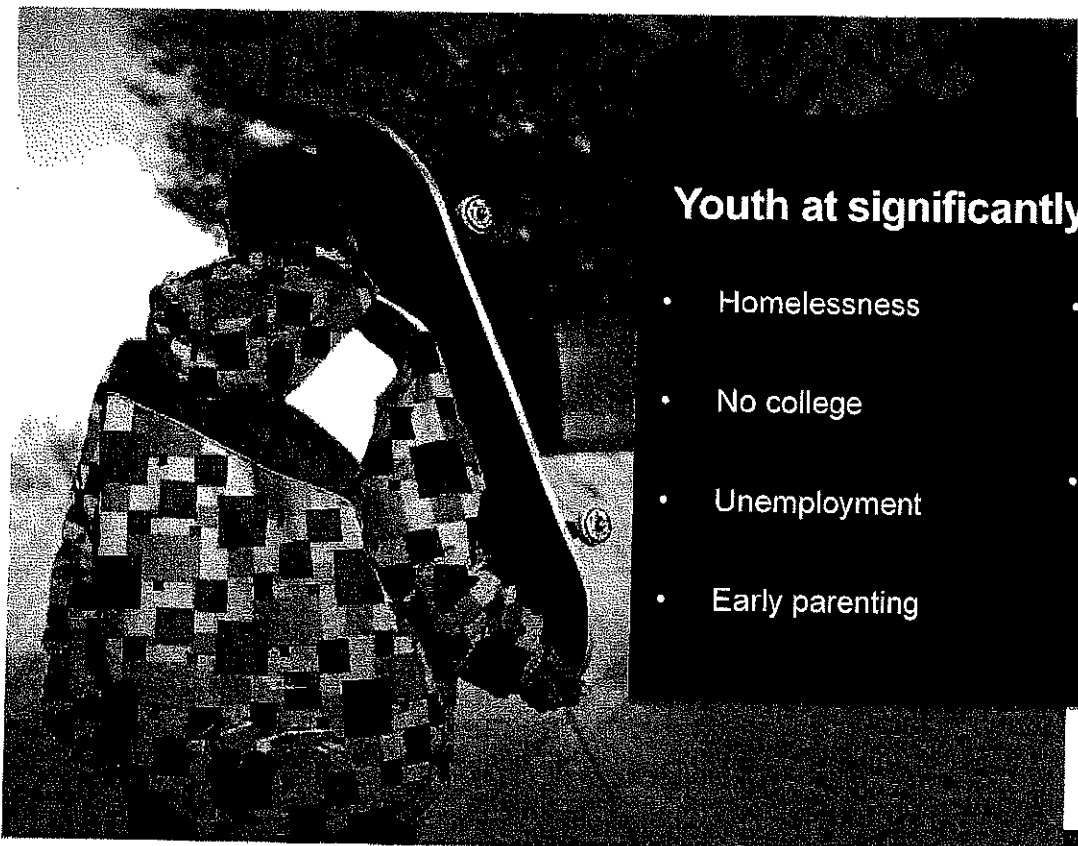
Every child will have a permanent home and loving family.

**We Believe:**

that every child is **ADOPTABLE.**



Dave Thomas  
Foundation  
for Adoption



## Youth at significantly higher risk for:

- Homelessness
- No college
- Unemployment
- Early parenting
- Substance abuse / systems involvement / incarceration
- PTSD (twice as likely as war veterans)



Dave Thomas  
Foundation  
for Adoption



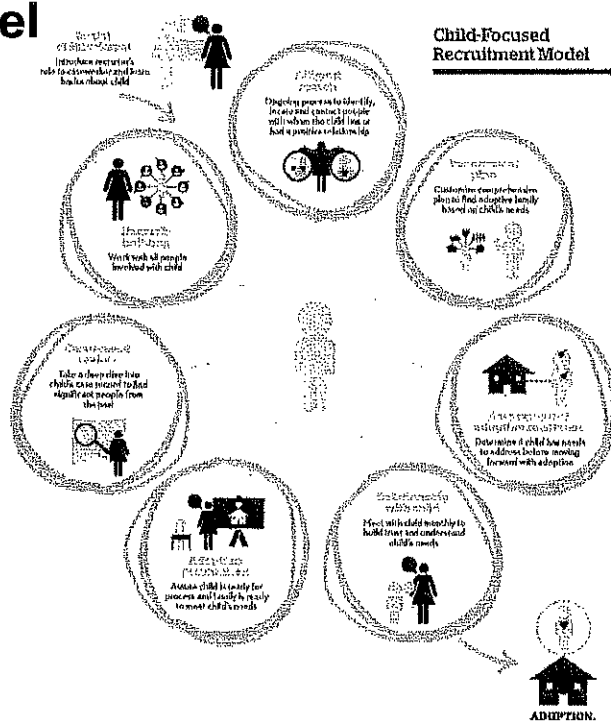
*signature program*

**Dave Thomas**  
Foundation *for Adoption.*

**Child-Focused Recruitment Model**

## Child-focused recruitment model

- Explores child's history and pre-existing relationships to find placement and information
  - Relatives, neighbors, mentors, teachers, pastors, etc.
- Seeks the right adoptive parents for the child, not the right child for the adoptive parents



## **WWK target population**

- Children age 9 and older
- In care 2+ years
- Sibling groups, special needs
- Opposed to adoption
- APPLA
- Without an identified adoptive resource



## National evaluation

### 2011 Study

- Five-year randomized control
- Most rigorous study of adoption recruitment to date



### Children served by WWK were more likely to be adopted

- Generally: more than 1.5 times more likely
- Older: up to 3 times more likely
- Mental health issues: more than 3 times more likely

### Older youth more likely to consider adoption

**“Wendy’s Wonderful Kids substantially and significantly increases adoptions from foster care.” - Child Trends\***



Dave Thomas  
Foundation  
for Adoption

*\*A National Evaluation of Wendy’s Wonderful Kids The Impact of Child-Focused Recruitment on Foster Care Adoption: A Five-Year Evaluation of Wendy’s Wonderful Kids Malm, K., et. al; October 2011*





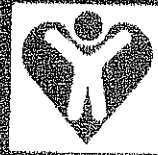
## Wisconsin Impact



- **2** WWK recruiters
- **119** children served
- **30** children on caseloads
- **15** child average age
- **36** children finalized



Dave Thomas  
Foundation  
for Adoption



---

**Believe that all children are adoptable**

# Wisconsin Termination of Parental Rights Statute

Wisconsin Statute 48.426

Standard: Best interests of child

Factors:

- Likelihood of adoption after termination
- Age and health of the child
- Considering whether TPR results in a more stable and permanent family relationship, taking into account conditions of the current placement, the likelihood of future placements and the results of prior placements



Dave Thomas  
Foundation  
for Adoption

## Problems with delaying TPR

### Lower adoption rate

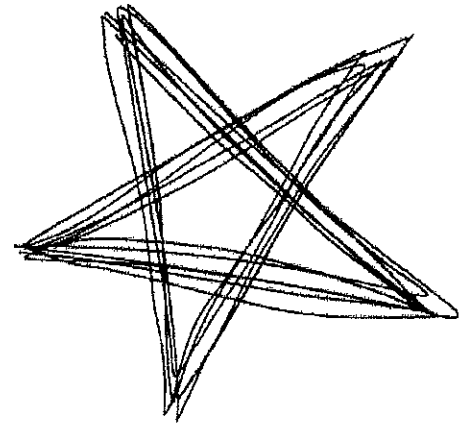
- 40% Wisconsin rate versus 54% national rate

### Recruiting/maintaining adoptive placements

### Preparing the child for adoption

### Procedural issues

- Difficulty serving bio parents
- Timing to move through legal process



Dave Thomas  
Foundation  
for Adoption

## Avoiding “legal orphans”

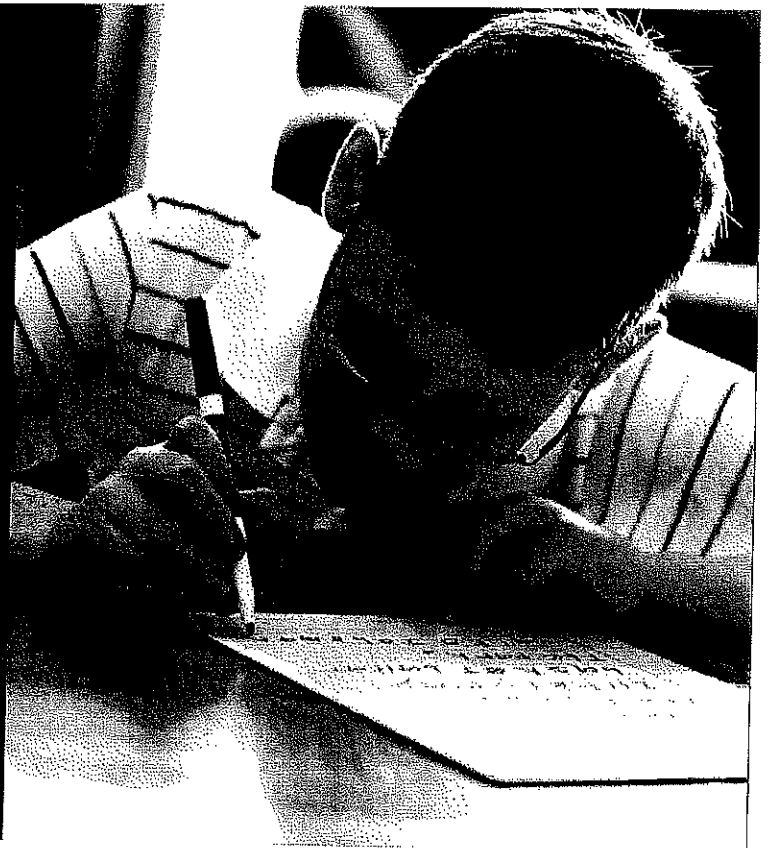
Judges want to avoid creating legal orphans

Irony – denying TPR in appropriate circumstances increases risk of child aging out without adoptive family

No evidence that outcomes are better for children aging out without TPR



Dave Thomas  
Foundation  
for Adoption



## **Adoptability**

---

All children are adoptable when given:

- Opportunity to be adopted
- Appropriate recruitment tactics
- Time

Recommend amending WI Stat. 48.426  
to remove adoptability factors from TPR  
determination

Emphasize recruitment tactics, rather  
than child's characteristics



Dave Thomas  
Foundation  
for Adoption



---

# Scaling WWK program

## Case study: Scaling Ohio

### 2004 – 2011

DTFA privately funded 7 recruiters

### 2011

Release of evaluation; discussions begin

### 2012 – Current

Co-investment\* with the DTFA and the Ohio Department of Job and Family Services now funds 53 recruiters in 19 agencies across nearly all 88 counties

### Impact - Increase in older youth adoptions and return on investment

ODJFS calculates 19% increase in older youth adoptions, \$86 million ROI to date

\*46% Title IV-E, 46% GRF, 8% Title IV-B Part 1



Dave Thomas  
Foundation  
for Adoption

**OHIO**

**53**

RECRUITERS

**879**

CHILDREN ON CASELOADS

**2,775**

CHILDREN SERVED SINCE 2004

**79**

PRE-ADOPT

**993**

ADOPTIONS



## Blue Meridian Partners

---

“Blue Meridian Partners is a new capital aggregation collaboration that plans to invest at least \$1 billion in nonprofits poised to make a national impact on disadvantaged children and youth.”

“The impetus is the urgency of the continuing crisis threatening America’s children and youth, and the results we have seen when the highest-performing nonprofits and their dynamic leaders are supercharged with large amounts of growth capital.”

**The Plan**      Make nationwide change by scaling  
**Wendy’s Wonderful Kids**  
in all 50 states



Dave Thomas  
Foundation  
for Adoption

## Expansion

**10**

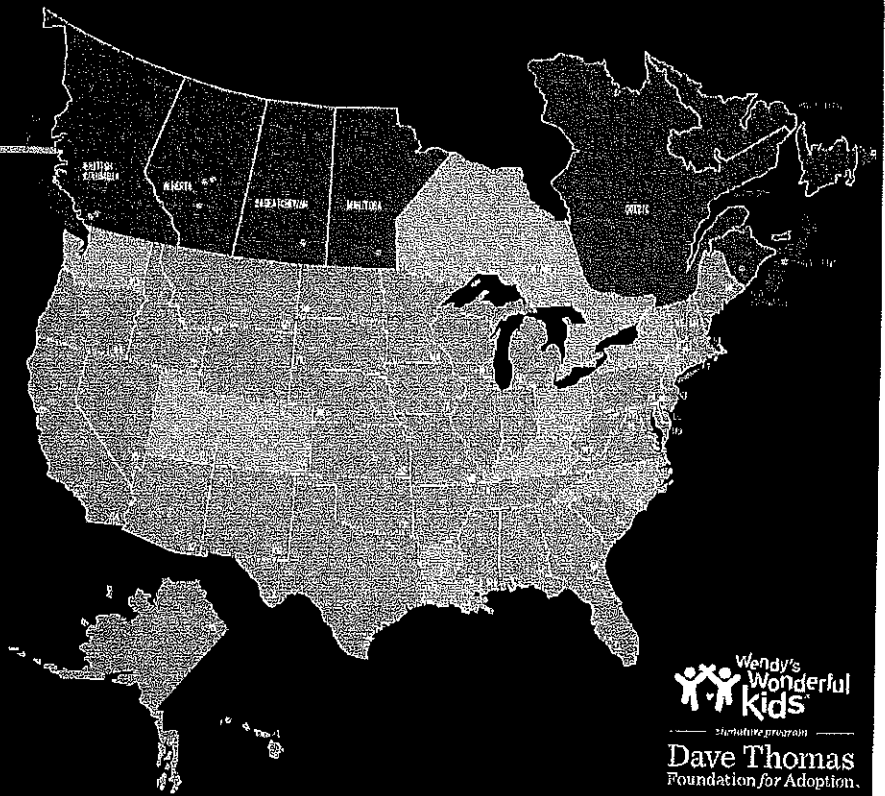
states & provinces scaling  
Wendy's Wonderful Kids

**400+**

adoption recruiters

**8,000+**

children adopted



Wendy's  
Wonderful  
Kids  
signature program  
Dave Thomas  
Foundation for Adoption

## **Scaling considerations**

Define target population

Systemic challenges

Implementation structure –  
public/private

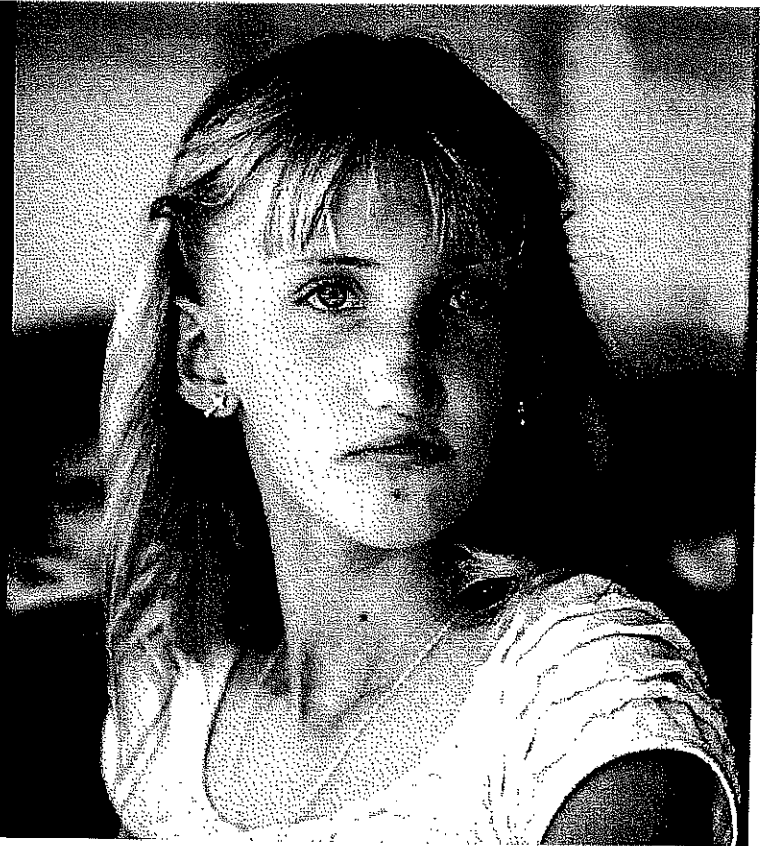
Co-investment strategy

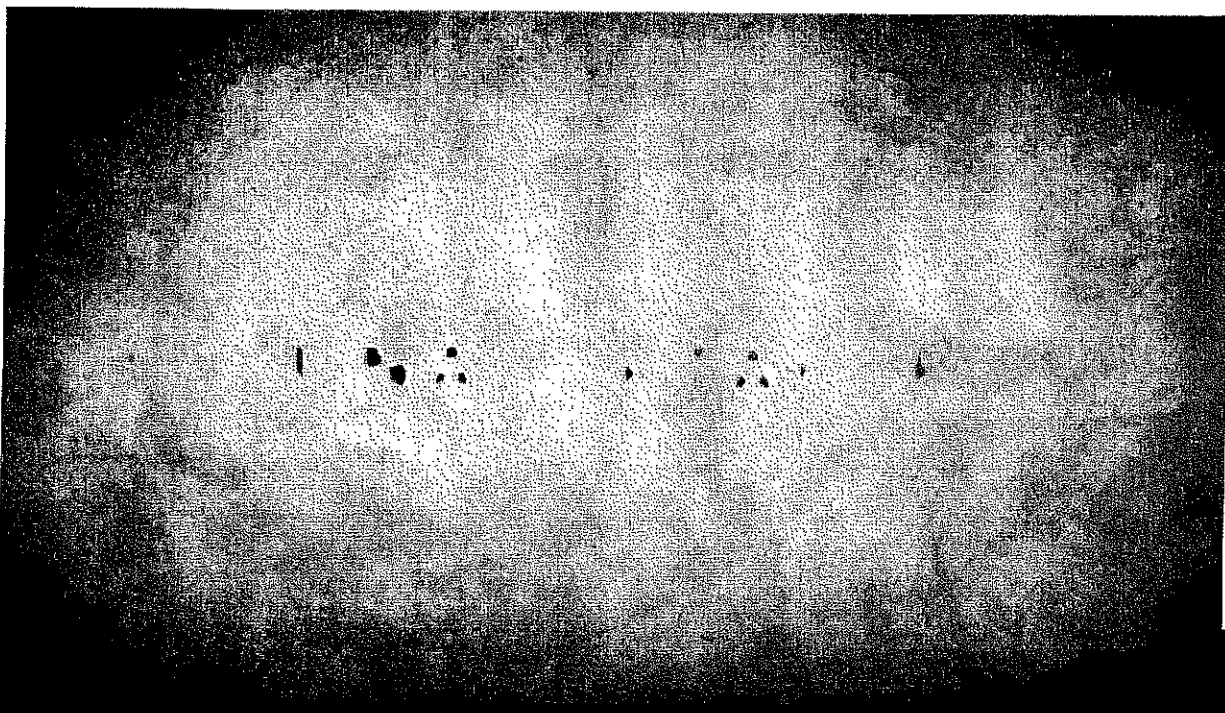
- Sources of funding: Title IV-E, Title IV-B, GRF, Adoption Incentive and Adoption De-link funds, legislated funding

Cost savings – foster care v. adoption



Dave Thomas  
Foundation  
for Adoption





**Unadoptable is Unacceptable**



**QUESTIONS?**



Dave Thomas  
Foundation  
*for Adoption*

Finding Forever Families for Children in Foster Care

**THANK YOU**



[davethomasfoundation.org](http://davethomasfoundation.org)

August 28, 2019

Representative Barbara Dittrich  
State Capitol  
Room 19 North  
P.O. Box 8952  
Madison, WI 53709

RE: Adoption Legislation

Dear Representative Dittrich:

I spoke to your adoption task force at St. Vincent High School in Milwaukee on August 14, 2019. I have been on vacation since shortly after that, but recall that I indicated I would send you a list of items I thought needed correction.

1. Eliminate the jury trial for termination of parental rights. Only three or four states have a jury trial. It is not constitutionally mandated. Consolidate the grounds and best interests of the child (dispositional) hearings before a judge.

Why Change: Multiple hearings causes birth mother discomfort, unnecessary delay, inefficient use of judicial time, tying up sometimes as many as four publicly paid attorneys for extra hearings, and often causes delays because of the number of adjournments of the trials that occur often in more populated counties. For private termination of parental rights cases (cases that are not part of the CHIPS system), multiple trials causes substantial expense for the adopting parents who typically pay the fees of the birth parent or agency to prosecute the involuntary termination of parental rights. In private TPRs, the adoptive parents are usually 28 to 42 years of age generally and have limited financial resources. They pay not only my fees, but the fees of the guardian ad litem and sometimes the fees of an expert witness as well. They often end up paying for paternity testing of \$400 to \$600, which is a test not able to be paid for using the county paternity test contract which normally runs \$50 to \$100 per test.

Under our current system, if the Public Defender tries the case and loses, the cases are often appealed by the Public Defender office or a Public Defender appointee at substantial additional expense. The father or mother whose rights are being terminated gets free counsel all the way through the system. The adoptive parents have no free counsel at any point in the system. Their bills can run well over \$30,000 or \$40,000.

Representative Barbara Dittrich  
Page 2  
August 28, 2019

The addition of the jury to the trial process probably adds a day in court and additional time preparing for the jury trial. In the case of a jury trial, we need to prepare Special Verdict Questions, Jury Instructions, Voir Dire (questioning the jurors as to their bias) and then conducting the Voir Dire. The process of trying a case is extended because objections to evidence often require the jury to be dismissed from the court room temporarily. Jury trials are not necessary.

2. Current law, Wis. Stats. §48.913 and Wis. States. §948.24, prohibit facilitators from making placements. I advocated for this law when it was first passed 15 or 20 years ago. I no longer feel it is necessary so long as appropriate precautions are taken. I believe any licensed child welfare agency in any state should be able to make placements with Wisconsin families or work with birth mothers in Wisconsin. That would still require, in the case of a mother in Wisconsin, that a Wisconsin adoption agency be involved. If a Wisconsin family is being approved for an out-of-state placement, a Wisconsin agency would be involved doing the home study and providing post placement reports. So long as the agency is licensed or the facilitator is certified or licensed, there would be some control by the licensing state presumably over the placing resource in the event of inappropriate behavior.

Today, many placements are made with an initial contact over the internet or by phone. Many of the birth mothers find couples by using adoption agencies around the country. Profiles are shared and a match is made. The legal process is then followed to accomplish the adoption. Our experience has been that licensed facilitators and adoption agencies in other states do a good job. There isn't a quality control issue as we had once thought there might be. We represent a number of Wisconsin adoption agencies and I don't believe that their business would suffer as a result of the elimination of the prohibition. In fact, it may increase. It also will allow Wisconsin families greater access to birth mothers. The number of adoptions domestically has been declining. It is hard enough for an infertile person or couple to build a family without restricting options.

3. Allow post termination contact between a birth parent whose rights have been terminated and a child. Bills have been presented multiple times on this subject and should now be taken seriously and passed. If a parent has had a significant relationship with a child, it may be in the child's best interests to have that relationship continue to some degree. The contact I am talking about would be able to be modified by a court and would be approval and enforcement of an agreement that would be entered into prior to the final termination of parental rights. It would enhance peaceful voluntary terminations which probably would be better for all parties. It would reduce expense, reduce the number of court hearings, and reduce angst. Wisconsin currently does not have enforceable open adoptions, but has had open adoption by gentlemen's agreement for two or three decades.



4. In stepparent adoptions, allow the parent whose rights are sought to be terminated to sign a consent form before a notary. Do not also require two witness signatures and a notary. This rule applies to an adjudicated father or a father that was married to the mother. That proposal should have no opposition.

5. Change of placement rules in the foster care setting should be modified. Currently, Wis. Stats. §48.357 and §48.64 conflict. There is a correlation between the change of placement ground rules and potential adoption. If foster parents are a potential adoptive resource for a child and a parent does not get along with the foster parents, the parent may ask for a change of placement which has the effect of eliminating someone that may have been raising the child for three or four years from consideration as an adoptive resource.

The problem is that §48.357 allows a foster parent or foster parent's attorney to only make a statement at a change of placement hearing. However, if a social services department makes the request for a change in placement, §48.64 applies and a foster parent gets a hearing where the standard is whether it is in the best interests of the child to change placement. The foster parents have a potential to bring up items that are not considered by the corporation counsel/district attorney prosecuting the case, the Social Services Unit or the guardian ad litem. The rule applies only if a placement has been for six months or more in the home of the foster parents.

To insure that the court has maximum relevant information to consider before making a decision which may completely change the direction of a child's life, the foster parents should be allowed to be full participants, have counsel, call witnesses and examine court records before the case goes to trial. Currently, the attorney for the foster parents are only entitled to receive the evidence that the district attorney/corporation counsel chooses to present at trial. In other words, if the DA/corporation counsel wants a change in placement, they will only share positive information about why the change should occur. The negative information, for example, showing attachment between the foster parents and the child or negative behaviors of the birth parent or the other placement resource may never come to light. Wis. Stats. §48.64 should replace §48.357 and it should be expanded to allow all parties litigating the case to have the same access to information.

Change in placement hearings are not particularly common. By using §48.64, it will not open the flood gates, but it will better protect the interests of the child and eliminate manipulation by those seeking to change placement. As it currently stands, if the DA/corporation counsel/human services entity serving the county wants to avoid a contested §48.64 hearing in which the foster parents have a right to present evidence, they simply go to the birth parents and say "why don't you make a change in placement request" because it then changes which statute would be applicable. The change in the statute under appropriate circumstances may permit a child to remain with people he or she has always regarded as his or her parents, not biological, but psychological.

6. A comment on the bill proposed by Senator Jacque and Representatives Brandtjen and Fields. The Wisconsin Academy of Adoption Lawyers have sent a memo to the bill sponsors describing their concerns and their support. Of particular interest to me, in addition to the jury trial elimination, payment to out-of-state agencies and individuals, and combining the factfinding and disposition hearings into one, is the change proposed in the grounds for termination of parental rights. We typically use §48.415(6), failure to assume parental responsibility. Under current law, if the parent sought to be terminated showed interest and concern for the well-being of the child, it may prevent a termination of rights for unimportant reasons. More important should be the relationship the father has had with the child or has had with the birth mother during her pregnancy. We had a case in which a father beat the mother during her pregnancy, was incarcerated for a long period of time, but when learning his rights might be terminated, communicated with others from prison asking how the child has been doing. A jury concluded that he did all he could do in view of the circumstances, therefore, his rights shouldn't be terminated. The effect was to prevent the child from being placed in a permanent and stable family relationship. There was little or no chance that the father would ever be the custodian much less act as the father of the child, but the language "showed interest and concern for the well-being of the child" was aggressively argued by the Public Defender representing the father.

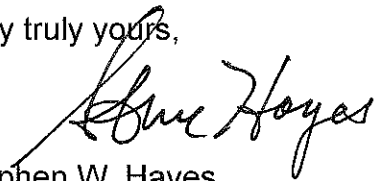
Under §48.415(6), at the factfinding phase, the factfinder (judge or jury) can consider whether "the person has expressed concern for or interest in the support, care or well-being of the mother during her pregnancy." It would be helpful, as several states do, to have a separate ground for termination of parental rights based entirely on pre-birth contact and conduct by the person sought to be terminated which may have an impact on the fetus. In other words, a ground for prenatal abandonment.

Representative Barbara Dittrich  
Page 5  
August 28, 2019

7. Wisconsin has a confusing paternity registry statute. Many states today have firm paternity registries that disqualify an alleged father from participating in the termination process if he has failed to register his interest in doing so prior to the birth, a court hearing or other time-related event. In Wisconsin, a father can file a paternity action pre-birth to also protect his interests. This would require some funding to provide an educational component to let fathers know what they need to do in the event they wish to participate.

If you have any questions, please feel free to contact me at (262) 347-2098. Thank you for your consideration.

Very truly yours,



Stephen W. Hayes

SWH:wlg



OFFICE OF THE DISTRICT ATTORNEY  
VEL R. PHILLIPS JUVENILE JUSTICE CENTER

# *Milwaukee County*

JOHN T. CHISHOLM • District Attorney

August 14, 2019

To: Representative Barbara Dittrich  
From: Milwaukee County DDA Libby Mueller and ADA Rebecca Kiefer  
Re: Speaker's Task Force on Adoption

Thank you for the opportunity to speak on this very important topic. As prosecutors at Milwaukee County Children's Court, our goal is to protect the welfare of children. We work to preserve the integrity of the family if at all feasible, and to move swiftly to other avenues of permanence in the event a return to the home is not possible. We are very grateful to our system partners, including the Office of the Public Defender, private bar defense counsel, guardians ad litem, DMCPs and social workers, community service providers, judges and court commissioners.

In construing chapter 48, "the best interests of the child... shall always be of paramount consideration." Wis. Stats. § 48.01(1). As representatives of the public in child welfare cases, we take this charge seriously. The Children's Code expressly directs us to recognize that a child's health and safety are the paramount concerns, the importance of eliminating the need for children to wait unreasonable periods of time for their parents to correct the conditions that prevent their safe return to the family, to promote the adoption of children into safe and stable families rather than allowing children to remain in the impermanence of foster or treatment foster care, and for termination of parental rights to occur at the earliest possible time after rehabilitation and reunification efforts are discontinued in accordance with this chapter and termination of parental rights is in the best interests of the child. See Wis. Stats. §§ 48.01(1)(a), 48.01(1)(gg), and 48.01(1)(gr).

We are proposing two specific changes to the statutory scheme in Chapter 48, with the ultimate goal of assuring that children are able to achieve permanency in a timely manner and not languish in foster care. We also include a suggestion to improve court efficiency without adding additional courts.

## PROPOSED LEGISLATIVE CHANGES

### 1. Drug Affected Child

Abuse of drugs or alcohol by parents and other caregivers can have significant and profound negative effects on the health, safety, and well-being of children. Two areas of concern addressed by this proposed statutory change are the harm caused by prenatal drug exposure and the harm caused to children of any age by exposure to illegal drug activity in their home or environment. Our present statutory scheme for protection of children in Chapter 48 wholly neglects to address the issues of drug and alcohol abuse that are prevalent in our society. Our proposals address this void.

Create an additional ground for CHIPS under Wis. Stat. 48.13:

**48.13(14) Who is a drug affected child.** The term drug affected child includes

(a) prenatal exposure to a controlled substance, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, positive results from a toxicology test performed on the mother at delivery or on the child at birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance, or the presence of a fetal alcohol spectrum disorder.

(b) Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety.

(c) Under this subsection, a mother's lawful use of medication as prescribed by a treating physician shall establish that a child is not a drug affected child.

Create an additional ground for TPR under Wis. Stat. 48.415:

**48.415(11) Drug affected child.**

(a) Drug affected child, which shall be established by proving that the child has been adjudged to be a child in need or protection or services pursuant to Wis. Stat. 48.13(14)

(b) Drug affected child is not established under par. (a) if a parent proves all of the following by a preponderance of the evidence

(1) that within 90 days of the birth of the child or placement of the child outside of the parental home pursuant to an order for temporary physical custody, the parent enrolled in a substance abuse treatment and/or recovery program.

(2) that the parent continues to maintain substantial compliance with a substance abuse treatment and/or recovery program.

## **2. Termination of Reunification Efforts**

We propose that a procedure be implemented to revise CHIPS dispositional orders to allow for termination of reunification services. Current law requires counties, absent aggravating circumstances, to continue providing services to parents even when it is substantially unlikely they will participate or meet the conditions of return. If the court orders termination of reunification services, we envision (1) allowing visitation to continue, so long as it is in the child's best interests, (2) a procedure for parents to have reunification services reinstated when appropriate, and (3) an easy path to permanency once services are terminated. Termination of reunification services would not prevent a parent from independently completing conditions of return, it would merely relieve counties of the burden of providing those services.

Under current law, once grounds for termination of parental rights are established, courts are required to *consider* six factors in determining whether termination is in a child's best interests. *See* Wis. Stats. Sec. 48.426(3). One of these factors is the likelihood of adoption. Courts are not asked to consider whether a child is adoptable; all children are adoptable. The issue is whether adoption is likely. In the majority of our cases, this factor weighs heavily in favor of termination of parental rights. There are times, however, when it does not. The court can find that only some of the identified factors weigh against TPR, yet find that TPR is the appropriate disposition. Similarly, it can find that all but one weigh factor weighs in favor of TPR and still dismiss the petition.

We do not propose eliminating any of the factors courts are currently obligated to consider when ascertaining whether a TPR is in a child's best interests. A parent's constitutional rights are implicated in every child welfare matter, particularly TPRs. Termination of parental rights proceedings should never be taken lightly.

We are mindful of the difficulty in locating adoptive homes for children who are considered a legal risk and not available for adoption. Counties are often left in a Catch-22, courts won't order TPR because there isn't an adoptive resource, yet it is difficult to recruit adoptive homes for legal risk children. If reunification services are terminated, counties would no longer be working towards reunification, which would greatly lessen the the legal risk associated with these children. This would, in turn, increase the likelihood of finding them a forever home.

In Milwaukee County, courts occasionally order TPRs on children without an identified adoptive resource. There are times, however, when some of these children are not subsequently adopted. These children continue to linger in the

system, having been made legal orphans. They are also unable to be subjects of subsidized guardianships as Wis. Stats. s. 48.427, related to TPR dispositions, does not contemplate future transfers of guardianship. This leaves these children in limbo and, potentially, unable to achieve permanency. It is also frustrating to the courts who ordered TPR, anticipating these children would be adopted.

For these reasons, terminating reunification services for parents who are not making progress towards meeting the conditions of return, would serve in the best interests of children who (1) do not have an identified adoptive resource or (2) may have a permanency plan that differs from TPR or reunification.

Termination of reunification services can also be used to relieve counties of the significant burden of providing services to parents who are unwilling or unable to meet the conditions of return while preserving the child's familial relationships.

Finally, termination of reunification services can be used as a basis to transfer guardianship to an appropriate adult.

We propose that a statutory section allowing for Termination of Reunification Services be created and placed between Revision of Dispositional Orders at Wis. Stats. Sec. 48.363 and Extension of Dispositional Orders at Wis. Stats. Sec. 48.365.

## **General Procedure:**

### **1. Commencement of the Action**

The petition may be filed by the parent, child, agency or representative of the public.

- (a) At the hearing, the petitioner must establish the following by clear, satisfactory and convincing evidence:
  - a. That the child has been in a placement outside of the parental home pursuant to an order for temporary physical custody for at least one year or placed outside of the home pursuant to one or more dispositional, revision, extension or change of placement orders containing the termination of parental rights notice required by law for at least six months. No such petition can be filed until at least one year after the child has been placed in out of home care.
  - b. The agency has made reasonable efforts to provide the services ordered by the court. Reasonable efforts shall be defined as set forth in s. 48.415(2)(a)(2)a.

- c. The parent has failed to meet the conditions established for the safe return of the child.

If the court makes the above findings, the petition to terminate reunification services shall be granted unless the respondent can establish, by evidence that is clear, satisfactory and convincing:

- a. The parent is substantially likely to meet the conditions of safe return and effectuate a stable reunification within the 3 month period following the filing of the petition to terminate reunification services.

Should the Court find that the parent has met its burden, it shall stay any orders regarding termination of reunification services and set the matter for a three month review hearing. At said hearing, if the parent has achieved successful reunification, the petition to terminate reunification services shall be dismissed. If the parent has not achieved successful reunification despite the continuation of services, the court shall grant the petition to terminate reunification services and revise the dispositional order to that effect. Nothing in this subsection should be construed as to deny any party the ability to file a petition for termination of parental rights or transfer of guardianship while a petition for termination of reunification services is pending.

## **2. Resumption of Reunification Services**

The parent, child, GAL, etc. may petition the court for resumption of reunification services when appropriate. Under this subsection, the petitioning party must establish:

- a. There has been a substantial change in circumstances since reunification efforts have been terminated
- b. There is a substantial likelihood that the parent will be able to meet the conditions of safe return within the 3 month period following the filing of the petition to resume reunification services.
- c. It is in the child's best interests that reunification services resume

## **3. Permanency Issues**

A trial court's finding that reunification services shall be terminated may serve as a factual basis to

- 1. Terminate the parental rights of the parent to the child. This can be accomplished by adding a TPR ground to s. 48.415



- a. 48.415(2)(c) – Termination of Reunification Services
  - i. That the child has been adjudged to be a child or an unborn child in need of protection or services and placed, or continued in a placement, outside his or her home pursuant to one or more court orders under s. 48.345, 48.347, 48.357, 48.363, 48.365, 938.345, 938.357, 939.363 or 938.365, containing the notice required by s. 48.356(2) or 938.357(2).
  - ii. The court has ordered the termination of reunification services and, as of the date of the filing of the petition, has not ordered that those service resume
2. Transfer guardianship of the child . This can be accomplished by amending 48.977 to include (2a)– as an alternative to the required findings under 48.977(2)
  - a. 48.977(2a)
    - i. That the child has been adjudged to be in need of protection or services under s. 48.13(1), (2), (3), (3m), (4), (4m), (5), (8), (9), (10), (10m), (11) or (11m) or 938.13(4), and been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363, or 938.365 or that the child has been so adjudged and placement of the child in the home of a guardian under this section has been recommended under s. 48.33(1) or 938.33(1).
    - ii. The court has ordered the termination of reunification services and, as of the date of the filing of the petition, has not ordered that those service resume
    - iii. That, if appointed, it is likely that the person would be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years.
    - iv. That it is not in the best interests of the child that a petition to terminate parental rights be filed with respect to the child

These matters would still be subject to dispositional hearings as to what is in a child's best interests. Wis. Stats. Secs. 48.426 and 48.977(4)g.

### SUGGESTION TO IMPROVE COURT EFFICIENCY

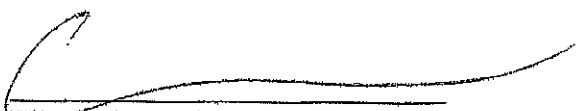
Milwaukee County had a permanency counselor who assisted parents on child welfare cases. This person was an experienced, independent social worker who worked for the court. She was well versed in both the CHIPS and TPR process. She was available to meet with parents and discuss, in real terms, what was likely to happen when they came to court, the realities of litigation and what they wanted to see for their children. Given her independent status and lack of vested interest in the outcome of the process, she was trusted by parents, attorneys, guardians ad litem, courts and system partners. She was able to guide parents to make well-informed decisions on resolving cases short of trial and consenting to termination of parental rights. She was an incredible asset to the courts and able to keep several matters from protracted, ongoing litigation. She also set up meetings between families of origin and foster parents, as appropriate.

Permanency counselors could be implemented in counties throughout the state to guide parents and parties towards resolution of cases without protracted litigation.

### CONCLUSION

Thank you again for the opportunity to address the Speaker's Task Force on Adoption. We hope that our comments and suggestions assist you in achieving your goal of addressing the barriers facing biological and adoptive parents in the adoption process. Swift and sure outcomes in these matters are in the best interests of children. We are happy to present further information or answer any questions you may have on these, or other proposals. We appreciate the work you do on behalf of the children of our great state.

Very truly yours,

  
Elisabeth Mueller  
Deputy District Attorney

  
Rebecca Kiefer  
Assistant District Attorney



August 14, 2019

Speaker's Task Force on Adoption  
c/o Rep. Barbara Dittrich, Chair  
19 North, State Capitol - P.O. Box 8952  
Madison, WI 53708

Dear Representative Dittrich and Task Force members,

Thank you for your commitment to children and families in Wisconsin. Mental Health America of Wisconsin (MHA), celebrating 90 years of serving Milwaukee and the state, is a private, non-profit, United Way organization as defined by IRS Code 501 (C) (3).

Mental Health America of Wisconsin has supported parents living with mental illness through our Strong Families Healthy Homes (SFHH) program for 18 years. SFHH is a psychosocial mental health model, serving children who come from homes headed by parents with a diagnosable, severe mental illness. We understand the unique challenges of parenting with a mental health issue and the importance of having the right supports and interventions in place to ensure success. Too often parents are discounted before the process has even begun and we want to urge the committee to slow its process to ensure all parents and their families, especially those with mental illness or addiction receive fair and equitable treatment.

Since the SFHH program began in 2001, the program has achieved significant success with parents involved in the child welfare system. Meeting the goals of reduced hospitalizations, decreased social isolation, increased understanding of mental illness, increased positive parent/child interactions, and increased community linkages. Improvement in these areas works to increase family stability. As an evidence-based model, we achieve outcomes where more than 85% of our families are reunified and close to 90% of our families remain reunified, even after 5 years.

Despite these outcomes, families with mental illness and addiction issues are still discriminated against, seeing longer out-of-home placements and unrealistic scrutiny by case managers. Resulting in above average termination of parental rights for parents and families of color, child removals are close to 70% African American in Milwaukee County and higher for parents living with mental illness or addiction. Poverty can lead to even more scrutiny and make it more difficult for families to succeed. Caseworkers unfamiliar with mental illness, addiction, poverty or urban communities may judge parents resulting in biased treatment and less access to equitable resources.

MHA knows firsthand, when parents living with mental illness or addiction issues receives the right intervention, that is culturally and trauma responsive- they can be successful parents and protective agents for their children. These parents will require additional ASFA time and supports to ensure long-term reunification. Parent Peer Specialists have been especially successful in other states. Seattle has a successful model called Parent to Parent that Milwaukee County is interested in replicating. This model uses parents who have successfully navigated the Child Protection System and provide mentorship to parents newly entering the system. The Parent Peers help parents understand their rights, the importance of getting treatment for their mental health and advocating for themselves and children when the system is failing.

[www.mhawisconsin.org](http://www.mhawisconsin.org)



We urge the Task Force to slow down the process of making it easier to terminate parental rights and speed up adoptions. Please consider support for alternative programs and interventions that are effective in supporting families and moving them toward reunification while keeping them from reentering the system.

Sincerely,

A handwritten signature in black ink, appearing to read "Martina Gollin Graves". The signature is fluid and cursive.

Martina Gollin Graves, President and CEO  
Mental Health America of Wisconsin

[www.mhawisconsin.org](http://www.mhawisconsin.org)

600 West Virginia Street, Suite 502, Milwaukee, WI 53204 • P: 414.276.3122 • F: 414.276.3124  
133 S. Butler Street, Room 330, Madison, WI 53703 • P: 608.250.4368 • F: 608.442.7907