



TO: The Honorable Members of the Assembly Committee on Family Law  
FROM: Kathy Markeland, Executive Director  
DATE: October 29, 2019  
RE: **WAFCA Comments on Adoption Task Force Proposals**

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Thank you for the opportunity to provide testimony in response to the package of proposals advanced following the convening of the Speaker's Task Force on Adoption.

WAFCA is a statewide association that represents nearly fifty child and family serving agencies and advocates for the more than 250,000 individuals and families that they impact each year. Our members' services include family, group and individual counseling; substance use treatment; crisis intervention; outpatient mental health therapy; and foster care and adoption programs, among others. Many of our member agencies license foster homes, including treatment foster homes, and facilitate both public and private adoptions.

We are grateful for the time and effort invested by members of the Speaker's Task Force on Adoption this session. The regional listening sessions provided an opportunity for a wide range of stakeholders to share their perspectives regarding the elements of Wisconsin's foster care and adoption system that are working and where there are opportunities for improvement. As members of this committee well know, the family law arena is complex and issues surrounding foster care, parental rights and adoption are no exception. As was emphasized throughout the work of the Foster Care Task Force and the Adoption Task Force, the ultimate focus of all parties must be on the best interest of the child. The laws surrounding the processes and guiding decision-making pivot around that focal point, but sometimes in practice the laws fail to fully accommodate equitable voice for all parties with a perspective on the child's best interest or allow procedural actions that delay a child's progression toward permanence. People of good will are going to differ on the specific processes and tools that contribute to the best outcome, but it's incumbent on us all to continue to grapple with these questions, grant special attention to inequities and disparities in our systems and stay committed to continually improving our processes so all Wisconsin's children find their way to the safety of a permanent home.

With regard to the specific proposals before the Committee today, our WAFCA members are still in the process of analyzing some of the details and look forward to learning more through the discussion at the

hearing today and then sharing additional comments and questions with the bill authors once we complete our review. Today I am sharing our initial thoughts regarding six of the proposals.

**AB 559** covers a range of provisions, including establishing new grounds for CHIPS and termination of parental rights. While we share the sense of urgency regarding the increase in prenatal drug exposure, we are concerned that the addition of “drug affected” as a grounds for CHIPS and TPR could have the unintended effect of discouraging women from seeking appropriate medical care. In addition, Wisconsin’s substance use treatment resources are not keeping pace with the addiction crisis and establishing new timelines for accessing treatment may result in an untenable situation for women who want to parent and want to work toward recovery.

In the most recent biennial budget, policymakers approved funding to support children placed with their parent in family residential substance use treatment facilities. This new initiative is part of Wisconsin’s effort to implement policy changes made possible by the enactment of the federal Family First Prevention Services Act. We anticipate that this new funding coupled with upcoming changes to Wisconsin’s Medicaid system to allow MA payment for residentially-based substance use treatment services will expand the number of providers offering residential treatment services to women, and we need time to grow the additional treatment capacity.

**AB 561** establishes a mechanism for developing a court approved postadoption contact agreement. We support the establishment of a formalized open adoption process in Wisconsin, an option that is available in most other states. We know that connecting children with their history and family increases their ability to form a strong sense of identity. We believe that AB 561 is a step in the right direction and welcome the opportunity to work with Representative Dittrich and other stakeholders who support the open adoption concept to strengthen this proposal.

WAFCA supports **AB 564**, which expands access to adoption assistance. Adoption assistance is a critical element of our adoption system that enables a family to provide an appropriate level of care for a child with special needs who is joining their forever family. Adoption assistance recognizes that adoption is not an event, but a life-long journey and the program supports a family seeking help as new challenges may emerge. The expansion of the qualifying criteria for adoption assistance will help more children move to permanence.

We see AB 563 and AB 562 as efforts to address the real concern expressed by some of Wisconsin’s foster parents regarding respect for their voice within the child welfare system. Opening up your home and your heart to a child is a unique calling. The system works diligently to recruit and train foster parents who understand their role as a resource to support a child toward permanence, which most often means reunification with family. As a result, foster parents often end up providing care and nurturance to the child, and also engage with and nurture the family. They are a fundamental part of the team and are expected to serve critical roles within the team; however, their voices often go unheard during legal proceedings, and information that is shared with the rest of the team is often withheld from them. When foster parents experience situations where they are not fully included as members of a

child's team and are not given information to help them understand the plans for the child in their home, it can appear that the system does not value them as partners.

**AB 563** seeks to address an inconsistency in practice in the state right now with regard to providing the permanency plan to caregivers. Group home and residential providers are required to maintain the permanency plan on file for children in their care. It is viewed as an important component of the child's records to help them as care providers. We understand that there is variable practice across the state in providing permanency plans to foster parents and youth. We think it is reasonable to set a consistent expectation. Foster parents and youth should be engaged in the permanency plan development and they should have access to information about the plan. We would appreciate the opportunity to work with Representatives Murphy and Considine and other stakeholders to refine AB 563 to ensure that foster parents and youth have access to the important information contained within the permanency plan to enable them to contribute to the permanency hearing.

While appreciating the spirit in which **AB 562** is offered, we have a number of questions regarding the impacts of this proposal. First, based on our consultation with member group homes, it is unclear why group homes have been included in this bill. The role of group homes differs from the role of foster parents in our system. AB 562 would expand the rights of a congregate care provider in a manner that would be inconsistent with their caregiver role. Second, our members are concerned that the bill as drafted could compel foster home licensing agencies to pay for counsel or other expert witnesses in an action initiated by foster parents. Supporting representation for foster parents in these circumstances would be cost prohibitive and result in an untenable situation if the licensing agency and the foster parent disagree about the change of placement recommendation. We look forward to learning more about AB 562 during the hearing today and to engaging with the author to address our questions.

Finally, we support **AB 566** as a reasonable step to streamline court proceedings. We understand that there are concerns about the impact of this proposal in light of other proposals offered as part of the Adoption Task Force package. Our support for this proposal is predicated on the belief that this portion of the court process could be improved to better serve the interest of the child without undermining the ability of parents to be fairly represented within the process. With this in mind, we would support the addition of funding to appoint counsel for all parents in CHIPs proceedings. 2017 WI Act 253 established a pilot, but we believe the appointment of counsel should be extended to all parents in order to best serve the interest of the child as intended by AB 566 and the other proposals advanced by the Adoption Task Force.

Thank you, again, for the opportunity to offer comments before the Committee today. We appreciate the ongoing commitment of the Speaker and the members of the Assembly to engage the complex issues surrounding foster care and adoption in our state. We are hopeful that additional engagement of stakeholders around the specifics of these proposals and others that have not yet been brought forward by the Task Force, such as increasing funding for post-adoption support, will result in better outcomes for the children and families of Wisconsin touched by the foster care and adoption systems in our state.