

2005 Senate Bill 606

Date of enactment: **May 23, 2006**
Date of publication*: **June 5, 2006**

2005 WISCONSIN ACT 448

AN ACT to amend 48.833; and to create 48.38 (4) (br), 48.834 and 938.38 (4) (br) of the statutes; relating to: placement of a child with a foster parent, adoptive parent or proposed adoptive parent of a sibling of the child.

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

SECTION 1. 48.38 (4) (br) of the statutes is created to read:

48.38 (4) (br) A statement as to the availability of a safe and appropriate placement with a foster parent, adoptive parent, or proposed adoptive parent of a sibling of the child and, if a decision is made not to place the child with an available foster parent, adoptive parent, or proposed adoptive parent of a sibling, a statement as to why placement with the foster parent, adoptive parent, or proposed adoptive parent of a sibling is not safe or appropriate. In this paragraph, "sibling" means a person who is a brother or sister of the child, whether by blood, marriage, or adoption, including a person who was a brother or sister of a child before the person was adopted or parental rights to the person were terminated.

SECTION 2. 48.833 of the statutes is amended to read:

48.833 Placement of children for adoption by the department, county departments, and child welfare agencies. The department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home or a licensed treatment foster home without a court order if the department, county department ~~under s. 48.57 (1) (e) or (hm) or the~~ or child welfare agency is

the guardian of the child or makes the placement at the request of another agency which that is the guardian of the child. ~~Before placing a child for adoption under this section, the department, county department or child welfare agency making the placement shall consider the availability of a placement for adoption with a relative of the child who is identified in the child's permanency plan under s. 48.38 or 938.38 or who is otherwise known by the department, county department or child welfare agency.~~ When a child is placed under this section in a licensed foster home or a licensed treatment foster home for adoption, the department, county department, or child welfare agency making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed in the licensed foster home or licensed treatment foster home for adoption by the proposed adoptive parent.

SECTION 3. 48.834 of the statutes is created to read:

48.834 Placement of children with relatives or siblings for adoption by the department, county departments, and child welfare agencies. (1) PLACEMENT WITH RELATIVES. Before placing a child for adoption under s. 48.833, the department, county department under s. 48.57 (1) (e) or (hm), or child welfare agency making the placement shall consider the availability of a placement for adoption with a relative of the child who is identified in the child's permanency plan under s. 48.38

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

or 938.38 or who is otherwise known by the department, county department, or child welfare agency.

(2) PLACEMENT WITH SIBLINGS. Before placing for adoption under s. 48.833 a child who has a sibling who has been adopted or has been placed for adoption, the department, county department under s. 48.57 (1) (e) or (hm), or child welfare agency making the placement shall consider the availability of a placement for adoption with an adoptive parent or proposed adoptive parent of a sibling, as defined in s. 48.38 (4) (br), of the child who is identified in the child’s permanency plan under s. 48.38 or 938.38 or who is otherwise known by the department, county department, or child welfare agency.

SECTION 4. 938.38 (4) (br) of the statutes is created to read:

938.38 (4) (br) A statement as to the availability of a safe and appropriate placement with a foster parent, adoptive parent, or proposed adoptive parent of a sibling of the juvenile and, if a decision is made not to place the juvenile with an available foster parent, adoptive parent, or proposed adoptive parent of a sibling, a statement as

to why placement with the foster parent, adoptive parent, or proposed adoptive parent of a sibling is not safe or appropriate. In this paragraph, “sibling” means a person who is a brother or sister of a juvenile, whether by blood, marriage, or adoption, including a person who has a brother or sister of a juvenile before the person was adopted or parental rights to the person were terminated.

SECTION 5. Initial applicability.

(1) PERMANENCY PLANS; PLACEMENT WITH ADOPTED SIBLING. The treatment of sections 48.48 (4) (br) and 938.38 (4) (br) of the statutes first applies to permanency plans prepared on the effective date of this subsection.

(2) PLACEMENT OF CHILDREN WITH SIBLINGS FOR ADOPTION. The treatment of sections 48.833 and 48.834 of the statutes first applies to a child who is placed for adoption under section 48.833 of the statutes, as affected by this act, on the effective date of this subsection.

SECTION 5m. Effective date.

(1) PLACEMENT OF CHILDREN WITH SIBLINGS. This act takes effect on the first day of the 3rd month beginning after publication.