WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES
Division of Family and Economic Security
Bureau of Child Support

To: **Child Support Directors**
       Child Support Supervisors or Lead Workers
       Child Support Attorneys
 	
From: **André Small, Director**
         Bureau of Child Support
	CHILD SUPPORT
	BULLETIN
	
	No.: **18-07**
	
	Date: **July 5, 2018**

Subject: Support Calculations in Cases Receiving Adoption Assistance

Purpose

This bulletin is being issued as guidance to child support agencies on how to calculate support in adoption assistance cases. This bulletin obsoletes CSB 06-10.

Background

The Adoption Assistance Program provides monetary assistance to families to help meet the costs of care for children with special needs. The amount of adoption assistance is based on the current uniform foster care rate, which takes into account the child's age and any special care requirements. (see Wis. Stat. § 48.975(3)(a) The uniform foster care rate is set by the Wisconsin Department of Children and Families Division of Safety and Permanence (DSP).

Eligibility for adoption assistance requires that the child must have, or be at risk of developing special needs, and otherwise would not be able to be placed for adoption without adoption assistance. Adoption assistance eligibility criteria are defined in Wis. Admin. Code DCF 50.03. The amount a family receives in adoption assistance is set before the child is placed and will not increase based on the age of the child. Families may request an amendment to their Adoption Assistance Agreement after twelve months have lapsed from the date of adoption.

Policy

Adoption assistance:
- Is not considered taxable income.
- Is considered income for purposes of calculating the recipient's eligibility for other types of assistance.
- Is not considered a form of public assistance.
- Is not means-tested in Wisconsin (has no eligibility restrictions based on applicant's income).

Under § 46.10(14)(cm)1., Wisconsin Statutes, the amount that adoptive parent/s may be ordered to pay for child support is capped at the amount of the adoption assistance. DSP policy recommends that the amount of support for a child with special needs should be set at either the amount calculated under the percentage standard or the amount of adoption assistance, whichever is less.

Separation or Divorce: How to calculate support when parents who receive adoption assistance are separated or divorced:

- Determine which parent will receive the adoption assistance check. (The adoption assistance check is made out to both parents in an intact family.)

- **If the CP receives the check**, use DCF 150.03(5m) to calculate child support for the NCP using his/her gross income without factoring in the adoption assistance.

- **If the child is in shared-time placement**, If the shared placement guidelines apply, the adoption assistance should be split between the parents in proportion to the amount of time the child spends with each parent. The proportion of the adoption assistance that represents the proportion of time the child spends with the parent not receiving the adoption assistance should be added to the support obligation of the parent who is receiving the adoption assistance. If the parent who receives the adoption assistance check is determined to owe a support amount that is greater than the adoption assistance amount, the support owed by that parent is capped at the amount of adoption assistance received.

- **If the parties can't agree** on who will receive the check, DSP suspends the checks and it is incumbent on the parents to seek a court order determining which parent will receive the check.

Substitute Care: How to calculate support for parents who receive adoption assistance when the child is ordered into substitute care:

- **If the adoption-assistance child is likely to return home following substitute care placement,** Calculate support of the child using the percentage in the proportionate share of the percentage applicable for the total number of children in the family. If the amount calculated exceeds the amount of the adoption assistance, order adoption assistance amount as support. If the amount calculated is less than the amount of the adoption assistance, order the lower amount.

- **If the adoption-assistance child is not likely to return home from substitute care,** order the amount of adoption assistance as support.

If a child not receiving adoption assistance is placed in substitute care, exclude the amount of adoption assistance from the parents' gross income. Calculate support of the child using the proportionate share of the percentage applicable for the total number of children in the family.
If you have questions regarding this bulletin, please contact BCS.

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