

Division of Safety and Permanence

DSP Informational Memo Series 2025-22i

November, 3rd 2025

To: DCF/DMCPS Administrator
DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: John Elliott
Administrator



Re: **Application of Wis. Stat. § 48.975 and Wis. Admin. Code ch. DCF 50 re:
Eligibility Criteria for Adoption Assistance**

PURPOSE

The purpose of this memo is to serve as a guide for DCF professionals and agency partners regarding the operationalization of adoption assistance eligibility criteria.

BACKGROUND

Adoption assistance (AA) in Wisconsin is governed by Wis. Stat. § 48.975 and Wis. Admin. Code ch. DCF 50.

AA is a supportive resource available for families of children adopted both publicly and privately and may provide:

- Foster Care Medicaid,
- One-Time Reimbursement of Adoption-Related Expenses; and
- Monthly subsidy, if eligible.

AA is established by an agreement between DCF and the adoptive parent(s). An Adoption Assistance Agreement must be entered into before the child is adopted. AA is typically available until the child's 18th birthday unless the child is still in high school and other criteria are met.

The Department has delegated its authority to make initial determinations of adoption assistance eligibility to adoption agencies, both public and private. The adoption agency is required to make determinations of eligibility in accordance with this statute and DCF rule and facilitate an application to the Department with the family, if eligibility is met. The Department reviews the application and makes the final eligibility determination before entering into an

agreement for adoption assistance for a child. This memo summarizes and explains adoption assistance eligibility requirements.

INFORMATION SUMMARY

Eligibility is outlined pursuant to [Wis. Admin. Code § DCF 50.09\(1\)](#) and requires all of the following conditions are met before entering into an agreement to provide AA for a child:

1. Age.
2. Demonstration of “special need” as outlined in [Wis. Admin. Code § DCF 50.09\(1\)\(b\)](#).
3. Guardianship by a public or private agency as outlined in [Wis. Admin. Code § DCF 50.09\(1\)\(c\)1](#).
4. It is determined AA is needed to support the adoption, as outlined in [Wis. Admin. Code § DCF 50.09\(2\)](#).

Additional considerations are required for intercountry or interstate adoptions, described below.

ELIGIBILITY DETAIL:

1. **Age.** The child is under 18 years of age at the time of adoption.
2. **Demonstration of special needs.** The child has any of the following special needs at the time of the adoptive placement (the child need only meet one criterion listed below):
 - a. *The child is 7 years of age or older at the time of the adoption.*
 - b. *The child is a member of a sibling group of 2 or more children placed together.*
 - A sibling group of 2 or more children adopted simultaneously or a child adopted into a family in which a sibling has previously been adopted may qualify for AA under this criterion. It is not required that the children be placed in the adoptive home at the same time.
 - c. *The child has five or more moderate or intensive needs identified.*
 - In accordance with [Wis. Admin. Code § DCF 56.23 \(2\)\(a\)](#), the placing agency will complete form [DCF-F-5694, Child and Adolescent Needs and Strengths \(CANS\) Adoption Assistance Supplemental Rate Calculation](#) using information gathered about the child. This form will rate the child’s identified needs, relative to what is considered developmentally appropriate for a child of similar age. The areas assessed include:
 - Adjustment to trauma.
 - Life functioning, including physical, mental, and dental health; relationships with family members; and social skills.
 - Functioning in a child care or school setting.
 - Behavioral and emotional needs.
 - Risk behaviors.
 - Child’s language.
 - Strengths.
 - [Wis. Admin. Code § DCF 56.22 \(4\)\(c\)](#) denotes that a rating of 2 means there is a presence of a moderate special need, while a rating of a 3 indicates there is a presence of an intensive special need. To qualify for AA under this criterion, a child must be rated a 2 or 3 in at least five of the identified areas listed above.

- d. *The child belongs to a minority race **and** children of that minority race cannot be readily placed due to a lack of appropriate placement resources.* To qualify for AA under this criterion, a pre-adoptive child must meet both components.
 - Minority group definition under [Wis. Stat. § 16.287](#) and [Wis. Admin. Code § Ch. 84.02 \(29\)](#) includes:
 - American Indian
 - Asian-Indian
 - Asian-Pacific
 - Black
 - Eskimo or Aleut
 - Hispanic
 - Native American
 - Native Hawaiian
 - Belonging to a minority group alone is insufficient to meet this criterion, as there must be verified confirmation of the existence of a barrier for readily available placements. Examples of placement barriers may include:
 - A child belonging to a minority group listed above in which children of that group experience disproportionate child welfare outcomes in Wisconsin (see [DCF's Data Dashboard](#)).
 - A child belonging to a minority group listed above with multiple previous placements.
 - A child belonging to a minority group listed above who was unable to be readily placed due to unavailability of an appropriate adoptive home.
 - e. *The child is an Indian child.*
 - An Indian child is defined by [Wis. Stat. § 48.02\(8g\)](#) as any unmarried person who is under the age of 18 years and is affiliated with an Indian tribe in any of the following ways:
 - As a member of the Indian tribe.
 - As a person who is eligible for membership in an Indian tribe and is the biological child of a member of an Indian Tribe.
 - Therefore, in order to meet this criterion, a child cannot simply be of Native American descent.
 - f. *The child does not have a documented special need but is a child at high risk of developing a moderate or intensive level of special needs.*
 - Some children may not have 5 or more moderate or intensive needs identified prior to adoption finalization and therefore do not meet the requirements for [Wis. Admin. Code § DCF 50.09\(1\)\(b\)3](#). However, a child may be at high risk of developing moderate or intensive level of special needs as described in [Wis. Admin. Code § DCF 50.09\(1\)\(b\)6](#).
 - If any of these conditions exist, the placing agency will submit form [DCF-F-5284, Determination of High Risk Status for Adoption Assistance](#).
3. **Guardianship status.** At the time of placement for adoption, the child is under the guardianship of an adoption agency or in a subsidized guardianship under [Wis. Stat. § 48.623](#) or if guardianship is transferred to a public or private adoption agency before the child is placed under [Wis. Stat. § 48.833](#).

4. **Adoption assistance necessary to assure adoption.** If the child has a special need described above and the requirements of this subsection are met, the adoption agency shall inform the identified prospective adoptive parents of the AA program and ask if they are willing to adopt the child without receiving AA. If the identified prospective adoptive parents are unwilling to adopt the child without receiving AA, the requirement of reasonable, but unsuccessful, efforts to place the child with appropriate adoptive parents without providing AA is met. A request for AA may not be a basis for removing a child from a current adoptive placement.
- The requirements of this subsection do not apply if any of the following conditions is met:
 - The child has developed significant emotional ties with the child's foster family and all the following conditions are met:
 - The child identifies as a member of the family.
 - The child's foster parents, foster siblings, community, and school consider the child to be a member of that family.
 - If denied permanence with the foster family, the child has a diminished probability of forming new attachments due to the child's attachment to the foster family and other factors, such as age and number of previous placements.
 - Proposed adoptive parents request adoption assistance for a child placed in the proposed adoptive parents' home for adoption without adoption assistance if the child demonstrates a special need that meets the standard before the adoption is finalized.

ADDITIONAL CONSIDERATIONS AND ELIGIBILITIES:

Intercountry and Interstate adoptions must meet the following additional criteria:

- AA may be provided for a child brought to Wisconsin for adoption from another state under Wis. Stat. § 48.98 and § 48.99, if the public child welfare agency in the child's previous state of residence does not have responsibility for placement and care of the child under applicable federal law regarding Title IV-E of the Social Security Act and all of the other eligibility requirements (including guardianship status) are met.
- AA may not be provided for a child that was adopted outside of the United States or was brought to the United States for the purpose of being adopted. Notwithstanding [Wis. Admin. Code § DCF 50.09 \(1\)\(d\)\(2\)a.](#), AA may be provided for an otherwise eligible child that is placed in out-of-home care subsequent to the failure of an international adoption if all other eligibility criteria are met.

Children that meet AA eligibility requirements are entitled to the following, contingent on what criterion is met:

- Foster care Medicaid eligibility
 - A child that meets any of the criteria listed under [Wis. Admin. Code § DCF 50.09\(1\)\(b\)1-6](#) receives foster care Medicaid.
 - If a child meets only criterion [Wis. Admin. Code § DCF 50.09\(1\)\(b\)6](#), the child receives foster care Medicaid, and the monthly payment amount is set to \$0 (allowing for future amendments if additional needs develop).

- Monthly payments in the same amount as the foster care basic rate
 - Any child that meets criteria [Wis. Admin. Code § DCF 50.09\(a\)\(b\)1-5](#) above qualifies for monthly subsidy in the same amount as the foster care basic rate.
- Additional monthly payments, called the “supplemental rate,” based on a child’s identified needs through a CANS assessment
 - Any child that meets the above criteria can qualify for additional payments based on the needs identified in a CANS.
 - If a child who originally qualified for a \$0 payment under item 6 above, later develops needs identified through a CANS assessment, the child can begin receiving the basic and appropriate supplemental rate at that time through an amended Adoption Assistance agreement, as outlined in Wis. Admin. Code § DCF 50.14.

The above assistance is available for all adoptions in Wisconsin, public and private.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT: Program & Policy Analyst
BPOHC/Adoption and Post-Permanency Supports Section
(866) 666-5532
DCFAAEligibility@wisconsin.gov

MEMO WEB SITE: <https://dcf.wisconsin.gov/cwportal/policy>