ADOPTION ASSISTANCE REVIEWS AND APPEALS

If the adoptive parent is not happy with the amount of adoption assistance or the decision on eligibility offered to the family, they can take action. This action must be taken before the adoption. The adoptive parents can do the following:

1. Discuss the amount or decision with the child's caseworker. There may be an error in determining the rate. The child's caseworker can also explain how the rate was calculated.

2. Request a review by writing to the DCF Division Administrator (P.O. Box 8916, Madison, WI 53708-8916). This request must be submitted and determined before the adoption.

3. If the family is not happy with the decision to review by the DCF Division Administrator, the family can request an appeal to the Division of Hearing and Appeals (P.O. Box 7875, Madison, WI 53707-7875). The request for an administrative hearing must be submitted before the adoption.

There are some times that an adoptive parent can appeal the adoption assistance determination after the adoption. The adoptive parent can file an appeal by writing to the Division of Hearing and Appeals. The decision may be appealed if:

- The child was eligible for adoption assistance at the time of the adoption; AND
- One of the following occurred:
  - facts about the child, the child's family, or the child's background were not given to the adoptive parents. The adoption worker must have known these facts and the facts must have been relevant to the adoption, or
  - adoption assistance was denied based on a means test of the adoptive family, or
  - the DCF determination for adoption assistance was erroneous, or
  - the adoptive parents were not told about the availability of adoption assistance. The adoptive parent cannot have adopted with adoption assistance before;
- AND It has been less than 90 days since the adoptive family knew one of the above occurred.

Adoptive parents may also request an appeal to the Division of Hearing and Appeals (P.O. Box 7875, Madison, WI 53707-7875) if the DCF failed to comply with a condition of the adoption assistance agreement. It must be submitted within 30 days of the DCF’s written decision.

ADOPTION ASSISTANCE REVIEWS AND APPEALS CONT.

Adoptive parents may contact the Adoption Assistance Eligibility Specialist to request consultation on adoption assistance after finalization. The Eligibility Specialist may be reached by:

- calling 866-666-5532 (toll free),
- sending an email to DCFAAEligibility@wisconsin.gov,
- Writing to P.O. Box 8916, Madison, WI 53708-8916.

ADOPTION ASSISTANCE PROCESS

The child's caseworker will determine if a child may be eligible for adoption assistance and apply for adoption assistance for the family. The following process must be completed before the child's adoption is finalized:

1. The child's caseworker determines if the adoption assistance will include a subsidy.
2. If the adoption assistance will not include a subsidy, the child's caseworker determines if the child can still be considered at high risk. This is done by talking with the child's doctor and by reviewing case records.
3. Based on the child's eligibility, the child's caseworker completes the application for adoption assistance. This is done by completing and submitting information to the DCF.
4. The DCF reviews the application and decides eligibility and a subsidy amount, if applicable.
5. The child’s caseworker reviews the DCF decision with the family. If the family agrees, the family and the adoption agency sign an adoption assistance agreement.
6. The caseworker sends the signed agreement to the DCF. The DCF Adoption Assistance Eligibility Specialist signs the agreement. Adoption assistance begins.

Questions about adoption assistance eligibility or the process may be answered by the child’s caseworker.

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact (608) 266-3400 or the Wisconsin Relay Service (WRS) – 711. For civil rights questions, call (608) 422-6889.

DCF-P-PFS0105 (R. 03/2019)
ABOUT ADOPTION ASSISTANCE
Many children adopted from foster care are at a greater risk of special care needs. These needs may include mental, physical, or developmental health challenges, disruptive behavior, medical problems, or other special care needs. Adoptive families often need support to help meet their needs.

Adoption assistance provides support to these adoptive families. Adoption assistance includes Medical Assistance eligibility through Wisconsin’s Medicaid Program. If a family’s health plan does not cover the child, the Wisconsin Medicaid Program may cover some health care costs. Adoption help may also include a monthly subsidy. This subsidy is paid by the Department of Children and families (DCF) to the adoptive parents to meet the financial demands of caring for a child’s special care needs. Adoption assistance ensures that children have the best chance at thriving in an adoptive family.

ADOPTION ASSISTANCE ELIGIBILITY AND RATES
A child is eligible for adoption assistance if they have special care needs or are at high risk of developing special care needs.

For adoption assistance that includes a subsidy and Medical Assistance, the child must meet one of the following:
- Ten years of age or older;
- Member of a sibling group of three or more who are placed together;
- Have five or more needs that are moderate or intensive based on Ch. DCF 56 Admin. Code;
- Member of a minority race that cannot be readily placed due to lack of appropriate resources;
- Is an Indian child as defined in Ch. 48.

The subsidy for adoption assistance is based on the Uniform Foster Care Rate Setting Policy. It includes three types of rates:
- The basic rate, which is based on the child’s age at the time of the agreement.
- The supplemental rate, which is based on the child’s emotional, behavioral, and physical needs.
- The exceptional rate, which is based on extra needs the child may have.

The three above types of rates are added together to determine the subsidy amount. The subsidy amount cannot be greater than $2,000.

ADOPTION ASSISTANCE ELIGIBILITY CONTINUED...
For adoption assistance that does not include a subsidy, but includes Medical Assistance, the child must meet one of the following to be at high risk of developing special care needs:
- One or both of the child’s birth parents have a medical diagnosis or history that could result in special care needs;
- Has experienced four or more placements with extended family or foster homes that could affect normal attachment;
- Has experienced neglect in the first three years of life or sustained physical injury or disease. These experiences could have long-term effects on physical, emotional, or intellectual development;
- The child’s birth mother used harmful drugs or alcohol during pregnancy that could later result in special care needs;
- The child’s birth mother received poor prenatal care that could later result in special care needs.

If the child is not eligible for a subsidy, the child will still be certified for Medical Assistance. If the child gets adoption assistance with no subsidy, the child may qualify for a subsidy later through an adoption assistance amendment.

In addition to having special care needs or a high risk of special care needs, a child must:
- Be under 18 at the time of the adoption;
- Have a determination that they should not or cannot return to the child’s parents;
- Be under the guardianship of an agency.

ADOPTION ASSISTANCE DURATION
The adoption assistance subsidy and/or Medical Assistance will last until the child is 18 years old, unless:
- The child gets married;
- The child is not receiving support from the adoptive parents;
- The child dies;
- The child enters the military;
- The adoptive parent(s) rights are terminated, or either or both die (adoptive parent(s) are no longer legally responsible for the child);
- The child is not adopted before turning 18;
- The child completes high school after turning 18.

The adoptive parents may request to end or reduce the adoption assistance at any time.

ADOPTION ASSISTANCE DURATION CONTINUED...
Adoption assistance may last longer than the child turning 18 if the child is enrolled full time in a secondary school or its vocational or technical equivalent and one of the following is met:
- The child is under 19 years of age and is enrolled in school. The child must be expected to complete the program before turning 19.
- The child is under 21 years of age and is enrolled in school. The DCF must determine the child has a mental or physical disability. The child cannot be eligible for social security disability insurance under 42 USC 401 to 433 or supplemental security income under 42 USC 1381 to 1385 based on disability. The child must also lack adequate resources to continue school.
- The child is over 18 but under 21 and is enrolled in school. The child must have an individualized education plan (IEP) under s. 115.787, Stats. The agreement for the child must also have become effective on or after the child was 16.

REPORTING MAJOR CHANGES
Under the adoption assistance agreement, the adoptive parents agree to tell the DCF about any major changes in the child’s life. Major changes include:
- If the child is no longer living in the adoptive home.
- If the adoptive parents stop supporting the child.
- If the child dies.
- If the child is married.
- If the child enters the military.
- If the family’s address changes.
- If the adoptive parents have parental rights terminated.
- To provide high school graduation information for a child 18 years or older.

Adoptive parents can report these major changes by contacting the DCF by:
- calling 866-666-5532 (toll free),
- sending an email to DCFAdoption@wisconsin.gov,
- writing to P.O. Box 8916, Madison, WI 53708-8916.