

Adoption Assistance Information



Wisconsin Department of Children and Families
Division of Safety and Permanence



It may take time to find the appropriate family who can provide the extra measure of patience, acceptance, caring and understanding for a child with mental or physical challenges, disruptive behavior, medical problems and / or other special care needs. Adoption assistance helps the family support a child after the child has been placed for adoption and after adoption finalization. This publication provides answers to questions about adoption assistance.

1. What is adoption assistance?

Adoption assistance helps support parents raising a child with special care needs who meets the eligibility criteria for adoption assistance. Adoption assistance may include a monthly dollar amount to the adoptive parents to assist in meeting the financial demands of caring for a child’s special care needs. This amount is determined by the level of the child’s special care needs as described below and cannot exceed the maximum amount set by the legislature. Adoption assistance also includes Medical Assistance eligibility through Wisconsin’s Medicaid Program. If a family’s health plan fails to provide coverage, the Wisconsin Medicaid Program may cover some necessary health care costs.

2. How is adoption assistance determined?

The adoption social worker submits the necessary adoption assistance application materials, on behalf of the adoptive parents, to the Department of Children and Families (the department) for eligibility determination. If the child is eligible for adoption assistance the adoption social worker and supervisor will determine a monthly dollar amount based on an assessment of the child’s needs. If a child does not qualify for a monthly dollar amount based on the child’s needs, but is determined to be at high risk of developing special needs a zero dollar amount will be established for the child, which may be increased if the child’s needs increase as described below. In either case the dollar amount or zero dollar amount will be identified in the Adoption Assistance Agreement (the agreement).

If the needs of a child change between the time of adoptive placement and adoption finalization, an Adoption Assistance Program Application and Decision form (DCF-F-CFS0072-E) can be submitted. If a family has a signed agreement in effect, the monthly dollar amount identified in the agreement may be re-determined. Necessary forms will be submitted and processed by the adoption worker.

3. What determines eligibility for adoption assistance?

A child in the guardianship of an adoption agency must have special care needs or be at high risk of developing special care needs as defined by Wisconsin Administrative Code § DCF 50.03 and because of those needs or risks could not otherwise be placed for adoption in an appropriate home without adoption assistance. The child must be under 18 years of age at the time of adoption. Eligibility criteria, as defined in Facilitating the Adoption of Children with Special Needs, Wisconsin Administrative Code § DCF 50.03(1)(b), include:

- The child is 10 years of age or older if age is the only factor in determining eligibility;

- The child is a member of a sibling group of three or more who must be placed together;
- For an Agreement entered into:
 - *before* July 1, 2011, the child exhibits special need characteristics (emotional, behavioral or physical / personal care) judged to be moderate or intensive under the difficulty-of-care levels in Wisconsin Administrative Code § DCF 50.042;
 - *on or after* July 1, 2011, the child has a total of five or more needs that have been identified as moderate or intensive in the areas listed in Wisconsin Administrative Code § DCF 56.23(2)(a) 1.a to e. in the rate schedule;
- The child is a member of a minority race and children of that minority race cannot be readily placed due to a lack of appropriate placement resources; or
- The child is at high risk of developing a moderate or intensive level of special needs as described above.

In addition to meeting one of the above criteria, other eligibility requirements must be met as identified in Wisconsin Statute § 48.975 and Wisconsin Administrative Code Chapter DCF 50.

4. How is “child at high risk” defined?

“Child at high risk” means a child, in the guardianship of an adoption agency, who does not have a known special need identified above, but who is at high risk of developing a moderate or intensive level of special care needs identified above based on one or more of the following (reference Wisconsin Administrative Code Chapters DCF 50 and DCF 56):

- There is documented information that either or both birth parents have a medical diagnosis or medical history which could result in a moderate or intensive level of special care needs as described above.
- The child has experienced four or more placements with extended family or foster homes that could affect the normal attachment process.
- The child experienced neglect in the first three years of life or sustained physical injury or physical disease that could have a long-term effect on physical, emotional, or intellectual development.
- There is documented evidence in a medical or hospital record, law enforcement record, social or human service department record, court record, or a record of an agency under a contract with a county department or the Department of Children and Families to provide child welfare services that the birth mother used harmful drugs or alcohol during pregnancy which could later result in the child developing a moderate or intensive level of special care needs as described above.

- There is documented evidence in a medical or hospital record that the birth mother received inappropriate prenatal care which could later result in the child developing a moderate or intensive level of special care needs as described above.

5. What determines the monthly adoption assistance reimbursement amount?

Adoption assistance is based on the current Uniform Foster Care Rate, which takes into account the child's age, and a supplemental rate which is based on an assessment of the child's emotional, behavioral, or physical and / or personal care needs. If applicable, the amount may also include an exceptional rate. Wisconsin Statutes only allow an exceptional rate to be established *before* the adoption is finalized. The monthly reimbursement amount for a child, including a possible exceptional rate, cannot exceed the maximum set by legislature, which is currently \$2,000. A child who is eligible for at-risk adoption assistance will have an adoption assistance subsidy rate of \$0.00. The amount is set no earlier than the adoption placement of the child, but can be re-determined prior to adoption finalization.

A child who is eligible for at-risk adoption assistance at the time of adoption (Medical Assistance eligibility only, no monthly dollars) cannot later be granted an exceptional adoption assistance rate even if the family requests an adoption assistance amendment.

6. What should individuals do if they are not satisfied with the conditions or determination made by the department on the application for adoption assistance prior to adoption finalization?

If the department determines the child is ineligible for adoption assistance the family may request a review by writing to the Division Administrator, Department of Children and Families, P.O. Box 8916, Madison, WI 53708-8916. *This request must be submitted and decided upon prior to adoption finalization.*

If the applicant is not satisfied with the determination by the Division Administrator, a request can be made for an administrative hearing to appeal the determination. *This request must be submitted and a hearing decision issued prior to adoption finalization.* In some cases, if certain extenuating circumstances as defined by Wisconsin Administrative Code § DCF 50.065(2) apply, a request can be made after the adoption finalization. The request should be addressed to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875.

7. If adoption assistance was not granted prior to adoption finalization, can it be requested after an adoption has been finalized?

A request for consultation on adoption assistance after the adoption is finalized may be made to the Adoption Assistance Program Specialist. Individuals have a right to appeal the department's determination for adoption assistance under the following circumstances:

- At the time the adoption became final conditions existed for eligibility for adoption assistance or at-risk adoption assistance under Wisconsin Administrative Code Chapter DCF 50; **and**
- One of the following extenuating circumstances occurred:
 - ❖ Facts regarding the child, the child’s biological family or the child’s background *that were relevant to the proposed adoption* were known to the adoption worker, but were not presented to the adoptive parents by the adoption agency or by another source before the adoption became final; **or**
 - ❖ Adoption assistance was denied based upon a means test of the adoptive family; **or**
 - ❖ The determination by the department that the child was ineligible for adoption assistance was erroneous; **or**
 - ❖ The adoptive parents were not advised by the adoption agency or by another source about the availability of adoption assistance and had not previously adopted with adoption assistance; **and**
- It has been *less than three years* since the adoptive parents knew or reasonably should have known of the circumstance above which is the basis for the hearing request.

An adoptive parent may file an appeal if the department has failed to comply with a condition of the Adoption Assistance Agreement. This appeal request must be submitted within one year after the failure began.

An adoptive parent may also file an appeal of a department decision on a request to amend the amount of an adoption assistance payment amount within 60 days of the date of the department’s written decision.

Adoptive parents may contact the Adoption Assistance Program Specialist, Bureau of Permanence and Out-of-Home Care, Division of Safety and Permanence, to request consultation on adoption assistance after finalization. The Program Specialist may be reached at P.O. Box 8916, Madison, WI 53708-8916 or by telephone: 866-666-5532 (toll-free). If the determination is unsatisfactory and the above criteria are met, a request for an administrative hearing to appeal the finding within the time limits described above should be addressed to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875.

8. How and when may the monthly amount of adoption assistance change after adoption?

Families are eligible to request an amendment to their original agreement twelve months after the date of adoption finalization, and annually thereafter, if the special care needs of their child have increased and if there has not been a finding by a child welfare agency that the adoptive parents have abused or neglected the child.

9. What is an adoption assistance amendment?

An adoption assistance amendment modifies the original agreement and, if approved, is time-limited.

For information on how to request an amendment to the Adoption Assistance Agreement please refer to the online publication entitled *Adoption Assistance Amendment Information* at the following website:

<https://dcf.wisconsin.gov/files/publications/pdf/4063.pdf>

10. How long does adoption assistance continue?

Unless one or more conditions for discontinuation occur, adoption assistance typically continues until the child reaches the age of 18 years. In order for adoption assistance to continue beyond age 18, and until the child turns 19, **all of the following conditions must be met:**

- The adoptee is enrolled in a full-time high school or equivalent program after age 18
- The adoptive parents is supporting the adoptee after age 18
- The adoptee is not married.

In order for adoption assistance to continue beyond age 19 — but not past the age of 21 — **all of the following conditions must be met:**

- The adoptee has applied for Supplemental Security Income (SSI) and has been denied — *based on a disability determination*;
- The adoptee is not eligible for any other benefits, has no unearned income and the adoptee otherwise lacks adequate resources to continue in high school or the equivalent;
- The adoptee is still in a full-time high school program or the equivalent;
- The adoptee is not married;
- The adoptive parents is legally responsible for the support of the adoptee; and
- The department determines that the adoptee has a mental or physical handicap that warrants continuation of adoption assistance under 42 USC 673.

In accordance with the terms of the Agreement, discontinuance will occur:

- Upon the marriage of the adoptee.
- When the adoptee is no longer receiving support from the adoptive parents.
- Upon the death of the adoptee.
- When there is a change in the adoptee's guardian.
- When the adoptive parents are no longer legally responsible for the support of the adoptee.

- Upon the death of the legal adoptive parent or parents if there are two adoptive parents.
- If the guardianship agency for the adoptee removes him or her from the home of the prospective adoptive parents prior to the finalization of the adoption.
- If adoption finalization does not occur prior to the adoptee reaching the age of 18.

The adoptive family may request that adoption assistance be reduced or terminated at any time.

11. How long does medical assistance eligibility continue?

Medical Assistance eligibility that is provided through the adoption assistance program continues as long as the child’s Adoption Assistance Agreement is in effect and in accordance with the Agreement and state and federal law.

12. What about the costs incurred during the adoption process?

When a child is adopted and adoption assistance is granted, the reasonable and necessary adoption fees, court costs, attorney fees and other expenses *directly related to* the legal adoption and which are not incurred in violation of state or federal law may be reimbursed up to a maximum of \$2,000. The department requests that these claims be submitted within two years from the date of adoption finalization. Income tax credits as allowed by law may also offset adoption costs. For more information please refer to the brochure entitled Reimbursable Expenses When Adopting Children with Special Care Needs which can be found on the following website: <https://dcf.wisconsin.gov/files/publications/pdf/0747.pdf>.

13. Will the adoptive parents continue to have contact with the department while receiving adoption assistance?

While receiving adoption assistance, adoptive parents agree to inform the department of major changes in the child’s life as each event occurs. Major changes are considered to be:

- the adoptee is no longer residing in adoptive home;
- the adoptive parents stopped supporting the adoptee;
- the death of the adoptee;
- providing high school graduation information for an adoptee reaching 18 years and older;
- marriage of the adoptee;
- the adoptee entered military service;
- a change in the adoptee’s legal guardian;
- a change in the family’s address;
- termination of the adoptive parent’s parental rights;

- a change in the adoptee’s health insurance benefits or coverage; or
- if the adoptee has been placed in an institution or other alternate care facility at public expense.

Adoptive parents may report major changes by contacting the department by telephone at 866-666-5532 (toll-free), or by writing to the department at P.O. Box 8916, Madison, WI 53708-8916.

14. Where can more information be obtained about the Adoption Assistance Program?

To learn more about special needs adoptions and the Adoption Assistance Program:

- visit the department web site at <https://dcf.wisconsin.gov/adoption/assistance>
- view the publication “Understanding the Uniform Foster Care Rate” at <https://dcf.wisconsin.gov/files/publications/pdf/0142.pdf>
- Milwaukee County contact (414) 264-5437; for the remainder of the state contact the Adoption Assistance Program (866) 666-5532 (toll free) or

The Wisconsin State Codes mentioned in this publication may be accessed on the following websites:

State Statute 48: <http://docs.legis.wisconsin.gov/statutes/statutes/48.pdf>

Chapter DCF 50: http://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/50.pdf

Chapter DCF 51: http://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/51.pdf

Chapter DCF 56: http://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/56.pdf

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**Acknowledgment
Receipt of Adoption Assistance Information**

Use of form: This form is to be signed by all adoptive parents. Personal information you provide may be used for secondary purposes [Privacy Law, s.15.04(1)(m), Wisconsin Statutes].

- I / we acknowledge receipt of the brochure entitled “Adoption Assistance Information” and confirm that the Adoption Assistance Program has been discussed with me / us as it relates to _____ (name of child to be adopted).
- Information about the eligibility criteria for adoption assistance, as defined in Wisconsin Administrative Code, Ch. DCF 50, Facilitating the Adoption of Children with Special Needs, has been discussed and my / our questions about the Adoption Assistance Program have been answered.
- It has been explained that an Application for Adoption Assistance will / will not (circle one) be submitted to the Wisconsin Department of Children and Families for consideration.
- It has also been explained that adoptive parents can request an Adoption Assistance Application and Decision form (Form DCF-F-CFS0072-E) from the adoption worker and request it be submitted to the regional or Milwaukee County adoption supervisor for eligibility determination. It is understood that if adoption assistance is not authorized and granted prior to finalization of the adoption, adoption assistance may not be available.

SIGNATURE – Adoption Worker: _____

Name of Child Placing Agency: _____

Dates Information Provided and Discussed: _____

SIGNATURE – Adoptive Parent 1

Date Signed

SIGNATURE – Adoptive Parent 2

Date Signed

Note: This signed “acknowledgement” is to be placed in the file the adoption agency retains and a copy must be provided to the adoptive parents.