



# Adoption Assistance Amendment Information

Wisconsin Department of Children and Families  
Division of Safety and Permanence



*Families who have a signed Adoption Assistance Agreement (agreement) in effect may apply for an amendment. Approval for an amendment to an agreement requires families to submit specific information to the Department of Children and Families (the department).*

**1. Who can request an adoption assistance amendment?**

Adoptive parents who have a signed agreement in effect with a maintenance payment in the amount of \$0 or greater are eligible to request an adoption assistance amendment if:

- a. they state there has been a substantial change in the level of needs of their child from the time the original agreement was signed; **and**
- b. it has been 12 months or more following adoption of a child with special needs or at high risk of special needs as defined under the Wisconsin Administrative Code Section 50.03(1)(b)1., 2., 3. or 4. or 5; **or**
- c. it has been 12 months since the receipt of a previous amendment request; **or**
- d. at least 12 months have passed following an amended agreement; **or**
- e. it is within 120 days prior to the expiration of an amended agreement.

Within 120 days before an amendment expires, the family should submit another amendment request if they feel the child's special care needs continue at a level higher than identified at the time the original agreement or current amendment was signed.

**2. Who is eligible for an adoption assistance increase?**

Adoptive parents meeting the criteria identified above are eligible to request an amendment.

The statutes and administrative rule allow for increases in the supplemental payment to the intensive level in each of the three difficulty of care categories (emotional, behavioral and physical / personal care).

The law does not allow for an increase in the exceptional payment, nor does it allow for establishment of an exceptional payment to an agreement after the adoption of the child.

Prior to approval of an increase the department is required to contact the appropriate human service agency or agencies in the jurisdiction(s) where the adoptive parents have resided since placement of the child. Information concerning any substantiated finding of abuse or neglect of the child by the adoptive parents must be requested.

A child is eligible for an increase if the child's difficulty of needs have increased and are at the level of moderate or intensive needs as defined in Wisconsin Administrative Code

§§ DCF 50.044(3) and 50.05(3), limits under the law for adoption assistance increases have not yet been reached, and there is no substantiated report of child abuse or neglect by the adoptive parents relating to the child.

**3. How was the monthly adoption assistance maintenance amount originally determined?**

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. An exceptional rate is to be established *before* the adoption is finalized.

**4. How should the Adoption Assistance Amendment Request (Request) form be completed and what additional material needs to be submitted?**

The adoptive parents must indicate the current emotional, behavioral, and physical / personal care needs of the child on the Request form. Documentation of the child's current special care needs by appropriate professionals must be submitted with the Request form to the department in order to verify any substantial change in the child's circumstances. Documentation may be a statement by the professional indicating she / he concurs with the nature and level of special care needs identified on the Request form. This information must be dated within six months prior to the date of the amendment request. The completed Request form and supporting documentation must be returned to the department for review.

**5. Can the department request additional information?**

The department may request additional information about the child's current functioning, and may request that the child be evaluated by a specialist of the department's choice and at the department's expense to provide information necessary in making the determination.

**6. If, after reviewing amendment request documentation, the department determines the needs of the child have decreased since the original agreement was signed, will the monthly adoption assistance payment be reduced?**

The monthly adoption assistance payment cannot be less than the amount in the original Adoption Assistance agreement, unless agreed to by the adoptive parents. An increase in adoption assistance as provided in an amended agreement can be decreased to the amount specified in the original Adoption Assistance Agreement if the previously increased ongoing emotional, behavioral and / or physical and personal care needs can no longer be documented.

**7. Can the exceptional payment portion of the rate be established or increased when an amendment is requested?**

Exceptional payment, if applicable, must be determined prior to the time the original agreement is signed. No adjustment may be made to an existing exceptional rate. No exceptional rate may be established after adoption finalization.

**8. Why does the department contact a human service agency or agencies prior to amending the original agreement?**

When individuals are eligible for an amendment to their agreement, Wisconsin Administrative Code Chapter DCF 50 requires the department to contact the appropriate human service agency or agencies to request information concerning any substantiated finding of abuse or neglect of the child by the adoptive parents. An increase cannot be granted if there is a substantiated finding of child abuse or neglect of the child by the adoptive parents.

**9. What is the duration of the amended subsidy amount?**

The amendment to the original agreement will be in effect for up to twelve months or until any of the termination or suspension conditions specified in the original agreement are met, consistent with the law. Prior to expiration of the amended agreement the department will contact the adoptive parents as a reminder that a new amendment Request form must be completed and submitted with supporting documentation in order to request a new amendment. Upon receipt, the department will review the information and any other requested information to determine whether or not the reasons for the change in circumstances continue to exist. The department will then notify the family whether the amount of adoption assistance will be increased, continued or reduced to an amount no lower than the amount established by the original agreement.

**10. Can the department's amendment determination be appealed?**

Yes, the department's determination on an amendment may be appealed. A request for a hearing to appeal the department's decision regarding an amendment must be received by the Division of Hearings and Appeals within sixty (60) days of the date of the department's written decision on the amendment. The mailing address of the Division of Hearings and Appeals is: P.O. Box 7875, Madison, WI 53707.

**For more information, please contact:**

Adoption Assistance Program Specialist  
Wisconsin Department of Children and Families  
Division of Safety and Permanence  
Bureau of Permanence and Out-of-Home Care  
P.O. Box 8916  
Madison, WI 53708-8916

Telephone: (866) 666-5532 (toll-free)

Fax: (608) 264-6750

Website:

<https://dcf.wisconsin.gov/adoption/assistance>

The Wisconsin State Code mentioned in this publication may be accessed on the following website:

Chapter DCF 50: [http://docs.legis.wisconsin.gov/code/admin\\_code/dcf/021\\_099/50.pdf](http://docs.legis.wisconsin.gov/code/admin_code/dcf/021_099/50.pdf).

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