Will adoption assistance be transferred or continued for the spouse of an adoptive parent who dies?

The spouse of an adoptive parent must be on the adoption assistance agreement in order to receive adoption assistance after a parent dies. The spouse may be on the agreement because they also adopted the child. If the adoptive parent married the spouse after the original adoption, the spouse must complete a step-parent adoption in order to be added to the agreement.

If the adoptive parent has a terminal illness, can they do anything to prepare?

Yes. The adoptive parents can choose a guardian. The guardian may begin the foster and adoption process before the adoptive parent dies.

ADDITIONAL RESOURCES

If you would like more information, please contact the Department of Children and Families by:
- calling 866-666-5532 (toll free),
- sending an email to DCFAAdoption@wisconsin.gov
- Writing to P.O. Box 8916, Madison, WI 53708-8916.

The Foster Care and Adoption Resource Center can help with questions about adoption. Contact them by:
- Calling 800-762-8036 (toll free),
- Sending an email to info@coalitionforcyf.org
- Writing to 6682 West Greenfield Avenue, Suite 310, Milwaukee WI 53214

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-PFS4113 (R. 03/2019)
ADOPTION ASSISTANCE AND THE DEATH OF AN ADOPTIVE PARENT

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.

Unfortunately, there are times when a child's adoptive parents die. This may leave families wondering what will happen to the adoption assistance the family was receiving. This brochure provides answers to frequently asked questions.

FREQUENTLY ASKED QUESTIONS

Can adoption assistance be transferred to the child's guardian?

No. The adoption assistance agreement is between the Department of Children and Families (DCF) and the adoptive parents. When a child's adoptive parent(s) die, the agreement is no longer in effect. The agreement does not transfer from the adoptive parent to the child's guardian. Any subsidy and Medical assistance benefits are ended.

How can the guardian receive adoption assistance for the child?

Adoption assistance can only be received if the guardian adopts the child and enters an adoption assistance agreement. If the guardian wishes to adopt the child, the guardian must apply and be approved for adoption. The guardian will not automatically be approved for adoption. The guardian must meet all requirements under state statute to adopt the child.

The DCF recommends the adoptive parents consult with an estate planner. The guardian or estate planner may call the Foster Care and Adoption Resource Center at (800) 762-8063 to get information on how to start the adoption process and adoption requirements.

How will the child's costs be covered before the guardian adopts the child or if the guardian does not adopt the child?

These costs will not automatically be covered. The guardian may receive assistance from social security benefits, life insurance, or inheritance. The county human services department may be able to assist.

Some assistance may be provided if the guardian is a kinship caregiver, foster parent, or adoptive parent. The guardian may be eligible for monthly payments and the child certified for Medical Assistance.

If the guardian adopts the child, will the adoption assistance amount be the same?

The adoption assistance will be re-evaluated. The adoption assistance eligibility and rate will be based on the needs of the child at the time of the new adoption.

Does the guardian have to adopt the child?

No. The guardian is not required to adopt the child. Adoption assistance will not be provided if the child is not adopted.