

Adoption Assistance

Information for Agencies



Wisconsin Department of
Children and Families

Program Overview

Adoption Assistance (AA) provides support to families after adoption finalization. AA always includes WI Title XIX Medicaid (MA), which has similar coverage to the BadgerCare Plus Standard Plan but with no premium or copay. Families who move outside of WI should call the AA Information Line (1-866-666-5532), as WI will coordinate transferring MA to the new state.

AA may also include a monthly subsidy and/or a one-time reimbursement for adoption-related expenses. Children who are determined to have special care needs are eligible for a monthly subsidy that will follow the family if they move outside WI. This subsidy is paid by DCF to the adoptive parents to help meet the financial demands of caring for a child's special care needs. The subsidy is based on the Uniform Foster Care Rate Setting Policy and includes:

- A **basic rate**, which is based on the child's age at the time of the adoption finalization
- A **supplemental rate**, which is based on the child's emotional, behavioral, and physical care needs
- An **exceptional rate**, which is based on extra needs the child may have

These three rates are added together to determine the AA subsidy, which cannot exceed \$2,000/month.

If a child's care needs increase one year after the adoption is finalized, a family can seek an amendment to their AA agreement for a one-year increase to the subsidy. Only the supplemental rate is increased by an amendment; the basic and exceptional rates never change. The family will need to re-request the amendment each year to maintain or increase the amended rate.

If a child's AA Agreement included Medical Assistance but not a monthly subsidy at the time of adoption, the child is considered at high risk for developing special care needs. These families can also seek an amendment any time after one year post-adoption to begin receiving a monthly subsidy.

Eligibility

To be eligible for AA (with MA and with or without a subsidy), **all** the following must be true of the adopted child. The child's caseworker determines whether these criteria are met:

- The child is under 18 at the time of the adoption; **and**
- There has been a determination that they should not or cannot return to their parents; **and**
- The child is under the guardianship of an agency.

For AA that includes MA and a subsidy, the child must meet **one** of the following to have special care needs:

- Be seven years of age or older
- Be a member of a sibling group of 2+ placed together
- Have five or more needs that are moderate or intensive based on Chapter DCF 56 of the Administrative Code
- Be a member of a minority race that cannot be readily placed due to lack of appropriate resources
- Be an Indian child as defined in Chapter 48

For AA that includes MA but does **not** include a subsidy, the child must meet **one** of the following:

- One or both of the child's birth parents have a medical history that could result in special care needs
- Child experienced 4+ placements with extended family or foster homes that could affect normal attachment
- Child experienced neglect or sustained physical injury or disease in the first 3 years of life
- Birth mother used harmful drugs/alcohol during pregnancy
- Birth mother received poor prenatal care

Wisconsin Adoption Assistance Law

Ch. DCF 50 of the Administrative Code outlines DCF's responsibility to provide adoption assistance to the adoptive families of children with special care needs.

[DCF 50.09](#) Eligibility criteria

[DCF 50.10](#) Applications for AA

[DCF 50.11](#) Amount of AA (rate setting)

[DCF 50.12](#) Supplemental rates before 7/1/2011

[DCF 50.13](#) AA agreements

[DCF 50.14](#) AA amendments

[DCF 50.15](#) Notification and review requirements

[DCF 50.16](#) AA overpayments

[DCF 50.17](#) AA reviews and appeals

**TO LEARN MORE ABOUT ADOPTION ASSISTANCE,
ACCESS CHANGE NOTIFICATION FORMS, OR
REQUEST AN AA AMENDMENT:**

Website:

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

Emails: DCFAAEligibility@wisconsin.gov or
DCFAdoption@wisconsin.gov

Phone: 1-866-666-5532 (toll free)

Address: Adoption Assistance

DCF/DSP

P.O. Box 8916

Madison, WI 53708-8916

Adoption Assistance Duration

The AA 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 also request to end or reduce the adoption assistance at any time.

AA 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, enrolled in school, and is expected to complete the program before turning 19.
- The child is under 21 years of age and 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 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:

- The child is no longer living in the adoptive home
- The adoptive parents stop supporting the child
- The child dies
- The child is married
- The child enters the military
- The family's address changes
- The adoptive parents' parental rights are terminated
- The child is enrolled in high school after age 18
- The child acquires or changes SSN

Adoptive parents can report these major changes by contacting 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

Reviews and Appeals

If the adoptive parent is not satisfied with the AA subsidy amount or the decision on eligibility offered to the family, they can take action in the following ways **before the adoption is finalized**:

1. Discuss the amount or decision with the child's caseworker. There may have been 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).
3. If the family is not satisfied 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).

In certain situations, an adoptive parent can appeal the AA determination **after the adoption is finalized** by filing an appeal with the Division of Hearing and Appeals. This can happen if **all** the following criteria are met:

- The child was eligible for AA 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**
 - AA was denied based on a means test of the adoptive family, **or**
 - the determination for AA was erroneous, **or**
 - the adoptive parents were not told about the availability of AA and had not previously adopted with AA;
- **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 if DCF failed to comply with a condition of the adoption assistance agreement. This request must be submitted within 30 days of DCF's written decision.

"The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please call the Adoption and Interstate Services Section at (608) 422-6931.

Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department."