

Adoption Assistance Amendments

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 to **apply** for an AA Amendment, the family must have an active AA Agreement with Wisconsin and the following must apply:

- It has been at least 12 months since the adoption of the child; **or**
- It has been at least 12 months since any previous denial of an amendment request; **or**
- It is within 120 days before the expiration day of an active AA amendment.

For an AA Amendment request to be **approved**, the following must **all** be true:

- On the original Agreement, the monthly AA subsidy was less than the maximum of \$2,000/month; **and**
- On the original Agreement, the child did not have the maximum level of need in every category; **and**
- The adoptive parents have not been substantiated for child abuse or neglect relating to the child who is the subject of the AA Agreement; **and**
- A significant change in circumstances in the child's special care needs is identified by the adoptive parents **and** verified by appropriate professionals.

Amendment Request Process

If an adoptive family believes their child's care needs have increased any time after one year post-adoption, they can seek an Amendment to their active AA Agreement by:

1. Contacting the DCF Adoption Assistance Program at 1-866-666-5532 or DCFAAAmendments@wisconsin.gov to find out whether they are eligible and to receive the correct forms
2. Completing the provided Amendment Request form, including documenting the child's care needs
3. Having (an) appropriate professional(s) complete Confirmation of Needs form(s)
4. Submitting the completed forms to the DCF Adoption Assistance Program at DCFAAAmendments@wisconsin.gov or to P.O. Box 8916, Madison, WI 53708-8916

The Adoption Assistance Program will then:

5. Review the forms and request missing or additional information.
6. Complete background checks on the adoptive parent(s). If the adoptive parents have a substantiated child abuse or neglect finding for the child, the amendment will be denied.
7. Determine whether the request will be approved or denied, based on eligibility criteria (left).
8. For approved requests, determine the new amended rate.
9. Send the decision to deny or approve with the new rate in writing.

If the Amendment is approved and the family agrees with the rate, the family will sign the amended AA Agreement. The amended Agreement is in effect for one year. At least 120 days before its expiration, the DCF Adoption Assistance Program will notify the family so they can begin the process again.

Calculating the Amended Subsidy

If the original AA Agreement included a subsidy, the amended rate will be calculated by adding together:

- The basic rate from the original AA Agreement,
- A new supplemental rate based on the child's current emotional, behavioral, and physical needs (right), and
- The exceptional rate from the original AA Agreement.

The amended AA subsidy amount cannot be lower than the original AA subsidy amount.

If the original AA Agreement did not include a subsidy, the amended rate will be calculated by adding together:

- The basic rate that was in effect at the time the first amendment is requested, and
- A supplemental rate based on the child's current emotional, behavioral, and physical needs (right).

No exceptional rate can be established if there was no subsidy in the original AA Agreement.

Determining a New Supplemental Rate

As part of the amendment request, adoptive parents assess their child's special care needs in three domains:

- Emotional care needs
- Behavioral care needs
- Physical/personal care needs

For each domain in which the adoptive parents identify moderate or intensive needs, the adoptive parents must have an appropriate professional complete a Confirmation of Needs form to verify the child's needs (e.g., for a child with identified emotional, behavioral, *and* physical needs, three separate Confirmation of Needs forms must be completed).

Adoptive parents have discretion in selecting "appropriate professional(s)," but they should be non-relatives with relevant experience, expertise, and knowledge of the child. The same professional can complete multiple Confirmation of Needs forms.

The number and severity of the needs identified by the adoptive parents and confirmed by a professional are used to calculate the new supplemental rate.

Adoption Assistance Amendment Duration

AA Amendments last for one year. At least 120 days before the expiration of the amendment, DCF will contact the adoptive parents in writing to ask whether they want to continue the amended Agreement at the same rate for one year. If so, the family will complete an Option to Continue Current Rate form. This can be done once before the full amendment request process must be completed again.

If the family has already completed an Option to Continue form the previous year **or** wants to seek a further increase in the amended subsidy, they will complete the full amendment request process again.

The amended subsidy amount may stay the same, increase, or decrease, but it can never drop below the subsidy established in the original AA Agreement.

Reviews and Appeals

The adoptive parents may appeal an amendment decision made by the DCF if:

- The amendment request was denied
- The adoptive parents are not satisfied with the amount offered for the amendment

The adoptive parents may request an appeal in writing to the Division of Hearing and Appeals at P.O. Box 7875, Madison, WI 53707-7875. The request for an administrative hearing must be submitted no later than 30 days from the written decision from DCF.

Wisconsin Law

[DCF 50.14](#) of the Administrative Code outlines the procedure by which an adoptive family with an active AA Agreement can request an amendment to that Agreement to increase their monthly subsidy.

It is DCF's responsibility to determine whether there has been a substantial change in circumstances regarding the child's special care needs, whether the family is eligible for an amendment, and enter into an amended agreement when appropriate.

Under [DCF 50.14\(4\)\(f\)](#), it is also DCF's responsibility to notify the adoptive family at least 120 days before the expiration of an AA amendment.

TO LEARN MORE ABOUT ADOPTION ASSISTANCE AMENDMENTS OR FIND RESOURCES FOR FAMILIES:

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

Emails: DCFAAAmendments@wisconsin.gov

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

Address: Adoption Assistance
DCF/DSP
P.O. Box 8916
Madison, WI 53708-8916

"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."