

Statement of Scope

Department of Children and Families

Rule Number: DCF 50

Relating to: Adoption assistance supplemental payments

Rule Type: Emergency and Permanent

1. Finding/nature of emergency (for emergency rules only)

The Department of Children and Families finds that an emergency exists and that an emergency rule may be necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

The department has discovered an error in its automation system that has resulted in lack of conformity between the rate for adoption assistance agreements entered into and the existing rule on determining adoption assistance supplemental payment amounts.

2. Detailed description of the objective of the rules

The department recently discovered that the way the department's child welfare automation system eWiSACWIS was built and has been operating is not congruent with the adoption assistance rule on determining the amount of a supplemental payment based on a child's identified needs. Section DCF 50.11 (1) (b) 2. b. provides that, for an adoption assistance agreement entered into on or after July 1, 2011, a supplemental payment is only available if a child has a total of 5 or more needs that have been identified as moderate or intensive using the department's assessment tool.

The rules will remove the threshold eligibility requirement of "5 or more needs" for adoption assistance supplemental payments. This change will maintain the status quo for families and align the methodology for determining supplemental payments under the adoption assistance rule with the methodology in the subsidized guardianship rule. A child will need at least one supplemental need to receive a supplemental payment, just as with foster care and subsidized guardianship.

3. Detailed explanation of statutory authority for the rules

The department administers the adoption assistance program under s. 48.975, Stats. Section 227.11 (2) (a), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

4. Estimate of amount of time that state employees will spend developing the rules and of other resources necessary to develop the rules

75 hours

5. List with description of all entities that may be affected by the proposed rules

Promulgation of the rule allows continuation of current practice and avoids a decrease in the payment amount for families receiving adoption assistance.

6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rules:

The adoption assistance program is authorized under 42 USC 673. The program provides matching funds to states to facilitate the timely placement of children whose special needs or circumstances would otherwise make it difficult to place them with adoptive families.

42 USC 673 (a) (3) provides that the amount of an adoption assistance payment shall be determined through agreement between the adopting parents and the state agency, which shall take into account the circumstances of the adopting parents and the needs of the child being adopted and may be adjusted periodically with the concurrence of the adopting parents.

7. Anticipated economic impact of implementing the rules (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rules will not affect small businesses.

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