

TESTIMONY BEFORE THE LEGISLATIVE COUNCIL STUDY COMMITTEE

Mark D. Campbell, Director, Bureau of Programs and Policies
Division of Children and Family Services
Department of Health and Family Services

SPECIAL NEEDS ADOPTION PROGRAM

The fundamental purpose of special needs adoption services is to provide prompt permanency through adoption for children that are in the guardianship of the Department of Health and Family Services (DHFS), including the assessment of potential adoptive parents to determine their capacity to adopt a waiting child.

- **Managed by the DCFS**
- **Coordinated effort between the SPC's , county child welfare staff and private adoption contract staff**
- **Primary function is to provide permanency to children in the county child welfare system through adoption**
- **Also provides permanency consultation to counties**
- **Concurrent planning**
- **Other forms of permanence**
- **Guardianship**
- **Long term foster care**
- **Kinship care**

- **Special Needs Adoption:**
 - **Definition of a special needs child:** a child for whom it is difficult to find an adoptive home and who meets the eligibility criteria for adoption assistance defined in the Administrative Code (HFS 50).
 - ◆ A child must have, or be at risk of developing, special needs and otherwise would not be able to be placed for adoption without adoption assistance.
 - ◆ In order for a child to be adopted with adoption assistance the following circumstances must exist: (HFS 50.03)
 - **10 to 18 years of age** (if age is the only factor in determining eligibility);
 - **Exhibiting emotional, behavioral or physical/personal care characteristics;**
 - **Member of a sibling group of three or more placed together;**
 - **a member of a minority race who cannot be readily placed due to a lack of appropriate placement resources; or**
 - **At high risk of developing a moderate or intensive level of special needs.**

 - **Definition of child at high risk:** a child who does not have a known special need under HFS 50.03, but who is at high risk of developing special needs based on one or more of the following:
 1. Documented information that **either birth parent has a medical diagnosis or medical history, which could result in the child exhibiting special, needs characteristics.**
 2. The child has **experienced 4 or more placements** with extended family or foster homes that could affect the normal attachment process.
 3. The child **experienced neglect in the first 3 years of life or sustained physical injury or physical disease** that could have a long-term effect on physical, emotional or intellectual development.

4. Documented evidence in a medical or hospital record, law enforcement record, social or human service department record, court record, or a record of a contract agency that the **birth mother used harmful drugs or alcohol during pregnancy.**
 5. Documented evidence in a medical or hospital record that the birth mother received inappropriate prenatal care, which could later result in the child developing special needs.
- **Special Needs Adoption Services:**
Employ both state staff as well as contract agency staff. State staff manage the contracts and provide permanency consultation to both county and contract staff. Contract agencies provide the majority of direct adoption services to families.
 - ◆ Private contract partners include: **Eastern Region:** Lutheran Social Services of WI and Upper MI (lead agency) with Bethany Christian Services; **Southern Region:** Children's Service Society of Wisconsin (lead agency) with Catholic Charities/Diocese Madison and Milwaukee, Bethany Christian Services, Lutheran Social Services of WI and Upper MI, and Professional Association of Treatment Homes (PATH); **Western Region:** Lutheran Social Services of Wisconsin and Upper MI (lead agency), Catholic Charities/LaCrosse, and PATH.
 - ◆ Services provided include:
 - **Recruitment of potential adoptive families** and the provision of informational to potential adoptive families regarding the special needs adoption process and children served by the Adoption Program;
 - **Assessment of new adoptive family applications** selected through the Department's screening procedures, including applicants willing to accept a legal risk placement of a child for whom a petition for termination of parental rights have been filed;
 - **Assessment of current foster parents of a child** when those foster parents have expressed a desire to adopt the child;
 - **Provision of consultation concurrent planning services** to child welfare staff including the identification of an appropriate adoptive resource, preparing the child and the family for the adoption process, and assisting the child welfare staff in the permanency planning process;
 - **Quality Assurance:**
In addition to the 16 state permanency consultants and the private agency contract staff the special needs adoption program has 4 quality assurance specialists. Their responsibilities include:
 - ◆ **Oversee the outcomes of the special needs adoption program** through:
 - Regional evaluation and monitoring of program compliance with standards;
 - Effectiveness of policy and procedures;
 - ◆ Development of corrective strategies to assure quality services.
 - ◆ **Quality Assurance staff oversee the quality of services provided by both the contract agencies and SPCs.**
 - ◆ **Monitor compliance with federal and state laws, regulations, standards** and policies through regional program operations (e.g. MEPA, ICWA, ASFA, Hague Convention requirements, etc.).
 - ◆ Clarification of policy via a monthly newsletter and development of program manual.
 - ◆ Completion of special studies, projects and assignments to assist in the management of program resources and policies.

- **Adoption Assistance:**

A fundamental element of the SNAP is the provision of adoption assistance to families who adopt special needs children. Definition: assistance provided under agreement by the department to the parents of an adopted child that is designed to assist in the cost of care of the child after the adoption or after the child has been placed for adoption (HFS 50).

- ◆ **Adoption assistance helps the family meet the costs of care.**
- ◆ **Ranges from \$0 plus MA (child at high risk) up to \$2,000 plus MA per month.**
- ◆ **Funded under Title IV-E of the Social Security Act and State matching funds.** Adoption assistance may include:
 - medical assistance for some medical costs not covered by the family's health insurance;
 - a monthly reimbursement to adoptive parent(s) to assist meeting the financial demands of caring for a child's special care needs (maximum of \$2,000); and
 - Reimbursement of one-time non-recurring reasonable and necessary expenses in order to complete the adoption (e.g., legal fees and/or agency fees) up to \$2,000.

- **Program Funding:**

The Special Needs Adoption Program is funded through a **combination of IV-E, IV-B (Safe and Stable Families) and State GPR funds**. When available Federal Adoption Incentive funds have been used to supplement the adoption program budget (available based on the increased number of adoptions over the previous federal fiscal year.)

- Incentive funds are provided
 - For increase in the number of children adopted in state guardianship from the previous Federal Fiscal Year (FFY) (\$4,000)
 - When the number of IV-E adoptions increase (\$2,000)
 - For children who are over 9 years of age (\$4,000)
 - The maximum per child meeting the above criteria is (\$8,000)

- **Program Statistics:**

- In 2003 there were 1158 special needs adoptions finalized. This was a record year.
- In 2002 there were 1044 special needs adoptions finalized.
- Due to an almost 100% increase in adoptions since 1997 there has been a significant increase in the amount of Adoption Assistance funds needed to support these children.
- A major portion of the increased adoptions is the direct result of our efforts in BMCW and the other counties to move children to permanence.
- There were 7,164 children receiving a monthly adoption assistance amount in 8/04.
- The dollars paid in adoption assistance for the month of August was \$5,493,479
- The average monthly adoption assistance reimbursement is \$767 per child.

Related adoption program activities:

- In addition to the special needs adoption program the Division of Children and Family Services provides program consultation, policy and rule development for agencies and individuals involved in the following related adoption programs:
 - **State Foster Care**
Care and maintenance provided to the foster parents of a child in the guardianship and custody of DHFS. These expenses are covered until the child moves to permanence through adoption.
 - **Post Adoption Resource Centers (PARCs)**
 - ◆ The Department funds six post adoption resource centers throughout the state.
 - Eastern: Family Services of NE Wisconsin, Inc - Green Bay
 - Milwaukee County: Adoption Resources of Wisconsin - Milwaukee
 - Northern: Catholic Charities Diocese of LaCrosse - Stevens Point
 - Southeastern: Adoption Resources of Wisconsin - Milwaukee
 - Southern / Catholic Charities Diocese of Madison - Madison
 - Western / Catholic Charities Diocese of LaCrosse - LaCrosse and Eau Claire
 - ◆ The Department provides \$70,000 to each PARC from IV-B funds (Safe and Stable Families).
 - ◆ Post adoption resource centers:
 - Provide education, support activities and services to adoptive families
 - Improve community awareness of adoption, promoting a positive image of adoption and an increased understanding of the unique issues facing adoptive families
 - Provide referral services such as respite care, crisis intervention, day care, after school care, legal assistance, family counseling, support groups related to adoption, Title XIX service providers;
 - **International Adoption (in 2003, 621 adoptions processed through BPP):**
 - ◆ Review of home studies, legal papers, ICPC, and other documents for completeness, compliance with the law and appropriateness of individual placements and provide a final review before providing Department approval. Cost to the family for this service is \$75 per child to be adopted. (48.838)
 - ◆ Provide consultation to agencies making placements of children from abroad and technical assistance in case-specific situations.
 - ◆ Refer inappropriate placements, violations of ICPC procedures, or illegal placements to the attention of agencies, courts, ICPC authorities and DHFS staff.
 - **Interstate Compact on Adoption Assistance and Medical Assistance (ICAMA):**
 - ◆ An agreement between member states that governs the interstate delivery of medical services and adoption subsidies for adopted special needs children.
 - **Domestic (infant) Adoption:**
 - **A fundamental difference between this type of adoption and the special needs adoption program administered by the Department is that the rights of the birth parent(s) are voluntarily terminated.** The prospective adoptive parent(s) is obligated to pay a number of related adoption fees (such as application fee, home study fee, foster care, legal costs, possible medical expenses, and post placement services).