

## TESTIMONY BEFORE THE LEGISLATIVE COUNCIL STUDY COMMITTEE

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### ADOPTION ASSISTANCE AMENDMENTS

#### General Information

##### **What is adoption assistance?**

- Adoption assistance is provided for children with special care needs to assist in the cost of care of the child after adoption or after the child has been placed for adoption.
- Adoption assistance is determined by using the uniform foster care rate setting form to determine the special care needs of the child and if approved includes:
  - Age;
  - Supplemental care needs;
  - Exceptional care needs;
  - Medicaid for some medical costs not covered by the family's health insurance;
  - a monthly reimbursement to the adoptive parent(s) to assist in meeting the financial demands of caring for a child's special care needs (maximum of \$2,000); and
  - reimbursement of reasonable and necessary expenses incurred in order to complete the adoption (e.g., legal fees and/or agency fees) up to \$2,000.
- An adoption assistance agreement is negotiated prior to the finalization of an adoption.
- The amount specified in the agreement may reflect \$0 if the child meets the eligibility definition of "child at high risk" but does not have specific care needs at this time. This determination protects the family's ability to come back at a later time to request an adoption assistance amendment based on the needs of the child.
- For those children with an identified care need the adoption assistance rate is set prior to adoption finalization. This can vary from the basic rate (determined by the age of the child) to \$2,000 if exceptional dollars are included in the monthly maintenance rate. Exceptional dollars would be authorized for special care needs in order to allow the child to remain in a less restrictive environment.
- Generally, adoption assistance ends at the age of 18, but can be extended to the age of 21 if the child meets specific requirements.

##### **What Legislative Authority Allowed for Amendments?**

- 1997 Act 308, created language in Wisconsin Statutes (48.975)
  - effective January 1, 1999 - allowed for amendments to original adoption assistance agreements.
  - expanded the eligibility for adoption assistance to a "child at high risk".
- Administrative Code HFS 50, Facilitating the Adoption of Children with Special Needs was updated to reflect this legislation [50.01(4)(j), 50.03(1)(b)5, 50.044 and 50.045].

### **Who can request an adoption assistance amendment?**

Adoptive parent(s) who have a signed adoption assistance agreement in effect with a maintenance reimbursement in the amount of \$0 or greater are eligible to request an adoption assistance amendment if:

- they feel that there has been a substantial change in the level of needs of their child from the time the original adoption assistance agreement was signed; and
  - it has been 12 months or more following adoption finalization of a child with special needs under s. HFS 50.03 (1) (b) 1., 2., 3. or 4.; or
  - it has been 12 months since the receipt of a previous adoption assistance amendment request by the Department of Health and Families Services under HFS 50.045; or
  - at least 12 months have passed following an amended agreement under HFS 50.044 or 50.045; or
  - it is within 120 days prior to the expiration of an amended agreement in response to our reminder letter
- Adoptive parents who meet the circumstances identified above and believe there has been a substantial change in circumstances in the level of needs of their child from the time the original adoption assistance agreement was signed are eligible to request an adoption assistance amendment.
  - The Department provides a toll-free telephone phone number (866/666-5532) to adoptive families to contact us with questions
    - ◆ A 'billfold card' is provided to each party to the adoption assistance agreement at the time the adoption assistance agreement is signed.

### **What is the process for reviewing an adoption assistance amendment request?**

- The Request for Adoption Assistance Amendment Form is submitted to the Department with confirmation by an appropriate professional of the needs indicated.
- The Department reviews the information provided to determine if there has been a change in the level of care from the time the original agreement was signed.
- When confirmation(s) do not accompany the request, the adoptive family is contacted to obtain the necessary information.
- As required by statute, the appropriate human service agency or agencies is contacted by the Department to ensure there is not a substantiated report of abuse or neglect of the child the request references reflective of the adoptive parent(s) on file since placement of the child.
  - If there is substantiation on file, the request will be denied.
- When the Department authorizes an amended agreement, the effective date of the agreement is determined by the receipt date of the amendment request. The amendment is in effect for twelve months from the date of authorization or until any of the termination reasons apply that are specified in their original adoption assistance agreement.
- The family is notified (in accordance with administrative rule) 120 days prior to the expiration of the amendment and subsequent amendment request information is sent to them.
  - When a subsequent Request for Adoption Assistance Amendment Form is received from a family as a result of the annual review of an amendment to the original agreement (as required by statutes), the Department will review the information to determine whether the monthly adoption assistance reimbursement will be increased, remain the same, or reduced to an amount no lower than established by the original agreement.
  - ◆ The appropriate human service agency or agencies will be contacted again to ensure that there is not a substantiated report of abuse or neglect of the child the request references reflective of the adoptive parent(s) on file since the authorizing the previous amendment.
    - If there is substantiation on file, the request will be denied.

### **Monthly Reimbursement Amount Adjustment**

- The Administrative Code HFS 50.044/50.045 (3)(c) does not allow for an increase in the exceptional payment, nor does it allow for establishment of an exceptional payment to an agreement after the adoption of the child.

- The Department is authorized to make adjustments in only the supplemental care categories (Behavioral, Emotional and Physical/Personal Care). Based on our uniform foster care rate setting form.
  - The levels of care in each of these categories are: Not Applicable (\$0); Minimal (\$36); Moderate (\$72); and Intensive (\$108). Each level is assigned points - Minimal = 4; Moderate = 8 and Intensive = 12
  - The number points in the highest level of need identified is multiplied by \$9 to determine the amount able to be authorized in the category.
  - The number of points reflected in the amendment request that are confirmed is compared with the number of points originally identified for calculation of the rate at the time of the original agreement. The difference determines the available increase.
- When an amendment request is received for a child that originally had an 'child at high risk agreement' (\$0), a basic rate is set that is determined by the age of the child at the time the request was received and the points are calculated and added to this amount.

### **Adoption Assistance Amendment Requests Received**

- The Department receives approximately 300 requests on an annual basis.
  - Adoptive families are encouraged to contact the Adoption Assistance Program Specialist to discuss the needs of their child and be advised of the process.
    - ◆ The Adoption Assistance Specialist in the Division of Children and Family Services explains the process (e.g., checking w/appropriate CPS authorities, etc.) and reviews how the rate was initially set with the family and determines if a rate increase is possible.
    - ◆ It is also explained that the Department is not able to establish or increase the exceptional dollars that the family receives in their adoption assistance monthly reimbursement amount. The Department can only make adjustments in the three supplemental care categories (emotional, behavioral and physical/personal care). The category need levels are: not applicable, minimal, moderate and intensive.
  - After discussing this information with the family and the results of the information show that the Department would not be able to authorize an amendment, the decision is explained to the family that denial will occur.
    - ◆ The appeal process is explained to them and it is then their choice if they wish to pursue an amendment request.
    - ◆ This also provides the families the ability to 'screen themselves out' if they are aware of a child abuse or neglect substantiation on file that cannot be appealed.
- Of the approximate 300 amendment requests received annually, approximately 95% are approved.
  - This is because previous discussion has occurred with most families prior to submission and they are aware of the process and confirmation requirements.

### **Amendment Increase Amounts**

- Adoption assistance amendment amounts can vary from \$36 to approximately \$600.
  - The range is broad because there are families who request an amendment who originally had an adoption assistance agreement in the amount of \$0 because the child met the "child at high risk" definition. (For those families who originally had an agreement in the amount of \$0, the Department sets a basic rate based on the age of the child at the time of the request.)
  - Others currently are receiving adoption assistance and the Department is able to grant an amendment based on an increased level of need or identification of needs in a supplemental category that was not identified at the time of their original agreement.
- Over the past year, there have been approximately 22 amendments authorized for families who originally had a 'child at high risk' agreement (\$0) in effect.
  - ◆ The average increase for those families going from \$0 to a dollar amount has been approximately \$560.
  - ◆ The average increase authorized for the families who had previously been receiving a monthly reimbursement amount and the needs of their child increased had increased has been between \$108 and \$144.

### **Annual Review**

- In accordance with statute, there is an annual review of authorized amendments.

- The amended amount is in effect for twelve months from the date of authorization unless any of the termination reasons listed in the family's original adoption assistance agreement apply.
- Prior to expiration, correspondence and a subsequent amendment request is sent to the family to verify that the needs are the same as previously identified
  - If the needs have increased or decreased to a level that would alter the amended amount, the family is asked to indicate the change and provided needed confirmation of the needs
  - When the family is notified of the amendment expiration, a "streamlined reapplication" request form is provided to them.

**Attachments**

- 1997 Wisconsin Act 308
- s.48.975, Wis Stats
- Administrative Code HFS 50 (Facilitating the Adoption of Children with Special Needs) - [50.01(4)(j), 50.03(1)(b)5, 50.044 and 50.045
- Administrative Code HFS 56 (Foster Home Care for Children) [56.11]
- Adoption Assistance Agreement (CFS 74)
- Amended Adoption Assistance Agreement
- Adoption Assistance Amendment Information, PFS 4063
- Adoption Assistance Amendment Request Form-Initial Request (CFS 2092)
- Adoption Assistance Amendment Request Form (Subsequent)
- Adoption Assistance "Billfold" Card (Toll Free Telephone Number)

Prepared for Adoption Study Committee - 10/13/04

1997 Assembly Bill 601

Date of enactment: June 30, 1998  
Date of publication\*: July 14, 1998

## 1997 WISCONSIN ACT 308

AN ACT to renumber and amend 48.975 (3) (a), 48.975 (4) and 48.975 (5); to amend 46.10 (14) (cm) 1. and 2. and 48.975 (2); and to create 48.975 (3) (a) 3., 48.975 (3) (a) 4., 48.975 (3m), 48.975 (4) (b), (bm), (c) and (d) and 48.975 (5) (a) to (e) of the statutes; relating to: adoption assistance, granting rule-making authority and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

[Enrolling Note: This bill was prepared for the joint legislative council's special committee on adoption laws (special committee). The original bill, as introduced, has extensive NOTES that relate to the bill as introduced, but are not retained in enrolling because the bill was changed by amendment.]

**SECTION 1.** 46.10 (14) (cm) 1. and 2. of the statutes are amended to read:

46.10 (14) (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the child for whom support is ordered, the amount of the child support payments determined under par. (b) or (c) may not exceed the amount of the adoption assistance maintenance payments under s. 48.975 (3) (a). If an agreement under s. 48.975 (4) is in effect that provides for a payment of \$0 under s. 48.975 (3) (a), the payment of \$0 shall be considered to be an adoption assistance maintenance payment for purposes of this subdivision.

2. Subdivision 1. does not apply if, after considering the factors under par. (c) 1. to 11., the court finds by the greater weight of the credible evidence that limiting the amount of the child support payments to the amount of the adoption assistance maintenance payments under s.

48.975 (3) (a) is unfair to the child or to either of the parents.

**SECTION 3.** 48.975 (2) of the statutes is amended to read:

48.975 (2) **APPLICABILITY.** The department may provide adoption assistance only for a child with special needs and only when the department has determined that such assistance is necessary to assure the child's adoption.

**SECTION 4.** 48.975 (3) (a) of the statutes is renumbered 48.975 (3) (a) 1. and amended to read:

48.975 (3) (a) 1. ~~For~~ Except as provided in subd. 3., for support of a child who was in foster care or treatment foster care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the amount of that child's foster care or treatment foster care payment. ~~For at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.~~

2. Except as provided in subd. 3., for support of a child not in foster care or treatment foster care immediately prior to placement ~~with a subsidy for adoption,~~ the initial amount of adoption assistance for maintenance shall be equivalent to the uniform foster care rate in effect

\* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

**SECTION 5.** 48.975 (3) (a) 3. of the statutes is created to read:

48.975 (3) (a) 3. For support of a child who is defined under rules promulgated by the department under sub. (5) (b) as a child with special needs based solely on being at high risk of developing moderate or intensive difficulty-of-care problems, the initial amount of adoption assistance for maintenance shall be \$0.

**SECTION 6.** 48.975 (3) (a) 4. of the statutes is created to read:

48.975 (3) (a) 4. The amount of adoption assistance for maintenance may be changed under an amended agreement under sub. (4) (b) or (c). If an agreement is amended under sub. (4) (b) or (c), the amount of adoption assistance for maintenance shall be the amount specified in the amended agreement but may not exceed the uniform foster care rate that would be applicable to the child if the child were in foster care during the time for which the adoption assistance for maintenance is paid.

**SECTION 7.** 48.975 (3m) of the statutes is created to read:

48.975 (3m) DURATION. The adoption assistance may be continued after the adoptee reaches the age of 18 if that adoptee is a full-time high school student.

**SECTION 8m.** 48.975 (4) of the statutes is renumbered 48.975 (4) (a) and amended to read:

48.975 (4) (a) ~~Except in extenuating circumstances, as defined by the department by rule promulgated under sub. (5) (a), a written agreement to provide adoption assistance shall be made prior to legal adoption. An agreement to provide adoption assistance may be made only for children a child who, at the time of placement for adoption, is in the guardianship of the department or other agency authorized to place children for adoption or for children in the guardianship of an American Indian tribal agency in this state. The adoption assistance may be continued after the child reaches the age of 18 if that child is a full-time high school student.~~

**SECTION 10.** 48.975 (4) (b), (bm), (c) and (d) of the statutes are created to read:

48.975 (4) (b) If an agreement to provide adoption assistance is in effect and if the adoptive or proposed adoptive parents of the child who is the subject of the agreement believe there has been a substantial change in circumstances, as defined by the department by rule promulgated under sub. (5) (c), the adoptive or proposed adoptive parents may request that the agreement be amended to increase the amount of adoption assistance for maintenance. If a request is received under this paragraph, the department shall do all of the following:

1. Determine whether there has been a substantial change in circumstances, as defined by the department by rule promulgated under sub. (5) (c) and whether there has

been a substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents.

2. If there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents, offer to increase the amount of adoption assistance for maintenance based on criteria established by the department by rule promulgated under sub. (5) (d).

3. If an increased amount of adoption assistance for maintenance is agreed to by the adoptive or proposed adoptive parents, amend the agreement in writing to specify the increased amount of adoption assistance for maintenance.

(bm) Annually, the department shall review an agreement that has been amended under par. (b) to determine whether the substantial change in circumstances that was the basis for amending the agreement continues to exist. If that substantial change in circumstances continues to exist, the agreement, as amended, shall remain in effect. If that substantial change in circumstances no longer exists, the department shall offer to decrease the amount of adoption assistance for maintenance based on criteria established by the department under sub. (5) (dm). If the decreased amount of adoption assistance for maintenance is agreed to by the adoptive or proposed adoptive parents, the department shall amend the agreement in writing to specify the decreased amount of adoption assistance for maintenance. If the decreased amount of adoption assistance for maintenance is not agreed to by the adoptive or proposed adoptive parents, the adoptive or proposed adoptive parents may appeal the decision of the department regarding the decrease under the procedure established by the department under sub. (5) (dm).

(c) The department may propose to the adoptive or proposed adoptive parents that an agreement to provide adoption assistance be amended to adjust the amount of adoption assistance for maintenance. If an adjustment in the amount of adoption assistance for maintenance is agreed to by the adoptive or proposed adoptive parents, the agreement shall be amended in writing to specify the adjusted amount of adoption assistance for maintenance.

(d) An agreement to provide adoption assistance may be amended more than once under par. (b) or (c).

**SECTION 11.** 48.975 (5) of the statutes is renumbered 48.975 (5) (intro.) and amended to read:

48.975 (5) RULES. (intro.) The department shall promulgate rules necessary to implement this section, which shall include all of the following:

**SECTION 12.** 48.975 (5) (a) to (e) of the statutes are created to read:

48.975 (5) (a) A rule defining the extenuating circumstances under which an initial agreement to provide adoption assistance under sub. (4) (a) may be made after adoption. This definition shall include all circumstances under which federal statutes, regulations or guidelines provide that federal matching funds for adoption assis-

tance are available to the state if an initial agreement is made after adoption, but may not include circumstances under which federal statutes, regulations or guidelines provide that federal matching funds for adoption assistance are not available if an initial agreement is made after adoption.

(b) A rule defining a child with special needs, which shall include a child who the department determines has, at the time of placement for adoption, moderate or intensive difficulty-of-care problems, as defined by the department, or who the department determines is, at the time of placement for adoption, at high risk of developing those problems.

(c) A rule defining the substantial change in circumstances under which adoptive or proposed adoptive parents may request that an agreement made under sub. (4) be amended to increase the amount of adoption assistance for maintenance. The definition shall include all of the following:

1. Situations in which a child who was defined as a child with special needs based solely on being at high risk of developing moderate or intensive difficulty-of-care problems has developed those problems.

2. Situations in which a child's difficulty-of-care problems have increased from the moderate level to the intensive level as set forth in the department's schedule of difficulty-of-care levels promulgated by rule.

(d) Rules establishing requirements for submitting a request under sub. (4) (b), criteria for determining the amount of the increase in adoption assistance for maintenance that the department shall offer if there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents, and the procedure to appeal the decision of the department regarding the request.

(dm) Rules establishing the criteria for determining the amount of the decrease in adoption assistance for maintenance that the department shall offer under sub. (4) (bm) if a substantial change in circumstances no longer exists and the procedure to appeal the decision of the department regarding the decrease. The criteria shall provide that the amount of the decrease offered by the department under sub. (4) (bm) may not result in an amount of adoption assistance for maintenance that is less than the initial amount of adoption assistance for maintenance provided for the child under sub. (3) (a) 1., 2. or 3.

(e) A rule regarding when a child must be photolisted with the adoption information exchange under s. 48.55 in order to be eligible for adoption assistance. The rule may not require photolisting under any circumstances in

which photolisting is not required by federal statutes, regulations or guidelines as a prerequisite for the state to receive federal matching funds for adoption assistance.

**SECTION 9122. Nonstatutory provisions; health and family services.**

(1) The department of health and family services shall submit in proposed form the rules required under section 48.975 (5) (a) to (e) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than January 1, 1999.

(3m) The authorized FTE positions for the department of health and family services are increased by 0.5 FED positions on July 1, 1998, to be funded from the appropriation under section 20.435 (3) (n) of the statutes, for the purpose of administering the adoption assistance program.

**SECTION 9222. Appropriation changes; health and family services.**

(2) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health and family services under section 20.435 (3) (a) of the statutes, as affected by the acts of 1997, the dollar amount is increased by \$54,300 for fiscal year 1998-99 to increase the authorized FTE positions for the department by 1.0 GPR position for the purpose of administering the adoption assistance program.

**SECTION 9228. Appropriation changes; joint committee on finance.**

(1m) In the schedule under section 20.005 (3) of the statutes for the appropriation to the joint committee on finance under section 20.865 (4) (a) of the statutes, as affected by the acts of 1997, the dollar amount is decreased by \$54,300 for fiscal year 1998-99 to decrease funding for the purpose of administering the adoption assistance program.

**SECTION 9322. Initial applicability; health and family services.**

(1) The creation of section 48.975 (3) (a) 3. and (5) (b) of the statutes first applies to children who are placed for adoption on the effective date of this subsection.

**SECTION 9400. Effective dates; general.** This act takes effect on the day after publication, except as follows:

(1m) The treatment of sections 46.10(14) (cm) 1. and 2. and 48.975 (2) and (3m) of the statutes, the renumbering and amendment of section 48.975 (3) (a), (4) and (5) of the statutes, the creation of section 48.975 (3) (a) 3. and 4., (4) (b), (bm), (c) and (d) and (5) (a), (b), (c), (d), (dm) and (e) of the statutes and SECTION 9322 (1) of this act take effect on January 1, 1999.

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received under this paragraph, the department shall do all of the following:

1. Determine whether there has been a substantial change in circumstances, as defined by the department by rule promulgated under sub. (5) (c) and whether there has been a substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents.

2. If there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents, offer to increase the amount of adoption assistance for maintenance based on criteria established by the department by rule promulgated under sub. (5) (d).

3. If an increased amount of adoption assistance for maintenance is agreed to by the adoptive or proposed adoptive parents, amend the agreement in writing to specify the increased amount of adoption assistance for maintenance.

(bm) Annually, the department shall review an agreement that has been amended under par. (b) to determine whether the substantial change in circumstances that was the basis for amending the agreement continues to exist. If that substantial change in circumstances continues to exist, the agreement, as amended, shall remain in effect. If that substantial change in circumstances no longer exists, the department shall offer to decrease the amount of adoption assistance for maintenance based on criteria established by the department under sub. (5) (dm). If the decreased amount of adoption assistance for maintenance is agreed to by the adoptive or proposed adoptive parents, the department shall amend the agreement in writing to specify the decreased amount of adoption assistance for maintenance. If the decreased amount of adoption assistance for maintenance is not agreed to by the adoptive or proposed adoptive parents, the adoptive or proposed adoptive parents may appeal the decision of the department regarding the decrease under the procedure established by the department under sub. (5) (dm).

(c) The department may propose to the adoptive or proposed adoptive parents that an agreement to provide adoption assistance be amended to adjust the amount of adoption assistance for maintenance. If an adjustment in the amount of adoption assistance for maintenance is agreed to by the adoptive or proposed adoptive parents, the agreement shall be amended in writing to specify the adjusted amount of adoption assistance for maintenance.

(d) An agreement to provide adoption assistance may be amended more than once under par. (b) or (c).

(5) RULES. The department shall promulgate rules necessary to implement this section, which shall include all of the following:

(a) A rule defining the extenuating circumstances under which an initial agreement to provide adoption assistance under sub. (4) (a) may be made after adoption. This definition shall include all circumstances under which federal statutes, regulations or guidelines provide that federal matching funds for adoption assistance are available to the state if an initial agreement is made after adoption, but may not include circumstances under which federal statutes, regulations or guidelines provide that federal matching funds for adoption assistance are not available if an initial agreement is made after adoption.

(b) A rule defining a child with special needs, which shall include a child who the department determines has, at the time of placement for adoption, moderate or intensive difficulty-of-care problems, as defined by the department, or who the department determines is, at the time of placement for adoption, at high risk of developing those problems.

(c) A rule defining the substantial change in circumstances under which adoptive or proposed adoptive parents may request that an agreement made under sub. (4) be amended to increase the amount of adoption assistance for maintenance. The definition shall include all of the following:

1. Situations in which a child who was defined as a child with special needs based solely on being at high risk of developing

moderate or intensive difficulty-of-care problems has developed those problems.

2. Situations in which a child's difficulty-of-care problems have increased from the moderate level to the intensive level as set forth in the department's schedule of difficulty-of-care levels promulgated by rule.

(d) Rules establishing requirements for submitting a request under sub. (4) (b), criteria for determining the amount of the increase in adoption assistance for maintenance that the department shall offer if there has been a substantial change in circumstances and if there has been no substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents, and the procedure to appeal the decision of the department regarding the request.

(dm) Rules establishing the criteria for determining the amount of the decrease in adoption assistance for maintenance that the department shall offer under sub. (4) (bm) if a substantial change in circumstances no longer exists and the procedure to appeal the decision of the department regarding the decrease. The criteria shall provide that the amount of the decrease offered by the department under sub. (4) (bm) may not result in an amount of adoption assistance for maintenance that is less than the initial amount of adoption assistance for maintenance provided for the child under sub. (3) (a) 1., 2. or 3.

(e) A rule regarding when a child must be photolisted with the adoption information exchange under s. 48.55 in order to be eligible for adoption assistance. The rule may not require photolisting under any circumstances in which photolisting is not required by federal statutes, regulations or guidelines as a prerequisite for the state to receive federal matching funds for adoption assistance.

History: 1977 c. 418; 1985 a. 308; 1989 a. 31; 1993 a. 16, 446; 1997 a. 308.  
Cross Reference: See also ch. HFS 50, Wis. adm. code.

**48.977 Appointment of relatives as guardians for certain children in need of protection or services.** (1) DEFINITION. In this section, "relative" means a relative as defined in s. 48.02 (15) or a person specified in s. 48.57 (3m) (a) 2.

(2) TYPE OF GUARDIANSHIP. This section may be used for the appointment of a relative of a child as a guardian of the person for the child if the court finds all of the following:

(a) That the child has been adjudged to be in need of protection or services under s. 48.13 (1), (2), (3), (3m), (4), (5), (8), (9), (10), (10m), (11) or (11m) or 938.13 (4) and been placed, or continued in a placement, outside of his or her home pursuant to one or more court orders under s. 48.345, 48.357, 48.363, 48.365, 938.345, 938.357, 938.363 or 938.365 for a cumulative total period of one year or longer.

(b) That the person nominated as the guardian of the child is a relative of the child with whom the child has been placed and that it is likely that the child will continue to be placed with that relative for an extended period of time or until the child attains the age of 18 years.

(c) That, if appointed, it is likely that the relative would be willing and able to serve as the child's guardian for an extended period of time or until the child attains the age of 18 years.

(d) That it is not in the best interests of the child that a petition to terminate parental rights be filed with respect to the child.

(e) That the child's parent is neglecting, refusing or unable to carry out the duties of a guardian or, if the child has 2 parents, both parents are neglecting, refusing or unable to carry out the duties of a guardian.

(f) That the agency primarily responsible for providing services to the child under a court order has made reasonable efforts to make it possible for the child to return to his or her home, while assuring that the child's health and safety are the paramount concerns, but that reunification of the child with the child's parent or parents is unlikely or contrary to the best interests of the child and that further reunification efforts are unlikely to be made or are contrary to the best interests of the child, except that the court is not required to find that the agency has made those reasonable



48.433, 48.434, 48.48 (17) (a) 9, or 48.57 (1) (j), or by order of the court for good cause shown.

(1g) At the time a court enters an order granting an adoption, it shall provide the adoptive parents with a copy of the child's medical record under s. 48.425 (1) (am) or with any information provided to the court under s. 48.422 (9) or 48.425 (2), after deleting the names and addresses of the child's birth parents and the identity of any provider of health care to the child or the child's birth parents.

(1r) Any agency which has placed a child for adoption shall, at the request of an adoptive parent or of the adoptee, after he or she has reached age 18, provide the requester without charge, except for the actual cost of reproduction, with medical or genetic information about the adoptee or about the adoptee's birth parents which it has on file and with nonidentifying social history information about the adoptee's family which it has on file, after deleting the names and addresses of the birth parents and any provider of health care to the adoptee or the adoptee's birth parents. The agency may charge a requester a fee for the cost of verifying, purging, summarizing, copying and mailing the information according to the fee schedule established by the department under s. 48.432 (3) (c). The fee may not be more than \$150 and may be waived by the agency.

(2) All correspondence and papers, relating to the investigation, which are not a part of the court record, except those in the custody of agencies authorized to place children for adoption shall be transferred to the department and placed in its closed files.

History: 1979 c. 34; 1981 c. 359; 1983 a. 471; 1989 a. 31; 1997 a. 27, 104, 252.  
Adoption records reform: Impact on adoptees. 67 MLR 110 (1983).

**48.94 New birth certificate.** After entry of the order granting the adoption the clerk of the court shall promptly mail a copy thereof to the state bureau of vital statistics and furnish any additional data needed for the new birth certificate. Whenever the parents by adoption, or the adopting parent and a birth parent who is the spouse of the adopting parent, request, that the birth certificate for the person adopted be not changed, then the court shall so order. In such event no new birth certificate shall be filed by the state registrar of vital statistics, notwithstanding the provisions of s. 69.15 (2) or any other law of this state.

History: 1981 c. 359 s. 16; 1985 a. 315 s. 22; 1991 a. 316.

**48.95 Withdrawal or denial of petition.** Except as provided under s. 48.839 (3) (b), if the petition is withdrawn or denied, the circuit court shall order the case transferred to the court assigned to exercise jurisdiction under this chapter and ch. 938 for appropriate action, except that if parental rights have been terminated and the guardian of the minor is the department, a licensed child welfare agency or a county department under s. 48.57 (1) (e) or (hm), the minor shall remain in the legal custody of the guardian.

History: 1977 c. 271, 449; 1981 c. 81; 1985 a. 176; 1995 a. 77.

**48.96 Subsequent adoption.** The adoption of an adopted person is authorized and, in that case, the references to parent and birth parent are to adoptive parent.

History: 1981 c. 359 s. 16.

**48.97 Adoption orders of other jurisdictions.** When the relationship of parent and child has been created by an order of adoption of a court of any other state or nation, the rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined by s. 48.92. If the adoptive parents were residents of this state at the time of the foreign adoption, the preceding sentence applies only if the department has approved the placement. A child whose adoption would otherwise be valid under this section may be readopted in accordance with this chapter.

History: 1971 c. 187; 1981 c. 81; 1995 a. 443.

**48.975 Adoption assistance.** (1) **DEFINITION.** In this section, "adoption assistance" means payments by the department to

the adoptive or proposed adoptive parents of a child which are designed to assist in the cost of care of that child after an agreement under sub. (4) has been signed and the child has been placed for adoption with the adoptive or proposed adoptive parents.

(2) **APPLICABILITY.** The department may provide adoption assistance only for a child with special needs and only when the department has determined that such assistance is necessary to assure the child's adoption.

(3) **TYPES.** The department may provide adoption assistance for maintenance, medical care or nonrecurring adoption expenses, or for any combination of those types of adoption assistance, according to the following criteria:

(a) **Maintenance.** 1. Except as provided in subd. 3., for support of a child who was in foster care or treatment foster care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the amount of that child's foster care or treatment foster care payment at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

2. Except as provided in subd. 3., for support of a child not in foster care or treatment foster care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the uniform foster care rate in effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

3. For support of a child who is defined under rules promulgated by the department under sub. (5) (b) as a child with special needs based solely on being at high risk of developing moderate or intensive difficulty-of-care problems, the initial amount of adoption assistance for maintenance shall be \$0.

4. The amount of adoption assistance for maintenance may be changed under an amended agreement under sub. (4) (b) or (c). If an agreement is amended under sub. (4) (b) or (c), the amount of adoption assistance for maintenance shall be the amount specified in the amended agreement but may not exceed the uniform foster care rate that would be applicable to the child if the child were in foster care during the time for which the adoption assistance for maintenance is paid.

(b) **Medical.** The adoption assistance for medical care shall be sufficient to pay expenses due to a physical, mental or emotional condition of the child which is not covered by a health insurance policy insuring the child or the parent.

(c) **Nonrecurring adoption expenses.** Subject to any maximum amount provided by the department by rule promulgated under sub. (5), the adoption assistance for nonrecurring adoption expenses shall be sufficient to pay the reasonable and necessary adoption fees, court costs, legal fees and other expenses that are directly related to the adoption of the child and that are not incurred in violation of any state or federal law.

(3m) **DURATION.** The adoption assistance may be continued after the adoptee reaches the age of 18 if that adoptee is a full-time high school student.

(4) **PROCEDURE.** (a) Except in extenuating circumstances, as defined by the department by rule promulgated under sub. (5) (a), a written agreement to provide adoption assistance shall be made prior to adoption. An agreement to provide adoption assistance may be made only for a child who, at the time of placement for adoption, is in the guardianship of the department or other agency authorized to place children for adoption or in the guardianship of an American Indian tribal agency in this state.

(b) If an agreement to provide adoption assistance is in effect and if the adoptive or proposed adoptive parents of the child who is the subject of the agreement believe there has been a substantial change in circumstances, as defined by the department by rule promulgated under sub. (5) (c), the adoptive or proposed adoptive parents may request that the agreement be amended to increase the amount of adoption assistance for maintenance. If a request is

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## Chapter HFS 50

### FACILITATING THE ADOPTION OF CHILDREN WITH SPECIAL NEEDS

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Note: Sections PW-CY 40.30 to 40.35 were repealed effective January 31, 1984 and a new chapter HSS 50 was created effective February 1, 1984. Chapter HSS 50 was renumbered chapter HFS 50 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, May, 1999, No. 521.

#### Subchapter I — General Provisions

**HFS 50.01 Introduction.** (1) **STATEMENT OF INTENT.** The intent of this chapter is to facilitate the placement of all children in Wisconsin who are legally available for adoption by providing adoption assistance to families adopting children with special needs and by establishing an adoption information exchange to help find adoptive homes for these children.

(2) **PURPOSE OF RULES.** This chapter establishes criteria to be used by the department in determining when adoption assistance, as authorized by s. 48.975, Stats., may be provided, specifies limitations on the granting of adoption assistance, sets procedures for applying for adoption assistance and for amending the adoption assistance agreement and establishes an adoption information exchange, as required by s. 48.55, Stats., to be operated by the department directly or through a contract with an individual or private agency to assist in finding the best adoptive homes available for the placement of children with special needs.

(3) **APPLICABILITY.** This chapter applies to the department, adoption agencies, any individual or private agency under contract to the department to operate the adoption information exchange, adoptive parents, prospective adoptive parents and special needs children.

#### (4) DEFINITIONS. In this chapter:

(a) "Administrative review" means a review of the plan of services for a child conducted by a panel of persons selected by the adoption agency, at least one of whom is not responsible for the case management or for the supervision or delivery of services to either the child who is subject to the review or the child's parents.

(b) "Adoption" means a method provided by law to establish the legal relationship of parent and child between persons who are not so related by birth, with the same mutual rights and obligations that exist between the child and the child's birth parents.

(c) "Adoption agency" or "agency" means a Wisconsin county department authorized under s. 48.57 (1) (e) or (hm), Stats., to place children for adoption, the department, a licensed child welfare agency authorized under ss. 48.60 and 48.61 (5), Stats., to accept guardianship and to place children under its guardianship for adoption or an American Indian tribal agency in this state.

(d) "Adoption assistance" means assistance provided under agreement by the department to the parents of an adopted child or the prospective adoptive parents of a child placed for adoption, when the family has signed and the department has approved an agreement that is designed to assist in the cost of care of the child after adoption or after the child has been placed for adoption.

(e) "Adoption assistance for medical care" means the program under Title XIX of the Social Security Act as codified in 42 USC 1396, ss. 49.43 to 49.497, Stats., and chs. HFS 101 to 108.

(f) "Adoption information exchange" or "exchange" means a department program created to facilitate the adoption of special needs children by disseminating information about the children to adoption agencies and prospective adoptive families.

(g) "Adoption photolisting" means a publication that lists individual special needs children and includes photographs and descriptions of them.

(h) "Adoptive family" means a husband and wife jointly or an unmarried adult.

(i) "Child" means a person under 18 years of age.

(j) "Child at high risk" means a child in the guardianship of an adoption agency who does not have a known special need under s. HFS 50.03 (1) (b) 1., 2., 3. or 4. but who is at high risk of developing a moderate or intensive level of special needs under s. HFS 50.03 (1) (b) 3. based on one or more of the following:

1. There is documented information that either or both birth parents have a medical diagnosis or medical history which could result in a condition for the child described in s. HFS 50.03 (1) (b) 3. at a later time.

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. There is documented evidence in a medical or hospital record, law enforcement record, social or human service department record, court record, or a record of an agency under a contract with a county department or the department to provide child welfare services that the birth mother used harmful drugs or alcohol during pregnancy which could later result in the child developing special needs as described in s. HFS 50.03 (1) (b) 3.

5. There is 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 as described in s. HFS 50.03 (1) (b) 3.

(k) "Department" means the Wisconsin department of health and family services.

(l) "Division" means the department's division of children and family services.

(m) "Guardian" has the meaning given in s. 48.02 (8), Stats.

(n) "Legal risk" means a status of a child in which the severance of the legal rights of the child's birth parents through a termination of parental rights proceeding under the laws of the state

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or tribal court have not been completed or the court's decision is being legally contested.

(o) "Legally free" means the status of a child when the legal rights of the child's birth parents have been severed through death of a parent or a termination of parental rights proceeding according to the laws of the state or the tribal court, and the court has transferred guardianship and custody of the child to a placement agency pending adoptive placement.

(p) "Medical adoption assistance card" means a card issued for the purpose of identifying a person as a recipient of adoption assistance for medical care.

(q) "Monthly adoption assistance payment" means a monthly payment amount described in an adoption assistance agreement to help with the expense of raising the child made by the department to the parents or prospective parents of an adopted child with special needs and also means the \$0 payment to the adoptive parents or prospective adoptive parents receiving adoption assistance in the form of medical assistance and to the adoptive parents or prospective parents of a child at high risk.

(r) "Registration" means the listing of information about special needs children or the listing of information about approved prospective adoptive families with the adoption information exchange for the purpose of locating a prospective adoptive family.

(s) "Special needs child" means a legally free child for whom it is difficult to find an adoptive home and who meets the eligibility criteria for adoption assistance under s. HFS 50.03.

(t) "Substantial change in circumstances" means that a documented change related to the risk that qualified the child as a child of high risk under par. (j) has occurred to the child in one or more areas of special needs, including physical, behavioral or emotional special needs, that would result in a change in the supplemental rate as determined by the uniform foster care rate schedule under s. HFS 56.11.

(u) "Sustaining care" means the placement of a child under s. 48.428, Stats.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; r. and recr. Register, July, 1985, No. 355, eff. 8-1-85; am. (1) and (2), renum. (d) to (s) to be (e) to (s) and (d), and am. (4) (d), (n), (o) and (p), Register, December, 1988, No. 396, eff. 1-1-89; correction in (4) (n) to (p) made under s. 13.93 (2m) (b) 1., Stats., Register, December, 1988, No. 396; am. (4) (d), r. (4) (n) to (q), cr. (4) (dr), (n) and (o), renum. (4) (r) to (t) to be (4) (p) to (r), Register, September, 1992, No. 441, eff. 10-1-92; emerg. am. (2), r. and recr. (4), eff. 11-16-99; am. (2), r. and recr. (4), Register, July, 2000, No. 535, eff. 8-1-00; correction in (4) (t) made under s. 13.93 (2m) (b) 7., Stats., Register November 2002 No. 563; CR 02-401: am. (4) (g), r. and recr. (4) (j), Register November 2002 No. 563, eff. 12-1-02.

## Subchapter II — Adoption Assistance

**HFS 50.02 Adoption with adoption assistance.** Sections HFS 50.03 to 50.06 specify procedures and criteria to be used in granting adoption assistance and apply to the department, adoption agencies and adoptive parents, except that the adoption of American Indian children is subject to 25 USC 1901 to 1963.

History: Cr. Register, July, 1985, No. 355, eff. 8-1-85; am. Register, December, 1988, No. 396, eff. 1-1-89.

**HFS 50.03 Eligibility for adoption assistance.** In order for a child to be adopted with adoption assistance the child must be available for adoption and the following circumstances shall exist:

(1) **ELIGIBILITY CRITERIA FOR THE CHILD.** (a) *Age.* The child shall be under 18 years of age at the time of adoption.

(b) *Special needs.* The child shall have at least one of the following special needs at the time of the adoptive placement:

1. The child is 10 years of age or older if age is the only factor in determining eligibility;

2. The child is a member of a sibling group of 3 or more children that must be placed together;

3. The child exhibits special need characteristics judged to be moderate or intensive under the schedule of difficulty-of-care levels specified in s. HFS 56.11 (3);

4. The child belongs to a minority race and children of that minority race cannot be readily placed due to a lack of appropriate placement resources; or

5. The child is a child at high risk of developing a moderate or intensive level of special needs under subd. 3.

(c) *Availability for adoption.* A child shall be considered available for adoption if the child is in the guardianship of the department, a county department under s. 48.57 (1) (hm), Stats., or an adoption agency and the department, county department, or adoption agency decides that the child cannot or should not return to the home of his or her parents. If the child is an American Indian, adoption procedures shall be in accordance with 25 USC 1901 to 1963.

(d) *Wisconsin responsibility.* A child brought to Wisconsin for adoption from another state under the interstate compact on the placement of children, ss. 48.988 and 48.989, Stats., except as mandated by federal statutes and regulations, or from another nation under an orphan, relative or medical immigrant visa may not be provided adoption assistance from this state.

Note: Federal law interpretations as provided in ACYF-CB-PA-01-01 and ACYF-CB-IM-01-08 require that in an interstate adoption, when the sending state public child welfare agency does not have responsibility for placement and care of a child, the public child welfare agency in the adoptive parents' state of residence is responsible for determining whether the child meets the definition of special needs, entering into the adoption assistance agreement, and paying the subsidy for a child who meets eligibility requirements for federally funded adoption assistance.

(2) **REASONABLE PLACEMENT EFFORTS TO ASSURE ADOPTION PLACEMENT.** (a) Reasonable efforts shall be made to assure a timely placement of the child with the best available family without adoption assistance. The agency shall make efforts to consider a number of families in order to locate the most suitable family for the child, including a review of all approved families associated with the agency, and consideration given, as required by s. 48.833, Stats., to the availability of an adoptive placement with a relative of the child, and those efforts shall be documented in the child's record. If 2 or more appropriate families are not approved and available within the agency, the agency shall make a timely effort to locate additional families by doing any of the following:

1. Contacting other adoption agencies.

2. Photolisting the child with the adoption information exchange.

3. Working through the adoption information exchange to photolist the child with a national adoption exchange.

(b) Once the agency has determined that placement with a specific family would be the most suitable for the child, the agency shall make a full disclosure to the family of the child's background, to the extent known, as well as any existing or potential problem related to the child known to the adoption unit of the agency.

(c) If the child has a special need under sub. (1) (b) and if the circumstances of either this subsection or sub. (3) exist, the agency shall inform the family of the adoption assistance program and ask the proposed adoptive parents whether they are willing to adopt without adoption assistance. If the family is not willing to adopt without adoption assistance, the requirement that a reasonable, but unsuccessful, effort to place the child without adoption assistance is met. A request for adoption assistance shall not be a basis for removing a child from a current adoptive placement.

(3) **EXCEPTIONS.** (a) Subsection (2) shall be waived if the child has developed significant emotional ties with the foster family and it can be demonstrated that the child:

1. Identifies himself or herself as a member of the family;

2. Is regarded by the foster parents, foster siblings, community and school as belonging to that family; and

3. Has, because of his or her attachment to the foster family and other factors such as age and number of previous placements,

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a diminished probability of forming new attachments if denied permanence with this family.

(b) Subsection (2) shall be waived if a child is in an adoptive placement without adoption assistance and, prior to making the adoption final, problems specified under sub. (1) (b) 3. or s. HFS 50.05 (4) arise and the family requests adoption assistance.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84; renum. from HSS 50.02 and am. (1) (c) and (2), r. (3), Register, July, 1985, No. 355, eff. 8-1-85; renum. (4) to be (3) under s. 13.93 (2m) (b) 1., Stats., correction in (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1985, No. 355; am. (intro.), (1) (a), (2) (intro.) and (c) and (3) (b), cr. (1) (d), Register, December, 1988, No. 396, eff. 1-1-89; r. and recr. (2), Register, September, 1992, No. 441, eff. 10-1-92; correction in (1) (b) 3. and (3) (b), made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1994, No. 463; emerg. am. (1) (b) 3. and 4., cr. (1) (b) 5., r. and recr. (2), eff. 11-16-99; am. (1) (b) 3. and 4., cr. (1) (b) 5. and r., recr. (2), Register, July, 2000, No. 535, eff. 8-1-00; correction in (1) (b) 3. made under s. 13.93 (2m) (b) 7., Stats., Register November 2002 No. 563; CR 02-101: am. (intro.), (1) (c) and (d), (2) (a) 2., 3., and (c), Register November 2002 No. 563, eff. 12-1-02.

### HFS 50.04 Application for adoption assistance.

(1) **TIMING.** Except in extenuating circumstances as provided in s. HFS 50.065 (2), an initial application for adoption assistance shall be completed and approved no later than the time the adoptive placement of the child occurs in. The prospective adoptive parents may file an application for adoption assistance under the circumstances noted in s. HFS 50.03 (3) (b) or in sub. (4) and adoptive parents may request an amendment to an existing agreement under the circumstances noted in s. HFS 50.044 or 50.045.

(2) **APPLICATION FORM.** Application shall be made on a form provided by the department.

(a) Part I of the application shall be completed and signed by the parent or parents and the adoption worker.

(b) Part II of the application shall be completed and approved or disapproved by a representative of the department designated for this purpose and a copy shall be given to the parent or parents and copies shall be kept in the parent and child file.

(3) **CHILD AND FAMILY SUMMARY.** Information documenting the need for adoption assistance shall be recorded on the child and family summary form and submitted with the completed application form for approval or disapproval by a representative of the department designated for this purpose.

(4) **ADOPTION ASSISTANCE AGREEMENT.** The adoption assistance agreement shall be completed and signed by the prospective adoptive parent or parents, the adoption worker and a representative of the department designated for this purpose. If at any time prior to the adoption the prospective adoptive parent or parents believe there has been a substantial change in circumstances, the prospective adoptive parent or parents may file an application for an amended agreement. The agency, subject to department review, shall assess the current special needs of the child and, as appropriate, the department shall offer to amend the agreement. The amended agreement shall be agreed to and signed by the prospective adoptive parent or parents, the adoption worker and a representative of the department designated for this purpose. Copies of the signed agreement shall be given to the adoptive parent or parents and placed in the child's adoption record. For purposes of amending an agreement following adoption, the agreement in effect at the time of adoption is considered the original agreement.

(5) **PAYMENT AUTHORIZATION.** The adoption worker shall complete the payment authorization form and send a copy to the division prior to the initiation of adoption assistance benefits.

**Note:** Copies of the application form and the child and family summary form are available at any regional office of the department or may be obtained by writing: Bureau of Programs and Policies, Division of Children and Family Services, P.O. Box 8916, Madison, WI 53708-8916.

**History:** Cr. Register, January, 1984, No. 337, eff. 2-1-84; renum. from HSS 50.03, Register, July, 1985, No. 355, eff. 8-1-85; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1985, No. 355; am. (1) (3), (4) and (6), Register, December, 1988, No. 396, eff. 1-1-89; am. (2) (b), (3) to (5), Register, September, 1992, No. 441, eff. 10-1-92; r. (6), Register, July, 1994, No. 463, eff. 8-1-94; emerg. am. (1) and (4), eff. 11-16-99; am. (1) and (4), Register, July, 2000, No. 535, eff. 8-1-00.

**HFS 50.044 Request to amend the adoption assistance agreement for a child at high risk of developing special needs.** (1) **REQUEST FOR REVIEW.** At least 12 months after the date of adoption, the adoptive parents who signed an adoption assistance agreement for a child at high risk may request that the agreement be amended because they now believe a substantial change in circumstances has occurred. If the request results in an amended agreement, any subsequent request for an amended agreement shall be made under s. HFS 50.045. If the request does not result in an amended agreement, the adoptive parents may request that the agreement be amended no earlier than 12 months after the date of the receipt of the last request by the department.

(2) **FAMILY RESPONSIBILITY.** To request that an agreement be amended, the adoptive family shall do all of the following:

(a) Complete and return the request for adoption assistance amendment form available from the department to record the family's observations of the child's physical, behavioral and emotional needs.

(b) Provide documentation by appropriate professionals of the child's current special needs to the department at the time of filing the request for adoption assistance amendment form to verify any substantial change in circumstances. That documentation may be a statement by the professional indicating that he or she concurs with the nature and level of special needs identified on the request for adoption assistance form. The report or statement of an appropriate professional shall be dated within 6 months prior to the date of the request for an adoption assistance amendment.

(c) If requested by the department, provide additional information about the child's current functioning.

(d) If requested by the department, have the child evaluated by a specialist of the department's choice and at the department's expense to provide information necessary in making the determination.

(e) Sign and return an amended agreement offered by the department to authorize a payment amount other than the amount in the original agreement.

**Note:** A copy of the Request for Adoption Assistance Amendment form, CFS 2092, may be obtained from the Department by writing to: Bureau of Program and Policies, Division of Children and Family Services, P. O. Box 8916, Madison WI 53708-8916.

(3) **DEPARTMENT RESPONSIBILITY.** If a request to amend an agreement is received, the department shall do all of the following:

(a) From a review of the information submitted by the family under sub. (2), determine whether a substantial change in circumstances exists to meet the eligibility requirements of s. HFS 50.03 (1) (b) 3. If additional information is needed to make the determination, the department shall notify the family of the need for the information and request that the information be submitted within 90 days from the date of the letter requesting the information and that failure to provide the requested information within 90 days may result in the request being denied by the department. The department may obtain technical assistance from a specialist or may require the family to have the child evaluated by a specialist of the department's choice and at the department's expense to provide information necessary in making the determination.

(b) Contact the appropriate human service agency or agencies in the jurisdiction where the adoptive parents have resided since the placement of the child to request information concerning any substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents.

(c) If having determined that there has been a substantial change in circumstances documented by uniform rate determination which establishes a moderate or an intensive level in one or more categories of the supplemental payments schedule, and there has not been a substantiated report of abuse or neglect of the child or any other child by the adoptive or proposed adoptive par-

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ents, offer to adjust the amount of adoption assistance for maintenance for up to one year based upon the uniform foster care rate in effect under s. HFS 56.11 (2) and (3) at the time the request for adoption assistance amendment form is received in the department. Payment shall include the basic rate, plus any supplemental payment calculated under s. HFS 56.11 (2) and (3) indicated in the uniform foster care rate. No exceptional payment may be established.

(d) If the adoptive or proposed adoptive parent agrees with the proposed amount of adoption assistance maintenance payment, offer to amend the original agreement in writing for up to one year to specify the new monthly adoption assistance maintenance payment amount.

(e) Review under s. HFS 50.045 (3) (c) the circumstances of a child with a previously amended adoption assistance agreement under this section by contacting the adoptive parent or parents prior to the expiration of the amended agreement. The department shall notify the adoptive parents, in writing, at least 120 days before the expiration of the amended adoption assistance agreement and provide the adoptive parents the expiration date, a request for an adoption assistance amendment form and instructions for completing the form.

*History:* Emerg. cr., eff. 11-16-99; cr. Register, July, 2000, No. 535, eff. 8-1-00; corrections in (3) (c) made under s. 13.93 (2m) (b) 7., Stats., Register November 2002 No. 563.

**HFS 50.045 Request to amend the adoption assistance agreement following adoption.** (1) **REQUEST FOR REVIEW.** Twelve months or more following adoption of a child with special needs under s. HFS 50.03 (1) (b) 1., 2., 3. or 4., at least 12 months since the receipt of a previous request under this section by the department, at least 12 months following an amended agreement under s. HFS 50.044, or within 120 days prior to the expiration of an amended agreement, adoptive parents with a current adoption assistance agreement and with a maintenance payment in the amount of \$0 or greater may file a request with the department for amendment of the agreement because they believe a substantial change in circumstances has occurred since the agreement was signed. If an amendment is in effect as a result of approval of an adoption assistance amendment request, the amendment will be in effect until the expiration date specified. The purpose of the amended agreement would be to change the amount of the monthly adoption assistance maintenance payment. An adoption assistance agreement may be amended more than once under the provisions of this section.

(2) **FAMILY RESPONSIBILITY.** To request that an agreement be amended, the adoptive family shall do all of the following:

(a) Complete and return the request for adoption assistance amendment form available from the department to record the family's observations of the child's physical, behavioral and emotional needs.

(b) Provide documentation by appropriate professionals of the child's current special needs to the department at the time of filing the request for adoption assistance amendment form to verify any substantial change in circumstances. That documentation may be a statement by the professional indicating that he or she concurs with the nature and level of special needs identified on the request for adoption assistance form. The report or statement of an appropriate professional shall be dated within 6 months prior to the date of the request for an adoption assistance amendment.

(c) If requested by the department, provide additional information about the child's current functioning.

(d) If requested by the department, have the child evaluated by a specialist of the department's choice and at the department's expense to provide information necessary in making the determination.

(e) Sign and return an amended agreement offered by the department to authorize a payment amount other than the amount in the original agreement.

*Note:* A copy of the Request for Adoption Assistance Amendment form, CFS 2092, may be obtained from the Department by writing to: Bureau of Program and Policies, Division of Children and Family Services, P. O. Box 8916, Madison WI 53708-8916.

(3) **DEPARTMENT RESPONSIBILITY.** If a request to amend an agreement is received, the department shall do all of the following:

(a) From the information submitted by the family under sub. (2), determine whether a substantial change in circumstances exists. If additional information is needed to make the determination, the department shall notify the family of the need for the information and request that the information be submitted within 90 days from the date of the letter requesting the information and that failure to provide the requested information within 90 days may result in the request being denied by the department. The department may obtain technical assistance from a specialist or may require the family to have the child evaluated by a specialist of the department's choice and at the department's expense so that the department will have the information it needs to make the determination.

(b) Contact the appropriate human services agency or agencies in the jurisdiction where the adoptive parents have resided since the placement of the child to request information concerning any substantiated report of abuse or neglect of the child by the adoptive parents.

(c) If having determined that there has been a substantial change in circumstances documented by uniform rate determination which establishes an increase in special needs to the moderate or intensive level in one or more categories of the supplemental payments schedule, or a new category of special needs at the minimum, moderate or intensive level, and there is no substantiated report of abuse or neglect of the child by the adoptive parents, offer to amend the amount of adoption assistance for maintenance for up to one year. The department may not increase the amount in the agreement above the amount allowed under 42 USC 673 or any other federal law. The new rate shall include the basic rate in the existing agreement and any exceptional rate in the existing agreement and an adjusted supplemental payment calculated under s. HFS 56.11 (2) and (3) indicated in the uniform foster care rate. If the original or amended agreement has not established a basic rate, the new rate shall include the basic rate effective on the date the request was received in the department and an adjusted supplemental payment calculated under s. HFS 56.11 (2) and (3) indicated in the uniform foster care rate. If the level of points in a supplemental rate category is at the highest number of points in an intensive level of need category, no increase in payment may be offered in that category. No adjustment may be made to an existing exceptional rate and no exceptional rate may be established.

(d) If the adoptive parent agrees with the proposed amount of the payment, offer to amend the agreement in writing to specify the new monthly adoption assistance amount.

(e) Review an amended adoption assistance agreement, as follows:

1. Prior to the expiration of the amended agreement and annually thereafter for the duration of the adoption assistance agreement the department shall contact the adoptive parent or parents to request information concerning the circumstances of the child. The department shall notify the adoptive parents, in writing, at least 120 days before the expiration of the amended adoption assistance agreement and provide the adoptive parents the expiration date, a request for an adoption assistance amendment form and instructions for completing the form.

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2. The department may require the adoptive parent or parents to provide documentation of the current circumstances of the child. The department shall review the information to determine whether the reasons for the change in circumstances continue to exist or not and shall notify the family whether the amount of adoption assistance will be continued, reduced, or returned to the amount in the original agreement or previous amended agreement.

History: Emerg. cr. eff. 11-16-99; cr. Register, July, 2000, No. 535, eff. 8-1-00; corrections in (3) (c) made under s. 13.93 (2m) (b) 7., Stats., Register November 2002 No. 563.

**HFS 50.05 Amount of adoption assistance.** To determine the amount of adoption assistance, the following procedures shall apply:

(1) **MONTHLY ADOPTION ASSISTANCE PAYMENT.** (a) Each adoptive child's situation shall be considered individually in computing the adoption assistance which shall be based on the uniform foster care rates specified in s. 48.62 (4), Stats., and difficulty-of-care levels specified in s. HFS 56.11 (3).

(b) The amount of adoption assistance shall be the total monthly adoption assistance payment as indicated on the adoption assistance agreement or as revised by an amendment to the adoption assistance agreement signed by both the adoptive parent or parents and the department. The initial rate for a child at high risk is \$0 in the original adoption assistance agreement if no special needs category under s. HFS 50.03 (1) (b) 1., 2., 3. or 4. applies to the child. The rate may increase or decrease as described in an amendment to the original agreement and law.

(c) The effective date for a rate increase for an amended agreement shall be the first day of the month the department received the request to amend the adoption assistance agreement, except that no increase shall be made prior to 12 months from a prior rate increase. The effective date for a rate decrease for an amended agreement shall be the first day of the month following the month that the amended agreement expires. The effective date for discontinuing adoption assistance for any reason shall be the last day of the month that eligibility for benefits ends.

(2) **MEDICAL ADOPTION ASSISTANCE.** (a) Adoption assistance for medical care shall be granted to all cases with an approved adoption assistance agreement.

(b) Adoptive families covered by private health insurance policies shall provide information to the department regarding their coverage.

(c) The medical assistance card may not be used for care of the adoptive child covered by the family's insurance.

(d) Medical benefits provided under title XIX of the Social Security Act of 1935, as amended, are available to the adoptee in accordance with the procedures of the state in which the adoptee resides. If an adoptee with Wisconsin adoption assistance is not eligible in the state of residence, the department shall provide medical assistance in accordance with ss. 49.43 to 49.497, Stats., and chs. HFS 101 to 108. The department shall facilitate provision of eligible medical benefits through the interstate compact on adoption and medical assistance referenced in s. 48.9985, Stats.

(3) **NON-RECURRING ADOPTION EXPENSES.** When a child is adopted with an approved adoption assistance agreement, the department shall reimburse adoptive parents for non-recurring adoption expenses up to a \$2000 maximum. In this subsection, "non-recurring adoption expenses" means reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child with special needs and which are not incurred in violation of state or federal laws.

(4) **FAMILY CIRCUMSTANCES.** The amount of adoption assistance shall take into consideration the circumstances of the adoptive family and the needs of the child being adopted. In negotiating the amount of the monthly adoption assistance payment within the

limits of sub. (1), the department shall consider family circumstances such as the following:

(a) The burden on the family's financial resources is significant because of a need to provide for the adoptee;

(b) Although the family's financial resources are substantial, unusual circumstances have placed demands on the family income to the extent that providing for an adoptee would result in a significant financial burden;

(c) The family lacks health insurance or sufficient insurance to cover the expected medical needs of the adoptee; and

(d) Resources needed by the adoptee are not available in the family's community and the expense of gaining access to the necessary resources would place a significant financial burden on the family.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; renum. from HSS 50.04 and cr. (1) (c) and (3), Register, July, 1985, No. 355, eff. 8-1-85; correction in (1) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1985, No. 355; am. (intro.) and (1), renum. (2) (intro.) to (b) and (3) to be (2) (a) to (c) and (4) and am. (2) (a), cr. (2) (d) and (3), Register, December, 1988, No. 396, eff. 1-1-89; r. and recr. (2) (a), (4) (intro.) to (c), Register, September, 1992, No. 441, eff. 10-1-92; am. (1) (b), r. (1) (c), Register, July, 1994, No. 463, eff. 8-1-94; emerg. am. (1) (b), (2) (a) and (3), cr. (1) (c), eff. 11-16-99; am. (1) (b), (2) (a) and (3), cr. (1) (c), Register, July, 2000, No. 535, eff. 8-1-00; correction in (1) (a) made under s. 13.93 (2m) (b) 7., Stats., Register November 2002 No. 563.

#### HFS 50.06 Responsibilities under the program.

(1) **ADOPTION ASSISTANCE AGREEMENT.** There shall be a written adoption assistance agreement signed by the adoptive parents and a division representative which shall cover:

(a) The amount of the adoption assistance;

(b) The responsibilities of the adoptive parents;

(c) The responsibilities of the department;

(d) Circumstances under which the adoption assistance may be increased, decreased, terminated or temporarily suspended; and

(e) A stipulation that the agreement shall remain in force regardless of the state of residence of the family and the child.

(2) **POST-PLACEMENT RESPONSIBILITIES OF ADOPTIVE PARENTS.** After the adoption assistance agreement has been signed and approved by the department and the child has been placed in the home, the adoptive parent shall notify the division within 30 days of the occurrence of any of the following circumstances:

(a) A change in the family's address;

(b) A change in the adoptee's legal guardian;

(c) If the adoptee enters military service;

(d) If the adoptee marries;

(e) If the adoptee no longer resides in the home;

(f) If the adoptee dies;

(g) High school completion date after the adoptee reaches 18 years of age;

(h) Change in health insurance benefits or coverage;

(i) If the adopting parents are no longer supporting the adoptee; and

(j) If the adoptee has been placed in an institution or other alternate care facility at public expense.

Note: Notice may be delivered in person, by mail, or facsimile (fax) to the Division of Children and Family Services, Bureau of Program and Policies, 1 W. Wilson St., P.O. Box 8916, Madison, WI 53708-8916. The toll free telephone number is 866-666-5532. The fax number is 608-264-6750.

(3) **POST-PLACEMENT RESPONSIBILITIES OF THE DEPARTMENT.** After the adoption agreement has been signed and approved by the department and the child has been placed in the home, the department shall:

(a) Biannually send written notification to adoptive families of the post-placement responsibilities specified in s. HFS 50.06 (2) (a) to (j). Notification shall include adoptive families who have moved out of state.

(b) Discontinue adoption assistance based on any of the following circumstances, as determined by the department:

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(3) ARRANGEMENTS FOR A HEARING. In response to a request for a hearing under this section, the division of hearings and appeals shall appoint a hearing examiner, set a date for the hearing and notify the parties in writing at least 10 days before the hearing of the date, time and place of the hearing and of the procedures to be followed.

History: CR 00-020: cr. Register February 2002 No. 554, eff. 3-1-02.

**HFS 56.11 Supplemental payments for special needs, in exceptional circumstances or for initial clothing.** (1) **COVERAGE.** All foster home payments made directly to a foster parent by a county agency or the department for the care and maintenance of a foster child shall be subject to the basic maintenance rates established by s. 48.62 (4), Stats., and supplemental payment schedules, including initial clothing allowances, established by the department under this section.

(2) **SPECIAL NEEDS.** (a) Supplemental payments in recognition of special needs may be made in addition to the age-related rates specified in s. 48.62 (4), Stats., in an amount to be determined by the department for a foster child who requires more than the usual amount of care and supervision for the child's age because of special emotional, behavioral or physical and personal needs.

(b) The placing agency shall assess each foster child within 30 days after the child's placement in a foster home and not less often than at 6 month intervals thereafter while the child remains in foster care to determine if the child has special needs which require a supplemental payment. The assessment of the foster child's special emotional, behavioral or physical and personal needs shall be made by comparing the child's characteristics to the schedule of difficulty-of-care levels described in sub. (3).

(c) If a foster child does not exhibit characteristics commensurate with level B, C or D of emotional, behavioral or physical and personal special needs categories described in sub. (3), no supplemental payment may be made. If the foster child exhibits characteristics commensurate with level B, C or D in one or more of the emotional, behavioral or physical and personal special need categories, a supplemental payment in an amount to be determined by the department shall be paid.

(d) The placing agency shall document in the child's case record the characteristics of any selected level of care.

(3) **SCHEDULE OF DIFFICULTY-OF-CARE LEVELS.** (a) *Emotional.*

1. "Level A, not applicable" children do not exhibit unusual emotional characteristics for foster children in their age group.

2. "Level B, minimal" children exhibit behavior that includes or corresponds in extent or degree with at least 2 of the following characteristics:

- a. Demanding excessive attention from others.
- b. Nervous, high-strung, impulsive and displaying temper tantrums.
- c. Restless and hyperactive, having a short attention span and occasionally wetting during the night.
- d. Exhibiting low self-esteem and lacking confidence in their ability to deal with the world.
- e. Periodically withdrawn and unresponsive.

3. "Level C, moderate" children exhibit behavior that includes or corresponds in extent or degree with at least 2 of the following characteristics:

- a. Habitually resistive and having difficulty communicating with others, often failing to do what is expected of them.
- b. Typically respond to situations with apathy, showing a lack of any interest.
- c. Have difficulty in establishing relationships and set up others for rejection.
- d. Display cultural and social conflicts.
- e. Frequent night bed-wetters or occasionally defecate in bed clothes or both.

f. Display over-activity and over-excitedness, necessitating close supervision.

4. "Level D, intensive" children exhibit behavior that includes or corresponds in extent or degree with one or more of the following characteristics, and the characteristics are severe:

- a. Infantile personalities.
- b. Wet or defecate in clothing during daytime hours several times a week.
- c. Severe hyperactivity to the point of frequent destructiveness or sleeplessness.
- d. Chronically withdrawn, depressed or anxious.
- e. Self-injurious, require constant and intensive supervision and may be involved in behavioral management programs or show bizarre or severely disturbed behavior.
- f. Display anorexia nervosa.

(b) *Behavioral.* 1. "Level A, not applicable" children do not exhibit unusual behavioral characteristics for foster children in their age group.

2. "Level B, minimal" children exhibit behavior that includes or corresponds in extent or degree with at least 2 of the following characteristics:

- a. Run away infrequently for up to 2 days with the intention of returning.
- b. Occasionally skip classes or an entire day of school, affecting class achievement and requiring make-up school work and parent contact with the school.
- c. Use sexual acting-out or language as an attention-getting mechanism and occasionally experiment with alcohol, drugs or both.
- d. Infrequent conflicts with parents or community authorities, including displays of hostility and occasional petty theft, vandalism or both.
- e. Exhibit occasional aggressive behavior such as biting, scratching or throwing objects at another person.

3. "Level C, moderate" children exhibit behavior that includes or corresponds in extent or degree with at least 2 of the following characteristics:

- a. Run away 4 to 7 times a year for 3 or 4 days at a time and requires encouragement to return.
- b. Truant from school one to 2 times a month for more than one day, resulting in delayed academic progress including performance below their ability that may lead to class failure, possible suspension and frequent parent contact with the school.
- c. Exhibit sexual activity harmful to themselves and disruptive to their family and community relationships.
- d. Occasionally have been involved in non-violent crimes such as burglary, which caused conflict with authority.
- e. Exhibit frequent aggressive behavior such as biting, scratching or throwing objects at another person.
- f. Exhibit occasional self-abusive behavior such as banging their heads, poking their eyes, kicking themselves or biting themselves.

4. "Level D, intensive" children exhibit behavior that includes or corresponds in extent or degree with one or more of the following characteristics, and the characteristics are severe:

- a. Runs away 8 or more times a year for 5 or more days at a time, returning only on the initiative of others.
- b. Habitually create a disturbance in the classroom or be habitually truant from school resulting in class failure, frequent suspension or expulsion, and requiring frequent parent contact with the school.
- c. Exhibit sexual deviancy, including that of a violent nature or nonconsenting involvement of others.
- d. Habitually use alcohol, drugs or both.

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c. Exhibit uncontrollable behavior, be involved in property offenses repeatedly with adjudication on more than one property offense that is as serious as burglary, and have committed acts such as arson, physical assault or armed robbery.

f. Exhibit aggressive behavior on a daily basis, such as biting, scratching or throwing objects at another person.

g. Exhibit frequent self-abusive behavior such as banging their heads, poking their eyes, kicking themselves or biting themselves. These children may eat inappropriate items such as rubber or metal.

(c) *Physical and personal care.* 1. "Level A, not applicable" children do not exhibit unusual physical or personal characteristics for foster children in their age group.

2. "Level B, minimal" children exhibit physical or personal characteristics that include or correspond in extent or degree with one or more of the following:

a. Needs some help with putting on braces or prosthetic devices and help with buttons or laces but basically care for themselves and are able to maintain their own physical assisting devices.

b. Seizures or motor dysfunctions that are controlled by medication. Therapy for gross or fine motor skills can be done with supervision for children to achieve normal conditions. These children may require special diet preparation.

3. "Level C, moderate" children exhibit physical or personal characteristics that include or correspond in extent or degree with one or more of the following:

a. Needs help with dressing, bathing and general toilet needs, including maintenance procedures such as diapering and applying catheters, and requires the help of a person or a device to walk or get around.

b. Needs assistance to care for and maintain physical assisting devices.

c. Has feeding problems such as excessive intake, extreme messiness or extremely slow eating requiring help, supervision or both.

d. Needs tube or gavage feeding.

e. Requires special care to prevent or remedy skin conditions such as decubiti and severe eczema.

**Note:** The administration of medications and preparation of special diets are demanding, and prescribed physical therapies such as those for vision, hearing, speech or gross or fine motor skills require one to 2 hours a day.

4. "Level D, intensive" children exhibit physical or personal characteristics that include or correspond in extent or degree with one or more of the following:

a. Non-ambulatory, may have uncontrollable seizures and need appliances for drainage, colostomy, aspiration or suctioning.

b. Even with proper medical attention, vision, speech or hearing functions are impaired and may require foster parent training.

c. Need daily prescribed exercise routines to improve or maintain gross or fine motor skills that require home administration.

d. Require prevention procedures such as daily irrigation.

e. Require extra cleaning and laundry to maintain body hygiene and control of the child's body waste.

f. Orthotics care.

g. Prescribed physical therapies taking 2 to 3 hours a day.

(4) **EXCEPTIONAL PAYMENT.** An exceptional payment in an amount to be determined by the placing agency pursuant to the department's uniform foster care rate policy may be made in addition to the age-related rates and special needs payment when the additional payment will accomplish any of the following:

(a) Enable the child to be placed in a foster home or treatment foster home instead of being placed or remaining in a more restrictive setting.

(b) Replace a child's basic wardrobe that has been lost or destroyed through other than normal wear and tear.

(5) **INITIAL CLOTHING ALLOWANCE.** A clothing allowance may be paid by the placing agency upon a child's initial placement in foster care. The amount of the allowance shall be the actual cost of the clothing not to exceed a maximum as determined by the department. The placement of a child in foster care for 120 days or more after the child has been removed from an out-of-home care placement shall be considered an initial placement.

**History:** CR 00-020; cr. Register February 2002 No. 554, eff. 3-1-02.

**HFS 56.12 Foster parent education.** (1) **STATEWIDE MANDATORY FOSTER PARENT TRAINING.** (a) *Commencement.* Implementation of this section shall be dependent upon the availability of funds for the purpose of foster parent training.

(b) *Purpose.* This section implements s. 48.675, Stats., which provides for the continuing education of persons who operate foster homes and care for children with special treatment needs.

(c) *To whom the rules apply.* This section applies to all individuals licensed to operate foster homes who voluntarily participate in this educational program, to applicants and foster parents required by a licensing agency to receive training prior to the issuance of a license or renewal of a license and to all persons, agencies and educational institutions providing educational services for this program.

(d) *Inventory of training resources.* The department, working with appropriate foster parent groups and county agencies, shall conduct and maintain an inventory of resources for foster parent training and periodically assess the training needs of foster parents.

(e) *Advisory committee.* A statewide advisory committee appointed by the department and representing county agencies, foster parents, vocational-technical education, the university system, disability and special interest groups and the department's division of children and family services shall study needs and resources and advise the department on specific training needs.

(f) *Sponsorship.* 1. The department shall approve training materials, courses and workshops for foster parents developed under s. 48.675, Stats., and shall coordinate statewide, regional and local training programs to prevent duplication of effort.

2. Training materials, courses and workshops may be developed by, or purchased from, public or private educational institutions, the department, county agencies, other public agencies and voluntary social welfare agencies, and from qualified individuals.

(g) *Qualifications of trainers.* Persons preparing or presenting materials for foster parent training shall present educational and experiential credentials which indicate their expertise in the subject matter as well as an ability to communicate their knowledge.

(h) *Funding of training.* 1. Foster parent expenses for transportation and childcare in connection with training shall be reimbursed by the department, as follows:

a. Transportation expenses, to include travel, parking and meals, shall be reimbursed at the rate for state employees.

b. Care of residents of foster homes while foster parents are attending approved training shall be reimbursed at the county-approved rate.

2. Fees for course materials shall be paid by the department.

3. Fees for trainers and for preparation of materials shall be paid by the department.

(i) *Criteria for evaluating training materials and courses.* 1. Training shall be responsive to demonstrated needs of foster parents.

2. Training shall be planned and executed based upon adult education principles that include, but are not limited to, participatory learning, learning material appropriate to participants' specific needs and sequenced educational programming.



## ADOPTION ASSISTANCE AGREEMENT

The following agreement has been entered into by and between the Wisconsin Department of Health and Family Services, Division of Children and Family Services (hereinafter called the "Department"), and

\_\_\_\_\_  
Name - Adoptive Mother (First, Middle Initial, Last)

\_\_\_\_\_  
Name - Adoptive Father (First, Middle Initial, Last)

(hereinafter called the "adoptive parent(s)"), for the purpose of facilitating the legal adoption of

\_\_\_\_\_  
Birth Name - Child (First, Middle Initial, Last)

(hereinafter called the "adopted person"),

born on \_\_\_\_\_ and to aid the adoptive family in providing proper care for the adopted person.  
(mm/dd/yyyy)

- This document is the initial adoption assistance agreement. The adoptive parent(s) agree that he / she / they intend to adopt the child named above and have signed this document prior to finalization of the adoption for the purposes of receiving adoption assistance payments and / or services for the adopted person under Titles XIX and XX of the Social Security Act from the time of adoptive placement.
- This document is the initial adoption assistance agreement. The finalization of the adoption for the child named above has already occurred. The Department of Hearings and Appeals has ordered the Department to provide adoption assistance payments and / or services for the adopted person under Titles XIX and XX of the Social Security Act from the date indicated on the Order. A copy of the Order issued by the Department of Hearings and Appeals is attached to this agreement.

### PROVISIONS OF AGREEMENT

#### I. Assistance

##### A. Monthly Adoption Assistance

The amount of the monthly adoption assistance shall total \$ \_\_\_\_\_ per month.

The amount of this monthly adoption assistance is based on the needs of the adopted person and the circumstances of the adoptive parent(s) and has been determined by mutual agreement between the adoptive parent(s) and the Department. The amount of adoption assistance shall not exceed the foster care maintenance payment for the adopted person if he / she was in a foster home in the state of Wisconsin. Adjustments in the monthly adoption assistance amount may be made with the concurrence of the adoptive parent(s) based on the needs of the child, or changes in the maximum allowable monthly adoption assistance. Documentation of changes in the adopted person's needs or family circumstances may be required. If it is determined by the Department that an overpayment has been made to the adoptive parent(s), the Department shall have authority to collect the overpayment through a mutual agreement with the adoptive parent(s). If this results in an unsuccessful collection, the Department shall have authority to pursue other collection efforts.

##### B. Medical Care

1. Medical benefits as provided under Title XIX of the Social Security Act (Medicaid) will be available to the adopted person in accordance with the procedures of the state in which the adopted person resides. The benefits provided through Medicaid will vary from state to state and are subject to change based on federal and state legislation. If the adopted person is not eligible for Medicaid in the state of residence, Wisconsin will provide Medicaid.
2. Medicaid provides benefits when other insurance does not provide coverage. Documentation of changes in health and other insurance may be required.

##### C. Nonrecurring Adoption Expenses

The Department agrees to reimburse the adoptive parent(s) for expenses that are reasonable and necessary for the adoption to occur, subject to a maximum of \$2,000. The expenses must: 1) directly relate to the legal adoption; 2) not be in violation of state or federal law; and, 3) not have been reimbursed from other sources of funds. Reimbursement may only be requested after adoption finalization. The request for reimbursement must be submitted within two years after the date of adoption finalization.

D. Social Services

Social services provided under Title XX of the Social Security Act will be available to the adopted person in accordance with the procedures of the state in which the adopted person resides.

E. Moving Out-Of-State

The adoptive parent(s) should notify the Department of their new address. Any monthly adoption assistance will continue from the State of Wisconsin. The Department will refer the adopted person to the new residence state for eligibility to receive Medicaid under Title XIX of the Social Security Act. The interests of the adopted person are protected through Wisconsin's participation in the Interstate Compact on Adoption and Medical Assistance.

II. Notification of Change

A. It is the responsibility of the adoptive parent(s) to immediately notify the Department for the duration of this agreement of the following:

1. Change in family's address
2. Change in the adopted person's legal guardian
3. Date adopted person enters military
4. Date of marriage of adopted person
5. Date adopted person is no longer in the home
6. Date of death of adopted person
7. Date of completion of high school
8. Change in health insurance benefits
9. Date adoptive parents are no longer supporting adopted person or are no longer legally responsible to support adopted person

Notification of any of the above circumstances should be provided to the Department at:

Division of Children and Family Services  
Adoption Assistance Accountant  
P.O. Box 8916  
Madison, WI 53708-8916

Toll Free Telephone Number: (866) 666-5532

Fax Number: (608) 264-6750

- B. Biannually, the Department shall send written notification to adoptive parent(s) referencing the post-adoption responsibilities specified in II. A. Notification shall include families who have moved out-of-state.
- C. The Department shall send written notification to adoptive parent(s) of changes in adoption assistance or other program requirements implemented as a result of state or federal law or policy change.

III. Discontinuance

Discontinuance shall occur in any of the following circumstances:

- A. This agreement shall discontinue upon the conclusion of the terms of this agreement.
- B. This agreement shall discontinue upon request of the adoptive parent(s).
- C. Adoption assistance shall discontinue when the adopted person reaches the age of 18, with the following exceptions:
1. Adoption assistance may continue up to age 19 if the adopted person is a full-time student in high school or the equivalent.
  2. Adoption assistance may continue up to age 21 if all of the following is met: a) the adopted person is a full-time student in high school or the equivalent; b) the Department determines that the adopted person has a mental or physical handicap which warrants the continuation of assistance under 42 USC 673; c) the adopted person is not eligible for other benefits (e.g., SSI, SSA, VA); and, d) the adopted person otherwise lacks adequate resources to continue in high school or the equivalent.
- D. This agreement shall discontinue upon the adopted person's death, marriage, or entry into military service.
- E. This agreement shall discontinue upon the death of the adoptive parent in a single parent family or the death of both adoptive parents in a two parent family.
- F. This agreement shall discontinue at the cessation of legal responsibility of the adoptive parent(s) for the adopted person.

- G. This agreement shall discontinue if the Department determines that the adopted person is no longer receiving support from the adoptive parent(s).
- H. This agreement shall discontinue if the agency having guardianship of the child removes the prospective adopted person from the home of the prospective adoptive parent(s) prior to the finalization of the adoption.
- I. This agreement shall discontinue if adoption finalization does not occur prior to the child reaching the age of 18.

**IV. Appeal**

The adoptive parent(s) may appeal the Department's decision to change, reduce or terminate adoption assistance in accordance with rules and procedures of the State's fair hearing and appeal process. Send a request for review of a decision to:

Administrator  
Division of Children and Family Services  
P.O. Box 8916  
Madison, WI 53708-8916

A request for a fair hearing should be addressed to:

Division of Hearings and Appeals  
P.O. Box 7875  
Madison, WI 53707-7875

**V. Special Provisions**

This agreement shall remain in effect regardless of the state in which the adoptive parent(s) reside at any given time.

Under no circumstances shall the Department use the provision of adoption assistance as a cause for monitoring family functioning after the adoption is finalized.

The parties to this agreement certify that the information provided is true and complete to the best of their knowledge and belief. The adoptive parent(s) understand that he / she / they may be asked to provide proof of eligibility for benefits and that giving false information may result in discontinuance of adoption assistance and / or prosecution for fraud.

The adoptive parent(s) confirm that he / she / they have read and understand this agreement.

\_\_\_\_\_  
Initials of adoptive parent(s)

\_\_\_\_\_  
SIGNATURE - Adoptive Mother

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
SIGNATURE - Adoptive Father

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
SIGNATURE - Agency Representative

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
SIGNATURE - Authorized Department  
Representative

\_\_\_\_\_  
Date Signed

The agency representative provided an original signed copy of this agreement to the adoptive parent(s) on \_\_\_\_\_  
(mm/dd/yyyy)

**ADOPTION ASSISTANCE AGREEMENT AMENDMENT  
Time Limited**

**Use of form:** In accordance with HFS 50.044 and HFS 50.045, this form is used to amend the original Adoption Assistance Agreement (CFS-74) and is time limited.

The following amendment is entered into by and between the Wisconsin Department of Health and Family Services, Division of Children and Family Services (hereinafter called the Department) and \_\_\_\_\_ as an amendment to the agreement related to the adoption of \_\_\_\_\_

The adoptive parent(s) and the Department both agree to amend the monthly cash payment to \$ \_\_\_\_\_ per month. This amendment is effective \_\_\_\_\_ and will continue for twelve (12) months from the authorization date of this amendment, unless any of the conditions specified under IV. A-H in the original adoption assistance agreement occurs.

In accordance with Wisconsin Statutes, the needs of the child identified above will be reviewed at the time of expiration of this agreement to determine whether the reasons for the change in circumstances continue to exist. The Department shall notify the family whether the amount of adoption assistance will be continued or reduced to an amount no lower than the amount in the original agreement.

\_\_\_\_\_  
**SIGNATURE - Adoptive Mother**

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
**SIGNATURE - Adoptive Father**

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
**SIGNATURE - Authorized Department Representative**

\_\_\_\_\_  
Date Signed

Copy Distribution: Child's file  
Adoptive parent(s)

## ADOPTION ASSISTANCE AMENDMENT REQUEST

**Use of form:** This form is used to request an amendment to an existing adoption assistance agreement under s.48.975(4)(b) when the adoptive parent(s) believe there has been a substantial change in the special care needs of the child.

**Instructions:** Wisconsin Statutes, s.48.975(4)(b)1 requires the Department to determine "...whether there has been a substantiated report of abuse or neglect of the child by the adoptive or proposed adoptive parents..." Disclosure of your social security number is voluntary and will be used for verification purposes only. **Complete a separate CFS-2092 for each child you are requesting an adoption assistance amendment for.** Confirmation by an appropriate professional must be submitted with this form to support the characteristic(s) identified. Dates on documentation must be within six months of the signing of this form.

### SECTION A. CHILD / PARENT INFORMATION

Name - Child (Last, First, MI)	Birthdate - Child (mm/dd/yyyy)	Date of Adoption (mm/dd/yyyy)
--------------------------------	--------------------------------	-------------------------------

#### Adoptive Mother

Name - List all Legal Names Since Placement of Child

Address - Mailing (Street, City, State, Zip Code)

Telephone Number - Daytime	Birthdate (mm/dd/yyyy)	Social Security Number
----------------------------	------------------------	------------------------

County(s) of Residence Since Child Placement - Indicate Specific Years

Yes  No Are you aware of any substantiated child abuse or neglect reports involving you and the child?  
Comments:

#### Adoptive Father

Name - List all Legal Names Since Placement of Child

Address - Mailing (Street, City, State, Zip Code)

Telephone Number - Daytime	Birthdate (mm/dd/yyyy)	Social Security Number
----------------------------	------------------------	------------------------

County(s) of Residence Since Child Placement - Indicate Specific Years

Yes  No Are you aware of any substantiated child abuse or neglect reports involving you and the child?  
Comments:

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**SECTION B. SPECIAL NEEDS / DIFFICULTY OF CARE LEVELS**

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There are three categories of special needs and three levels of difficulty of care levels in each category. Check "Yes" or "No" if the behavior / feeling reflects that of the child. (Check "No" if behavior / feeling is age-appropriate.)

**Emotional Care Needs**

**Not Applicable** - Child does not exhibit unusual emotional characteristics for a child this age.

**Minimal**

Child must exhibit at least two characteristics which include or correspond in extent or degree with the following to be considered as having emotional care needs at the minimal level.

- | <u>Yes</u>               | <u>No</u>                |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Demands excessive attention   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Nervous   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. High-strung   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Impulsive   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Displays temper tantrums  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Restless  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Hyperactive   |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Short attention span  |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Occasionally wets during the night  |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Low self-esteem and confidence   |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. Periodically withdrawn and unresponsive; avoids feelings                                 |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Occasionally whines, argues, swears, manipulates, etc.                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 13. Exhibits other characteristics which correspond in extent or degree. If "Yes" - Specify. |

---

**Moderate**

Child must exhibit at least two characteristics which include or correspond in extent or degree with the following to be considered as having emotional care needs at the moderate level.

- | <u>Yes</u>               | <u>No</u>                |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Frequently requires close supervision   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Habitually resistive  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Frequent difficulty in communicating with others; avoids feelings                         |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Frequent failure to do what is expected   |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Responds with apathy to situations  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Difficulty establishing / maintaining relationships; serious attachment problems          |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Displays cultural / social conflicts  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Frequently night bed wetter; occasionally soils or both                                   |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Displays over-activity and over-excitedness   |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Exhibits other characteristics which correspond in extent or degree. If "Yes" - Specify. |
-

**Intensive**

Child must exhibit one or more characteristics which include or correspond in extent or degree with the following to be considered as having emotional care needs at the intensive level.

Yes   No

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Requires constant and intensive supervision; daily structure                              |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Infantile / immature personality  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Wets or soils during daytime hours, several times per week                                |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Severe hyperactivity to the point of frequent destructiveness or sleeplessness            |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Chronically withdrawn / depressed / anxious   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Self-injurious; extremely accident prone  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Needs behavioral program(s) requiring parent training                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Bizarre or severely disturbed behavior; destructive                                       |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Has anorexia nervosa or other eating disorders  |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Exhibits other characteristics which correspond in extent or degree. If "Yes" - Specify. |

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**Behavioral Care Needs**

- Not Applicable** - Child does not exhibit unusual behavioral characteristics for a child this age to be considered as having behavioral care needs at the minimal level.

**Minimal**

Child must exhibit at least two characteristics which include or correspond in extent or degree with the following.

Yes   No

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Disappears or runs away occasionally for short periods of time with intention of returning  |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Occasionally skips classes or exhibits behavior affecting class achievement; requiring make-up and occasional parent / school contact; extra help with homework |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Occasionally uses sexual acting out, masturbation, inappropriate sexual language  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Occasionally experiments with alcohol, drugs or both  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Infrequent hostile conflicts with parents, community, authority figures   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Occasional problems with stealing, petty theft, vandalism, destroying property  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Occasional inappropriate behavior with peers; infrequent conflicts with friends   |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Occasional aggressive behavior toward people; i.e., biting, scratching, throwing objects at another, sexual aggressiveness                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Exhibits other characteristics which correspond in extent or degree. If "Yes" - Specify.  |
-

**Moderate**

Child must exhibit at least two characteristics which include or correspond in extent or degree with the following to be considered as having behavioral care needs at the moderate level.

Yes   No

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Frequently runs away or disappears for longer periods of time requiring encouragement to return   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Frequently truant or exhibits behavior affecting class achievement; creates disturbance in the classroom; requires extra help with schoolwork from parents; frequent contact between parents and school |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Frequently exhibits sexual activity harmful to others; disruptive to family and community   |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Frequently uses alcohol or drugs or both  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Occasionally involved in non-violent crimes / property which may bring contact with police / authorities; i.e., burglary  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Frequent aggressive behavior toward people; i.e., biting, scratching, throwing objects at another, sexual aggression  |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Frequent self-abusive behavior; i.e., head banging, eye poking, kicking self, biting self   |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Exhibits other characteristics which correspond in extent or degree. If "Yes" - Specify.  |

---

**Intensive**

Child must exhibit one or more severe characteristics which include or correspond in extent or degree with the following to be considered as having behavioral care needs at the intensive level.

Yes   No

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Runs away for long periods of time (eight or more times per year and five or more days at a time), returning only as a result of initiative of others |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Habitually creates disturbance in the classroom or on the school bus, habitually truant; requires daily parent / school contact                       |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Exhibits sexual deviancy; i.e., that of a violent or unconsenting nature with others  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Habitually uses alcohol or drugs or both  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Repeated and uncontrollable social behavior resulting in delinquency status; i.e., property offenses; assault, arson                                  |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Daily aggressive behavior; i.e., biting, scratching, throwing objects   |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Constant self-abusive behavior; i.e., head banging, eye poking, kicking self, biting self   |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Severe eating disorders; eats inappropriate items   |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Exhibits other characteristics which correspond in extent or degree. If "Yes", - Specify.   |
-



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**Physical and Personal Care Needs**

**Not Applicable** - Child does not exhibit unusual physical or personal characteristics for a child this age.

**Minimal**

Child must exhibit one or more characteristics which include or correspond in extent or degree with the following to be considered as having physical and personal care needs at the minimal level.

Yes   No

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Needs some help putting on braces or prosthetic devices and help with buttons or laces, but is basically self-caring and able to maintain own physical assisting devices |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Seizures, motor dysfunctions, controlled by medication   |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Requires therapy for gross or fine motor skills  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Requires special diet preparation / supervision  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Exhibits other characteristics which correspond in extent or degree. If "Yes" - Specify.   |

---

**Moderate**

Child must exhibit one or more characteristics which include or correspond in extent or degree with the following to be considered as having needs at the moderate level.

Yes   No

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Requires help with dressing, bathing and general toilet needs, including maintenance procedures; i.e., diapering and applying catheters; requires help of a person or a device to walk or get around |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Needs assistance to care and maintain physical assistance devices  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Exhibits eating, feeding problems; i.e., excessive intake, extreme messiness, extremely slow eating; requires help, supervision or both  |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Requires tube or gavage feeding  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Requires frequent special care to prevent or remedy serious skin conditions; i.e., bedsores, severe eczema   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Requires daily administration of medication, preparation of special diets, prescribed physical therapies; i.e., for vision, hearing, speech, gross or fine motor skills, 1 or 2 hours per day        |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Exhibits other characteristics which correspond in extent or degree. If "Yes" - Specify.   |
-

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**Intensive**

Child must exhibit one or more characteristics which include or correspond in extent or degree with the following to be considered as having needs at the intensive level.

Yes   No

- |                          |                          |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. Non-ambulatory   |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Uncontrollable seizures  |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Need appliances for drainage, colostomy, aspiration, suctioning, mist tent, etc                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Impaired vision, speech, or hearing functions requiring parent training  |
| <input type="checkbox"/> | <input type="checkbox"/> | 5. Requires home administration of daily prescribed exercise routines to improve or maintain gross or fine motor skills |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Requires prevention procedures; i.e., daily irrigation   |
| <input type="checkbox"/> | <input type="checkbox"/> | 7. Requires excessive cleaning / laundry and control of body waste  |
| <input type="checkbox"/> | <input type="checkbox"/> | 8. Orthotics care at this level demands excessive amount of time, care, and responsibility                              |
| <input type="checkbox"/> | <input type="checkbox"/> | 9. Requires intensive prescribed physical therapy up to 2-3 hours per day   |
| <input type="checkbox"/> | <input type="checkbox"/> | 10. Exhibits other characteristics which correspond in extent or degree. If "Yes" - Specify.                            |

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Describe child's daily care requirements which differ from the usual care needs for a child of the same age. Attach additional page if necessary.

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Describe child's current difficulty-of-care level. Attach school, medical, psychological or other evaluations that document the child's current special care needs and / or attach signed "Confirmation of Needs" form, CFS-2159.

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**SECTION C. AUTHORIZATION**

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I declare that all information provided on this form is accurate to the best of my knowledge and reflects the special needs of the child listed on page 1.

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**SIGNATURE - Adoptive Mother**

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Date Signed

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**SIGNATURE - Adoptive Father**

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Date Signed

Questions regarding completion of this form should be directed to the Adoption Assistance Program Specialist at (608) 266-1142 or E-mail to: [duersjm@dhfs.state.wi.us](mailto:duersjm@dhfs.state.wi.us).

Return completed form to: Department of Health and Family Services  
Division of Children and Family Services  
Bureau of Programs and Policies  
ATTN: Adoption Assistance Program Specialist  
P.O. Box 8916  
Madison, WI 53708-8916

## ADOPTION ASSISTANCE AMENDMENT REQUEST – SUBSEQUENT

**Use of form:** This form is used to request a subsequent amendment to an existing adoption assistance agreement under s.48.975(4)(b) when the adoptive parent(s) believe there has been a substantial change in the special care needs of the child since adoption finalization.

**Instructions:** Review the Adoption Assistance Amendment Request form (CFS-2092) previously completed and confirm that the characteristics continue to exist.

<b>Adoptive Child</b>	
Name of Child (Last, First, MI)	
Date of Birth (mm/dd/yyyy)	Social Security Number

<b>Adoptive Mother</b>		
List all Legal Names Since		
Address - Physical		Address - Mailing (if different)
Telephone Number - Daytime	Birthdate (mm/dd/yyyy)	Social Security Number
County(s) of Residence Since		

<b>Adoptive Father</b>		
List all Legal Names Since		
Address - Physical		Address - Mailing (if different)
Telephone Number - Daytime	Birthdate (mm/dd/yyyy)	Social Security Number
County(s) of Residence Since		

I declare I have reviewed the emotional, behavioral and physical / personal care characteristics indicated on the Adoption Assistance Request form (CFS-2092) provided to me that I previously submitted to the Department of Health and Family Services. I confirm that the characteristics indicated continue to exist.

Questions regarding completion of this form should be directed to the Adoption Assistance Program Specialist at 866) 666-5532.

\_\_\_\_\_  
SIGNATURE – Adoptive Mother

\_\_\_\_\_  
SIGNATURE – Adoptive Father

\_\_\_\_\_  
Date Signed

Return completed form to:  
Department of Health and Family Services  
Division of Children and Family Services  
Bureau of Programs and Policies  
ATTN: Adoption Assistance Program Specialist  
P.O. Box 8916  
Madison, WI 53708-8916



DIVISION OF CHILDREN AND FAMILY SERVICES

1 WEST WILSON STREET  
P O BOX 8916  
MADISON WI 53708-8916

Jim Doyle  
Governor

Helene Nelson  
Secretary

State of Wisconsin

Department of Health and Family Services

dhfs.wisconsin.gov

Dear Mr. and Ms. :

Re: Notification of Expiration of Amendment to Adoption Assistance Agreement

The current Amended Adoption Assistance Agreement for \_\_\_\_\_ is in effect until \_\_\_\_\_. In accordance with Administrative Code HFS 50, Facilitating the Adoption of Children with Special Care Needs, this is official notification of the upcoming expiration date of the amended agreement.

A copy of the Adoption Assistance Amendment Request form previously submitted to our Department is enclosed. Please take a few minutes to review the characteristics indicated on it.

If the characteristics indicated on the enclosed Adoption Assistance Amendment Request form continue to exist at the level of difficulty indicated, complete the Request for Adoption Assistance Amendment – Subsequent form that is also enclosed with this letter. Please sign/date the form and return it, prior to the expiration date, in the self-addressed envelope provided. As required by statute, the appropriate human/social service department(s) will be contacted to request information concerning any possible substantiated reports of child abuse or neglect by the adoptive parent(s) as required by statute.

If the characteristics indicated on the previous request are at the intensive level for any of the three categories, (emotional, behavioral and/or physical/personal care categories) the amended amount is already at the maximum allowed in that specific category. Indication of additional characteristics in the intensive level for that specific category will not increase the amount.

If the special care needs of your child have changed from what was indicated on the Adoption Assistance Amendment Request form previously submitted by you (enclosed), you will need to complete a new Adoption Assistance Amendment Request form, request appropriate professional(s) to confirm the special care needs indicated on it and return all to us as soon as possible. A self-addressed envelope is provided for return of the form/confirmation material. As indicated above, the appropriate human/social service department(s) will be contacted to request information concerning any possible substantiated reports of child abuse or neglect by the adoptive parent(s) as required by statute.

If you have any questions, please contact me or Deanine Tantillo at 866/666-5532.

Sincerely,

Jill M. Duerst  
Adoption Assistance Program Specialist  
Bureau of Programs and Policies

Enclosures