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# Wisconsin Legislative Council

## ACT MEMO

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**2019 Wisconsin Act 92**  
[2019 Assembly Bill 564]

**Adoption Assistance**

### BACKGROUND

Generally, under Wisconsin law, adoptions may be deemed “special needs adoptions” that are eligible for federal adoption assistance payments. Federal law does not define “special needs” and leaves it to states to specify how special needs is defined. In Wisconsin, statutes require the Department of Children and Families (DCF) to define special needs by rule.

Under prior DCF rule, a child may be deemed to have “special needs” if one of several things is true at the time of adoptive placement, including:

- That the child is 10 years of age or older if age is the only factor in determining eligibility.
- That the child is a member of a sibling group of three or more children that must be placed together.

### 2019 WISCONSIN ACT 92

2019 Wisconsin Act 92 expands eligibility for adoption assistance by directly amending the DCF rule. Under the act, a child may be deemed to have special needs if, at the time of adoptive placement, either of the following is true:

- The child is seven years of age or older, instead of 10.
- The child is a member of a sibling group of two or more children, instead of three.

The act permits DCF to submit a request to the Joint Committee on Finance to transfer moneys from another DCF appropriation account to the appropriation account for adoption assistance in the second year of the current fiscal biennium in order to fund adoption assistance payments.

**Effective date:** The act took effect on February 7, 2020, except the act’s provisions directly amending the DCF rule take effect on March 1, 2020.

AO:mca;ty