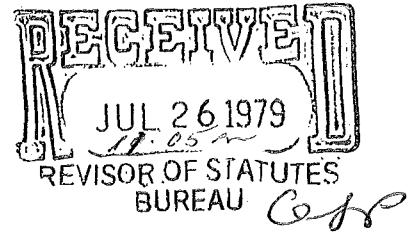


PW-CY 40

C E R T I F I C A T E

STATE OF WISCONSIN )  
 ) SS  
DEPT. OF HEALTH AND SOCIAL SERVICES)

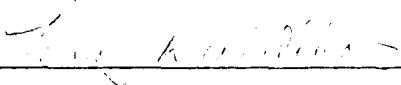


TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Terry Willkom, Deputy Secretary of the Dept. of Health and Social Services and custodian of the official records of said department do hereby certify that the annexed rules relating to Subsidized Adoptions were duly approved and adopted by this department on July 23, 1979.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building in the City of Madison, this 23rd day of July, A.D., 1979.

  
\_\_\_\_\_  
TERRY A. WILLKOM, DEPUTY SECRETARY  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Seal:

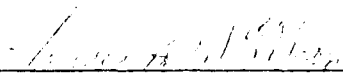
ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
ADOPTING RULES

Pursuant to the authority vested in the Department of Health and Social Services by section 227.014(2), Wis. Stats., and sections 48.48(12)(b), 48.975 and 48.975(5), Wis. Stats., the Department hereby adopts rules as follows:

Section PW-CY 40.30-40.35, WISCONSIN ADMINISTRATIVE CODE, is adopted to read as shown in the attachment hereto.

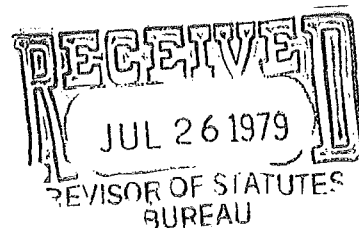
The rules attached hereto shall take effect on the first day of the month following publication in the WISCONSIN ADMINISTRATIVE REGISTER as provided in section 227.026, Wis. Stats.

WISCONSIN DEPARTMENT OF HEALTH AND SOCIAL SERVICES

  
TERRY A. WILLKOM  
DEPUTY SECRETARY

Dated this 23rd day  
of July 1979.

Seal:



PROPOSED  
Section PW-CY 40.30 Subsidized Adoptions

PW-CY 40.30 INTRODUCTION

- (1) STATEMENT OF INTENT. The intent of these rules is to enable all children in Wisconsin who are legally free for adoption to be placed in adoptive homes.
- (2) PURPOSE OF RULES. The purpose of these rules is to determine when a medical subsidy or maintenance subsidy, or both, as authorized in s. 48.975, Wis. Stats., is provided to families adopting children in Wisconsin under s. 48.81, through s. 48.97, Wis. Stats. These rules also specify any limitation on the use of a subsidy in the adoption program.
- (3) TO WHOM THE RULES APPLY. These rules apply to all Wisconsin children who could not be placed for adoption without the benefit of a medical subsidy or maintenance subsidy and who are under the care of a public or licensed voluntary child placing agency. These rules also apply to families adopting those children.
- (4) DEFINITIONS. The following words or phrases have the designated meanings:
  - (a) "Adoptive family" means a husband and wife jointly or an unmarried adult.
  - (b) "Child" means a person under 18 years of age.
  - (c) "Department", unless qualified, means the department of health and social services.
  - (d) "Division", unless qualified, means the division of community services.
  - (e) "Guardian" means guardian as defined in s.48.02(9), Wis. Stats.
  - (f) "Legal Adoption" means the process by which a child becomes a member of a family other than that of the child's natural parents.
  - (g) "Maintenance Subsidy" means payments equivalent to the amount of the child's foster care payment if the child was in foster care immediately prior to adoption or if the child was not in foster care the equivalent of the uniform foster care rate as designated in s. 48.975, Wis. Stats.

- (h) "Medical Subsidy" means payments which meet Title XIX criteria, sufficient to pay expense 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.
- (i) "Regions" means the six geographical areas of Wisconsin as designated by the department of health and social services.
- (j) "Rule" means a standard statement of policy or general order, including any amendment or repeal of general application and having the effect of law.
- (k) "Subsidized Adoption" means payments made by the department to the parents of an adopted child under s. 48.975, Wis. Stats.

PW-CY 40.31 ELIGIBILITY FOR ADOPTION WITH SUBSIDY. In order to be eligible for adoption with a subsidy the following circumstances must exist:

- (1) The child may be from birth to 18 years of age. Eligibility may continue past 18 if the child is a full-time high school student.
- (2) The child must also have at least one of the following special needs at the time of the adoptive placement:
  - (a) Older children (If age is the only qualifying factor, the child must be at least 5 years of age).
  - (b) Sibling groups needing to remain together.
  - (c) Children with medical problems.
  - (d) Children with mental or physical handicaps.
  - (e) Children with emotional problems.
  - (f) Children of minority or mixed races.
  - (g) Children who have established significant emotional ties with their current foster parents.
- (3) The child shall be in the guardianship of an agency legally authorized to place children for adoption in Wisconsin.
- (4) All efforts must be made to place the child without subsidy.
- (5) The family adopting must be qualified to be parents of the child, and adoption is in the best interest of the child and the family.

PW-CY 40.32

METHOD OF PAYMENT. To determine subsidy payments, the following procedures shall apply:

(1) MEDICAL SUBSIDIES

- (a) The prospective parents shall obtain a written statement relative to the extent of their medical insurance coverage of the child.
- (b) The written statement from the insurance company shall be submitted to the agency for review and retention in the child's case record.
- (c) At the time of adoption, a general medical assistance card shall be issued by the department to the family.
- (d) The medical assistance card shall be used only for care not covered by the family's insurance.

(2) MAINTENANCE SUBSIDIES

- (a) Each child's situation shall be considered individually in computing the subsidy using the uniform foster care rates as established in section 49.19(12). Wis. Stats. and section PW-CY 40.64, Wis. Adm. Code.
- (b) Consideration shall be given to other unearned income received by the child.
- (c) The amount of the subsidy shall be the total computed maintenance subsidy minus the amount of unearned income from other sources.

(3) APPROVING AUTHORITY

- (a) The division of community services regional director or designee is the approving authority for all applications.

(4) APPEAL PROCESS

- (a) Applicants not satisfied with the action taken on their application have the right to request a review or to appeal the decision. The review shall be conducted by the division administrator.

PW-CY 40.33

POST ADOPTION RESPONSIBILITIES OF ADOPTIVE PARENTS. After the adoption has been finalized, the adoptive parents have the following responsibilities:

- (1) To notify the division of the following circumstances:
  - (a) Change in family's address
  - (b) Change in the child's legal guardian

- (c) Date child enters military service
  - (d) Date of marriage of child
  - (e) If the child is no longer in the home and the parents are no longer supporting the child
  - (f) Date of death of the child
  - (g) Date of completion of high school after the child reaches 18.
- (2) At any time the adoptive parents may request that the amount of subsidy be reduced or that the subsidy be terminated.
  - (3) If problems develop within the family, the adoptive parents may request counseling services from the division or other community resources.

PW-CY 40.34

POST ADOPTIVE RESPONSIBILITIES OF THE DEPARTMENT. After the adoption has been finalized, the department has the following responsibilities:

- (1) To permanently discontinue the subsidy upon the following conditions:
  - (a) Upon request from the adoptive parents;
  - (b) The child reaches age 18 and is no longer a full-time high school student;
  - (c) The child is emancipated because of marriage prior to 18;
  - (d) The child is emancipated and the parents are no longer supporting the child; or
  - (e) Death of the child.
- (2) To offer short-term services to the adoptive family or adult adoptee upon request of either party. The division may also refer the family to other community resources for services if appropriate.
- (3) To honor the conditions of the application and agreement for subsidy which is signed by the adoptive parents and the division.

PW-CY 40.35

NON-DISCRIMINATION. In accordance with Title VI and Title IX of the Civil Rights Act and the Rehabilitation Act of 1973, services shall be available and accessible and no persons shall be denied service or discriminated against on the basis of sex, race, color, creed, handicap, age, location or ability to pay.