

1985 Senate Bill 504

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1985 Wisconsin Act 308

AN ACT *to amend* 48.975 (title) and (1) to (4); and *to create* 48.998 of the statutes, *relating to* allowing the department of health and social services to enter into interstate adoption agreements.

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

SECTION 1. 48.975 (title) and (1) to (4) of the statutes are amended to read:

48.975 (title) Adoption assistance. (1) **DEFINITION.** In this section, ~~“subsidized adoption”~~ “adoption assistance” means payments by the department to the parents of an adopted child which are designed to assist in the cost of care of a child after legal adoption.

(2) **APPLICABILITY.** The department may ~~subsidize~~ provide adoption ~~subsidy~~ assistance only when it has determined that such assistance is necessary to assure the child’s adoption.

(3) **TYPES.** Either ~~type of the following types of adoption subsidy specified in this subsection~~ assistance may be granted alone or in conjunction with the other:

(a) *Maintenance.* For support of a child who was in foster care immediately prior to adoption, the ~~adoption assistance for maintenance subsidy~~ adoption assistance for maintenance shall be equivalent to the amount of that child’s foster care payment. For support of a child not in foster care immediately prior to placement with a subsidy, the ~~subsidy adoption assistance for maintenance~~ adoption assistance for maintenance shall be equivalent to the uniform foster care rate.

(b) *Medical.* ~~A medical assistance subsidy~~ 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.

(4) **PROCEDURE.** A written agreement to ~~provide~~ provide ~~adoption assistance~~ adoption assistance shall be made prior to legal adoption only for children in the guardianship of the department or other agency authorized to place children for adoption. The ~~subsidy~~ adoption assistance may be continued after the child reaches the age of 18 if that child is a full-time high school student.

SECTION 2. 48.998 of the statutes is created to read:

48.998 Interstate adoption agreements. (1) **DEFINITIONS.** In this section:

(a) “Adoption assistance agreement” means an agreement under s. 48.975 with a child’s adoptive parents to provide specified benefits, including medical assistance, to the child, or a similar agreement in writing between an agency of another state and the adoptive parents of a child adopted in that state, if the agreement is enforceable by the adoptive parents.

(b) “Medical assistance” has the meaning given under s. 49.43 (8).

(c) “State” means a state of the United States, the District of Columbia, the commonwealth of Puerto Rico, the Virgin Islands, Guam, the commonwealth of the Northern Mariana Islands or a territory or possession of the United States.

(2) **INTERSTATE AGREEMENTS AUTHORIZED.** (a) The department may, on behalf of this state, enter into interstate agreements, including the interstate compact on adoption and medical assistance, with agencies of any other states that enter into adoption assistance agreements.

(b) Each interstate agreement shall provide that, upon application by a person who has entered into an adoption assistance agreement with a party state other than the person’s state of residence, the state of the person’s residence shall provide medical assistance benefits under its own laws to the person’s adopted child.

(c) An interstate agreement may also include the following:

1. Procedures for ensuring the continued provision of developmental, child care and other social services to adopted children whose adoptive parents reside in a party state other than the one in which the adoption assistance agreement was entered into.

2. Any other provisions determined by the department and the agency of the other party state to be appropriate for the administration of the interstate agreement.

(d) An interstate agreement is revocable upon written notice by either party state to the other party state but remains in effect for one year after the date of the written notice.

(e) Each interstate agreement shall provide that the medical assistance benefits to which a child is entitled under the provisions of the interstate agreement shall continue to apply until the expiration of the adoption assistance agreement entered into by the adoptive parents in the state in which the adoption took place, whether or not the interstate agreement is revoked under par. (d).