

CR 91-194

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to adoption assistance for families adopting children with special needs were duly approved and adopted by this Department on August 6, 1992.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 6th day of August, 1992.



SEAL:

Gerald Whitburn, Secretary
Department of Health and Social Services

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department has approved an agreement which are that is designed to assist in the cost of care of the child after legal adoption or after the child has been placed for adoption when the family has signed and the department has approved an agreement.

SECTION 2. HSS 50.01(4)(dr) is created to read:

HSS 50.01(4)(dr) "Adoption assistance for medical care" means the program under Title XIX of the Social Security Act of 1935, as amended, 42 USC 1396, ss. 49.43 to 49.497, Stats., and chs. HSS 101 to 108.

SECTION 3. HSS 50.01(4)(n) to (q) are repealed.

SECTION 4. HSS 50.01(4)(n) to (o) are created to read:

HSS 50.01(4)(n) "Medical adoption assistance card" means a card issued for the purpose of identifying a person as a recipient of adoption assistance for medical care.

(o) Monthly adoption assistance payment" means a monthly payment made by the department to the parents of an adopted special needs child or the prospective adoptive parents of a special needs child to help with the expense of raising the child.

SECTION 5. HSS 50.01(4)(r) to (t) are renumbered HSS 50.01(4)(p) to (r).

SECTION 6. HSS 50.03(1)(a) and (2) are repealed and recreated to read:

HSS 50.03(1)(a) Age. The child shall be under 18 years of age at the time of adoption.

(2) REASONABLE PLACEMENT EFFORT. All reasonable efforts shall be made to place the child without adoption assistance, including the following:

(a) A review of all approved and available homes associated with the adoption agency in an attempt to find a suitable home for the child; and

(b) Registration of the child with the Wisconsin adoption exchange for at least one month.

SECTION 7. HSS 50.04(2)(b), (3), (4) and (5) are amended to read:

HSS 50.04(2)(b) Part II of the application shall be completed and approved or disapproved by ~~the regional director or designee~~ 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 ~~and in the regional office 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

~~the division regional director or designee 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 ~~the division regional director or designee a representative of the department designated for this purpose.~~ Copies of the signed agreement shall be given to the parent or parents and placed in the child's record.

(5) PAYMENT AUTHORIZATION. The adoption worker shall complete the payment authorization form ~~as seen as the adoption is made final~~ and send a copy to the division prior to the initiation of adoption assistance benefits.

SECTION 8. HSS 50.05(2)(a) and (4)(intro.) and (a) to (c) are repealed and recreated to read:

HSS 50.05 (2) MEDICAL ADOPTION ASSISTANCE (a) Adoption assistance for medical care shall be granted to all cases approved for monthly adoption assistance payments.

(4) FAMILY CIRCUMSTANCES (intro.) 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

SECTION 9. HSS 50.06(2)(intro.) and (i) are amended to read:

HSS 50.06(2) POST-PLACEMENT RESPONSIBILITIES OF ADOPTIVE PARENTS. (intro.) After the adoption agreement has been ~~made final~~ signed and approved by the department and the child has been placed in the home, the adoptive parents shall notify the division of the following circumstances:

(i) If the adoptee becomes eligible for or there is a change in the amount of special benefits such as social security, veterans or other benefits adopting parents are no longer supporting the adoptee; and

SECTION 10. HSS 50.06(3)(intro.) and (a) are repealed and recreated to read:

HSS 50.06(3) POST-PLACEMENT RESPONSIBILITIES OF THE DEPARTMENT.
(intro.) 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) At least annually review the need for continuing, temporarily suspending or adjusting adoption assistance and, following each review, do one of the following:

1. Recertify if continuation of adoption assistance is justified even if an adoptive family and adoptee move to another state;

2. Discontinue adoption assistance based on any of the following circumstances, as determined by the department:

a. When the adoptee reaches 18 years of age, except that eligibility for adoption assistance may continue to age 19 if the adopted person is a full-time student in high school or the equivalent. Benefits may continue to age 21 if the adopted person is a full-time student in high school or the equivalent, the department determines that the adopted person has a mental or physical handicap which warrants the continuation of assistance under 42 USC 673, the adopted person is not eligible for other benefits such as supplemental security income and the adopted person otherwise lacks adequate resources to continue in high school or the equivalent;

b. Upon the marriage of the adoptee;

c. When the adoptee is no longer receiving support from the parents;

d. Upon the death of the adoptee;

e. When there is a change in the adoptee's guardian; or

f. When the parents are no longer legally responsible for the support of the adoptee except as provided in subpar. a; or

3. Temporarily suspend or adjust adoption assistance based on either of the following circumstances:

a. The adoptee is no longer receiving support from the adoptive parents; or

b. An adjustment is offered by the department in a written revision or amendment to the agreement, the adoptive parents concur with the adjustment and the adjustment reflects changed circumstances consistent with s. HSS 50.05(1).

SECTION 11. HSS 50.06(3)(b) is repealed.

SECTION 12. HSS 50.06(3)(c) is renumbered HSS 50.06(3)(b)

SECTION 13. HSS 50.08(8) is created to read:

HSS 50.08(8) RECORDS RETENTION. The exchange shall destroy all records that pertain to a particular child within one year after the child's registration is withdrawn or the child is adopted. The records shall be destroyed in a confidential manner.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register as provided in s. 227.22(s), Stats.

Wisconsin Department of Health and
Social Services

Dated: August 6, 1992

By: *Gerald Whitburn*

Gerald Whitburn
Secretary

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