



Staff Brief

Adoption Disruption and Dissolution



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INTRODUCTION

This Staff Brief discusses the issues of adoption disruption and adoption dissolution. A “disruption” occurs before an adoption is finalized, when a family decides not to complete the adoption process. A “dissolution” occurs after an adoption is finalized, when a family terminates the legal adoptive relationship through a termination of parental rights proceeding.

- **Part I** provides background information regarding adoption disruption and dissolution, including a summary of 2013 Wisconsin Act 314, which revised Wisconsin law relating to “re-homing” of children, and a brief summary of research findings on the common reasons for adoption disruption and dissolution.
- **Part II** describes the types of adoption in Wisconsin for adoption of children by individuals who are not the child’s relative or stepparent. This Part then briefly describes the data systems used to track public and private adoptions and, from that data, summarizes basic adoption demographics and the limited information that is available regarding disruption and dissolution rates.
- **Part III** describes services and supports that are available to adoptive families, including training for parents before adopting a child, post-adoption services provided through regional resource centers, and adoption assistance payments for families that adopt a child who has special needs.

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PART I – BACKGROUND ON ADOPTION DISRUPTION AND DISSOLUTION

2013 WISCONSIN ACT 314, RELATING TO “RE-HOMING” OF CHILDREN

Adoption disruption and dissolution is an issue receiving increased attention by the media and, therefore, the general public. In September 2013, the Reuters News Agency published a series of articles relating to parents using online bulletin boards to place their adopted children with other families. According to these articles, custody was generally transferred through a power-of-attorney instrument without the involvement of a social services agency or court. The children featured in the articles were all adopted from other countries. In some cases, there were allegations that the children were subjected to maltreatment in the families in which they were placed. [[http://www.reuters.com/investigates/adoption/.](http://www.reuters.com/investigates/adoption/)]

In response to the Reuters articles, which featured a profile of a broken Wisconsin family, the Wisconsin Legislature enacted 2013 Wisconsin Act 314. The Act made changes to statutes regarding advertising related to adoption, delegation of parental powers, and unauthorized interstate placement of a child, as described below. The Act also requested a Joint Legislative Council study on adoption disruption and dissolution.

Advertising Related to Adoption

Under Wisconsin law, with certain exceptions, advertising to either find a child to adopt, or to find an adoptive home for a child, is prohibited. The Act modified this prohibition as follows:

- Specifies that “advertising” includes communications by any computerized communication system, including by electronic mail, Internet site, Internet profile, or any similar medium of communication provided via the Internet. Prior law defined “advertise” to mean to communicate by any public medium that originates within Wisconsin, including by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, or television.
- Applies the restrictions on advertising relating to adoption to any other permanent physical placement of a child.
- Removes a prior exception under which a parent could advertise for the placement of the parent’s own child for adoption.

Delegation of Parental Powers

Under prior law, a parent was permitted to delegate powers regarding the care and custody of a child to an agent by a power-of-attorney instrument, if the delegation was for one year or less. The Act permits a delegation of parental powers to remain in effect for more than one year if either of the following conditions are met: (a) the delegation is made to a relative or, for an Indian

child, to an extended family member as defined by the law or custom of the Indian child's tribe; or (b) the delegation is approved by a court under the procedure set forth in the Act.

In determining the appropriate disposition of a petition, the best interest of the child is the prevailing factor to be considered by the court. The court must also consider whether the person nominated as the agent would be fit, willing, and able to exercise the powers to be delegated; the reasons for the delegation of powers; the amount of support that the parent is willing and able to provide to the agent during the term of the delegation; and, if the child is an Indian child, the order of placement preference under the Wisconsin Indian Child Welfare Act.

Under the Act, any person who delegates his or her powers regarding the care and custody of a child to a person who is not a relative of the child for longer than one year without first obtaining the approval of the court as provided in the Act is subject to a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

Offense of Unauthorized Interstate Placements of Children

The Act created a new crime under which any person who sends a child out of this state, brings a child into this state, or causes a child to be sent out of this state or brought into this state for the purpose of permanently transferring physical custody of the child to a person who is not a relative is guilty of a Class A misdemeanor. A Class A misdemeanor is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

This provision does not apply to a placement that is authorized under state law or that is approved by a court of competent jurisdiction in the sending state or receiving state.

COMMON REASONS FOR ADOPTION DISRUPTION AND DISSOLUTION

While studies on disrupted adoptions have often conflicted over the past 30 years, the literature has identified a number of common factors that are associated with adoption disruption. The factors that are associated with adoption dissolution are similar, though the research on dissolution is more limited. This section reviews the common factors associated with adoption disruption, and then briefly reviews the research that is specific to dissolution.

Adoption Disruption

Child Characteristics

One child characteristic that is most often associated with adoption disruption is that the child was over the age of three at the time of adoption. A 2006 study of children adopted in Illinois found that each additional year of age increased the likelihood of disruption by six percent. Another risk factor is a child having a strong attachment to and continued contact with his or her birth parents. Having special needs is also an indicator of risk. The special needs include negative behaviors, emotional difficulties, and sexual acting out, although physical health and developmental disabilities do not appear to increase the risk of disruption. Behaviors often found in children who disrupt from placement include lying and manipulation, defiance, verbal aggression, peer problems, physical aggression, destruction of property, stealing, hyperactivity, and running away.

While males tend to be slightly over-represented in cases of adoption disruption, gender does not have a statistically significant impact on adoption success. Findings from studies on the impact of the child's race are mixed. The study of Illinois children, noted above, found that white children had lower disruption rates than African-American children, while several other studies have found the opposite trend. One study suggested that African-American adoptions tend to be more successful because the child is more likely to be adopted by a family member and kinship adoptions are generally more stable. A number of studies have found that transracial and international adoptions were as stable as or more stable than same-race and domestic adoptions. However, other studies found that, even in stable adoptions, children in transracial adoptions face more challenges.

Adoptive Family Characteristics

There are several family characteristics that have been correlated with adoption disruption. Higher education of the adoptive mother and higher income of the adoptive family are both related to adoption disruption. Some authors have hypothesized that this may be due to the correlation of an educated mother and having both parents work outside the home, which can lead to additional challenges for the child. It is also hypothesized that college-educated parents may tend to have more demanding expectations of the child. Adoption by relatives or foster parents (in other words, someone known to the child) and families with a strong spiritual faith appear to lower the risk of disruption. Some studies have found that adoption by younger parents with no previous parenting experience can lead to higher rates of disruption. However, older adoptive parents can also lead to broken adoptions due to death or infirmity of the parent.

Most studies have found that having additional children in the home can increase stability and reduce the risk of disruption. The literature on the effect of parental marital status is mixed. Some studies have found that the involvement of two parents reduces risk and found the role of the father was particularly important in maintaining placements of special needs children. However, more recent studies have found that single adoptive parents may increase stability for special needs children with attachment disorders because the child may have an easier time connecting with one adult.

System Characteristics

The child welfare system is also an important factor in successful adoptions. As mentioned above, placing the child with a new family, rather than kin or foster parents, increases the risk of disruption. Multiple placements prior to adoption can also increase risk. In addition, providing inadequate information on the child's history and providing inadequate parental preparation, training, and support contribute to higher rates of failed adoptions.

Agency structure is also important. Multiple caseworkers involved with a case and a lack of staff continuity pose barriers to consistent care for the child. One study found that the chance for disruption decreased for every year the child's case was handled by the same case manager.

Most studies have found no significant differences in the outcomes of domestic adoptions through private or public agencies, though Illinois found that children placed by a private agency were less likely to experience a disruption. Disruption rates are similar for international and

domestic adoptions, although one study found evidence of better outcomes in child behavior for international adoptees compared to domestic adoptees.

Adoption Dissolution

As data discussed in Part II indicates, empirical findings on the causes of adoption dissolution are scarce, as accurate data on these cases is difficult to gather. The few studies on adoption dissolution indicate that the factors mirror closely to those found in adoption disruption. Again, age at adoption is the most consistent predictor of adoption dissolution. Emotional and behavioral problems in the child are also common factors. The race and income of the adoptive parents appear to have no effect, while studies on parental age, education, and family structure (including having birth children) found mixed results. One study found that males and non-Hispanic children were more likely to experience adoption dissolution. A study on re-homing found a significant proportion of children attempting to be re-homed were international adoptees.

According to the studies, the two barriers to successful adoption most often mentioned by adoptive families were a lack of information on where to go for services and the cost of services.

[Child Welfare Information Gateway, *Adoption Disruption and Dissolution* (June 2012); Jones, S.A. and LaLiberte, T., *Adoption and Dissolution Report*, Hennepin-University Partnership: Child Well-Being (May 2010); Post, D.J., *What are the Factors Leading to Broken Adoptions?*, *Adoption Advocate* No. 72 (June 2014); Festinger, T., *After Adoption: Dissolution or Permanence?*, *Child Welfare* Vol. 81 No. 3 (May/June 2002); Twohey, M., *The Child Exchange: Inside America's Underground Market for Adopted Children*, *Reuters Investigates* (Sept. 9, 2013).]

PART II – TYPES OF ADOPTION, ADOPTION DEMOGRAPHICS, AND DISSOLUTION RATES

TYPES OF ADOPTION

In Wisconsin, children may be adopted in a private adoption through an adoption agency or may be adopted through the child welfare system. This Part refers to agency adoptions as “private adoptions” and adoptions through the child welfare system as “public adoptions.” This section discusses the role of the state in these types of adoptions. This section does not discuss adoption by a relative or a stepparent or discuss federal or other laws that may affect these adoptions.

Current statutes authorize the Department of Children and Families (DCF), county departments of human or social services, and licensed adoption agencies to accept guardianship of children and to place children for adoption. [s. 48.833 (1) and (2), Stats.] An adoptive placement may generally be made in both public and private adoptions if the prospective adoptive parents have obtained a foster care license. [ss. 48.833 and 48.837 (1r) (b), Stats.]

Private Adoptions

Private adoptions are facilitated by a licensed adoption agency. These adoptions include domestic and international adoptions. DCF licenses adoption agencies as child welfare agencies. The license must be renewed every two years. An adoption agency’s child welfare agency license must specifically authorize the agency to place children under their guardianship for adoption. [ss. 48.60 and 48.61 (5), Stats.]

The licensed adoption agency provides various services throughout the adoption process, including pre-adoption preparation training and conducting a prospective adoptive family’s home study. Also, according to DCF, as a practice, the agency visits the adoptive home three times following the adoption. Additionally, an adoption agency may provide or refer a family for post-adoption services.

Domestic Adoptions

A domestic adoption is the private adoption of a child who resides in Wisconsin or in another state. In order to adopt a child in Wisconsin, the parent must have completed a home study which includes an investigation of the proposed adoptive placement and an interview of the adoptive parent or parents. This study is typically done by the adoption agency, but may be done by DCF or a county department of human or social services. If the proposed adoptive parent or parents reside outside of Wisconsin, the adoptive home must meet the criteria for placement in the state where the parent or parents reside in order for the court to place the child in the home. [ss. 48.837 (1m) and (4) (c) and 48.88 (2), Stats.] In addition, as discussed in further detail below, the parent or parents must participate in pre-adoption preparation training, unless an exception applies. [s. 48.84, Stats.]

Adoptions must be finalized by the juvenile court. In general, the child must be placed with the prospective adoptive parents for six months before a petition for adoption may be filed. [s. 48.90, Stats.] The court must grant the adoption petition if it is recommended based on the home study and other information and if the court determines that the adoption is in the best interests of the child. [s. 48.91, Stats.]

International Adoptions

International adoptions have somewhat different requirements and must comply with state law and the laws of the country from which the child is adopted. In addition, federal law governs aspects of these adoptions as the child must receive a visa to come to the United States. Depending upon the country from which a child is adopted, the child may be adopted in his or her country of origin or may be adopted only in Wisconsin.

If a child has been adopted in his or her country of origin before arriving in this state, the adoption is recognized under and governed by Wisconsin law only if DCF previously approved the placement of the child with the adoptive parents. As is the case with domestic adoptions, a home study must be completed in order for DCF to approve the placement though a foster care license is not required. Such a child may be readopted under Wisconsin procedures. Wisconsin is among approximately 25 states that allow, but do not require, readoption, although Wisconsin requires the child to be readopted in order to obtain a new birth certificate. Approximately five states require validation or registration of a foreign adoption. [ss. 48.88 (2), 48.94 (1) and 48.97, Stats.; and Child Welfare Information Gateway, *State Recognition of Intercountry Adoptions Finalized Abroad* (May 2011).]

For a child whose adoption will be finalized in Wisconsin, the licensed adoption agency may place the child for adoption in a licensed foster home, which may be the adoptive home, if the adoption agency is the guardian of the child or if the agency is placing the child at the request of another agency that is the guardian of the child. [s. 48.833 (2), Stats.]

If an adoptive parent has been awarded guardianship of a child in the child's country of origin, the adoptive parents must file a certified copy of the judgment with DCF before bringing the child into the United States. In these cases, the parents are required to post a \$1,000 bond. The condition of the bond is that the child will not become dependent on public funds for his or her primary support before being adopted. DCF must then certify to U.S. Citizenship and Immigration Services in the Department of Homeland Security if all pre-adoptive requirements of Wisconsin have been met, including that the child has been freed for adoption by his or her country of origin, that DCF has received a copy of a home study recommending the adoptive parents, that the parents are receiving services from a licensed adoption agency, that the bond has been filed, and that the prospective adoptive parents have received the required pre-adoption preparation training. For these placements, a foster care license is not required. Also, such parents are excluded from the requirement that the child must be placed in their home for six months before the petition for adoption may be filed. In these cases, the prospective adoptive parents must file a petition for adoption within 60 days of the child's arrival in Wisconsin. [s. 48.839, Stats.]

Public Adoptions

DCF or a county department of human or social services may place a child over whom it has guardianship for adoption in a licensed foster home if the proposed adoptive parents have completed pre-adoption preparation training, unless it has been determined that they are not required to complete such training. [s. 48.833 (1), Stats.]

Children who may be adopted through a public adoption are generally in foster care or a similar out-of-home placement. These are often special needs adoptions. The child may be adopted by his or her foster family, but other individuals may seek to adopt a special needs child. In order to adopt a special needs child, an individual or couple that is not the child's foster parent or parents must attend an informational meeting and be determined eligible to adopt a special needs child before the home study is conducted. [s. DCF 51.05, Wis. Adm. Code.]

As discussed in further detail below, families that adopt a special needs child are eligible for adoption assistance payments.

ADOPTION CHARACTERISTICS AND DISSOLUTION RATES IN WISCONSIN

As noted above, certain demographic aspects and other factors appear to be associated with a child's risk of having a broken adoption. This section describes the data systems used in public and private adoptions to track those characteristics. The section then summarizes, from that data, the age, race, special needs, and domestic or foreign status of children in public and private adoptions, and briefly describes the limited data that is available relating to adoption disruption and dissolution rates.

Currently, there is limited tracking of adoption disruption or dissolution or tracking when an adopted child is placed in out-of-home care, and DCF is not required to track these events for domestic adoptions. There are several obstacles to tracking whether a child who has been previously adopted later enters the child welfare system or is the subject of a new adoption due to the fact that, in most cases, a child receives a new legal identity at adoption. Therefore, in any later interactions, a child welfare agency or a court recognizes only the child's new adopted identity.

After a child has been adopted, either through a public or private adoption, all records of the adoption are closed, except as specifically allowed under the law in circumstances such as medical records with identifying information redacted and an adoption search after an adoptee has reached age 18. After adoption, a child is given a new birth certificate and the legal relationship with the birth parents is severed. The adoptive family is given all the rights, duties, and legal consequences of a parent-child relationship. [ss. 48.92 (1) and (2), 48.93, 48.94, and 48.96, Stats.]

Additionally, an adoptive family may apply for a new Social Security number for the child, with the child's new name and parents' names. The Social Security Administration will accept an adoption decree as an acceptable documentation for the proof of the child's identity in the application for a new number. [*Social Security Numbers for Children*, Publication No. 05-10023, Social Security Administration.]

Public Adoption Data

Information regarding a child who enters the child welfare system is entered into the Wisconsin Statewide Automated Child Welfare Information System (eWiSACWIS). The system maintains information on all of the aspects of a child welfare case, including intake, assessment, case management, and court proceedings. The system was implemented statewide in July 2004, as a part of federal efforts to collect and report data, to allow interfacing with other systems, and to generally provide effective administration of state child welfare systems. It is subject to federal regulations for data collection and reporting requirements. [s. 48.47 (7g), Stats.; 42 U.S.C. s. 679 (c); 45 C.F.R. ss. 1355.40 to 1355.53; Wisconsin Legislative Fiscal Bureau, *Informational Paper 51: Child Welfare Services in Wisconsin* (Jan. 2013).]

A child welfare record is generally confidential, except under certain exceptions. A specific exception is given for entry of a child's record into eWiSACWIS. There is also an exception for sharing of information between county child welfare agencies, subject to the same confidentiality requirements when exchanged. [s. 48.78 (2) (a), (b), and (h), Stats.]

In eWiSACWIS, each child's case is given a record number and certain data elements are required. For a report of an adoption, the data elements include special needs status, information on the birth and adoptive parents, reporting of court actions to terminate parental rights and grant the adoption, placement information, and information on provided subsidies. A Social Security number is not included in the required data elements. Adoption information must be recorded for every child who had been under the responsibility and care of a child welfare agency, and for every child for whom non-recurring expenses were reimbursed or for whom services or adoption assistance payments were arranged through the agency. Recording of adoption information for all other adoptions is encouraged, but not required, under the federal standards. [45 C.F.R. Part 1355, Appendix B.]

From the eWiSACWIS data, DCF provides summaries of statewide and local performance measures for the child welfare system in a series of "dashboards" that are updated each month. Some relevant data from the dashboards is provided below.

Demographics of Adoptees

According to DCF's adoption outcomes dashboard, 677 adoptions from the child welfare system were finalized during the 2013 calendar year. Approximately 52% of those adoptions were for children from birth to age four; approximately 30% were for children between ages five and nine; almost 11% were for children between ages 10 and 13; and almost 7% were for children 14 or older.

During that 12-month period, 56% of those adopted children were Caucasian; almost 37% were African-American; and just over 7% were other races. The other races are categorized as American Indian or Alaska native; Asian, native Hawaiian, or Pacific Islander; or as unable to determine or not specified.

Risk Levels

When a child is placed in out-of-home care, the child’s needs and strengths are gauged using a standardized assessment tool prescribed by DCF. A rating of zero means there is no evidence of a special need, a one means there is a history or a concern that a basic special need may exist, a two means there is a presence of a moderate special need, and a three means there is a presence of an intensive special need. [s. DCF 56.22 (4) (c) 1., Wis. Adm. Code.]

Of the 677 finalized child welfare adoptions in the 2013 calendar year, roughly 80% of those children had a level of need between zero and two, while 20% had level three needs, as determined by each child’s assessment results. As a result, approximately 135 adopted children were determined to have the highest levels of need in that 12-month period.

Additionally, the dashboard data indicates that 975 children placed in out-of-home care, as of June 1, 2014, had a co-occurrence of needs in all four of the assessed well-being domains. The four needs areas are: (a) trauma experiences and responses; (b) behavioral or emotional risks; (c) physical limitations; and (d) educational functioning. As of June 1, 2014, there were 6,759 children statewide in out-of-home care.

Placement Stability Data

DCF’s information includes a placement stability dashboard, which shows the percentage of children placed in out-of-home care who have had two or fewer placements. DCF has refined the 2013 calendar year data to show the number of placements for children in out-of-home care who are in identified pre-adoptive homes as follows:

Episode Length	1-2 Placements	3+ Placements	Total Children in Episode Range
0-12 months	129 (97%)	4 (3%)	133
13-24 months	211 (73%)	77 (27%)	288
25+ months	452 (54%)	387 (46%)	839

The federal performance standard for all children placed in out-of-home care expects only one or two placements for 86% of children with an episode lasting 12 months or less, 65.4% of children with an episode length between 13 and 24 months, and 41.8% of children with an episode length of 25 months or more.

DCF is not required under state or federal law to collect adoption status information on children from public adoptions who are later the subject of a placement in out-of-home care or a termination of parental rights.

Private Adoption Data

Private adoptions are not recorded in eWiSACWIS. However, the Wisconsin Court System produces an annual disposition summary report for the various types of actions that are brought to circuit courts. The statewide report lists 1,153 completed adoptions during 2013. Subtracting the 677 reported adoptions from the child welfare system leaves 476 total other adoptions for that calendar year. These would include international, stepparent, and all other private adoptions.

Demographics of Adoptees

Wisconsin does not collect data on the age, race, or special needs of children who are the subject of a private adoption. However, the U.S. Department of State provides basic demographic data for children adopted from other countries, for all visa types.

According to that data, 133 children entered Wisconsin between October 1, 2012 and September 30, 2013 on adoption immigration visas. Among these, 106 adoptions were finalized abroad, and 27 adoptions were to be finalized in Wisconsin. Approximately 65% of those adoptions were for children from birth to age four; 30% were for children between ages five and 12; and approximately 5% were for children 13 or older. [U.S. Dept. of State, *FY 2013 Annual Report on Intercountry Adoption*, (March 2014), available at: http://adoption.state.gov/about_us/statistics.php.]

That data also shows that the top three countries of origin for children who entered the United States on adoption immigration visas have consistently been China, Ethiopia, and Russia since at least 2009.

Dissolution Data

Under federal law, DCF is required to collect information on children from international adoptions who enter the child welfare system, either through placement in out-of-home care, or through a dissolution of the adoption. [42 U.S.C. s. 622 (b) (12).] According to DCF, known circumstances in which children in Wisconsin from international adoptions have been the subject of a placement in out-of-home care (even for only one night) or the subject of a termination of parental rights during the 2008 to 2012 federal fiscal years are as follows:

Federal Fiscal Year	Displacement (to out-of-home care)	Dissolution (by termination of parental rights)	Total
2012	0	1	1
2011	0	0	0
2010	10	0	10
2009	7	2	9
2008	3	1	4
Total	20	4	24

[Source: DCF, Wisconsin Child and Family Services Plans, Annual Progress and Services Reports, available at: <http://dcf.wisconsin.gov>.]

DCF is not required under state or federal law to collect adoption status information on children from other private adoptions who are later the subject of a placement in out-of-home care or a termination of parental rights.

PART III – SERVICES AND SUPPORTS FOR ADOPTIVE FAMILIES

PRE-ADOPTION PREPARATION TRAINING FOR PROPOSED ADOPTIVE PARENTS

Under current law, generally all proposed adoptive parents who have not previously adopted a child must receive pre-adoption preparation training before the adoption is finalized, as follows:

- Prior to a child being placed for adoption by DCF, a county department, or a licensed adoption agency.
- Prior to petitioning for placement of a child under an independent, private adoption, even if the child is already placed in the home.
- Prior to bringing a child into this state from another state or country for adoption.
- Prior to receiving DCF approval for an international adoption that is to be finalized abroad.

[s. 48.84 (1), Stats., and s. DCF 51.10 (1), Wis. Adm. Code.]

The pre-adoptive preparation training must be provided by one of the following entities:

- A licensed child welfare agency.
- A licensed private adoption agency.
- The State Adoption Information Exchange.
- The State Adoption Center.
- A state-funded foster care and adoption resource center.
- A state-funded post-adoption resource center.

In general, the proposed adoptive parent must pay the costs of pre-adoptive preparation training. However, DCF must pay the costs of such training if the child is placed with the adoptive parent through the child welfare system. [s. 48.84 (3), Stats.]

The administrative rules on pre-adoptive training set forth the requirements for the length of the training, the topics to be covered in the training, and the format of the training. Under the rules, the training must include a minimum of two hours of orientation for the adoptive parent or parents to the purpose and function of the agency through which the child is being adopted and a description of the support and services available to the adoptive family by that agency and other post-adoption services available to the adoptive family through other agencies.

In addition, a minimum of 16 hours of training on core competencies is required. This training must include the attainment of specific knowledge by the adoptive parent or parents through the development of the following competencies:

- Adoption and its impact on parenting and family dynamics.
- The issues for a child in an adoptive placement.
- Loss and grief for the adopted child and the adoptive family.
- Attachment issues in adoptive placements.
- Support and resources for adopted children and adoptive families.
- Cultural sensitivity in adoption.
- Effects of abuse and neglect in adoption.
- Legal issues relating to adoption.
- Issues for children being adopted from an institutionalized care setting.
- Educational issues in adoption.

The training on the competencies must assure that the adoptive parent or parents are provided with information appropriate to the needs of the child to be adopted.

The rules provide that the pre-adoptive preparation training may be provided using a variety of formats, including face-to-face individual or group training, audio-visual means, and printed material. For all of the methods, there must be an opportunity for the adoptive parent to discuss the material presented, in person, with a representative of the agency arranging the adoption and an opportunity to present and receive answers to any questions. The agency through which the adoptive parent or parents are adopting the child must also determine through in-person contact with the adoptive parent or parents whether the adoptive parent or parents have learned the competencies listed above. [s. 48.84 (2), Stats., and s. DCF 51.10 (3), Wis. Adm. Code.]

If the pre-adoptive parent or parents held a foster care license and received foster parent training within the 12 months prior to the application to adopt a child, the pre-adoptive parent or parents must receive the two hours of orientation training and must receive 16 hours of training on core competencies through either the previous foster parent training or the pre-adoptive preparation training. The agency through which the parent or parents have applied to adopt a child must compare the competencies training with the training the parent or parents received for the foster care license and require the parent or parents to attend pre-adoptive preparation training to the extent that it is necessary to fulfill the total training requirements. [s. DCF 51.10 (4), Wis. Adm. Code.]

POST-ADOPTION SERVICES

The U.S. Department of Health and Human Services, Administration on Children, Youth and Families (ACYF), encourages states to provide post-adoption services for adoptive families, both domestic and international, and encourages the use of federal child welfare funding to provide such services. [See ACYF-CB-IM-14-02, issued May 30, 2014.] DCF oversees post-adoption services throughout Wisconsin, for all families who have adopted a child, regardless of whether the adoption was public or private. The post adoption resource centers serve six regions in the state:

- **Northern and Western Wisconsin:** Catholic Charities, Diocese of La Crosse, serves Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, La Crosse, Langlade, Lincoln, Marathon, Monroe, Oneida, Pepin, Pierce, Polk, Portage, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vernon, Vilas, Washington and Wood Counties.
- **Northeastern Wisconsin:** Family Services of Northeast Wisconsin serves Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Winnebago and Waushara Counties.
- **Southwestern Wisconsin:** Catholic Charities, Diocese of Madison, serves Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Juneau, Lafayette, Monroe, Richland, Rock and Sauk Counties.
- **Milwaukee and Southeastern Wisconsin:** The Coalition for Children, Youth, and Families serves Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha Counties.

The resource centers offer a range of services for children and families after adoption, including the following:

- A toll-free number providing immediate access to a supportive adoption specialist providing information, resources, and crisis intervention services, which is available 24 hours per day, seven days per week.
- Lists of regional therapists and respite care.
- Support groups for adoptive parents, adult adoptees, and birth parents to share similar experiences.
- Educational opportunities for adoptive parents to better understand and receive encouragement while dealing with issues such as school issues, developmental stages, and mental health needs.
- Newsletters, websites, and Facebook pages with links to post-adoption resources and information on current adoption-related topics, events, and services.

- Special events to bring adoptive families together and celebrate adoption (e.g., adoptive family portrait day, adoption summer picnic, or adoptive family weekend).
- Lending libraries at each location with collections of books and DVDs.
- Consultation, training, and educational resources for professionals who work with adoptive families.

While they share similar services, the specific programs offered in each region vary based on the needs of their population. For instance, support groups and educational events are tailored to the needs of the families in each community.

The post-adoption resource centers are funded by grants under the federal Promoting Safe and Stable Families program (Title IV-B, Subpart 2, of the Social Security Act). The grant allocated by DCF from these funds ranges from \$75,000 to \$83,000, annually, for each of the six regional areas, with a total budget in the 2014 fiscal year of \$472,800.

ADOPTION ASSISTANCE

Certain adoptive families are eligible for adoption assistance. According to DCF, as of May 1, 2014, 9,542 families were eligible for adoption assistance and approximately 8,400 families were receiving adoption assistance payments.

Eligibility

In order for an adoptive parent or parents to receive adoption assistance, the child must be available for adoption and must be under 18 years of age at the time of adoption. “Available for adoption” means that the child is in the guardianship of DCF, a county department of human or social services, or an adoption agency and the entity with guardianship determines that the child cannot or should not return to the home of his or her parents. In addition, the child must have at least one of the following special needs at the time of the adoptive placement:

- The child is 10 years of age or older.
- The child is a member of a sibling group of three or more children who must be placed together.
- The child exhibits special need characteristics judged to be moderate or intensive.
- 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.
- The child is at high risk of developing a moderate or intensive level of special needs based on specified criteria, such as documented information that either or both birth parents have a medical diagnosis or medical history that could result in special needs characteristics at a later time or if the child has experienced four or more placements with extended family or foster homes that could affect the normal attachment process or experienced neglect in the first three years of life or sustained physical injury or

physical disease that could have a long-term effect on physical, emotional, or intellectual development.

[s. DCF 50.03 (1), Wis. Adm. Code.]

Under current law, DCF may only provide adoption assistance for a special needs child when DCF has determined that such assistance is necessary to assure the child's adoption. [s. 48.975 (2), Stats.] DCF administrative rules provide that reasonable efforts must be made to assure a timely placement of a child with the best available family without adoption assistance. An agency must 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 under current statute, to the availability of an adoptive placement with a relative of the child.

The requirement to make reasonable efforts to place the child without adoption assistance is waived if the child has developed significant emotional ties with the foster family and the child identifies himself or herself as a member of the family, is regarded as belonging to the family, or has a diminished probability of forming new attachments if denied permanence with this family. The requirement to make reasonable efforts to place the child without adoption assistance must also be waived if a child is in an adoptive placement without adoption assistance and, prior to making the adoption final, problems that make the child eligible for adoption assistance arise and the family requests adoption assistance.

Once the agency has determined that placement with a specific family would be the most suitable for the child, the agency must 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.

If the child has a special need, the agency must 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 may not be a basis for removing a child from a current adoptive placement. [s. DCF 50.03, Wis. Adm. Code.]

Application

In general, an application for adoption assistance must be completed and approved no later than the time the adoptive placement of the child occurs. The adoption assistance agreement must be completed and signed by the prospective adoptive parent or parents, the adoption worker, and a representative of DCF 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 DCF review, must assess the current special needs of the child and, as appropriate, DCF must offer to amend the agreement.

Amount of Adoption Assistance

Adoption assistance may consist of: (a) monthly payments; (b) medical assistance; and (c) non-recurring adoption expenses. The amount of adoption assistance must take into consideration the circumstances of the adoptive family and the needs of the child being adopted.

Monthly Adoption Assistance Payment

For determining the amount of the monthly adoption assistance payment, within the limits set forth in current law, DCF must consider family circumstances such as the following:

- The burden on the family's financial resources is significant because of a need to provide for the adoptee.
- Although the family's resources are substantial, unusual circumstances have placed demands on the family income to the extent that providing for the adoptee would result in a significant financial burden.
- The family lacks health insurance or sufficient insurance to cover the expected medical needs of the adoptee.
- 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.

For the monthly payment, each adoptive child's situation must be considered individually in computing the adoption assistance. The amount of assistance is based on the uniform foster care rates and the child's identified special needs (for post-July 1, 2011 agreements). Beginning on January 1, 2014, the base rates for monthly payments are as follows:

- \$375 for a child under five years of age.
- \$410 for a child five to 11 years of age.
- \$466 for a child 12 to 14 years of age.
- \$487 for a child 15 years of age or older.

Beginning on January 1, 2015, the monthly base rates will be:

- \$384 for a child under five years of age.
- \$420 for a child five to 11 years of age.
- \$478 for a child 12 to 14 years of age.
- \$499 for a child 15 years of age or older.

In addition, the family may receive supplemental payments based upon the needs of the child as determined through the assessment tool used for foster care payments.

The monthly payment may also include an exceptional payment to accomplish any of the following:

- Enable the child to remain in the home instead of being placed or remaining in a more restrictive setting.
- Enable the placement of siblings or a minor parent and minor child together.
- Assist with transportation costs to the school the child was attending prior to placement in out-of-home care.

According to DCF, the maximum monthly rate is \$2,000, and, as of May 1, 2014, the average monthly adoption assistance payment was \$894.

For a child who is at high risk of developing a special need, but who does not have special needs at the time of the adoptive placement, the initial rate is \$0. This rate may be increased by amendment to the adoption agreement, as described below.

Medical Assistance

Adoption assistance for medical care through the Medical Assistance program must be granted in all cases with an approved adoption assistance agreement. Adoptive families who are covered by private insurance policies must provide information to DCF regarding their coverage. The medical assistance provided as adoption assistance may not be used for care of the adoptive child that is covered by private insurance.

Non-Recurring Expenses

When a child is adopted with an approved adoption assistance agreement, DCF must reimburse the adoptive parents for non-recurring adoption expenses up to a \$2,000 maximum. "Non-recurring adoption expenses" is defined as 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. [s. DCF 50.05, Wis. Adm. Code.]

Adoption Assistance Amendments

The adoptive parents who signed an adoption assistance agreement for a child at high risk of developing a special need may request that the agreement be amended because they now believe there has been a substantial change in circumstances. As noted above, the initial agreements do not provide for a monthly maintenance payment. A request to amend the agreement and begin payments may be made at least 12 months after the adoption, and subsequent requests may be made at least 12 months after the last request.

Adoptive parents of a child with special needs who are receiving a maintenance payment under an adoption agreement may also request an amendment to the monthly maintenance payment amount under the agreement because they believe there has been a substantial change in circumstances. Generally, such a request must be made at least 12 months after the adoption or at least 12 months since the last request for such an amendment.

DCF must annually review an agreement that has been amended to increase the adoptive parents' monthly maintenance payment to determine whether the substantial change in circumstances that was the basis for amending the agreement continues to exist.

Appeal Process

An applicant for adoption assistance or a prospective adoptive parent who is not satisfied with the action taken by DCF on the application or with the conditions governing the award of adoption assistance may request a review of the decision by DCF or may file an administrative appeal prior to the adoption being finalized by the court.

In addition, an adoptive parent, after an adoption has been finalized, may appeal DCF's denial of adoption assistance, the amount of adoption assistance, failure of DCF to comply with a condition of the adoption assistance, or a decision regarding a requested amendment to the adoption assistance agreement.

Suspension or Termination of Adoption Assistance

DCF is required to discontinue adoption assistance based on any of the following:

- When the adoptee reaches 18 years of age, except that eligibility for adoption assistance may continue to age 19 if the adoptee is a full-time student in high school or the equivalent. In addition, for some adoptees with a disability, adoption assistance may continue to age 21 if the adoptee is a full-time student in high school or the equivalent.
- Upon the marriage of the adoptee.
- When the adoptee is no longer receiving support from the parents.
- Upon the death of the adoptee.
- When there is a change in the adoptee's guardian.
- When the parents are no longer legally responsible for the support of the adoptee.

In addition, DCF must temporarily suspend or adjust the adoption assistance based on either of the following:

- The adoptee is no longer receiving support from the adoptive parents.
- An adjustment is offered by DCF in a written revision or amendment to the agreement, the adoptive parents concur with the adjustment, and the adjustment reflects changed circumstances consistent with the requirements for amending an adoption assistance agreement.

[s. 48.975, Stats. and subch. II, ch. DCF 50, Wis. Adm. Code. Also see s. DCF 56.23, Wis. Adm. Code.]