

Adoption Assistance: Amendments



Adoption Assistance (AA)

Adoption assistance (AA) is a supportive resource for children who have been adopted and their families. AA provides Foster Care Medicaid and the chance to apply for a one-time reimbursement of up to \$2,000 in adoption-related expenses. For some children, AA also includes a monthly subsidy.

AA is established by an agreement between the Wisconsin Department of Children and Families (DCF) and the adoptive parent(s). An AA agreement must be entered into before adoption finalization. AA is typically available until the child's 18th birthday or high school graduation, unless other circumstances exist.

For more information about AA, see [Adoption Assistance: General Information \(DCF-P-PSF0105\)](#).

Adoption Assistance Amendments

An AA amendment is a **one-year increase to the monthly AA subsidy**. An amendment is established by a time-limited agreement between DCF and the adoptive parent(s). Adoptive parent(s) may request new amendments annually while the initial AA agreement is in effect.

Eligibility to Apply for an Adoption Assistance Amendment

To be eligible to apply for an AA amendment, the adoptive parent(s) must:

1. Have an active AA agreement with the Wisconsin Department of Children and Families (DCF);
2. Believe that the child's emotional, behavioral, or physical needs have increased since the time of adoption; **and**
3. Meet **at least one** of the following requirements:
 - It has been at least 12 months since the child was adopted.
 - It has been at least 12 months since a previous denial for an AA amendment.
 - It is within 120 days before the expiration of an active AA amendment.

To apply for an AA amendment, contact DCFAAAmendments@wi.gov or call 1 (866) 666-5532, option 2.

Approval of Adoption Assistance Amendments

To be approved for an AA amendment, **all the following must apply**:

1. The monthly subsidy established in the initial AA agreement is less than \$2,000.
2. The adoptive parent(s) have not been substantiated for child abuse or neglect to the child who is the subject of the AA agreement.
3. There has been a substantial change the child's emotional, behavioral, or physical needs.
 - **For adoptions that occurred on or after 7/1/2011:** The child must have a minimum of five moderate or intensive needs **and** must have more moderate or intensive needs than were identified at the time of adoption. Needs are categorized according to [Wis. Admin. Code § DCF 56.23\(2\)\(a\)1.a – e](#).
 - **For adoptions that occurred before 7/1/2011:** The child must have a higher level of need than identified at adoption. Needs are outlined in the rate schedule under [Wis. Admin. Code § DCF 50.12](#).

If the amendment is approved, DCF will offer to enter into an amended agreement for up to one year. The adoptive parent(s) should return the signed amended agreement to DCF within 30 days.

Calculating the Amended Monthly Subsidy

If approved for an adoption assistance amendment, the amended monthly subsidy will be calculated according to [Wis. Admin. Code § DCF 50.14\(4\)](#).

If the original AA agreement includes a subsidy, the amended monthly subsidy will be calculated by adding together:

- The basic rate from the original AA agreement.
- The new supplemental rate from the amendment request.
- The exceptional rate from the original AA agreement.

If the original AA agreement does *not* include a subsidy, the amended monthly subsidy will be calculated by adding together:



For an explanation of the basic rate, supplemental rate, and exceptional rate, see [Adoption Assistance: General Information \(DCF-P-PSF0105\)](#).

- The basic rate based on the child's age at the time the first AA amendment request is submitted (*not* the child's age at the time of adoption). Basic rates by age are listed in [Wis. Stat. § 48.62\(4\)\(a\)](#). All subsequent amendments will utilize the same basic rate.
- The new supplemental rate from the amendment request.

An amended monthly subsidy will be in effect for up to one year and cannot exceed \$2,000 per month. A subsequent amendment, if approved, may be equal to, higher, or lower than the previous amendment. An amended monthly subsidy will never be lower than the subsidy established in the initial AA agreement.

Denial of Adoption Assistance Amendments

An AA amendment may be denied **if any of the following apply**:

- The adoptive parent(s) is/are already receiving the maximum adoption assistance monthly subsidy possible for the child under [Wis. Admin. Code § DCF 50.14\(4\)](#).
- Fewer than five need characteristics were verified at the moderate or intensive level for the child. In accordance with [Wis. Admin. Code § DCF 50.14\(1\)\(b\)](#), at least five moderate or intensive needs in areas listed in [Wis. Code § DCF 56.23\(2\)\(a\) 1. a. to e.](#) must be identified to qualify for an amendment.
- The current level of needs you identified for the child fall at or below the level identified at the time the Adoption Assistance Agreement was signed. This may include an increase in one category of need that is offset by a decrease in another category of need, resulting in no overall increase.
- It has been determined that there is a substantiated report of abuse and/or neglect of the child by one or more of the adoptive parents. In accordance with [Wis. Stat. § 48.975\(4\)\(b\)2](#), the department is unable to consider the amendment request or any future amendment request.
- The department has not received a signed amended agreement from the adoptive parent(s).
- The adoptive parent(s) have advised the department that they do not wish to proceed with the amendment request.

If the amendment is denied for any reason other than a substantiation of abuse or neglect, the adoptive parent(s) may reapply after 12 months. If an amendment request is denied, the adoptive parent(s) will continue to receive the adoption assistance subsidy outlined in the original adoption assistance agreement (if applicable). A denial of an amendment will never lower the monthly subsidy below the originally agreed upon rate.

Expiration of Adoption Assistance Amendments

An approved AA amendment will be in effect for one year. At least 120 days before the amendment expires, DCF will notify the adoptive parent(s) of the upcoming expiration. At that time, the adoptive parent(s) may either apply for a subsequent amendment or let the monthly subsidy return to the amount established in the original AA agreement.

Appealing an Adoption Assistance Amendment Rate or Denial

The adoptive parent(s) may request an appeal in any of the following situations:

- Denial of an amendment request.
- Approval of an amendment for a lower amount than the adoptive parents consider appropriate.
- Amendment of the AA agreement without the concurrence of the adoptive parent(s).

An appeal hearing is a formal motion before the Division of Hearings and Appeals in accordance with [Wis. Admin. Code § DCF 50.17\(1\)](#) and other administrative rules. A request for an appeal hearing must be submitted within 30 days of the notice of approval or denial of an amendment. The request must be in writing, signed by the adoptive parent(s), and should include a short statement about the matter.

Requests for an appeal should be sent to the Division of Hearings and Appeals, PO Box 7875, Madison, WI, 53707.

For more information, questions or to apply for an adoption assistance amendment, contact the Wisconsin Department of Children and Families, Adoption Assistance Program.

Email: DCFAAamendments@wi.gov
Phone: 1 (866) 666-5532, option 2

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please call the Division of Safety and Permanence at (608) 266-8787. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.