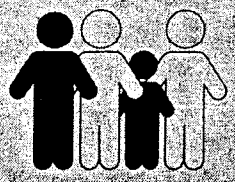
WISCONSIN
ADMINISTRATIVE CODE

HSS 50

FACILITATING THE ADOPTION OF CHILDREN WITH SPECIAL NEEDS

JANUARY, 1996

Division of Community Services
Department of Health & Social Services



WISCONSIN'S ADOPTION EXCHANGE
IS OPERATED UNDER A GRANT TO:

SPECIAL NEEDS ADOPTION NETWORK OF WISCONSIN
P.O. BOX 10176
MILWAUKEE, WI 53210
(414) 475-1246
OR
TOLL FREE 1-800-762-8063

REQUESTS FOR REIMBURSEMENT OF
NON-RECURRING ADOPTION EXPENSES
SHOULD BE MAILED TO:

ADOPTION EXPENSES
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
BUREAU OF MANAGEMENT OPERATIONS
P.O. BOX 7851
MADISON, WI 53707

Chapter HSS 50

FACILITATING THE ADOPTION OF CHILDREN WITH SPECIAL NEEDS

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Note: Sections PW-CY 40.30 to 40.35 were repealed effective January 31, 1984 and a new chapter HSS 50 was created effective February 1, 1984.

Subchapter I — General Provisions

HSS 50.01 Introduction. (1) STATEMENT OF INTENT. The intent of this chapter is to facilitate the placement of all children in Wisconsin who are legally available for adoption by providing adoption assistance to families adopting children with special needs and by establishing an adoption information exchange to help find adoptive homes for these children.

(2) PURPOSE OF RULES. This chapter establishes criteria to be used by the department in determining when adoption assistance, as authorized by s. 48.975, Stats., may be provided, specifies limitations on the granting of adoption assistance, sets procedures for application for adoption assistance and establishes an adoption information exchange, as required by s. 48.55, Stats., to be operated by the department directly or through a contract with an individual or private agency to assist in finding the best adoptive homes available for the placement of children with special needs.

(3) APPLICABILITY. This chapter applies to the department, adoption agencies, any individual or private agency under contract to the department to operate the adoption information exchange, adoptive parents, prospective adoptive parents and special needs children.

(4) DEFINITIONS. In this chapter:

(a) "Administrative review" means a review of the plan of services for a child conducted by a panel of persons selected by the adoption agency, at least one of whom is not responsible for the case management or for the supervision or delivery of services to either the child who is subject to the review or the child's parents.

(b) "Adoption" means a method provided by law to establish the legal relationship of parent and child between persons who are not related by birth, with the same mutual rights and obligations that exist between children and their birth parents.

(c) "Adoption agency" means a county agency authorized to place children for adoption under s. 48.57, Stats., the department or an agency licensed under s. 48.60, Stats., and authorized under s. 48.61, Stats., to accept guardianship and to place children under its guardianship for adoption.

(d) "Adoption assistance" means assistance provided by the department to the parents of an adopted child or the prospective adoptive parents of a child placed for adoption, when the family has signed and the department has approved an agreement 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.

(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.

(e) "Adoption information exchange" or "exchange" means a department program created to facilitate the adoption of special needs children by disseminating information about the children to adoption agencies and prospective adoptive families.

(f) "Adoption photo listing book" means a publication which lists individual special needs children and includes photographs and descriptions of them.

(g) "Adoptive family" means a husband and wife jointly or an unmarried adult.

(h) "Child" means a person under 18 years of age.

(i) "Department" means the Wisconsin department of health and social services.

(j) "Division" means the department's division of community services.

(k) "Guardian" has the meaning prescribed in s. 48.02 (8), Stats.

(l) "Legal risk" means a condition of a child in which the severance of the legal rights of the child's birth parents through termination of parental rights proceedings under the laws of the state or the federal government has not been completed or the court's decision is being legally contested.

(m) "Legally free" means the status of a child when the legal rights of the birth parents of the child have been severed through a termination of parental rights proceedings according to the laws of the state or the federal government, or both, and the court has transferred guardianship and custody of the child pending adoptive placement.

(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.

(p) "Registration" means the required listing of information about special needs children or the voluntary listing of information about prospective adoptive families with the adoption information exchange.

(q) "Special needs child" means a legally free child for whom it is difficult to find an adoptive home.

(r) "Sustaining care" means the placement of children under s. 48.428, Stats.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; r. and recr. Register, July, 1985, No. 355, eff. 8-1-85; am. (1) and (2), renum. (d) to (s) to be (e) to (s) and (d), and am. (4) (d), (n), (o) and (p), Register, December, 1988, No. 396, eff. 1-1-89; correction in (4) (n) to (p) made under s. 13.93 (2m) (b) 1., Stats., Register, December, 1988, No. 396; am. (4) (d), r. (4) (n) to (q), cr. (4) (dr), (n) and (o), renum. (4) (r) to (t) to be (4) (p) to (r), Register, September, 1992, No. 441, eff. 10-1-92.

Subchapter II — Adoption Assistance

HSS 50.02 Adoption with adoption assistance. Sections HSS 50.03 to 50.06 specify procedures and criteria to be used in granting adoption assistance and apply to the department, adoption agencies and adoptive parents, except that the adoption of American Indian children is subject to 25 USC 1901 to 1963.

History: Cr. Register, July, 1985, No. 355, eff. 8-1-85; am. Register, December, 1988, No. 396, eff. 1-1-89.

HSS 50.03 Eligibility for adoption assistance. In order for a child to be adopted with adoption assistance the following circumstances shall exist:

(1) ELIGIBILITY CRITERIA FOR THE CHILD. (a) *Age.* The child shall be under 18 years of age at the time of adoption.

(b) *Special needs.* The child shall have at least one of the following special needs at the time of the adoptive placement:

1. The child is 10 years of age or older if age is the only factor in determining eligibility;

2. The child is a member of a sibling group of 3 or more children that must be placed together;

3. The child exhibits special need characteristics judged to be moderate or intensive under the schedule of difficulty-of-care levels specified in s.HSS 56.09 (3); or

4. 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.

(c) *Availability for adoption.* A child shall be considered available for adoption if the child is in the guardianship of the department or an adoption agency and the department or adoption agency decides that the child cannot or should not return to the home of his or her parents. If the child is an American Indian, adoption procedures shall be in accordance with 25 USC 1901 to 1963.

(d) *Wisconsin responsibility.* A child brought to Wisconsin for adoption from another state under the interstate compact on the placement of children, ss. 48.988 and 48.989, Stats., or from another nation under an orphan, relative or medical immigrant visa may not be provided adoption assistance from this state.

(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.

(3) EXCEPTIONS. (a) Subsection (2) shall be waived if the child has developed significant emotional ties with the foster family and it can be demonstrated that the child:

1. Identifies himself or herself as a member of the family;

2. Is regarded by the foster parents, foster siblings, community and school as belonging to that family; and

3. Has, because of his or her attachment to the foster family and other factors such as age and number of previous placements, a diminished probability of forming new attachments if denied permanence with this family.

(b) Subsection (2) shall be waived if a child is in an adoptive placement without adoption assistance and, prior to making the adoption final, problems specified under sub. (1) (b) 3. or s. HSS 50.05 (4) arise and the family requests adoption assistance.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; renum. from HSS 50.02 and am. (1) (c) and (2), r. (3), Register, July, 1985, No. 355, eff. 8-1-85; renum. (4) to be (3) under s. 13.93 (2m) (b) 1., Stats., correction in (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register July, 1985, No. 355; am. (intro.), (1) (a), (2) (intro.) and (c) and (3) (b), cr. (1) (d), Register, December, 1988, No. 396, eff. 1-1-89; r. and recr. (2), Register, September, 1992, No. 441, eff. 10-1-92; correction in (1) (b) 3. and (3) (b), made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1994, No. 463.

HSS 50.04 Application for adoption assistance. (1) TIMING. An application for adoption assistance shall be completed and approved before an adoptive placement occurs, except under the circumstances noted in s. HSS 50.03 (3) (b).

(2) APPLICATION FORM. Application shall be made on a form provided by the department.

(a) Part I of the application shall be completed and signed by the parent or parents and the adoption worker.

(b) Part II of the application shall be completed and approved or disapproved by 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.

(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 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 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 and send a copy to the division prior to the initiation of adoption assistance benefits.

Note: Copies of the application form and the child and family summary form are available at any regional office of the department or may be obtained by writing: Bureau for Children, Youth and Families, Division of Community Services, P.O. Box 7851, Madison, WI 53707.

History: Cr. Register, January, 1984, No. 337, eff. 2-1-84; renum. from HSS 50.03, Register, July, 1985, No. 355, eff. 8-1-85; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1985, No. 355; am. (1) (3), (4) and (6), Register, December, 1988, No. 396, eff. 1-1-89; am. (2) (b), (3) to (5), Register, September, 1992, No. 441, eff. 10-1-92; r. (6), Register, July, 1994, No. 463, eff. 8-1-94.

HSS 50.05 Amount of adoption assistance. To determine the amount of adoption assistance, the following procedures shall apply:

(1) MONTHLY ADOPTION ASSISTANCE PAYMENT. (a) Each adoptive child's situation shall be considered individually in computing the adoption assistance which shall be based on the uniform foster care rates specified in s. 49.19 (12), Stats., and difficulty-of-care levels specified in s. HSS 56.09 (3).

(b) The amount of adoption assistance shall be the total monthly adoption assistance payment as indicated on the adoption assistance agreement under s. HSS 50.06 or as revised by an amendment to the adoption assistance agreement signed by both the adoptive parent or parents and the department.

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

(b) Adoptive families covered by private health insurance policies shall provide information to the department regarding their coverage.

(c) The medical assistance card may not be used for care of the adoptive child covered by the family's insurance.

(d) Medical benefits provided under title XIX of the Social Security Act of 1935, as amended, are available to the adoptee in accordance with the procedures of the state in which the adoptee resides. If an adoptee with Wisconsin adoption assistance is not eligible in the state of residence, the department shall provide medical assistance in accordance with ss. 49.43 to 49.497, Stats., and chs. HSS 101 to 108. The department shall facilitate provision of eligible medical benefits through the interstate compact on adoption and medical assistance referenced in s. 48.9985, Stats.

(3) NON-RECURRING ADOPTION EXPENSES. When a child is adopted with adoption assistance, the department shall reimburse adoptive parents for non-recurring adoption expenses up to a $2000 maximum. In this subsection, "non-recurring adoption

expenses" means 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.

(4) FAMILY CIRCUMSTANCES. 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

(d) 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.

History: Cr. Register, January, 1984, No. 337, eff. 2–1–84; renum. from HSS 50.04 and cr. (1) (c) and (3), Register, July, 1985, No. 355, eff. 8–1–85; correction in (1) (a) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1985, No. 355; am. (intro.) and (1), renum. (2) (intro.) to (b) and (3) to be (2) (a) to (c) and (4) and am. (2) (a), cr. (2) (d) and (3), Register, December, 1988, No. 396, eff. 1–1–89; r. and recr. (2) (a), (4) (intro.) to (c), Register, September, 1992, No. 441, eff. 10–1–92; am. (1) (b), r. (1) (c), Register, July, 1994, No. 463, eff. 8–1–94.

HSS 50.06 Responsibilities under the program. (1) ADOPTION ASSISTANCE AGREEMENT. There shall be a written adoption assistance agreement signed by the adoptive parents and a division representative which shall cover:

(a) The amount of the adoption assistance;

(b) The responsibilities of the adoptive parents;

(c) The responsibilities of the department;

(d) Circumstances under which the adoption assistance may be terminated, temporarily suspended or reduced; and

(e) A stipulation that the agreement shall remain in force regardless of the state of residence of the family and the child.

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

(a) A change in the family's address;

(b) A change in the adoptee's legal guardian;

(c) If the adoptee enters military service;

(d) If the adoptee marries;

(e) If the adoptee no longer resides in the home;

(f) If the adoptee dies;

(g) High school completion date after the adoptee reaches 18 years of age;

(h) Change in health insurance benefits or coverage;

(i) If the adopting parents are no longer supporting the adoptee; and

(j) If the adoptee has been placed in an institution or other alternate care facility at public expense.

(3) POST-PLACEMENT RESPONSIBILITIES OF THE DEPARTMENT. 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 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); and

(b) Offer short–term services to the adoptive family or adult adoptee upon request of either party and refer the family to other community resources for services if appropriate.

History: Cr. Register, January, 1984, No. 337, eff. 2–1–84; renum. from HSS 50.05, Register, July, 1985, No. 355, eff. 8–1–85; correction in (3) (a) 2. a. made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1985, No. 355; am. (1) (intro.), (a), (d), (3) (a) (intro.), 1. 2. intro. and 3., Register, December, 1988, No. 396, eff. 1–1–89; am. (2) (intro.) and (i), r. and recr. (3) (intro.) and (a), r. (3) (b), renum. (3) (c) to be (3) (b), Register, September, 1992, No. 441, eff. 10–1–92.

HSS 50.065 Appeal process. (1) BEFORE ADOPTION IS FINAL. If an applicant for adoption assistance is not satisfied with the action taken by the department on the application or if a prospective adoptive parent who has been approved for or is receiving adoption assistance is not satisfied with the conditions governing the award, the applicant or prospective adoptive parent, prior to the adoption being declared final by the court, may request a review of the decision by the division administrator or designee or may appeal the decision under ch. 227, Stats., to the department's office of administrative hearings.

Note: A request for review of a decision should be addressed to the Administrator, Division of Community Services, P.O. Box 7851, Madison, WI 53707. A request for a hearing should be addressed to the Office of Administrative Hearings, P.O. Box 7875, Madison, WI 53707.

(2) AFTER ADOPTION IS FINAL. An adoptive parent, after an adoption has been declared final by a court, may appeal either of the following under ch. 227, Stats., to the department's office of administrative hearings:

(a) A decision of the department before the adoption became final not to approve an application for adoption assistance or a decision of the department before the adoption became final relating to the amount of the adoption assistance, provided that:

1. The conditions of s HSS 50.03 for eligibility for adoption assistance existed at the time the adoption became final;

2. One of the following circumstances occurred:

a. Facts regarding the child, the child's biological family or the child's background that were relevant to the proposed adoption were known to the adoption worker who served as the child's guardian and who represented the department which placed the child for adoption, to another agency authorized to place children for adoption and which placed the child for adoption or to an American Indian tribal agency in this state that was guardian of the

child and that placed the child for adoption, but were not presented to the adoptive parents by the adoption agency or by another source, such as the child's physician or the agency that originally placed the child for foster care, before the adoption became final;

b. Adoption assistance was denied based upon a means test of the adoptive family;

c. The determination by the department that the child was ineligible for adoption assistance was erroneous; or

d. The adoptive parents were not advised by the adoption agency or by another source, such as a social worker or another adoptive parent, about the availability of adoption assistance and had not previously adopted with adoption assistance; and

3. It has been less than 3 years since the adoptive parents knew or reasonably should have known of the circumstance which is the basis for the hearing request under subd. 2.; or

(b) The failure of the department to comply with a condition of the adoption assistance agreement under s. HSS 50.06, provided that the request is initiated within one year after the failure began.

Note: A request for a hearing should be addressed to the Office of Administrative Hearings, P.O. Box 7875, Madison, WI 53707.

History: Cr. Register, July, 1994, No. 463, eff. 8-1-94.

Subchapter III — Adoption Information Exchange

HSS 50.07 Adoption information exchange. Sections HSS 50.07 to 50.10 establish an adoption information exchange to be operated by the department directly or through a contract with an individual or a private agency. These sections apply to the department, adoption agencies, prospective adoptive parents and to an individual or a private agency if under contract with the department to operate the adoption information exchange, except that Indian tribal child-placing agencies may draw upon services of the adoption information exchange but are not obligated under these rules to participate in the exchange.

History: Cr. Register, July, 1985, No. 355, eff. 8-1-85.

HSS 50.08 Adoption information exchange responsibilities. (1) REGISTRATION. The exchange shall maintain an ongoing central registry which shall include the following services:

(a) The exchange shall register all special needs children. Special needs children include:

1. Children who have special needs due to medical, psychological, developmental or behavioral conditions;

2. Children who have special needs due to special circumstances such as age, sibling group, sex, race or national or cultural origin;

3. Children who have not been placed for adoption within 60 days after being legally freed; or

4. Foreign-born children who have been referred to the department for adoptive placement in Wisconsin.

(b) Children may be considered to have special needs when they are placed in sustaining care or when they are at legal risk. However:

1. The exchange may register children who have been placed in sustaining care under s. 48.428, Stats., only when the court involved gives written permission; and

2. The exchange may register legal risk children either with the written consent of the court or by written consent of the adoption agency and the child's parent or guardian. The registration information shall include information describing the nature of the legal risk.

(c) The exchange shall register prospective adoptive families who have either referred themselves to the exchange or who have been referred to the exchange by an adoption agency.

(d) The exchange may register special needs children with out-of-state exchanges and use the resources of those exchanges, but only with written permission from the child's guardian or the agency responsible for the child. The exchange may recommend the use of specific out-of-state exchanges for a particular child.

(e) The exchange shall withdraw a child's registration when the adoption agency notifies the exchange in writing that the child has been adopted, has reached age 18, has been emancipated by marriage or has died.

(f) The exchange shall withdraw a prospective adoptive family's registration when the family or agency notifies the exchange in writing that the family has adopted a child, that they are no longer interested in adopting a special needs child or after one year if the family or agency has not responded to inquiries from the exchange.

(2) MATCHING SERVICE. The exchange shall attempt to match children listed in the adoption photo listing book under sub. (3) and prospective adoptive families registered with the exchange by:

(a) Giving self-referred prospective adoptive families information about the exchange, special needs adoption and home study requirements; referring the family to adoption agencies serving their geographic area, and following up on the family's referral; and

(b) Contacting adoption agencies to provide them with information on registered prospective adoptive families that would be appropriate for a registered or photo-listed child based on the child's needs and circumstances.

(3) ADOPTION PHOTO LISTING BOOK. The adoption information exchange shall develop and maintain a book which shall:

(a) Include information about and a photograph of each registered child, except for a child deferred from the listing under s. HSS 50.10. This information shall be edited to concisely describe the child in a positive and uniform manner;

(b) Be made available to all adoption agencies in the state, adoptive parent groups, child advocacy groups, other interested groups and child-placing agencies in other states;

(c) Be updated at least monthly to revise, add to, or delete from the listing of available special needs children; and

(d) Include a listing of out-of-state special needs children. If the exchange is operated by an individual or private agency under a contract with the department, there shall be written case-by-case approval by the department for each out-of-state special needs child listed.

(4) PROGRESS INQUIRIES. The exchange shall make inquiries of adoption agencies at least semi-annually to determine the progress toward adoption of children registered with the exchange.

(5) TELEPHONE INFORMATION SERVICE. The exchange shall maintain a central telephone number which people can call to get information about the exchange and about adoption of special needs children and shall publish and disseminate the telephone number of the exchange.

(6) PUBLIC INFORMATION. The exchange shall develop and distribute informational pamphlets, brochures, displays and media outreach materials to provide information regarding the services available from the exchange and to promote the adoption of special needs children.

(7) STATISTICAL REPORTING. The exchange shall compile statistics. If the exchange is operated by an individual or private agency under a contract, a semi-annual statistical report shall be submitted to the department and shall include the following information:

(a) The number of children registered during the reporting period and the total number of children currently registered;

(b) The number of children listed in the adoption photo listing book during the reporting period and the total number of children currently listed;

(c) The number of children listed in the adoption photo listing book who were placed for adoption within the previous 6 months and the average number of days that a child was listed prior to adoptive placement;

(d) The number of adoption inquiries received for each child listed in the adoption photo listing book during the reporting period;

(e) The number of children deferred from listing during the reporting period under each of the circumstances specified in s. HSS 50.10 (1).

(f) A semi-annual financial report; and

(g) Any other information needed by the department for its information system.

(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.

History: Cr. Register, July, 1985, No. 355, 8-1-85; cr. (8), Register, September, 1992, No. 441, eff. 10-1-92.

HSS 50.09 Adoption agency responsibilities. (1) REGISTRATION. An adoption agency shall register each special needs child under its guardianship with the exchange within 60 days after the agency has been authorized to place the child for adoption and shall include the following information about each child:

(a) The child's name, birth date, sex, race and the birth parents' religious preference;

(b) A recent black and white photograph of the child;

(c) A brief narrative description of the child;

(d) The name, date of birth and sex of any of the child's siblings who are also available for adoption, and whether they are being placed individually or as a sibling group;

(e) A brief social history, including the child's placement history, and the date when guardianship becomes effective;

(f) An assessment of the child's current abilities and projected functional level as an adult;

(g) The child's school placement level and an assessment of his or her special education needs;

(h) Other information as needed to be compatible with out-of-state exchanges for children to be listed also with those exchanges; and

(i) A description of the nature of legal risk if adoption of the child is considered a legal risk.

(2) LISTING AND REGISTRATION UPDATES. The adoption agency shall provide updating registration information to the exchange as follows:

(a) Within 10 working days after a change occurs, the agency shall report changes in the child's status, including:

1. Circumstances relating to a change in the deferral from the child being listed in the adoption photo listing book; and

2. Notice of the child's placement for adoption.

(b) Within 10 working days after the first 12 months that a child has been registered and after each subsequent 12-month period, the adoption agency shall submit updating information which includes a new written description and recent photograph of the child.

(c) Within 10 working days after a change occurs, the agency shall give notice that a prospective adoptive family has either adopted a child or is no longer interested in adopting a special needs child.

History: Cr. Register, July, 1985, No. 355, eff. 8-1-85.

HSS 50.10 Deferral from listing a special needs child in the adoption photo listing book. (1) REQUEST FOR DEFERRAL. An adoption agency may submit a written request to the exchange for a deferral from listing a special needs child in the adoption photo listing book for one or more of the following reasons:

(a) The child is in an adoptive placement but is not yet legally adopted;

(b) The child's foster parents or a prospective adoptive family has applied to adopt the child;

(c) Diagnostic study or testing is required to clarify the child's problems and provide an adequate description of the child's condition;

(d) The child is currently in a hospital or child care institution and the continuing need for daily professional care does not permit placement in a family setting; and

(e) The child is over 14 years of age and the child elects to defer listing for a period of time as determined by the child and his or her legal guardian with concurrence of the court or an administrative review.

(2) DEFERRAL DETERMINATION. Upon receipt of a written request for deferral, the exchange shall grant the request, except that a deferral based on sub. (1) (b), (c) or (d) shall be for no more than a one-time 90-day period.

History: Cr. Register, July, 1985, No. 355, eff. 8-1-85.