

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 1/4/2018
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) DCF 50, Facilitating the Adoption of Children with Special Needs. DCF 51, Adoption of Children with Special Needs and Preadoption Preparation Training.	
4. Subject Facilitating Public Adoptions and Adoption Assistance; Preadoption Training	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The proposed rules reorganize and clarify chs. DCF 50 and 51 and incorporate statutory changes made in 2015 Wisconsin Acts 378, 379, and 380 that affect these rules.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The department solicited comments from private child-placing agencies, county human service agencies, post adoption resource centers, tribal directors, public adoption agencies, and the Wisconsin Association of Family and Childrens Agency.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The rule will have minimal impact on private child-placing agencies that complete private adoptions. These agencies will be responsible for developing additional training requirements to meet the requirements under s. 48.84, Stats. The Department of Children and Families currently monitors these agencies to ensure pre-adoptive families are completing training.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The proposed rules reorganize and clarify chs. DCF 50 and 51 and incorporate statutory changes made in 2015 Wisconsin Acts 378, 379, and 380 that affect these rules.	
16. Long Range Implications of Implementing the Rule None	
17. Compare With Approaches Being Used by Federal Government	

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The adoption assistance program is authorized under 42 USC 673 and Title IV-E of the Social Security Act. The program provides matching funds to states to facilitate the timely placement of children whose special needs or circumstances would otherwise make it difficult to place with adoptive families. Title IX authorizes Medicaid eligibility for children eligible under Title IV-E.

Under 45 CFR 1356.40 (f), the state Title IV-B/IV-E agency is required to actively seek ways to promote the adoption assistance program, including notifying prospective adoptive parents about the availability of adoption assistance for the adoption of a child with special needs.

Federal regulations at 45 CFR 1356.40 (b) (1) require that the adoption assistance agreement be signed and in effect at the time of, or prior to, the final decree of adoption. However, if the adoptive parents feel they wrongly have been denied benefits on behalf of an adoptive child, they have the right to a fair hearing.

42 USC 673 requires foster parents to be prepared adequately with appropriate knowledge and skills before a child is placed in their foster home and requires that the preparation be continued as necessary after the placement of the child. Under s. 48.833, Stats., a child is placed for adoption in a licensed foster home prior to adoption.

In intercountry adoptions, Department of State regulations at 22 CFR Part 96 require prospective adoptive parents to use a primary adoption services provider that is an accredited agency or approved person under the regulations and is responsible for ensuring that adoption services comply with the regulations.

Under 22 CFR 96.48, the accredited agency or approved person is required to provide prospective adoptive parents with at least 10 hours of training on issues related to intercountry adoptions before they travel to adopt a child or a child is placed with the prospective adoptive parents for adoption. The agency or person can exempt prospective adoptive parents from all or part of the training if the department or person determines that the prospective adoptive parents have received adequate prior training or have prior experience as parents of children adopted from abroad.

The Department of State regulations have applied to all adoptions of a foreign child by a U.S. citizen since July 14, 2014, when The Intercountry Adoption Universal Accreditation Act of 2012 (UAA) went into effect. The UAA assures families pursuing an intercountry adoption that regardless of the country from which they intend to adopt, the adoption services provider will need to comply with the same ethical standards of practice and conduct. From July 1, 2008, to July 13, 2014, the Department of State regulations only applied to adoption services provided for a U.S. prospective adoptive parent if the child resided in a country that was a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The Hague Convention is a multilateral treaty that entered into force in the U.S. on July 1, 2008.

Proposed changes to the Department of State rules on intercountry adoptions were published in the Federal Register on September 8, 2016. On April 4, 2017, the Department of State withdrew the proposed rules and announced that it will be drafting new rules that are expected to be published later this year.

In addition, regulations promulgated by the U.S. Citizenship and Immigration Services provide that prospective adoptive parents who intend to bring a foreign child to the U.S. for adoption must complete any preadoption training required by their state of residence before the child's immigration petition will be approved. 8 CFR 204.305

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)  
Minnesota. The special needs for which adoption assistance may be available include the child meets the disability criteria for SSI eligibility, the child has another documented disability, the child is a member of a sibling group being

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adopted at the same time, the child is in an adoptive placement in the home of a parent who previously adopted a sibling for whom they received adoption assistance, or the child is an at-risk child.

Illinois. The special needs for which adoption assistance may be available include the child has a disability, is one year of age or older, is a member of a sibling group, or is being adopted by adoptive parents who previously adopted a sibling of the child for whom they receive adoption assistance.

Iowa. The special needs for which adoption assistance may be available include the child is age eight or older and Caucasian, the child is age two or older and is a member of a minority race or ethnic group, the child is a member of a sibling group of 3 or more, the child has a medically diagnosed disability.

Michigan. The special needs for which adoption assistance may be available include the child is age 3 and older, has documented higher medical or mental health needs, is eligible for SSI, or is being adopted by relatives or with siblings.

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19. Contact Name Katie Sepnieski	20. Contact Phone Number (608) 422-6914
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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule may affect small businesses as defined in s. 227.114 (1), Stats., including private adoption agencies and entities authorized to provide preadoption training under s. 48.84 (1), Stats. The effect of the rules will be minimal.

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

NA

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

NA

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

NA

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5. Describe the Rule's Enforcement Provisions

NA

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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