




WISCONSIN

Kinship Navigator GUIDE



Wisconsin Department of
Children and Families





On behalf of the Wisconsin Department of Children and Families and the Coalition for Children, Youth & Families, we welcome you to the Wisconsin Kinship Navigator Guide. We'd like to express our thanks and appreciation for all of you who care for and support relative children every day.

Whether you are a grandparent, a great grandparent, an aunt, an uncle, a cousin, or a sibling, you have all made the decision and commitment to open your hearts and homes to a member of your family. For that, you are making a tremendous difference in the lives of the relatives you are caring for.

As relative caregivers you have to learn how to navigate transitioning from your role as a child or children's relative to a new parenting role. For some families this is a rather smooth transition; for many others, however, this can be a challenging change for everyone involved. You are not alone. The Department of Children and Families and the Coalition for Children, Youth & Families are here to connect you and your family to resources and supports that will provide you with the parenting tools you need.

Together we will:

- **Provide** you with access to caregiving resources
- **Inform** you of how and where to access resources, both statewide and online
- **Connect** you to a variety of supports
- **Share** tools on the important topic of self-care
- **Provide** tips on navigating the Child Welfare system
- **Enhance** your understanding of the educational services available to the child in your care
- **Discuss** child care and respite care
- **Provide** information about legal assistance
- **Increase** the number of parenting tools and resources in your parenting tool box

This guide is written with you, a relative caregiver, in mind, to provide you with training, educational opportunities & resources to support you in continuing the exceptional care you provide each and every day to the children in your home.

Why Relative Caregivers Matter

Children being cared for or raised by their grandparents or relatives is not new. Throughout history, grandparents and relatives have stepped up to care for children when parents died or were unable to be caregivers. In Wisconsin and throughout the nation, this trend has been on the rise for decades, and is showing no signs of slowing down.

There are many benefits to your caring for your relative children when parents cannot fill that role rather than those children being cared for by a non-relative. Likewise, parents also benefit from having their children being cared for by a relative caregiver.

Benefits for children:

- Provides love and care in a familiar setting
- Children in the care of relatives experience greater stability
- Enables children to live with family members they know and trust
- Reinforces a child's sense of cultural identity and positive self-esteem
- Helps a child make and sustain extended family connections
- Continues lifelong family traditions and memories
- Supports the child in building healthy relationships within the family
- Supports the child's need for safety and well-being

Benefits for parents:

- Provides parents with a sense of hope that children will remain connected to their families
- Relative care respects cultural traditions and may reduce racial disparities
- Relative caregivers provide stability to children and youth with incarcerated parents
- Parents may be more comforted knowing that children in relatives' homes are less likely to have to move than children placed in non-relative homes

Benefits for you, as a relative caregiver:

- Keeping children connected to their families of origin
- Supporting your family by stepping up when called upon to parent family members
- Sharing cultural connections and family traditions with family members
- Providing a direct line of communication between the children you are caring for and their family members
- Ensuring a legacy of health and well-being for the future of your family

While many aspects of raising children are universal, you, as a relative caregiver, face unique challenges. When a grandparent or relative moves from a supportive role to being the primary decision-maker in the life of a child, family dynamics change and relationships have to adjust for all involved.

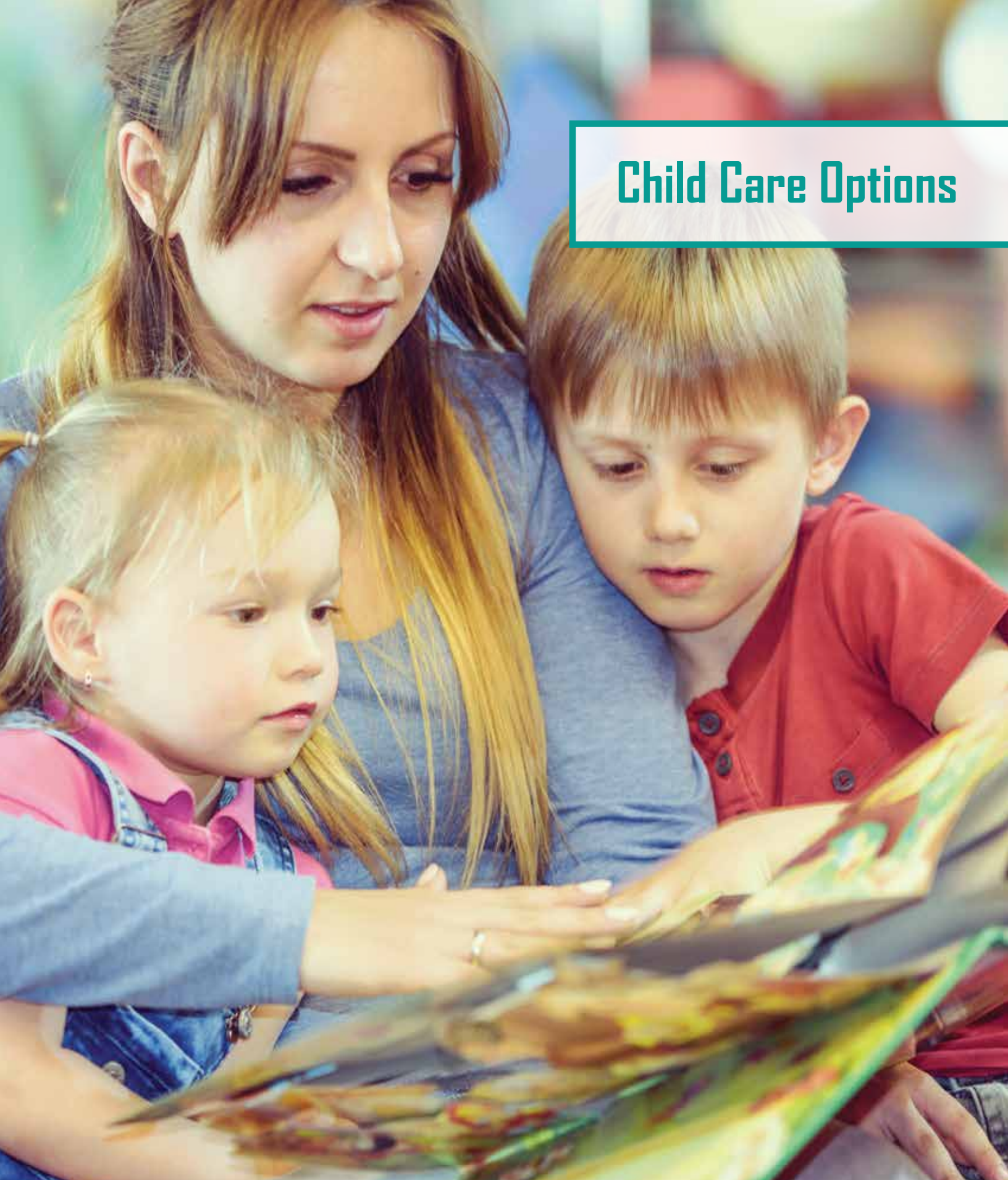
Children being cared for by relatives may have suffered trauma and will do best with parenting styles that promote safety, security, consistency, and healing. There are many systems that caregivers may need to learn how to access and navigate, including education, health care, legal, and child welfare. As a relative caregiver, you have to manage all of this while also taking care of yourself—a tall order!

This guide aims to connect you with parenting resources to help you not only survive, but thrive while caring for the children in your home. Thank you for all that you do to empower the children you parent. You are making a tremendous difference in the lives of the children you are caring for. Know that you are not alone and that supports and resources are available to you throughout the State of Wisconsin. The Coalition for Children, Youth & Families can be reached by email at: info@coalitionforcyf.org or by phone at (414) 475-1246 or (800) 762-8063 when you need guidance and support.

Table of Contents

| | |
|----------------------------|----|
| Child Care Options | 5 |
| Child Support | 8 |
| Education..... | 11 |
| Health Care Coverage | 14 |
| Legal..... | 17 |
| Permanency Decisions..... | 20 |
| Resources..... | 29 |

“We live in a world in which we need to share responsibility. It’s easy to say ‘It’s not my child, not my community, not my problem.’ Then there are those who see the need and respond. I consider those people my heroes.” — *Fred Rogers*



Child Care Options

“I didn’t give you the gift of life; life gave me the gift of you!” — *Anonymous*

Most relative care providers need access to child care options for day care and/or afterschool care for the children in their home. The Wisconsin Department of Children and Families provides easily accessible information on child care providers throughout the state and financial assistance for child care costs to eligible families. **Nothing in this fact sheet should be considered legal advice from DCF. Please consult with an attorney with any legal questions.**

Wisconsin YoungStar

YoungStar is the 5-star quality rating and improvement system for early care and education programs in Wisconsin. The quality rating system provided through YoungStar builds upon existing child care regulations, and helps consumers determine a child care program's compliance with those regulations.

What is the difference between ratings 1-5 in YoungStar?

All child care programs participating in YoungStar receive a minimum score of 1 star. In order to obtain 2-5 stars on the YoungStar scale, programs must be in compliance with early care and education regulations. Programs with higher ratings have demonstrated higher-quality practices in four evaluated areas:

- Educational Qualifications
- Professional Practices
- Learning Environment and Curriculum
- Health and Well-Being

How can I find a YoungStar rated program?

The Wisconsin Department of Children and Families maintains a directory of all YoungStar rated early care and education programs in Wisconsin. In order to identify a program that meets your needs in your area, you can utilize the directory at the following link: www.childcarefinder.wisconsin.gov.

What type of programs are available through YoungStar?

YoungStar provides families with access to regulated child care. Options for regulated child care include:

- **Certified Care**
(3 or fewer children under age 7)
- **Licensed Group Child Care**
(9 or more children under age 7)
- **Licensed Family Child Care**
(up to 8 children under age 7)
- **Day Camp**
(seasonal program for 4 or more children ages 3 & up)

The child care subsidy program, Wisconsin Shares, supports low-income working families by subsidizing a portion of the cost of quality child care while the parents or caregivers are participating in another approved activity. Wisconsin Shares is implemented locally by counties and tribes.

Wisconsin Shares Child Care Subsidy

What are the eligibility requirements for Wisconsin Shares?

In order to be eligible for Wisconsin Shares, you must meet financial eligibility requirements. Financial eligibility is based on household income in relation to family size. If eligible based on household income, each member of your home must participate in an "approved activity" while children participate in child care. Regular employment, W-2 placement, and certain education, are all considered "approved activities."

Do I have to use a YoungStar rated program for the children in my home?

In order to be eligible to receive child care financial assistance (Wisconsin Shares), you must utilize a YoungStar rated program. If you do not plan to access Wisconsin Shares, you can utilize any child care provider that you identify. However, in addition to requirements under Wisconsin Shares, licensed foster parents are required by Ch. DCF 56 Admin. Code to use early care and education programs that are licensed or certified. This means that no foster parent may utilize an unlicensed or uncertified program for any child in foster care placed in their home.

Do all household caregivers have to participate in an "approved activity"?

Yes—all household caregivers must participate in an approved activity. If more than one caregiver resides in the home, the Wisconsin Shares subsidy will only be issued for the time when the caregivers' approved activities overlap. For example, if Caregiver 1 goes to work from 8am-5pm, and Caregiver 2 goes to work from 12pm-8pm, the Wisconsin Shares subsidy would be approved for 5 hours per day, from 12pm-5pm.

Wisconsin Shares Child Care Subsidy

How is financial eligibility for Wisconsin Shares determined?

Wisconsin Shares uses income from work or self-employment, Social Security payments, unemployment insurance, and workers compensation to calculate your household income. Things like the money a teen earns for a job, or child support payments under \$1,250 do not count toward household income.

In addition to household income, financial eligibility is based on family size. Your family includes everyone who lives in your household; your spouse or non-marital co-parent, dependent children, and other children living in your home without another parent. If a teen child that is considered your dependent resides in your household has a child of their own, that teen and their child (your grandchild) also count toward your family size.

Financial eligibility for foster families, families with an active Subsidized Guardianship Agreement, and families receiving Kinship Care benefits is **first based on the child's parent's household income**. The child's parent's household income is tested at 200% of the Federal Poverty Level (FPL) to determine eligibility. **If the child's parent's household income exceeds that limit, financial eligibility is then based on the current caregiver's household income**, which is tested at 185% FPL. In these circumstances, the current caregiver and members of that home still must participate in an "approved activity."

For additional eligibility information, please visit www.dcf.wisconsin.gov/wishares/eligibility.

If I take placement of a relative child, when would eligibility for Wisconsin Shares begin?

Eligibility for Wisconsin Shares begins the day the child moves into your home, as long as the other eligibility requirements for the program are met. Be sure to apply for Wisconsin Shares as soon as possible after the child moves into your home to ensure there is no delay in the eligibility determination.

At what age does a child become ineligible for Wisconsin Shares?

Eligible families can continue to receive the Wisconsin Shares subsidy until the child turns 13 years old. If the child has a documented special need, they may be eligible to continue to receive the Wisconsin Shares subsidy until age 19.

How often is eligibility for Wisconsin Shares reviewed?

Eligibility is reviewed every year. However, you must report to Wisconsin Shares if there are changes to your household income or participation in an "approved activity" (employment, W-2 placement, education, etc.) whenever a change occurs.

Where do I go to apply for Wisconsin Shares?

You can apply online at <https://access.wisconsin.gov>, by phone, or in-person! To apply by phone or in-person, contact your local Wisconsin Shares Agency; information can be found at www.dcf.wisconsin.gov/wishares/where-to-apply. You can also contact Wisconsin 211 by dialing 2-1-1 for assistance!

What information will I need to provide when applying for Wisconsin Shares?

Applicants for Wisconsin Shares will need to provide **proof of income**, **proof of employment** and **work hours**. If the caregiver is not employed, but does participate in another "approved activity" (i.e. W-2 Placement, education, etc.), they should provide verification of participation and hours for the activity. Additionally, applicants must provide a valid **Social Security Number** for all children that need child care assistance.

Do I need to claim the funds I receive through Wisconsin Shares on my taxes?

Yes—the funds you receive through Wisconsin Shares must be claimed on your taxes and reported as income.

What if the Wisconsin Shares subsidy amount does not cover the full cost of child care?

The amount of your Wisconsin Shares subsidy will vary based on a number of factors, including your family situation and county of residence, and may not cover all of your child care costs. In this situation, you will be responsible for covering all child care costs beyond what the Wisconsin Shares subsidy covers.

If the child in your home is placed in foster care, you may be eligible to receive additional child care assistance through the monthly foster care rate—talk with your foster care licenser about your options related to your portion of child care costs.



Child Support

Taking on the responsibility of caring for a relative impacts a family in many ways, especially financially. No matter what your financial status may be, raising children can be costly. Food, clothing, and school needs are just a few of the added expenses to your monthly budget. There are financial resources for relatives, such as child support. **Nothing in this fact sheet should be considered legal advice from DCF. Please consult with an attorney with any legal questions.**

The Wisconsin Child Support Program

The Wisconsin Child Support Program is supervised by the Wisconsin Department of Children and Families and administered by local county child support agencies. In some cases, a relative caregiver can be the assigned payee to a child support court order.

What is child support?

Child support is a financial program that is administered through court-ordered payments, typically made by non-custodial parent(s) to support their minor child.

Who can receive child support assistance?

Any parent or person with custody of a child who needs help to establish a child support or medical support order or to collect support payments can apply for child support services. A referral is automatically sent to the local child support agency for people who receive assistance through the Temporary Assistance for Needy Families (TANF), Medicaid, and federally assisted Foster Care programs.

How do I apply for child support assistance?

You can complete an application for child support services at your local child support agency. A referral is automatically sent to the local child support agency for people who receive assistance through the Temporary Assistance for Needy Families (TANF), Medicaid, and federally assisted Foster Care programs. In those cases, the State may have already assigned its right to the child support order. If you are unsure about your rights when it comes to child support services, or if you want to find out if there is a current order, you should contact your local child support agency. To find your local child support agency, visit DCF’s website: <https://dcf.wisconsin.gov/cs/agencylist> or call 211.

How much child support do parents pay?

Child support payments are determined by the Court. The Court uses the Child Support Percentage of Income Standard to decide the amount of support. In special circumstances, the court may use different guidelines, such as in a low-income payer case or in a high-income payer case.

Factors used to determine how much support to order may include, but are not limited to, gross income, income from assets, and the payer’s ability to earn. The Court can consider a parent’s ability to earn based on past earnings, current physical and mental health, education and training, and local job openings.

| Percentage of Income Guidelines | | | | |
|---------------------------------|------------|------------|------------|--------------------|
| 1 Child | 2 Children | 3 Children | 4 Children | 5 or more Children |
| 17% | 25% | 29% | 31% | 34% |

When a child is placed in out of home care Both parents of a child placed outside the home may be required to pay child support. Out of home placements include foster homes, Kinship Care, group homes, residential care centers, and juvenile correctional facilities.

Parents may owe child support back to the time the child was first placed outside the home. Parents are not required to pay child support for their child in an out of home placement if they would suffer substantial hardship because of child support payments (For example: they would have to move from their home or file bankruptcy).

If there is a child support order for a child placed in out of home care, the agency with “Placement and Care Responsibility” is assigned to the payment. Any funds that remain after covering the child’s cost of care will be retained in a trust account and will be provided to the child or the child’s caregiver upon their exit from care.

Kinship Care Considerations

Will I receive a child support payment if I am receiving Kinship Care payments?

If you are receiving Kinship Care payments to help support a child in your home, all child support payments are assigned to the state. At the end of each month, a review is conducted that compares the amount of child support paid to the total amount of Kinship Care grants received. If the child support payments paid in a month add up to more than the Kinship Care payment, you may receive the difference.

Example 1

- * You started Kinship Care on June 1.
- * In June, you get a \$232 Kinship Care grant. Child Support paid was \$200.
- * At the end of June, the Life of Case review shows that the child support paid (\$200) was less than the Kinship Care grant (\$232).
- * You will not get any child support in June.

Example 2

- * You started Kinship Care on June 1.
- * In June, you get a \$232 Kinship Care grant. Child Support paid was \$300.
- * At the end of June, the Life of Case review shows that the child support paid (\$300) was greater than the Kinship Care grant (\$232).
- * You will receive a check for the difference. (\$68).

Good Cause Claim

If I was automatically referred, can I opt-out of child support services?

Generally, if you are receiving assistance from a public benefit program, you must cooperate with child support services unless you have good cause not to. For example, if you are receiving assistance from the Kinship Care or SSI Caretaker Supplement program and do not cooperate, you will not get cash benefits from the Kinship Care or SSI Caretaker Supplement program until you cooperate.

How do I file a Good Cause Claim to not cooperate with child support services?

If you believe you or the children in your care would be harmed if you cooperate, you should talk with your benefits case worker and file a good cause claim. The benefit agency will decide whether or not good cause exists. You may be asked to give written evidence to support your good cause claim. You must cooperate with child support services unless you were granted good cause.

Good cause exists when:

- You believe that cooperating might cause physical or emotional harm to you or the child in your care.
- The child was conceived as a result of incest or sexual assault.
- An adoption petition has been filed with the court.

Are there privacy protections available to me in regards to my personal information?

If a release of your address, phone number, employer, or other information would put you or the child in your care at risk, you may ask your local child support agency for privacy protection. You may qualify for privacy protection if you meet any of the following conditions:

- You or the child in your care is covered by a protective order.
- A child support agency has reason to believe that you or the child in your care might be physically or emotionally harmed if information is released.
- You or the child in your care has a history of domestic violence or are at risk of domestic violence.
- If you have been granted good cause for non-cooperation with child support by a Wisconsin Works (W-2) agency or another county social services agency.



Education

“Sometimes our work as caregivers is not for the faint of heart. But, you will never know what you are made of until you step into the fire. Step bravely!” — Deborah A. Beasley

Determining what types of educational decisions you can make or the types of educational resources available for children living in your care is an important first step when caring for a relative child. Based on your family’s situation, you may need to work closely with the child’s parent to navigate the education system. ***Nothing in this fact sheet should be considered legal advice from DCF. Please consult with an attorney with any legal questions.***

Legal Custody: Educational Decision-Making

Decisions related to a child’s education are generally determined by the child’s parent or the legal guardian, with some exceptions that are described below. Educational decisions include, but are not limited to, school enrollment, access to a child’s pupil records, or address child’s special education needs. Please note that there are additional law and definitions impacting special education that are not addressed in this document.

How do I know if I can make educational decisions for the child in my home?

Unless otherwise determined through a court order or through a delegation of parental power of attorney by a parent, nothing changes with regard to parental involvement merely because a child is living with a relative. Efforts should be made to involve the parents in all educational decisions, as they maintain educational decision-making authority in most cases. If the court removes that authority from the parent through, for example, a termination of parental rights or the appointment of a guardian, the school must be made aware.

What if the child’s parent is not available to make educational decisions?

If the child’s parent is unavailable or is unwilling to make educational decisions for the child, educational decision-making authority can be modified by the Court. If the child in your home is placed under a court order through the child welfare or youth justice system, you can work with the child’s caseworker to request educational-decision making authority. If the child is placed in your home through an informal family arrangement or voluntary kinship program, you may file for temporary or permanent guardianship of the child.

If the child in your home is currently placed by a child welfare or youth justice agency, you may be able to apply the **Reasonable and Prudent Parenting Standard**. The Reasonable and Prudent Parent Standard allows out of home care providers to make decisions to permit children in their care to participate in age or developmentally appropriate extra curricular, enrichment, cultural, and social activities based on the cognitive, emotional, physical, and behavioral capacities of the child. This standard allows relatives that have a child in their home, who was placed by a child welfare or youth justice agency, to sign permissions slips for school sanctioned field trips or sign the child up for extra curricular activities through school. The Reasonable and Prudent Parenting Standard does not permit educational decision making authority.

What is power of attorney? How do I obtain power of attorney status?

State statute allows parents to bestow relatives with the power of attorney for the care of their children. Power of attorney is a written document or other record that grants authority to an individual, in this case a relative, to act in the place of the parent or person with guardianship of the child, with respect to certain powers regarding the care and custody of the child. Some schools require a form to be completed to exercise power of attorney duties. You should contact your local school district to find out what their policies are in regards to power of attorney status, if you do not have guardianship.

Enrollment

Can I enroll the child in my care in school?

Enrollment in school is an educational decision that must be made by the child’s parent or guardian, unless the child is under the jurisdiction of a court order that provides educational decision-making authority to another party or another exception applies. A school district must enroll any eligible child that is the resident of their district. If a child is going to be enrolled in a school district outside of their residence, a parent, guardian, or person with educational decision-making authority can apply for open enrollment. Without educational decision-making authority, you will want work with the child’s parent, guardian, or a person with educational decision making authority to enroll them in school, if they are not enrolled already.

Enrollment

What is open enrollment and can I open enroll the child in my home?

The inter-district public school open enrollment program allows parents and guardians to apply for their children to attend public school in a school district other than the one in which they reside. If you have educational decision-making authority, you may choose to open enroll the child. An alternative application procedure allows pupils to apply for open enrollment at any time during a school year if certain criteria are met. For additional information, please visit the Department of Public Instruction's alternative application procedures page: www.dpi.wisconsin.gov/open-enrollment/applications/alternative.

School Communication

Can I communicate with school officials about the child in my care?

Due to confidentiality laws, school officials are only able to communicate directly to a parent or guardian in regards to a child attending their school, without consent or other statutory authority. In general, there are three circumstances where a school would be allowed to release confidential information to an individual or entity, other than the child's parent or guardian: 1. a signed authorization that consents to the release of information by the parent, 2. a court order, or 3. authorization by statute. While the school may be limited in what they can share, you should be encouraged to share information about the child in your care with the school to the extent that it is not confidential under law.

If the child is placed by a child welfare or youth justice agency, the child's caseworker may provide assistance in communication, as schools are allowed to share information with child welfare agencies. If questions or concerns arise about the child's educational needs, you are encouraged to share these needs with the child's caseworker.

Every Student Succeeds Act (ESSA)

ESSA applies to children in out-of-home care who are under the care and placement responsibility of DCF or a county or tribal child welfare agency. The key provisions of ESSA are:

School of Origin: Provides assurances that children in out-of-home care remain in their school of origin, unless there is a determination that it is not in their best interest to do so.

Immediate enrollment: When a child in out-of-home care does not remain in the school of origin, the student must immediately be enrolled in a new school, regardless of whether the student can produce the records typically required for enrollment.

Records transfer: When a child in out-of-home care changes schools, the enrolling school must immediately contact the previous school to obtain academic and other records.

Transportation: The local education agencies must collaborate with state, local child, or tribal child welfare agencies to implement clear written procedures regarding transportation and maintaining youth in their school of origin.

Transportation

Who is responsible for transporting the child in my care to school?

A child attending a public elementary or secondary school, including four- and five-year-old kindergarten, is entitled to transportation by the public school district in which the child resides if the child resides two or more miles from the school. Some districts provide transportation to children under two miles from the school in which they are enrolled, but they are not required to by law. In other circumstances, the child's parent or guardian is responsible for transporting the child to school.

If the child is placed by a child welfare or youth justice agency, transportation may be provided and funded through either the child welfare agency, the school district, or both. In some circumstances, the child's caregiver is responsible for transportation. Questions regarding the child's school transportation plan can be directed to the child's caseworker.

Health Care Coverage



Determining availability of and access to health care coverage for children placed in your care is an important first step after accepting placement of a relative child. Based on your family's situation, the child in your care may be eligible for health care services under a Wisconsin Medicaid Program or your private health insurance. **Nothing in this fact sheet should be considered legal advice from DCF. Please consult with an attorney with any legal questions.**

Wisconsin Medicaid and BadgerCare Plus

Wisconsin Medicaid and BadgerCare Plus is a joint federal and state program that provides high-quality health care coverage, long-term care, and other services to Wisconsin residents. Eligibility for a BadgerCare Plus is generally based on income, however, children placed in your home may be eligible for coverage due to other factors including type of placement and parental situation.

What is the difference between Medicaid and BadgerCare Plus?

There are many types of Medicaid programs. Each program has different rules, such as about age and income, that you must meet to be eligible for the program. BadgerCare Plus is a Wisconsin Medicaid Program that provides health care coverage to low-income Wisconsin residents age 0-64 years old. Children, pregnant women, and adults are all eligible to apply.

How do I know if the child in my home is eligible for BadgerCare Plus?

In general, eligibility for BadgerCare Plus is based on household income. The best way to know if you or someone else in your home are eligible is to apply for BadgerCare Plus by accessing the online application at access.wisconsin.gov or by contacting your local Income Maintenance Agency. Income Maintenance Agencies differ by county and region; contact information for your local agency can be found on the Wisconsin Department of Health Services website: www.dhs.wisconsin.gov/forwardhealth/imagency/index.htm. When applying, make sure you have the following information available for each individual in your home:

- Social Security Number
- Date of Birth
- Address
- U.S. Citizenship or Immigration Status
- Housing and Utility Expenses
- Job Information
- Income Information
- Additional Income Information (*ex. Child Support, SSI, etc.*)

If the child in your home is currently placed by a Wisconsin child welfare or youth justice agency, or if the child is under an active Subsidized Guardianship Agreement or Adoption Assistance Agreement, the child should be eligible for Foster Care Medical Assistance, another Wisconsin Medicaid Program, due to their continued placement or guardianship/adoption agreement. When the child is eligible for Foster Care Medical Assistance, **you do not need to apply for BadgerCare Plus for the child.** The Department of Children and Families and Department of Health Services automatically enroll the child in Wisconsin Medicaid for you. Check with your caseworker to be sure the child in your home is enrolled!

Questions about eligibility or enrollment in BadgerCare Plus? Contact your Income Maintenance Agency for assistance!

My family already receives BadgerCare Plus Benefits, can I add the child to my plan?

In order to add the child to your family's plan, you need to have court-ordered decision making authority for the child. This means that you must have court ordered guardianship or a finalized adoption. If you do not have this authority, the child will either remain under their parents' plan, or have their own BadgerCare Plus plan depending on the specific circumstances.

Even if the child receives Wisconsin Medicaid, can I add them to my private insurance?

Most private health insurance companies will only allow you to add a dependent to your coverage if you have legal decision making authority for the child through a court ordered guardianship or a finalized adoption. If you do add the child to your insurance and the child remains eligible for Wisconsin Medicaid, Wisconsin Medicaid will become the secondary payer and will only be billed for services not covered by your private insurance.

How often do I have to re-apply if someone in my household is enrolled in BadgerCare Plus?

Enrollment in BadgerCare Plus is valid for 12 months. In order to continue BadgerCare Plus eligibility, you must renew on an annual basis. You will be notified when you need to complete a renewal of your benefits. Children that are placed through child welfare or youth justice or are under a Subsidized Guardianship or Adoption Assistance Agreement are automatically re-enrolled annually as long as the placement or agreement remains.

Wisconsin Medicaid and BadgerCare Plus

How long am I eligible for BadgerCare Plus if I aged out of foster care?

If the child you are caring for or previously cared for aged out of out-of-home care or was under a guardianship, Subsidized Guardianship or Adoption with Adoption Assistance at age 18, they may be eligible for BadgerCare Plus until age 26 without a financial requirement. Proof of the placement in out-of-home care may be required to qualify. If you need help getting proof, inform the Income Maintenance agency when you apply.

What services are covered through BadgerCare Plus?

BadgerCare Plus provides a wide range of health care services to enrolled members including preventative services, mental health services, and dental care. Eligible services are outlined on the Wisconsin Department of Health Services website at www.dhs.wisconsin.gov/badgercareplus/services.htm. You can also ask your health provider or contact ForwardHealth Member Services at 1-800-362-3002 for coverage information.

Are there any co-payments or deductibles for services through BadgerCare Plus?

There are no deductibles for BadgerCare Plus services. However, services may require a co-payment between \$0.50 - \$3.00 depending on the cost of the service. In general, co-payments are:

| Cost of Service | Under \$10.00 | \$10.01-\$25.00 | \$25.01-\$50.00 | Over \$50.00 |
|-----------------|---------------|-----------------|-----------------|--------------|
| Co Payment | \$0.50 | \$1.00 | \$2.00 | \$3.00 |

How do I find a health care provider that accepts Wisconsin Medicaid?

There is an up to date provider directory that you can utilize to find a health care provider that accepts Wisconsin Medicaid. Find this directory at www.forwardhealth.wi.gov/WIPortal/Subsystem/Public/DirectorySearch.aspx. You can also call ForwardHealth Member Services at 1-800-362-3006 for assistance!

Can I choose to use any provider that accepts Wisconsin Medicaid?

When enrolling in BadgerCare Plus, most individuals are assigned an HMO (Health Maintenance Organization). If you are assigned to an HMO, you will be required to utilize health care providers within that HMO.

However, children placed by child welfare or youth justice and children under a Subsidized Guardianship or Adoption Assistance Agreement receive Wisconsin Medicaid and may not be assigned to an HMO. Individuals in Wisconsin Medicaid that are not assigned to an HMO are able to utilize any health care provider that accepts Wisconsin Medicaid.

Can I take the child to my family health care provider?

Yes—the child in your home can access your family health care provider if they accept Wisconsin Medicaid coverage for services provided. You can find out if they accept Wisconsin Medicaid on the ForwardHealth provider directory.

Can a health care provider refuse to accept Wisconsin Medicaid?

Yes—each provider determines how many Wisconsin Medicaid patients they are willing to accept. Additionally, if a provider's practice is full, they may refuse to accept any new patients.

Medical Decision Making

Who is required to consent for medical services for the child in my home?

The child's parent or guardian must always consent to any and all medical services provided to the child. In limited circumstances, a court may order that a child receive certain services or transfer medical decision making authority to another person or agency. Additionally, the child's parent or guardian may issue a power of attorney or delegation of parental authority that allows someone else to make certain medical decisions for the child.

What if the child in my home needs emergency treatment and their parent or guardian is not available?

If the child in your care is in need of emergency treatment, bring the child to the nearest Emergency Department or call 911 and continue to attempt to reach their parent or guardian.

What if the child's parent does not agree to consent for needed medical services for the child?

The child's parent or guardian must always consent to any and all medical services provided to the child. As long as the parent continues to have decision making authority for the child, they have the authority to provide or deny consent for any medical service for the child. If the parent denies consent for a medical service, the child cannot receive that service unless a court orders otherwise, or consent is provided later.



Legal

“As one person I cannot change the world, but I can change the world of one person.”
— *Anonymous*

As a relative caregiver, you may have questions regarding your legal rights or you may feel as though you need legal assistance as you navigate the court process. While it is not required to obtain legal representation, you might find it beneficial to consult with an attorney about your role as a caregiver and the rights that you may have. ***Nothing in this fact sheet should be considered legal advice from DCF. Please consult with an attorney with any legal questions.***

FAQs

Do I need an attorney?

Depending on the circumstances of your case, you may or may not need an attorney to represent you. There are pros and cons to hiring an attorney—a pro being that you have an advocate who understands the legal system, and a con being that hiring an attorney can be costly and you may not have the financial means to do so.

Am I eligible for a court-appointed attorney?

Typically relative caregivers are not eligible for court-appointed legal representation. In some circumstances, the court may appoint an attorney for the child in your care and/or the child’s parents. Right to counsel is dependent on the type of case and is determined by local court procedure and state statute.

Am I a party to the case involving the relative child in my home?

Depending on your situation, you may or may not be a party to the case involving the relative child in your home. If the child in your home is currently placed by a Wisconsin child welfare or youth justice agency AND you are a licensed foster parent, you may have the opportunity to be heard during court, if the child has been placed with you for at least 6 months. You may also be a party to the case if you have guardianship of the child under a Ch. 48.977 or a private guardianship.

Who can I ask legal questions to?

If you are working with a child welfare agency you may be able to ask general “what to expect” questions to the child’s caseworker; however, that caseworker is not an attorney and cannot give legal advice. There may be attorneys that are involved in the child’s case, such as the guardian ad litem (GAL) or Corporation Counsel. They are not hired or appointed to represent YOU, and will typically not, and should not, provide you legal advice. If you have questions regarding your own rights, you should seek out legal services of your own.

What legal services are available to me?

While it is uncommon for relative caregivers to obtain a court-appointed attorney, there may be legal resources available to you in your area. If you do not have the financial means to hire an attorney, your local courthouse may have more information on how to obtain free or reduced-cost legal representation, or it might offer free walk-in legal clinics where you can obtain answers to your legal questions. Some attorneys may offer sliding-scale fees, limited-scope representation, or may agree to take a case pro-bono.

What information should I share with an attorney?

In order to adequately consult or represent you on your legal matter, an attorney will likely ask questions to understand your role as caregiver to the relative child in your home. They will want to know your relationship to the child and how the child came to be living in your home. It will be important to know your status as a relative caregiver, such as whether you have guardianship of the child or if the child is involved in the child welfare system. If you need assistance in understanding what type of arrangement you have, whether it be informal or formal caregiving, you can visit the Wisconsin Kinship Navigator Online Portal to answer a few questions about the child that is currently living in your home.

Types of relative caregiving arrangements:

- Informal Family Arrangement
- Kinship Care
- Licensed Foster Home
- Ch. 48 Guardianship
- Ch. 54 Guardianship
- Adoption

General Legal Resources

State Bar of Wisconsin: <https://www.wisbar.org/Pages/default.aspx>

Wisconsin State Law Library: <https://wilawlibrary.gov/>

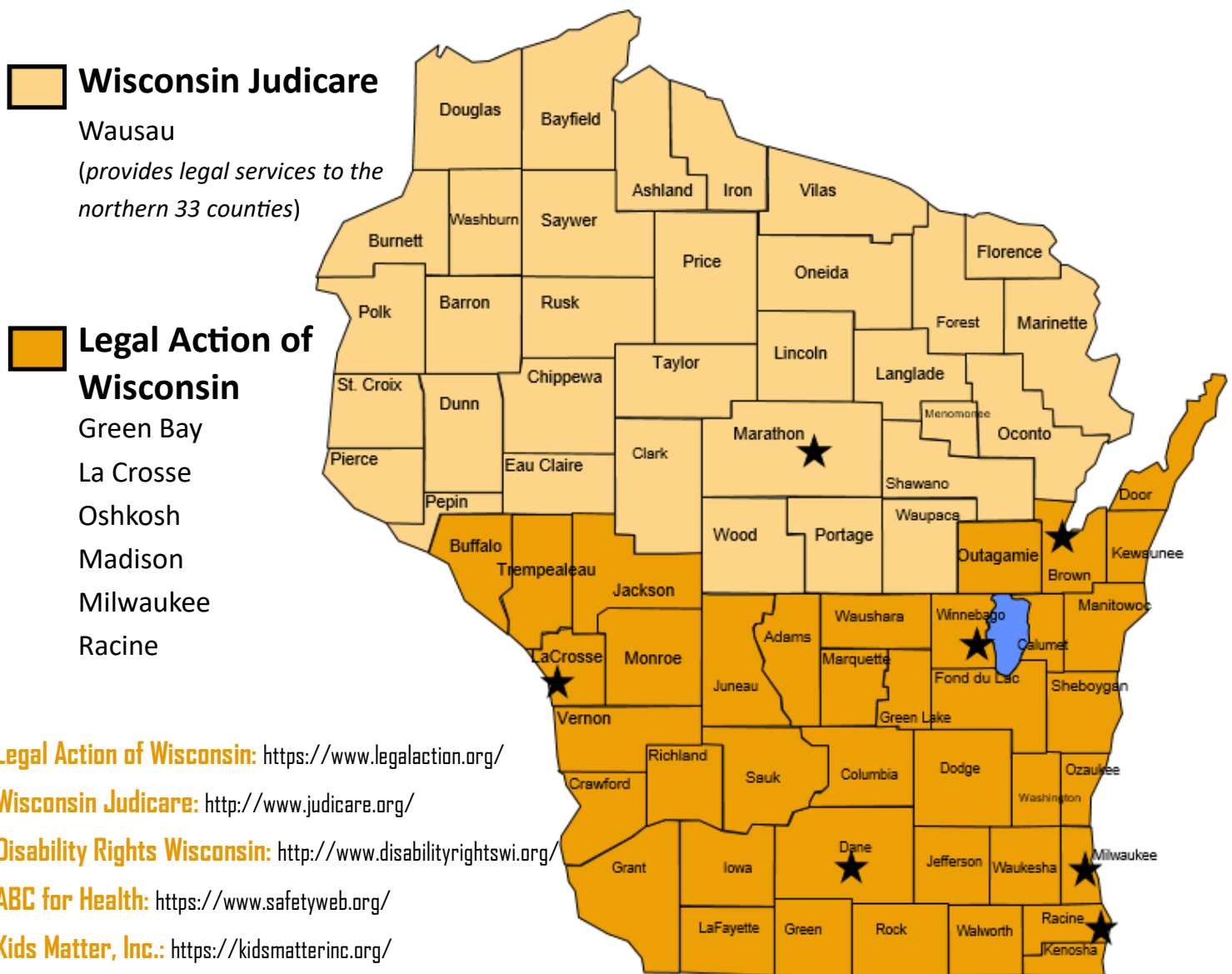
Marquette University Law School Library: <https://law.marquette.edu/law-library>

University of Wisconsin Law School Library: <http://library.law.wisc.edu/>

Wisconsin Local Court Rule: <https://www.wisbar.org/Directories/CourtRules/Pages/Circuit-Court-Rules.aspx>

Wisconsin Court System Self-help Center: <https://www.wicourts.gov/services/public/selfhelp/index.htm>

Wisconsin Legal Services Firms





Permanency Decisions

Determining the most appropriate long-term living situation and legal option for a child placed in your home is an extremely important decision for you and your family. In Wisconsin, there are a few options available based on your situation that provide different levels of resource eligibility and legal authority. You may need to access legal support when making determinations about the best permanency option. **Nothing in this fact sheet should be considered legal advice from DCF. Please consult with an attorney with any legal questions.**

Rights and Responsibilities

| | Adoption | Ch. 48.977 or Ch. 54 Guardianship | | Subsidized Guardianship |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------|
| | | with No Subsidy | with Kinship Care | |
| What are my legal rights and responsibilities to the child? | All parental rights, duties and other legal responsibilities are transferred to the adoptive parent when the court finalizes an adoption. You are legally the child's parent. | The court order will outline the rights and responsibilities that were transferred to you as the guardian. In general, all rights, duties and other legal responsibilities are transferred to the guardian when the court finalizes the transfer of guardianship, unless a partial guardianship order is issued as described below. | | |
| When do my legal rights and responsibilities to the child end? | Your legal rights and responsibilities to the child last forever. | Your legal rights and responsibilities to the child last until the child becomes an adult at age 18, or until the guardianship ends for any other reason (<i>for example, if guardianship responsibilities are returned to the child's parents</i>). | | |
| What rights and responsibilities do the former parents maintain? | The former parents have no rights or responsibilities to the child. Their rights to the child were terminated prior to the adoption. | Most of the rights and responsibilities for the child are transferred to you as the guardian. However, the court may order a partial guardianship order so that certain rights or responsibilities stay with the parent. Review the court order to find out which rights and responsibilities were transferred to you as guardian. | | |
| Can I make educational decisions for the child? | YES —Adoption transfers rights, duties and legal responsibilities to the adoptive parent. | In general, YES —be sure to review the court order, which will outline the specific rights and responsibilities that were transferred to you as the guardian. | | |
| Can I make medical decisions for the child? | YES —Adoption transfers rights, duties and legal responsibilities to the adoptive parent. | In general, YES —be sure to review the court order, which will outline the specific rights and responsibilities that were transferred to you as the guardian. | | |
| Am I responsible for the child's misconduct? | YES —Adoption transfers rights, duties and legal responsibilities to the adoptive parent. | YES —as guardian, you are legally responsible for the child's conduct. | | |
| Will I need consents to make any decisions? | NO —as parent of the child, all decision-making is your responsibility unless modified by a family court order (e.g. divorce, partial guardianship, etc.) | In general, NO —be sure to review the court order, which will outline if the child's parent maintains responsibility for any decision-making. If the court orders that a parent maintains responsibility for certain decisions, they would be required to consent for those decisions. (<i>For example, if the parent maintains the right to make medical decisions for the child, they would need to consent prior to any medical service.</i>) | | |

Rights and Responsibilities

| | Adoption | Ch. 48.977 or Ch. 54 Guardianship | | Subsidized Guardianship |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| | | with No Subsidy | with Kinship Care | |
| Will the court consider the child's opinion? | There is no legal requirement for a child to consent to adoption. A child who is 14 years old or older will be required to be at the adoption hearing, unless the court orders otherwise. | This depends on the laws associated with the type of guardianship you have for the child. More than one of the following may apply: <ul style="list-style-type: none"> • Chapter 54: does not require a child to consent to the guardianship. • Wis. Stat 48.977(4)(cm)1. requires that children over 12 years old state their opinion related to the guardianship. The court will consider their opinion when making a decision. • Wis. Stat 48.623 also requires that the child be consulted regarding a Subsidized Guardianship if 14 years old or older. | | |
| Can I change the child's name? | The adoptive parents may legally change the child's full name at the time of adoption. This decision should be made carefully, as it may impact the child's identity. If the child is old enough, they should help make this decision. | The guardianship process generally does not allow the new guardian to change the child's name. A decision to change the child's name must be made in connection with the child and their parents. | | |
| Will the Child Welfare agency still be involved in my life? | After an adoption is finalized, there is no follow-up required from the child welfare agency. If you are receiving Adoption Assistance, you may receive notices from DCF regarding your payments. | The Child Welfare agency will generally end supervision once permanency is achieved through guardianship. | The Child Welfare agency will visit your home each year to ensure you continue to be eligible for Kinship Care benefits. | The Child Welfare agency will send you a review letter each year to follow-up regarding your continued eligibility for payments. |
| Will the court still be involved in my life? | After an adoption is finalized, there are no additional court dates or court involvement related to adoption. | After guardianship is transferred, there are generally no additional court dates related to the guardianship. Under some circumstances, the court may request updates on the child and family situation each year. In addition, the court may become involved if the child's parent requests that the guardianship be terminated or modified. At that time, additional court involvement would determine if termination or modification of the guardianship is in the best interest of the child. | | |
| Will the child ever go back into foster care? | The child may return to foster care only if an agency found that you abused or neglected the child, that you were unable or unwilling to continue to care for the child, if you voluntarily place the child into out-of-home care, or based on other statutory grounds. In addition, the child may return to out-of-home care if you passed away or became otherwise incapacitated. | | | |
| Can I decide to adopt the child later? | <i>Not Applicable</i> | <p>YES—as long as you meet all requirements for adoption. However, the child would no longer be eligible for a Public Adoption or Adoption Assistance payments. This means, you would be required to complete the adoption through a Private Adoption agency. Private agencies that complete adoptions charge fees for the adoptive home study, training, and other adoption related costs. In order to adopt, you would be required to pay these fees.</p> <p>In addition, the child's parents' rights must be terminated. This will require additional legal services and may require you to hire an attorney to complete the court processes.</p> | | |

Relationship with Parents and Other Relatives

Although there may be no requirement to maintain a relationship with the child’s biological family, *it is important for the child to maintain a connection with his/her culture and family history*. A positive relationship with biological parents and other relatives may provide the child with an even larger network of support and information that can be an asset as they develop their own personal identity and transition to adulthood. Although not every family member will be a healthy connection to maintain, it is important to maintain connections with those who can be healthy and positive. The most important factor contributing to positive outcomes for children involved in the Child Welfare system is meaningful connections and lifelong relationships with family.

| | Adoption | Ch. 48.977 or Ch. 54 Guardianship | | Subsidized Guardianship |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------|
| | | with No Subsidy | with Kinship Care | |
| Am I required to allow birth parents to visit | NO —there is no legal requirement for birth parent visitation. This is a decision made by the adoptive parents. | NO —in most cases there is no legal requirement for parent visitation. This is a decision made by the child’s guardian. In some cases, courts will order specific visitation schedules for the child and his/her parent. If the court orders a visitation schedule, this schedule must be followed. | | |
| Am I required to maintain relationships with siblings or other relatives? | NO —there is generally no requirement for continued relationship with siblings or other relatives. This is a decision made by the adoptive parents. However, severing these relationships may impact the child’s identity. It is important to maintain them whenever it is safe to do so in order to support the child. | NO —in most cases there is no legal requirement for sibling or other relative visitation. This is a decision made by the child’s guardian. In some cases, courts will order specific visitation schedules for the child and siblings and/or other relatives. If the court orders a visitation schedule, this schedule must be followed. | | |
| Can the parents come back to claim the child? | NO —the birth parents’ rights have been terminated and they have no claim to the child. | YES —the parents can ask the court to terminate the guardianship. The court schedules a hearing where both the parent and guardian would have the opportunity to be heard. The court decides if the guardianship should be terminated; and if terminated, the authority to make decisions for the child is returned to the child’s parent. | | |

Financial Assistance

The type of permanence the child obtains and your relationship with the child (relative or non-relative) will impact your ability to receive financial assistance to support the child in your home.

| | | | | |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will I receive any financial assistance? | After adoption, any payments you received as a foster parent will end. If the child is eligible for Adoption Assistance, monthly | NO —you will not receive any financial assistance following guardianship. | YES —you will continue to receive the monthly payment as long as you continue to be eligible for Kinship Care. | YES —you will receive a monthly payment as long as you continue to be eligible for Subsidized Guardianship. |
| How much will my monthly payment be? | If the child is eligible for Adoption Assistance, your monthly payment will be equal to or lower than your last foster care rate. Payments are based on the Uniform Foster Care Rate Setting Policy. | Not Applicable | The Kinship Care payment is set by Wisconsin State Statute; \$48.57(3m)(am) <small>https://docs.legis.wisconsin.gov/statutes/statutes/48/48/101/57/3m/am</small> | Your monthly payment will be equal to or lower than your last foster care rate. Payments are based on the Uniform Foster Care Rate Setting Policy. |

Financial Assistance

| | Adoption | Ch. 48.977 or Ch. 54 Guardianship | | Subsidized Guardianship |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | with No Subsidy | with Kinship Care | |
| Can I request a new rate if the child's needs increase? | <p>YES– you may request an amendment to your Adoption Assistance Rate if the child's needs increase.</p> <p>Amendments can be requested beginning one year after the adoption was finalized.</p> | <i>Not Applicable</i> | The Kinship Care rate is a rate set by Wisconsin State Statute and cannot be amended or changed. | <p>YES– you may request an amendment to your Subsidized Guardianship Rate if the child's needs increase.</p> <p>Amendments can be requested beginning one year after the guardianship was established.</p> |
| If I do receive an amended rate, will this become the new rate forever? | <p>NO-Amended rates are reviewed each year to determine if the child's needs continue to require a higher rate. If a higher rate is not continued, the payment will return to the original Adoption Assistance rate.</p> | <i>Not Applicable</i> | <i>Not Applicable</i> | <p>NO-Amended rates are reviewed each year to determine if the child's needs continue to require a higher rate. If a higher rate is not continued, the payment will return to the original Subsidized Guardianship rate.</p> |
| Will my payments be reviewed regularly? | <p><i>If you receive Adoption Assistance and have not requested an amendment to that rate</i>, there will be no regular review of your rate.</p> <p><i>If you request an amendment to your Adoption Assistance Rate</i>, the amendment will be reviewed each year.</p> | <i>Not Applicable</i> | Your eligibility for the Kinship Care monthly payment will be reviewed each year. | <p>You will receive a form each year to review your continued eligibility for payments.</p> <p><i>If you request an amendment to your monthly payment</i>, the amendment will also be reviewed each year.</p> |
| Am I eligible for tax credits for the child? | Federal and State Tax Credits are sometimes available. Please check with your tax professional and visit the Internal Revenue Service (IRS) website for more information. | There is no tax credit for children under guardianships. Please check with your tax professional and visit the Internal Revenue Service (IRS) website to inquire about other available tax credits. | | |
| Can I claim the child as a dependent? | After adoption, you may claim the child as a dependent for tax purposes. | Following guardianship, you may be able to claim the child as a dependent for tax purposes. Please consult with your tax professional before claiming the child. | | |
| Is the monthly payment considered taxable income? | The Adoption Assistance subsidy is generally not considered taxable income for. <i>Please consult with a tax professional.</i> | <i>Not Applicable</i> | The Kinship Care Rate is generally not considered taxable income. <i>Please consult with a tax professional</i> | The Subsidized Guardianship rate is generally not considered taxable income. <i>Please consult with a tax professional.</i> |

Health Care Coverage

Health Care Coverage options for the child differ based on the type of permanency. Under some options, children are eligible to receive Wisconsin Medicaid based off their Subsidized Guardianship or adoption agreement without a financial requirement. If the child is not eligible based on a Subsidized Guardianship or adoption agreement, you will need to apply to Wisconsin Medicaid to determine if they are eligible for other Wisconsin Medicaid options or locate private insurance coverage for the child.

| | Adoption | Ch. 48.977 or Ch. 54 Guardianship | | Subsidized Guardianship |
|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | with No Subsidy | with Kinship Care | |
| Will the child be eligible for Medicaid? | <p><i>If you have an Adoption Assistance Agreement and the child resides in Wisconsin</i>, the child is eligible for Wisconsin Medicaid based on the adoption agreement.</p> <p><i>If you do not have an Adoption Assistance Agreement</i>, the child must apply for Wisconsin Medicaid in order to be eligible.</p> | <p>The child in your care may be eligible for Wisconsin Medicaid, but you must apply in order to determine eligibility.</p> | | <p>YES— all children under a Subsidized Guardianship Agreement whose state of residence is Wisconsin are eligible for Wisconsin Medicaid due to the guardianship agreement.</p> |
| What if the child is not eligible for Medicaid? | <p>If the child is not eligible for Medicaid based on the adoption agreement, or you apply and the child is not eligible, you will need to place the child on your own private health insurance or access other private health insurance to cover your child’s healthcare needs.</p> | <p>If you apply for Wisconsin Medicaid and the child is not eligible, you will need to place the child on your own private health insurance or access other private health insurance to cover the child’s healthcare needs.</p> | | <p>Not applicable. All children under Subsidized Guardianship Agreements whose state of residence is Wisconsin are eligible for Medicaid.</p> |
| Am I required to put the child on my private health insurance? | <p>NO— you are not required to put the child on your private health insurance plan. However, you should be able to put the child on your private health insurance if you choose to do so.</p> | <p>NO— you are not required to put the child on your private health insurance plan. However, you should be able to put the child on your private health insurance if you choose to do so. You will need to provide proof of guardianship to your insurance provider.</p> <p>If you choose to put the child in your home on your private health insurance plan, and the child also receives Medicaid, your private insurance must be used as “primary insurance” for the child. <i>See below for more details.</i></p> | | |
| Can I put the child on my private health insurance plan even if they are covered by Medicaid? | <p>YES— your private health insurance becomes the “primary insurance” and Medicaid becomes “secondary insurance.” This means your private insurer will be billed first, and Medicaid is billed second. As secondary insurance, Medicaid is considered the “payer of last resort” and will be charged for services not covered by your private health insurance plan.</p> | | | |

Eligibility for Other Services

Based on the permanency type and family situation, you may be eligible for other services to support the child in your home.

| | Adoption | Ch. 48.977 or Ch. 54 Guardianship | | Subsidized Guardianship |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| | | with No Subsidy | with Kinship Care | |
| Child Support | Any obligation by the parents to pay child support for the child is ended due to Termination of Parental Rights and Adoption. | As the child's guardian, you can request that the court order the parent to pay you child support for the care of the child in your home. | The child's parent may be ordered to make child support payments to the agency that is paying for Kinship Care, unless good cause has been filed. | The child's parent may be ordered to make child support payments to the agency that is paying for Subsidized Guardianship. |
| Social Security Survivor Benefits | An adopted child is entitled to continue to receive survivor benefits due to the death of his or her birth parents. Also—an adopted child is entitled to receive survivor benefits due to the death of his or her adoptive parents. | A child under a guardianship may still receive survivor benefits from the death of his or her parents. The child would not be eligible to receive survivor benefits due to the death of his or her guardian. | A child under a guardianship generally may still receive survivor benefits from the death of his or her parents. The child would not be eligible to receive survivor benefits due to the death of his or her guardian. Because the guardian receives a monthly payment, the agency providing the reimbursement will receive the Social Security benefits on the child's behalf to pay for the child's cost of care. Any benefit above the cost of care will be placed in a trust that may be accessed to support additional child needs. | |
| Wisconsin Shares Child Care Subsidy | Adoption does not automatically qualify your child for this program. General eligibility criteria applies to you and your child. | Guardianship does not automatically qualify your child for this program. General eligibility criteria applies to you and your child. | The child's eligibility for this program will first be based on the household income of their parent. If the household income of the child's parent is higher than the income eligibility, the income based test for eligibility will then be based off the guardian's income. | |
| Residential Treatment Services | YES — you can access residential treatment. It will not be state or county funded unless the child enters out-of-home care through your local child welfare agency. You will need to access your private insurance to pay, or utilize another funding source. | | YES — you can access residential treatment the same way any parent would. It will not be state or county funded unless the child enters out-of-home care through your local child welfare agency. You will need to access your private insurance to pay, or utilize another funding source. <i>If the child does move in to a residential treatment program, it may affect your ability to continue to receive a monthly payment.</i> | |
| Free or Reduced Lunch | Adoption does not automatically qualify your child for free or reduced lunch. General eligibility criteria applies to you and your child. | Children under guardianships are not automatically eligible for free or reduced lunch. General eligibility criteria applies to you and your child. | | |

Eligibility for Other Services

| | Adoption | Ch. 48.977 or Ch. 54 Guardianship | Subsidized Guardianship |
|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| | | with Kinship Care | |
| Independent Living Services and Education Vouchers | <p>Youth adopted after their 16th birthday are eligible for independent living services and education vouchers.</p> <p>Youth who were adopted are not eligible for room and board supports.</p> | <p>If the youth was previously in out-of-home care and guardianship under Wis. Stat 48.977 is transferred after their 16th birthday, the youth is eligible for independent living services and education vouchers, also known as the Brighter Star Program in Wisconsin.</p> | |
| Financial Aid (FAFSA) | <p><i>If the youth was in out-of-home care for at least one day after their 13th birthday prior to finalization of adoption or guardianship, the child may be eligible to apply for federal financial aid with “independent” status.</i></p> <p><i>If the youth was never in out-of-home care after their 13th birthday or adoption or guardianship were finalized prior to their 13th birthday, they will apply for federal financial aid by following the same general criteria as other students.</i></p> | | |

Moving Out of State

Moving out of state may impact your eligibility for services and your ability to continue to receive payment.

| | | | | |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Will my financial benefits continue if I move out-of-state? | <p>YES— if your Adoption Assistance Agreement is still in effect, your payments will continue if you move out-of-state.</p> <p><i>You must notify DCF prior to your move.</i></p> | <i>Not Applicable</i> | <p>NO—you may only receive the Kinship Care payment if you reside in Wisconsin.</p> | <p>YES—if your Subsidized Guardianship is still in effect, your payments will continue out-of-state.</p> <p><i>You must notify the agency that maintains your payment prior to your move.</i></p> |
| Will Wisconsin Medicaid eligibility continue if I move out of state? | <p>LIKELY—depending on the state you move to, your child’s Medicaid eligibility may continue.</p> <p>Some states do not recognize Wisconsin Medicaid; in this case, you would then be required to apply for Medicaid in your new state or find alternative coverage.</p> <p><i>You must notify DCF prior to your move. DCF will be able to let you know if your new state of residence will accept Wisconsin Medicaid.</i></p> | <p>NO—You will need to re-apply for Medicaid in your new state of residence.</p> | <p>NO—You will need to re-apply for Medicaid in your new state of residence.</p> | <p>LIKELY—depending on the state you move to, your child’s Medicaid eligibility may continue.</p> <p>Some states do not recognize Wisconsin Medicaid; you would then be required to apply for Medicaid in your new state or find alternative coverage.</p> <p><i>Contact DCF to find out if your new state of residence accepts Wisconsin Medicaid.</i></p> |

Moving Out of State

| | Adoption | Ch. 48.977 or Ch. 54 Guardianship | | Subsidized Guardianship |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------|
| | | with No Subsidy | with Kinship Care | |
| Can the child's biological parent restrict my ability to move out-of-state? | Adoptive parents have decision making responsibility regarding connections with birth families. Moving out of state may affect a child's ability to maintain contact with biological family or other | Guardians are able to move out of state with the children placed in their care. However, that child's parent can petition the court to restrict your ability to move with the child. If the court agrees that the child should stay in Wisconsin in order to maintain contact with their parents, you may be unable to move out of state and maintain guardianship of the child. | | |

Death Planning

| | | | | |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| How do I make plans for who will care for the child after I pass away? | <p>You will make plans for the child in the same way any other parent plans. Be sure to have conversations with the individual(s) that you would like to take over care responsibility should you pass away. You may also want to contact an attorney to create or update your Will to reflect your wishes for the child.</p> <p>If a Child Welfare Agency was involved in finalizing the child's adoption or guardianship, they may become involved again if you pass away to identify a new permanent caregiver for the child.</p> | | | <p>Subsidized Guardianship allows you to identify a "successor guardian." The person you identify will be contacted as the individual to take over care responsibility if you pass away or become otherwise incapacitated.</p> <p>Contact the agency that maintains your payment to add a Successor Guardian to your Agreement.</p> |
| Will my monthly payment transfer to the child's new caregiver? | <p>NO—Adoption assistance will not transfer to the new caregiver.</p> <p>The child's new caregiver would need to adopt the child and apply for Adoption Assistance.</p> | <p><i>Not Applicable</i></p> | <p>NO—the child's new caretaker will need to apply for Kinship Care Benefits.</p> | <p>YES—if you have a Successor Guardian identified, the payment will transfer to them while a new Subsidized Guardianship Agreement is being developed.</p> |
| Will the child receive an inheritance when I pass away? | <p>YES—Adoptive and Biological children have the same right to inheritance when the parent does not have a Will. If a Will is developed, inheritance rights depend on the contents of that will.</p> <p>The child's right to inherit from birth parents is ended.</p> | | | <p>NO—Children under a guardianship do not have a right to receive inheritance from their guardian if the guardian dies without a will in place that provides for the child to receive an inheritance. If you would like the child to receive inheritance, you should consult with an attorney to create or update your "Last Will and Testament."</p> |

Kinship Navigator Guide Resources

Wisconsin Department of Children and Families

201 East Washington Avenue, Second Floor
P.O. Box 8916
Madison, WI 53703-8916
Main Contact Telephone Number: 608-422-7000
Fax: 608-422-7163
Email: dcfweb@wisconsin.gov
<https://dcf.wisconsin.gov/>

Coalition for Children, Youth & Families

6682 W. Greenfield Ave. Ste. 310
Milwaukee, WI 53214
T/TTY: 414-475-1246
FAX: 414-475-7007
TOLL FREE: 1-800-762-8063
Email: info@coalitionforcyf.org
<https://coalitionforcyf.org/>

- **AARP Grandfacts:** A State Fact Sheet for Grandparents and Other Relatives Raising Children— A list of county and regional programs and support groups can be found in this comprehensive resource. <https://www.aarp.org/content/dam/aarp/relationships/friends-family/grandfacts/grandfacts-national.pdf>
- **Bureau of Aging & Long Term Care Resources:** Access point to a variety of information on programs and services in Wisconsin for older people and caregivers. <https://www.dhs.wisconsin.gov/aging/index.htm>
- **FoodShare Wisconsin:** Provides extra food dollars to people with limited financial resources. 800-362-3002 <https://www.dhs.wisconsin.gov/foodshare/index.htm>
- **Generations United** – a Facebook group that promotes the rights of grandparent caregivers, as well as inter-generational living and policies. <https://www.facebook.com/generationsunited/>
- **GRAND Resource Guide** (Grandparents/Relatives Raising And Nurturing Dependent Children) aka Grandparents Raising Grandchildren Partnership of Wisconsin <https://fyi.extension.wisc.edu/grandparenting/files/2011/03/GRANDResourceGuide.pdf>
- **Kids Matter Inc.** <https://kidsmatterinc.org/get-help/for-families/kinship-care/kinship-resources/>
- **Wisconsin Adoption and Permanency Support Program.** Supportive services for Wisconsin’s adoptive, guardianship and kinship families, adult adoptees and birth families. 833-947-2777 <http://wisapsp.org>
- **Wisconsin DCF Kinship Care Program:** An overview of the state kinship care program with contact information for each county’s Kinship Care Coordinator(s). <https://dcf.wisconsin.gov/kinship>
- **Wisconsin Family Caregiver Support Program:** The state of Wisconsin has created a comprehensive guide for relative caregivers with support and information, links to inclusive lists of resources (including individual county resources to support you when you are raising children of your relatives.) Toll-free phone number: 866-843-9810 <http://wisconsin caregiver.org/>
- **Wisconsin WIC Program:** The Special Supplemental Nutrition Program for Women, Infants, and Children, which provides supplemental nutritious foods, nutrition and breast feeding information, and referral to other health and nutritional services. 800-722-2295 <https://www.dhs.wisconsin.gov/wic/index.htm>



“Every child deserves a champion—an adult who will never give up on them, who understands the power of connection and insists that they become the best they can possibly be.”

— Rita F. Pierson

COALITION FOR CHILDREN, YOUTH & FAMILIES

6682 West Greenfield Avenue Suite 310
Milwaukee WI 53214
T/TTY 414.475.1246
TOLL FREE 1.800.762.8063
FAX 414.475.7007

info@coalitionforcyf.org

Family of websites:

coalitionforcyf.org

wiadopt.org

wifostercareandadoption.org

