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HOUSE BILL 1373

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State of Washington

55th Legislature

1997 Regular Session

By Representatives McDonald, Tokuda, Kastama, Dickerson, Poulsen, Linville, Costa, Blalock, Cooper, Dunshee, Cooke, Mason and Wood; by request of Department of Social and Health Services

Read first time 01/23/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to interstate agreements to provide adoption  
2 assistance for special needs children; adding new sections to chapter  
3 74.13 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Finding adoptive families for children for whom state  
7 assistance under RCW 74.13.100 through 74.13.145 is desirable and  
8 assuring the protection of the interest of the children affected during  
9 the entire assistance period require special measures when the adoptive  
10 parents move to other states or are residents of another state.

11 (2) Provision of medical and other necessary services for children,  
12 with state assistance, encounters special difficulties when the  
13 provision of services takes place in other states.

14 NEW SECTION. **Sec. 2.** The purposes of sections 1 through 8 of this  
15 act are to:

16 (1) Authorize the department to enter into interstate agreements  
17 with agencies of other states for the protection of children on behalf  
18 of whom adoption assistance is being provided by the department; and

1 (2) Provide procedures for interstate children's adoption  
2 assistance payments, including medical payments.

3 NEW SECTION. **Sec. 3.** The definitions in this section apply  
4 throughout sections 1 through 8 of this act unless the context clearly  
5 indicates otherwise.

6 (1) "Adoption assistance state" means the state that is signatory  
7 to an adoption assistance agreement in a particular case.

8 (2) "Residence state" means the state where the child is living.

9 (3) "State" means a state of the United States, the District of  
10 Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam,  
11 the Commonwealth of the Northern Mariana Islands, or a territory or  
12 possession of or administered by the United States.

13 NEW SECTION. **Sec. 4.** The department is authorized to develop,  
14 participate in the development of, negotiate, and enter into one or  
15 more interstate compacts on behalf of this state with other states to  
16 implement one or more of the purposes set forth in sections 1 through  
17 8 of this act. When entered into, and for so long as it remains in  
18 force, such a compact has the force and effect of law.

19 NEW SECTION. **Sec. 5.** A compact entered into pursuant to the  
20 authority conferred by sections 1 through 8 of this act must have the  
21 following content:

22 (1) A provision making it available for joinder by all states;

23 (2) A provision for withdrawal from the compact upon written notice  
24 to the parties, but with a period of one year between the date of the  
25 notice and the effective date of the withdrawal;

26 (3) A requirement that the protections afforded by or pursuant to  
27 the compact continue in force for the duration of the adoption  
28 assistance and be applicable to all children and their adoptive parents  
29 who, on the effective date of the withdrawal, are receiving adoption  
30 assistance from a party state other than the one in which they are  
31 resident and have their principal place of abode;

32 (4) A requirement that each instance of adoption assistance to  
33 which the compact applies be covered by an adoption assistance  
34 agreement that is (a) in writing between the adoptive parents and the  
35 state child welfare agency of the state that undertakes to provide the  
36 adoption assistance, and (b) expressly for the benefit of the adopted

1 child and enforceable by the adoptive parents and the state agency  
2 providing the adoption assistance; and

3 (5) Such other provisions as are appropriate to implement the  
4 proper administration of the compact.

5 NEW SECTION. **Sec. 6.** A compact entered into pursuant to the  
6 authority conferred by sections 1 through 8 of this act may contain  
7 provisions in addition to those required under section 5 of this act,  
8 as follows:

9 (1) Provisions establishing procedures and entitlement to medical  
10 and other necessary social services for the child in accordance with  
11 applicable laws, even through the child and the adoptive parents are in  
12 a state other than the one responsible for or providing the services or  
13 the funds to defray part or all of the costs of the services; and

14 (2) Such other provisions as are appropriate or incidental to the  
15 proper administration of the compact.

16 NEW SECTION. **Sec. 7.** (1) A child with special needs who resides  
17 in this state and is the subject of an adoption assistance agreement  
18 with another state is entitled to receive a medical assistance  
19 identification card from this state upon the filing with the department  
20 of a certified copy of the adoption assistance agreement obtained from  
21 the adoption assistance state. In accordance with regulations of the  
22 medical assistance administration, the adoptive parents are required at  
23 least annually to show that the agreement is still in force or has been  
24 renewed.

25 (2) The medical assistance administration shall consider the holder  
26 of a medical assistance identification under this section as any other  
27 holder of a medical assistance identification under the laws of this  
28 state and shall process and make payment on claims in the same manner  
29 and under the same conditions and procedures as for other recipients of  
30 medical assistance.

31 (3) The medical assistance administration shall provide coverage  
32 and benefits for a child who is in another state and is covered by an  
33 adoption assistance agreement made by the department for the coverage  
34 or benefits, if any, not provided by the residence state. Adoptive  
35 parents acting for the child may submit evidence of payment for  
36 services or benefit amounts not payable in the residence state for  
37 reimbursement. No reimbursement may be made for services or benefit

1 amounts covered under any insurance or other third party medical  
2 contract or arrangement held by the child or the adoptive parents. The  
3 department shall adopt rules implementing this subsection. The  
4 additional coverage and benefit amounts provided under this subsection  
5 must be for services to the cost of which there is no federal  
6 contribution, or which, if federally aided, are not provided by the  
7 residence state. The rules must include procedures to be followed in  
8 obtaining prior approval for services if required for the assistance.

9 (4) The submission of any claim for payment or reimbursement for  
10 services or benefits under this section or the making of any statement  
11 that the person knows or should know to be false, misleading, or  
12 fraudulent is punishable as perjury under chapter 9A.72 RCW.

13 (5) This section applies only to medical assistance for children  
14 under adoption assistance agreements from states that have entered into  
15 a compact with this state under which the other state provided medical  
16 assistance to children with special needs under adoption assistance  
17 agreements made by this state. All other children entitled to medical  
18 assistance under an adoption assistance agreement entered into by this  
19 state are eligible to receive assistance in accordance with the  
20 applicable laws and procedures.

21 NEW SECTION. **Sec. 8.** Consistent with federal law, the department,  
22 in connection with the administration of sections 1 through 7 of this  
23 act and any pursuant compact shall include in any state plan made  
24 pursuant to the adoption assistance and child welfare act of 1980 (P.L.  
25 96-272), Titles IV(e) and XIX of the social security act, and any other  
26 applicable federal laws, the provision of adoption assistance and  
27 medical assistance for which the federal government pays some or all of  
28 the cost. The department shall apply for and administer all relevant  
29 federal aid in accordance with law.

30 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act are each  
31 added to chapter 74.13 RCW.

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