

SENATE BILL REPORT

SB 5803

As Reported by Senate Committee On:
Human Services & Corrections, February 20, 2009

Title: An act relating to the adoption support program.

Brief Description: Making changes to the adoption support program.

Sponsors: Senators Shin, Kauffman and Berkey.

Brief History:

Committee Activity: Human Services & Corrections: 2/20/09 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Jennifer Strus (786-7316)

Background: The Adoption Support Program assists families adopting children who have been in out-of-home care by providing ongoing financial and medical benefits to qualified children based on state and federal regulations.

To qualify for adoption support, the Department of Social and Health Services (DSHS) must have made the determination that adoption is in the child's best interest. In addition, the child must:

- be less than 18 years of age when DSHS and the adoptive parent have signed the Adoption Support agreement;
- be legally free (birth parents rights have been terminated);
- have special needs; and
- be in state-funded foster care (or eligible for and likely to be placed in foster care) or be eligible for federally-funded adoption assistance.

All children participating in the Adoption Support Program are eligible to receive medical and dental services through Medicaid. Families must first access existing private insurance

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and Medicaid can then be billed for any remaining costs up to the maximum allowable Medicaid rate.

Families who adopt children and qualify for adoption support also qualify for initiating counseling services. The family's primary insurance must be applied first and the reimbursement for counseling after insurance is applied is paid at adoption support rate levels. Initial counseling services do not include residential mental health services.

Adoptive parents are also eligible for reimbursement for nonrecurring costs, which are a one time expense incurred by the adoptive parent to finalize the adoption of an eligible child. The maximum reimbursable costs are \$1,500 per child and payment is made after the adoption is finalized. The types of costs that are reimbursable include court costs directly related to finalizing an adoption; reasonable and necessary adoption fees; reasonable and necessary attorney fees directly related to finalizing an adoption; and costs associated with an adoption home study.

Adoptive parents who qualify for the Adoption Support Program are entitled to an adoption subsidy. The subsidy is a negotiated monthly cash payment provided to adoptive families to help cover some of the expenses involved in raising a child with special needs. The amount of the payment is based on the child's needs and family's circumstances jointly determined through the negotiation between the family and DSHS, and must not exceed the amount the child would receive if the child were in a foster family home.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): Six months before the adoption is finalized, DSHS must provide, in writing, to the prospective adoptive parents information describing the limits of the adoption support program. DSHS must include at least the following:

- the limits on the monthly subsidies to adoptive families;
- the limits on the availability of mental health services and the funds with which to pay for these services;
- how to access mental health services for adoptive children;
- the limits on the reimbursement for nonrecurring costs;
- a statement that payment for residential or group care is not available for children receiving adoption support; and
- the risks inherent in adopting a child from DSHS.

The above information must also be provided to prospective foster parents at the foster parent preservice training.

Appropriation: None.

Fiscal Note: Available for the Original Bill.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The deception that DSHS uses to trick families into adopting children out of the foster care system should not be allowed. There is abject disregard for the children by the state once they are adopted. Families relying on information they received before the child was adopted is often not sufficient and the families are surprised when they need assistance with adoptive children and it is not forthcoming from DSHS. No other adoptive families would testify today because they were afraid of retaliation by DSHS. Knowing the limits of the adoption support program before adopting is essential. It is unfair to the child and the family that the services they rely on while the child is in foster care are not available once the child is adopted. The need for services does not end with the adoption of the child. Adoptive parents need a direct, unvarnished picture of what they are getting into when adopting a child out of the foster care system and this bill will help in that regard.

Persons Testifying: PRO: Senator Shin, prime sponsor; Richard Langley, adoptive parent; Linda Green Baskett, Dan Nord, Washington Adoptive Families Alliance.