

SENATE BILL REPORT

SHB 2657

As of February 20, 2012

Title: An act relating to adoption support expenditures.

Brief Description: Revising provisions affecting adoption support expenditures.

Sponsors: House Committee on Health & Human Services Appropriations & Oversight (originally sponsored by Representatives Roberts, Kagi, Maxwell and Kenney).

Brief History: Passed House: 2/09/12, 97-0.

Committee Activity: Human Services & Corrections: 2/21/12.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Jennifer Strus (786-7316)

Background: The Adoption Support Program is governed by both state and federal law. Washington's adoption support statutes were adopted in 1971, almost ten years before the federal law was passed. Washington law authorizes support for hard to place children without defining the term while the federal law uses and defines the term special needs child. Because the federal adoption support law is part of Title IV-E of the Social Security Act, it requires any state having an approved Title IV-E plan to enter into adoption assistance (support) agreements with the adoptive parents of special needs children.

Federal law requires that three criteria be met for a child to qualify as a special needs child: (1) the child cannot be returned home; (2) the child has a specific factor or condition that makes it reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance or Medicaid; and (3) the state must determine that in each case, a reasonable but unsuccessful effort to place the child with appropriate parents without providing adoption assistance has been made.

Under the second criteria above, the state has the right to determine what constitutes a special factor or condition. Washington defines a hard to place child as:

- a child of a minority ethnic background;
- a child who is six years of age or older at the time of the application for adoption support;
- a child who is a member of a sibling group of three or more or of a sibling group in which one or more sibling meets the definition of special needs;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- a child who is diagnosed with a physical, mental, developmental, cognitive, or emotional disability; or
- a child who is at risk for a diagnosis of a physical, mental, developmental, cognitive, or emotional disability due to prenatal exposure to toxins, a history of serious abuse or neglect, or genetic history.

An adoption support agreement entered into between the adoptive parents and the state is a contract. Under federal law, agreements must be individually negotiated and the amount of the subsidy cannot exceed the amount of the foster care maintenance payment the child would receive if the child were in foster care.

The adoption support program may provide one or more of the following benefits:

- reimbursement for nonrecurring adoption finalization costs – limited to \$1500 per child;
- cash payments – adoption subsidy;
- payment for counseling services as preauthorized; or
- medical services through the Medicaid program.

In the 2011-13 biennial operating budget, the Legislature limited the adoption support payments to 90 percent of the foster care maintenance payment the child would have received had he or she remained in foster care during the same period. This limitation became effective in 2011 and applied only to those adoption support agreements entered into after the budget became effective.

Summary of Bill: For any adoption support agreement entered into on or after July 1, 2013, the amount of the adoption support payment cannot be more than 80 percent of the foster care maintenance payment the child would have received had the child remained in a foster family home during the same period.

The Department of Social and Health Services (DSHS) must establish a centralized unit of adoption support negotiators to help ensure that adoption support agreements are consistently negotiated across the state and balance the needs of adoptive families with the state's need to remain fiscally responsible.

DSHS must request in writing that, if fiscally feasible for the family, that adoptive families with existing adoption support agreements renegotiate their contracts to establish lower ongoing adoption assistance payments.

DSHS must convene a workgroup, as part of its children's mental health redesign process, to develop recommendations to better address the mental health service needs of adoptive families and reduce the families' need to spend adoption support payments on mental health services for their adoptive children. In developing recommendations, the workgroup should address the following:

- the mental health service needs of children in adoption support households;
- the existing service and provider capacity to meet the identified needs of children in adoption support households;
- any additional provider training, consultation or capacity necessary to meet unmet service needs and increase the use of appropriate evidence-based practices.

The workgroup must issue its recommendations to the Legislature no later than December 15, 2012.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.