

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 869

AN ACT

To repeal sections 453.073 and 453.074, RSMo, and to enact in lieu thereof two new sections relating to adoption subsidies.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 453.073 and 453.074, RSMo, are repealed  
2 and two new sections enacted in lieu thereof, to be known as  
3 sections 453.073 and 453.074, to read as follows:

4           453.073. 1. The children's division is authorized to grant  
5 a subsidy to a child in one of the forms of allotment defined in  
6 section 453.065. Determination of the amount of monetary need is  
7 to be made by the division at the time of placement, if  
8 practicable, and in reference to the needs of the child,  
9 including consideration of the physical and mental condition, and  
10 age of the child in each case; provided, however, that the  
11 subsidy amount shall not exceed the expenses of foster care and  
12 medical care for foster children paid under the homeless,  
13 dependent and neglected foster care program.

14           2. Beginning January 1, 2015, subsidy agreements entered  
15 into under this section shall include a provision allowing for  
16 the suspension or redirection of subsidy payments in the event  
17 that the child has been:

18           (1) Adjudicated dependent and made a ward of the court  
19 under subdivision (1) of subsection 1 of section 211.031; and

1           (2) Removed from the physical or legal custody of the  
2 parent or parents by a court of competent jurisdiction.

3           3. The subsidy shall be paid for children who have been in  
4 the care and custody of the children's division under the  
5 homeless, dependent and neglected foster care program. In the  
6 case of a child who has been in the care and custody of a private  
7 child-caring or child-placing agency or in the care and custody  
8 of the division of youth services or the department of mental  
9 health, a subsidy shall be available from the children's division  
10 subsidy program in the same manner and under the same  
11 circumstances and conditions as provided for a child who has been  
12 in the care and custody of the children's division.

13           [3.] 4. Within thirty days after the authorization for the  
14 grant of a subsidy by the children's division, a written  
15 agreement shall be entered into by the division and the parents.  
16 The agreement shall set forth the following terms and conditions:

17           (1) The type of allotment;

18           (2) The amount of assistance payments;

19           (3) The services to be provided;

20           (4) The time period for which the subsidy is granted, if  
21 such period is reasonably ascertainable;

22           (5) The obligation of the parents to inform the division  
23 when they are no longer providing support to the child or when  
24 events affect the subsidy eligibility of the child;

25           (6) The eligibility of the child for Medicaid; and

26           (7) That the children's division may suspend or redirect  
27 subsidy payments under subsection 2 of this section.

28           453.074. 1. The children's division [of family services]

1 shall have the following duties in the administration of the  
2 subsidy program:

3 (1) Notify all petitioners for adoption of the availability  
4 of subsidies for a child;

5 (2) Provide all petitioners for adoption with the rules and  
6 eligibility requirements for subsidies;

7 (3) Inform the parents of a child receiving a subsidy of  
8 reductions, suspensions, or redirections under subsection 2 of  
9 section 453.073, or other modifications in the terms and  
10 conditions of the written agreement;

11 (4) Establish procedures for the resolution of disputes  
12 involving the delay, denial, suspensions, or redirections under  
13 subsection 2 of section 453.073, amount or type of subsidy;

14 (5) File an annual report to the legislature in the budget  
15 proposal on the adoption subsidy program, including but not  
16 limited to, the number and types of subsidies being paid, an  
17 accounting of state and federal funds expended, and a projection  
18 of future monetary needs to maintain the subsidy program;

19 (6) Comply with all federal laws relating to adoption  
20 subsidies in order to maintain the eligibility of the state of  
21 Missouri for federal funds.

22 2. The provisions of this section shall not apply to the  
23 adoption of a child by the spouse of a biological parent or an  
24 adoptive parent.