

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 869

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Offered April 15, 2014.

Senate Substitute adopted, April 15, 2014.

Taken up for Perfection April 15, 2014. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

5745S.03P

AN ACT

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

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 453.073 and 453.074, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 453.073 and 453.074, to read as follows:

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

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

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

(2) **Removed from the physical or legal custody of the parent or**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 **parents by a court of competent jurisdiction.**

16 **3.** The subsidy shall be paid for children who have been in the care and
17 custody of the children's division under the homeless, dependent and neglected
18 foster care program. In the case of a child who has been in the care and custody
19 of a private child-caring or child-placing agency or in the care and custody of the
20 division of youth services or the department of mental health, a subsidy shall be
21 available from the children's division subsidy program in the same manner and
22 under the same circumstances and conditions as provided for a child who has
23 been in the care and custody of the children's division.

24 **[3.] 4.** Within thirty days after the authorization for the grant of a
25 subsidy by the children's division, a written agreement shall be entered into by
26 the division and the parents. The agreement shall set forth the following terms
27 and conditions:

- 28 (1) The type of allotment;
- 29 (2) The amount of assistance payments;
- 30 (3) The services to be provided;
- 31 (4) The time period for which the subsidy is granted, if such period is
32 reasonably ascertainable;
- 33 (5) The obligation of the parents to inform the division when they are no
34 longer providing support to the child or when events affect the subsidy eligibility
35 of the child;
- 36 (6) The eligibility of the child for Medicaid; **and**
- 37 **(7) That the children's division may suspend or redirect subsidy**
38 **payments under subsection 2 of this section.**

453.074. 1. The **children's** division [of family services] shall have the
2 following duties in the administration of the subsidy program:

- 3 (1) Notify all petitioners for adoption of the availability of subsidies for
4 a child;
- 5 (2) Provide all petitioners for adoption with the rules and eligibility
6 requirements for subsidies;
- 7 (3) Inform the parents of a child receiving a subsidy of reductions,
8 **suspensions, or redirections under subsection 2 of section 453.073**, or
9 other modifications in the terms and conditions of the written agreement;
- 10 (4) Establish procedures for the resolution of disputes involving the delay,
11 denial, **suspensions, or redirections under subsection 2 of section**
12 **453.073**, amount or type of subsidy;

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

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

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

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