

FIRST REGULAR SESSION

HOUSE BILL NO. 970

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time April 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2227L.011

AN ACT

To repeal section 453.073, RSMo, and to enact in lieu thereof one new section relating to adoption subsidies.

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

Section A. Section 453.073, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.073, to read as follows:

453.073. 1. The **children's** division [of family services] 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. The subsidy shall be paid for children who have been in the care and custody of the **children's** division [of family services] under the homeless, dependent and neglected foster care program. In the case of a child who has been in the care and custody of a private child-caring or child-placing agency or in the care and custody of the division of youth services or the department of mental health, a subsidy shall be available from the **children's** division [of family services] subsidy program in the same manner and under the same circumstances and conditions as provided for a child who has been in the care and custody of the **children's** division [of family services].

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

19 (1) The type of allotment;

20 (2) The amount of assistance payments;

21 (3) The services to be provided;

22 (4) The time period for which the subsidy is granted, if that period is reasonably
23 ascertainable;

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

26 (6) The eligibility of the child for Medicaid.

27 **4. The subsidy shall only be granted to children who reside in a household with an**
28 **income that does not exceed three hundred percent of the federal poverty level unless the**
29 **child is considered special needs or to children who are eligible for Title IV-E adoption**
30 **assistance. All children, regardless of the household income, shall automatically be eligible**
31 **for assistance under the state Medicaid program until the child is eighteen years of age or**
32 **twenty-one years of age if the child has a special condition, and for subsidized child care**
33 **until such child reaches the age of thirteen.**

34 **5. The department shall promulgate rules defining special needs, taking into**
35 **consideration the mental, emotional, or physical disability, and difficulty in placement,**
36 **requiring substantial extraordinary expenses associated with the ongoing care and**
37 **maintenance of the individual. The rules shall comply with all applicable federal and state**
38 **laws. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that**
39 **is created under the authority delegated in this section shall become effective only if it**
40 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
41 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
42 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
43 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
44 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
45 **adopted after August 28, 2005, shall be invalid and void.**