

SECOND REGULAR SESSION

HOUSE BILL NO. 1793

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES YATES (Sponsor), KRAUS, DUSENBERG, JOHNSON (47), SCHNEIDER, LeVOTA, LOW (39), CURLS, PRATT, SALVA, HUGHES, STEVENSON, TILLEY, MOORE, BURNETT AND DOUGHERTY (Co-sponsors).

Read 1st time February 16, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5185L.02I

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Section A. Section 453.073, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.073, to read as follows: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

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.

13 under the same circumstances and conditions as provided for a child who has been in the care
14 and custody of the children's division.

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

18 (1) The type of allotment;

19 (2) The amount of assistance payments;

20 (3) The services to be provided;

21 (4) [The time period for which the subsidy is granted shall not exceed one year. The
22 agreement can be renewed for subsequent years at the discretion of the director. All existing
23 agreements will have deemed to have expired one year after they were initially entered into]
24 **Subsidy agreements may be annually reviewed by the children's division. Changes to the**
25 **agreement shall only be made with the written concurrence of the adoptive parents, except**
26 **in one of the following circumstances:**

27 (a) **Marriage of the adopted child;**

28 (b) **Death of the child;**

29 (c) **Legal emancipation of the child;**

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

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

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

40 5. The department shall promulgate rules defining special needs, taking into
41 consideration the mental, emotional, or physical disability, and difficulty in placement,
42 requiring substantial extraordinary expenses associated with the ongoing care and
43 maintenance of the individual. Such rules shall comply with all applicable federal and
44 state laws. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
45 that is created under the authority delegated in this section shall become effective only if
46 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
47 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
48 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,

49 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
50 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
51 adopted after August 28, 2006, shall be invalid and void.

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