

# HOUSE BILL NO. 2119

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE THOMAS.

3717H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 453, RSMo, by adding thereto one new section relating to adoption subsidies for youth with elevated needs.

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

Section A. Chapter 453, RSMo, is amended by adding thereto one new section, to be known as section 453.071, to read as follows:

**453.071. 1. As used in this section, the following terms mean:**

(1) "18+ adoption subsidy", an adoption subsidy that continues beyond eighteen years of age and ends upon attaining twenty-one years of age;

(2) "Foster youth with elevated needs", a program designed for youth with identifiable and documented moderate or serious medical, emotional, or behavioral needs requiring intensive and individualized intervention to succeed in a community-based family setting and to achieve a goal of permanency. "Foster youth with elevated needs" includes level B child-specific needs;

(3) "Maintenance payments", the amount that the division will contribute to cover the cost of food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, and liability insurance with respect to a child;

(4) "Youth with elevated needs-level B permanent", youth with significantly serious medical, emotional, or behavioral problems that require the twenty-four-hour availability of a highly skilled level B resource parent. Such problems shall include, but are not limited to, the following:

(a) A history of attempted suicide or currently having suicidal thoughts, statements, or gestures;

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.

- 18           **(b) Affective disorders;**
- 19           **(c) Attention deficit disorder;**
- 20           **(d) Posttraumatic stress disorder;**
- 21           **(e) Eating disorders;**
- 22           **(f) Panic disorders;**
- 23           **(g) Fears or phobias;**
- 24           **(h) Obsessive-compulsive disorder;**
- 25           **(i) Oppositional defiant disorders;**
- 26           **(j) Depression or withdrawal;**
- 27           **(k) Dissociative behaviors, seizures, blacking out, or passing out;**
- 28           **(l) Anger or rage;**
- 29           **(m) A history of fire setting;**
- 30           **(n) Destruction of property;**
- 31           **(o) Failure to form emotional attachments;**
- 32           **(p) Multiple short-term placements;**
- 33           **(q) Genetic disorders including, but not limited to, Down Syndrome, Fragile X**
- 34 **Syndrome, and Silver-Russell Syndrome;**
- 35           **(r) Autism spectrum disorder requiring daily intervention; and**
- 36           **(s) Physical disorders including, but not limited to, blindness, deafness, cerebral**
- 37 **palsy, and feeding-tube dependence.**

38           **2. Foster youth with elevated needs-level B permanent who are involved in an**  
39 **adoptive or legal guardianship placement shall receive subsidy payments that are equal**  
40 **to the maintenance payments received for youth with elevated needs-level B through an**  
41 **adoption subsidy agreement. Such youth shall be eligible for such payments when**  
42 **adopted and without needing to seek a status change to youth with elevated needs-level**  
43 **A or medical level. Such payments may continue for an adult adoptee with elevated**  
44 **needs so long as the requirements under subsection 3 or 4 of this section are met. The**  
45 **maintenance payments under this section shall be retroactively applied to the original**  
46 **date of the home placement of the youth.**

47           **3. (1) The children's division may approve an 18+ adoption subsidy if the child**  
48 **has extraordinary documented physical, dental, or mental health needs that require**  
49 **care beyond eighteen years of age. When the child attains eighteen years of age, the**  
50 **adoption subsidy shall be negotiated with the adoptive parent or parents according to**  
51 **the child's current needs and with the intent of transitioning the child from subsidy**  
52 **services to adult community services to ensure all necessary services are in place for the**  
53 **child's success when the subsidy is no longer available.**

54           **(2) Six months prior to a youth's eighteenth birthday, if the youth is covered by**  
55 **an adoption subsidy agreement, the adoptive parent or parents may make a request in**  
56 **writing to the children's division for the division to assess whether the child is eligible**  
57 **for an 18+ adoption subsidy agreement. The division shall make a determination as to**  
58 **whether the youth has an extraordinary documented physical, dental, or mental health**  
59 **need that requires care through a subsidy agreement beyond eighteen years of age.**  
60 **Documentation of need from the youth's physician, psychiatrist, psychologist, or dentist**  
61 **shall be obtained and submitted as supporting documentation of need.**

62           **(3) The adoptive parent or parents shall be made aware of the need to transition**  
63 **the youth from an adoption subsidy to adult community services to meet the youth's**  
64 **needs and provided referral information and assistance with obtaining the services as**  
65 **needed. The adoptive parent or parents shall be advised that they are required to apply**  
66 **for and participate in all such programs and services as may be reasonably necessary to**  
67 **meet the needs of the youth as indicated in the agreement.**

68           **4. (1) The children's division shall approve an adoption subsidy for a**  
69 **permanently disabled adopted person who is twenty-one years of age or older if the**  
70 **adoptive parent or parents have been appointed guardianship of the person by a court**  
71 **in this state. The adoption subsidy is not required to be renewed, provided that the**  
72 **court and at least one physician asserts the permanence of the person's disability.**

73           **(2) Six months prior to the person attaining twenty-one years of age, the**  
74 **adoptive parent or parents may make a request in writing to the children's division for**  
75 **the division to assess whether the person is eligible for an extended adoption subsidy.**  
76 **The division shall make a determination as to whether the person has an extraordinary**  
77 **documented physical, dental, or mental health need that requires care through a subsidy**  
78 **agreement for a person twenty-one years of age or older. Documentation of need from**  
79 **the person's physician, psychiatrist, psychologist, or dentist shall be obtained and**  
80 **submitted as supporting documentation of need.**

81           **(3) The subsidy rate under this subsection shall be the amount an adoptive**  
82 **parent or parents may receive through an 18+ adoption subsidy under subsection 3 of**  
83 **this section, including any cost-of-living adjustments.**

84           **5. To be eligible for any subsidy provided under this section, the adoptive parent**  
85 **or parents shall be Missouri residents.**

86           **6. (1) At the request of the adoptive parent, the existing subsidies under this**  
87 **section may be rewritten.**

88           **(2) The subsidies shall be adjusted to include a one-time payment that is**  
89 **equivalent to the current youth with elevated needs-level B rate minus any subsidy**  
90 **received for the child retroactive to the original placement within the home.**

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