

SECOND REGULAR SESSION

# HOUSE BILL NO. 1772

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE AMATO.

4258H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

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

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*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Section A. Section 453.073, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 453.073, to read as follows: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. 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 parents by a court of competent jurisdiction.

3. 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

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 agency or in the care and custody of the division of youth services or the department of  
19 mental health, a subsidy shall be available from the children's division subsidy program in the  
20 same manner and under the same circumstances and conditions as provided for a child who  
21 has been in the care and custody of the children's division.

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

25 (1) The type of allotment;

26 (2) The amount of assistance payments;

27 (3) The services to be provided;

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

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; and

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

35 **5. Beginning January 1, 2027, and for a period of five years thereafter, the**  
36 **children's division shall make the grants provided for under subsection 1 of section**  
37 **453.073 available to be paid toward the legal expenses incurred by the prospective**  
38 **adoptive parent or parents upon the successful completion of such adoption proceedings**  
39 **including, but not limited to, attorney's fees, filing fees, publication fees, and fees**  
40 **associated with the submission of a certificate of decree of adoption to amend the minor**  
41 **child's birth records. Such grant shall be specified in a written agreement entered into**  
42 **by the children's division and the prospective adoptive parent or parents. Such grant**  
43 **shall not exceed two thousand five hundred dollars for uncontested adoptions and four**  
44 **thousand dollars for contested adoptions, billed at the rate of one hundred seventy-five**  
45 **dollars per hour of legal services provided by an attorney licensed to practice law in the**  
46 **state of Missouri, together with actual expenses incurred in prosecuting the petition for**  
47 **adoption. A separate grant for guardian ad litem fees shall be made available and shall**  
48 **not exceed five hundred dollars billed at the rate of one hundred seventy-five dollars per**  
49 **hour of legal services provided by an attorney licensed to practice law in the state of**  
50 **Missouri.**

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