

**FUNDING OF ADOPTION SUPPORT
SERVICES**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Nora B. Stephens

AN ACT RELATING TO THE DIVISION OF CHILD AND FAMILY SERVICES; REQUIRING
THE DIVISION TO REPORT ON THE FUNDING OF SERVICES TO ADOPTED CHILDREN
PREVIOUSLY IN THE CUSTODY OF THE STATE AND THEIR ADOPTIVE FAMILIES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

62A-4a-108, as renumbered and amended by Chapter 260, Laws of Utah 1994

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-4a-108** is amended to read:

62A-4a-108. Adoption assistance agreements.

(1) As used in this section:

(a) "Adoption assistance" means financial support to adoptive parents provided under the
Adoption Assistance and Child Welfare Act of 1980, Title IV (e) of the Social Security Act, and
Title XIX of the Social Security Act.

(b) "Adoption assistance agreement" means a written agreement between the division and
adoptive parents, or between any other state and adoptive parents, providing for adoption
assistance.

(2) The division may develop and negotiate interstate compacts for the provision of
medical identification and assistance to adoptive parents who receive adoption assistance. An
interstate compact shall include:

(a) a provision for joinder by all states;

(b) a provision for withdrawal from the compact upon written notice to the parties, with
a period of one year between the date of the notice and the effective date of withdrawal;

(c) a requirement that each instance of adoption assistance to which the compact applies be covered by a written adoption assistance agreement between the adoptive parents and the agency of the state which initially agrees to provide adoption assistance, and that any agreement is expressly for the benefit of the adopted child and is enforceable by the adoptive parents, and by the state agency providing adoption assistance;

(d) a provision that a child who is the subject of an adoption assistance agreement with another party state, and who subsequently becomes a resident of this state, shall receive medical identification and assistance in this state under the Adoption Assistance and Child Welfare Act of 1980, Title IV (e) of the Social Security Act, and Title XIX of the Social Security Act, based on his adoption assistance agreement;

(e) a provision that a child who is the subject of an adoption assistance agreement with the division, and who subsequently becomes a resident of another party state, shall receive medical identification and assistance from that state under the Adoption and Child Welfare Act of 1980, Title IV (e) of the Social Security Act, and Title XIX of the Social Security Act, based on his adoption assistance agreement; and

(f) a requirement that the protections of the compact continue for the duration of the adoption assistance and apply to all children and their adoptive parents who receive adoption assistance from a party state other than the state in which they reside.

(3) The division shall provide services to a child who is the subject of an adoption assistance agreement executed by the division, and who is a resident of another state, if those services are not provided by the child's residence state under an interstate compact. The division may reimburse the adoptive parents upon receipt of evidence of their payment for services for which the child is eligible, which were not paid by the residence state, and are not covered by insurance or other third party medical contract. The services provided under this subsection are those for which there is no federal contribution, or which, if federally aided, are not provided by the residence state.

(4) No later than July 1999, the division shall report to the Legislative Health and Human Services Interim Committee on the funding of services to families that have adopted a child who was previously in the custody of the state. That report shall:

(a) describe services, including financial assistance, that have been provided with state monies;

- 59 (b) identify mechanisms for ensuring that adequate funding is available for services to the
60 child and the adoptive family until the child reaches 18 years of age;
61 (c) include a review of methods used by other states to ensure funding of on-going support
62 of adopted children and their adoptive families;
63 (d) identify any known instances where the division has been unable to provide reasonable
64 levels of service because of a lack of state funds; and
65 (e) include other recommendations by the division.
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Legislative Review Note

as of 2-12-99 10:09 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel