

Effective 9/1/2022

80-2-809 Interstate compact adoption assistance agreements.

- (1) Notwithstanding Section 80-2-801, as used in this section:
 - (a) "Adoption assistance" means financial support to an adoptive parent 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 an interstate compact for the provision of medical identification and assistance to an adoptive parent who receives adoption assistance.
- (3) An interstate compact under Subsection (2) shall include:
 - (a) a provision:
 - (i) for joinder by all states;
 - (ii) 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;
 - (iii) 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 the child's adoption assistance agreement; and
 - (iv) 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
 - (b) a requirement that:
 - (i) each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement between the adoptive parents and the agency of the state that initially agrees to provide adoption assistance;
 - (ii) any agreement is expressly for the benefit of the adopted child and is enforceable by the adoptive parent, and by the state agency providing adoption assistance; and
 - (iii) the protections of the interstate compact continue for the duration of the adoption assistance and apply to all children and the children's adoptive parents who receive adoption assistance from a party state other than the state in which the children reside.
- (4)
 - (a) The division:
 - (i) 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 the services are not provided by the child's residence state under an interstate compact; and
 - (ii) may reimburse the adoptive parent upon receipt of evidence of the adoptive parent's 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.
 - (b) The services provided under this subsection are the services for which there is no federal contribution, or which, if federally aided, are not provided by the residence state.

Renumbered and Amended by Chapter 334, 2022 General Session