

# HOUSE BILL No. 4159

February 4, 2009, Introduced by Rep. Smith and referred to the Committee on Families and Children's Services.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115g, 115i, and 115j (MCL 400.115g, 400.115i, and 400.115j), section 115g as amended by 2004 PA 193 and sections 115i and 115j as amended by 2002 PA 648.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 115g. (1) The department may pay a support subsidy to an  
2 adoptive parent of an adoptee who is placed in the home of the  
3 adoptive parent under the adoption code or under the adoption laws  
4 of another state or a tribal government, if all of the following  
5 requirements are met:

6           (a) The department has certified that the adoptee is a child  
7 with special needs.

1 (b) Certification is made before the adoptee's eighteenth  
2 birthday.

3 (c) Certification is made **AND THE CONTRACT AGREEMENT IS SIGNED**  
4 **BY THE ADOPTIVE PARENT OR ADOPTIVE PARENTS AND THE DEPARTMENT**  
5 before the ~~petition for adoption is filed~~ **FINALIZED**.

6 ~~(d) The adoptive parent requests the support subsidy not later~~  
7 ~~than the date of confirmation of the adoption.~~

8 (2) The department shall determine eligibility for the support  
9 subsidy without regard to the income of the adoptive parent or  
10 parents. ~~The amount shall be equal to the family foster care rate,~~  
11 ~~including the difficulty of care rate, that was paid for the~~  
12 ~~adoptee while the adoptee was in family foster care, **THE MAXIMUM**~~  
13 **AMOUNT SHALL BE EQUAL TO THE RATE THAT THE CHILD RECEIVED IN THE**  
14 **FAMILY FOSTER CARE PLACEMENT OR THE RATE THE CHILD WOULD HAVE**  
15 **RECEIVED IF HE OR SHE HAD BEEN IN A FAMILY FOSTER CARE PLACEMENT AT**  
16 **THE TIME OF ADOPTION. THIS RATE INCLUDES THE DIFFICULTY OF CARE**  
17 **RATE THAT WAS PAID OR WOULD HAVE BEEN PAID FOR THE ADOPTEE IN A**  
18 **FAMILY FOSTER CARE PLACEMENT,** except that the amount shall be  
19 increased to reflect increases made in the standard age appropriate  
20 foster care rate paid by the department. **THE DEPARTMENT SHALL NOT**  
21 **IMPLEMENT POLICY TO LIMIT THE MAXIMUM AMOUNT AT AN AMOUNT LESS THAN**  
22 **THE FAMILY FOSTER CARE RATE, INCLUDING THE DIFFICULTY OF CARE RATE,**  
23 **THAT WAS PAID FOR THE ADOPTEE WHILE THE ADOPTEE WAS IN FAMILY**  
24 **FOSTER CARE.**

25 (3) The department shall complete the certification process  
26 within 30 days after it receives a request for a support subsidy.

27 Sec. 115i. (1) If adoption assistance is to be paid, the

1 department and the adoptive parent or parents shall enter into an  
2 adoption assistance agreement covering all of the following:

3 (a) The duration of the adoption assistance to be paid.

4 (b) The amount to be paid and, if appropriate, eligibility for  
5 medical assistance.

6 (c) Conditions for continued payment of the adoption  
7 assistance as established by statute.

8 **(D) ANY SERVICES AND OTHER ASSISTANCE TO BE PROVIDED UNDER THE**  
9 **ADOPTION ASSISTANCE AGREEMENT.**

10 **(E) PROVISIONS TO PROTECT THE INTERESTS OF THE CHILD IN CASES**  
11 **IN WHICH THE ADOPTIVE PARENT OR ADOPTIVE PARENTS MOVE TO ANOTHER**  
12 **STATE WHILE THE ADOPTION ASSISTANCE AGREEMENT IS IN EFFECT.**

13 (2) If medical subsidy eligibility is certified, the  
14 department and the adoptive parent shall enter into a medical  
15 subsidy agreement covering all of the following:

16 (a) Identification of the physical, mental, or emotional  
17 condition covered by the medical subsidy.

18 (b) The duration of the medical subsidy agreement.

19 (c) Conditions for continued eligibility for the medical  
20 subsidy as established by statute.

21 (3) The department shall give a copy of the adoption  
22 assistance agreement or medical subsidy agreement, or both, to the  
23 adoptive parent or parents.

24 (4) Unless the medical condition of the adoptee no longer  
25 exists, or an event described in section 115j has occurred, as  
26 indicated in a report filed under subsection (6) or as otherwise  
27 determined by the department, the department shall not modify or

1   discontinue a medical subsidy.

2           (5) An adoption assistance agreement or medical subsidy  
3   agreement does not affect the legal status of the adoptee or the  
4   legal rights and responsibilities of the adoptive parent or  
5   parents.

6           (6) The adoptive parent or parents shall file a ~~verified~~  
7   report with the department at least once each year as to the  
8   location of the adoptee and other matters relating to the  
9   continuing eligibility of the adoptee for adoption assistance or a  
10  medical subsidy, or both.

11          Sec. 115j. (1) Adoption assistance or a medical subsidy, or  
12  both, shall continue until 1 of the following occurs:

13           (a) The adoptee becomes 18 years of age.

14           (b) The adoptee is emancipated.

15           (c) The adoptee dies.

16           (d) The adoption is terminated.

17           (e) A determination of ineligibility is made by the  
18  department.

19   ~~—— (2) If sufficient money is appropriated, the department may  
20  continue adoption assistance or a medical subsidy, or both, for an  
21  adoptee under 21 years of age if the department determines that the  
22  adoptee is a student regularly attending a high school, college,  
23  university, or vocational school in pursuance of a course of study  
24  leading to a high school diploma, college degree, or gainful  
25  employment.~~

26          **(2) IF SUFFICIENT FUNDS ARE APPROPRIATED BY THE LEGISLATURE IN**  
27  **THE DEPARTMENT'S ANNUAL BUDGET, ADOPTION SUPPORT SUBSIDY AGREEMENTS**

1 OR ADOPTION MEDICAL SUBSIDY AGREEMENTS, OR BOTH, MAY BE EXTENDED  
2 THROUGH STATE FUNDING FOR AN ADOPTEE UNDER 21 YEARS OF AGE IF ALL  
3 OF THE FOLLOWING CRITERIA ARE MET:

4 (A) THE ADOPTEE HAS NOT COMPLETED HIGH SCHOOL OR A GED  
5 PROGRAM.

6 (B) THE ADOPTEE IS REGULARLY ATTENDING HIGH SCHOOL OR A GED  
7 PROGRAM OR A PROGRAM FOR CHILDREN WITH DISABILITIES ON A FULL-TIME  
8 BASIS AND IS PROGRESSING TOWARD ACHIEVING A HIGH SCHOOL DIPLOMA,  
9 CERTIFICATE OF COMPLETION, OR GED.

10 (C) THE ADOPTEE IS NOT ELIGIBLE FOR SUPPLEMENTAL SECURITY  
11 INCOME.

12 (3) ADOPTION SUPPORT SUBSIDY AGREEMENTS MAY BE EXTENDED  
13 THROUGH TITLE IV-E FUNDING FOR AN ELIGIBLE ADOPTEE UP TO THE AGE OF  
14 19 YEARS IF THE STATE DETERMINES THAT THE CHILD HAS A MENTAL OR  
15 PHYSICAL DISABILITY THAT WARRANTS CONTINUATION OF ADOPTION  
16 ASSISTANCE.

17 (4) ~~(3)~~—Adoption assistance and a medical subsidy shall  
18 continue even if the adoptive parent leaves the state.

19 (5) ~~(4)~~—An adoption support subsidy shall continue during a  
20 period in which the adoptee is removed for delinquency from his or  
21 her home as a temporary court ward based on proceedings under  
22 section 2(a) of chapter XIIIA of the probate code of 1939, 1939 PA  
23 288, MCL 712A.2.

24 (6) ~~(5)~~—Upon the death of the adoptive parent, the department  
25 shall continue making support subsidy payments or continue medical  
26 subsidy eligibility, or both, **THROUGH STATE FUNDING** to the guardian  
27 of the adoptee if a guardian is appointed as provided in section

- 1 5202 or 5204 of the estates and protected individuals code, 1998 PA
- 2 386, MCL 700.5202 and 700.5204.