

SUBSTITUTE FOR
HOUSE BILL NO. 6661

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 115f, 115g, 115h, 115i, 115j, 115k, 115l, and
115m (MCL 400.115f, 400.115g, 400.115h, 400.115i, 400.115j,
400.115k, 400.115l, and 400.115m), sections 115f and 115g as amended
by 2004 PA 193, sections 115h and 115k as added by 1994 PA 238, and
sections 115i, 115j, 115l, and 115m as amended by 2002 PA 648, and
by adding sections 115t and 115u.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 115f. As used in this section and sections 115g to ~~115s~~

2 **115U:**

3 (a) "Adoptee" means the child who is to be adopted or who is
4 adopted.

5 (b) "Adoption assistance" means ~~a support subsidy or medical~~
6 ~~assistance, or both~~ **PAYMENT FOR SUPPORT OF A CHILD WITH SPECIAL**

1 **NEEDS WHO HAS BEEN PLACED FOR ADOPTION.**

2 (c) "Adoption assistance agreement" means an agreement between
3 the department and an adoptive parent regarding adoption
4 assistance.

5 (d) "Adoption code" means the Michigan adoption code, chapter
6 X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70.

7 (e) "Adoptive parent" means the parent or parents who adopt a
8 child under the adoption code.

9 (f) "Certification" means a determination of eligibility by
10 the department that an adoptee is eligible for a support subsidy or
11 a ~~medical subsidy~~ **ASSISTANCE** or both.

12 (g) "Child placing agency" means that term as defined in
13 section 1 of 1973 PA 116, MCL 722.111.

14 (h) "Child with special needs" means an individual under the
15 age of 18 years for whom the state has determined all of the
16 following:

17 (i) There is a specific judicial finding that the child cannot
18 or should not be returned to the home of the child's parents.

19 (ii) A specific factor or condition, or a combination of
20 factors and conditions, exists with respect to the child so that it
21 is reasonable to conclude that the child cannot be placed with an
22 adoptive parent without providing adoption assistance, **OR MEDICAL**
23 **ASSISTANCE, OR BOTH** under this act. The factors or conditions to be
24 considered ~~may include ethnic or family background, age,~~
25 ~~membership in a minority or sibling group, medical condition,~~
26 ~~physical, mental, or emotional disability, or length of time the~~
27 ~~child has been waiting for an adoptive home.~~

1 ~~——(iii)A~~ SHALL INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE
2 FOLLOWING:

3 (A) ETHNIC OR FAMILY BACKGROUND.

4 (B) AGE.

5 (C) MEMBERSHIP IN A MINORITY OR SIBLING GROUP.

6 (D) DIAGNOSED MEDICAL, PHYSICAL, OR EMOTIONAL CONDITION, OR
7 OTHER CLINICALLY DIAGNOSED DISABILITY THAT IS DOCUMENTED BY A
8 LICENSED PHYSICIAN OR A LICENSED MENTAL HEALTH PROFESSIONAL.

9 (E) LENGTH OF TIME THE CHILD HAS BEEN WAITING FOR AN ADOPTIVE
10 HOME.

11 (F) THE CHILD IS AT HIGH RISK BASED ON HISTORY OF ABUSE OR
12 NEGLECT.

13 (iii) UNLESS THERE ARE SIGNIFICANT EMOTIONAL TIES WITH
14 PROSPECTIVE ADOPTIVE PARENTS WHILE THE CHILD IS IN THE CARE OF
15 THOSE PROSPECTIVE ADOPTIVE PARENTS AS A FOSTER CHILD, A reasonable
16 but unsuccessful effort was made to place the adoptee with an
17 appropriate adoptive parent without providing adoption assistance
18 under this act or a prospective placement is the only placement in
19 the best interest of the child.

20 (i) "Compact" means the interstate compact on adoption and
21 medical assistance as enacted in sections 115r and 115s.

22 (j) "Court" means the family division of circuit court.

23 (K) "DEFERRED ADOPTION ASSISTANCE OR MEDICAL ASSISTANCE
24 AGREEMENT" MEANS AN AGREEMENT SIGNED BY ADOPTIVE PARENTS AND THE
25 DEPARTMENT AT THE TIME THE CHILD IS PLACED FOR ADOPTION TO PRESERVE
26 FUTURE ELIGIBILITY FOR ADOPTION ASSISTANCE OR MEDICAL ASSISTANCE
27 ELIGIBILITY.

1 (I) ~~—(k)—~~ "Department" means the ~~family independence agency~~
2 **DEPARTMENT OF HUMAN SERVICES.**

3 (M) ~~—(l)—~~ "Foster care" means placement of a child outside the
4 child's parental home by and under the supervision of a child
5 placing agency, the court, the department, or the department of
6 community health.

7 (N) ~~—(m)—~~ "Medical assistance" **"MEDICAID"** means the federally
8 aided medical assistance program under title XIX. ~~of the social~~
9 ~~security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396r-6~~
10 ~~and 1396r-8 to 1396v.~~

11 (O) ~~—(n)—~~ "Medical ~~subsidy~~ **ASSISTANCE**" means payment for
12 medical, surgical, hospital, and related expenses necessitated by a
13 specified physical, mental, or emotional condition of a child **WITH**
14 **SPECIAL NEEDS** who has been placed for adoption.

15 (P) ~~—(o)—~~ "Medical ~~subsidy~~ **ASSISTANCE** agreement" means an
16 agreement between the department and an adoptive parent regarding
17 a ~~medical subsidy~~ **ASSISTANCE.**

18 (Q) ~~—(p)—~~ "Nonrecurring adoption ~~expenses~~ **ASSISTANCE**" means
19 reasonable and necessary adoption fees, court costs, attorney fees,
20 **HOME STUDY FEES, COSTS FOR REPLACEMENT OF BIRTH CERTIFICATES,**
21 **EXPENSES FOR TRAVEL FOR VISITS TO THE ADOPTEE, ADOPTION COSTS**
22 **INCURRED BY OR ON BEHALF OF THE ADOPTIVE PARENT AND FOR WHICH THE**
23 **ADOPTIVE PARENT CARRIES THE ULTIMATE LIABILITY FOR PAYMENT,**
24 **INCLUDING THE ADOPTION STUDY, HEALTH AND PSYCHOLOGICAL**
25 **EXAMINATIONS, SUPERVISION OF THE PLACEMENT BEFORE ADOPTION, AND**
26 **TRANSPORTATION AND REASONABLE COSTS OF LODGING AND FOOD FOR THE**
27 **CHILD OR ADOPTIVE PARENT IF NECESSARY TO COMPLETE THE ADOPTION OR**

1 **PLACEMENT PROCESS** and other expenses that are directly related to
2 the legal adoption of a child with special needs. Nonrecurring
3 adoption expenses do not include costs or expenses incurred in
4 violation of state or federal law or that have been reimbursed from
5 other sources or funds.

6 ~~—— (q) "Other expenses that are directly related to the legal
7 adoption of a child with special needs" means adoption costs
8 incurred by or on behalf of the adoptive parent and for which the
9 adoptive parent carries the ultimate liability for payment,
10 including the adoption study, health and psychological
11 examinations, supervision of the placement before adoption, and
12 transportation and reasonable costs of lodging and food for the
13 child or adoptive parent if necessary to complete the adoption or
14 placement process.~~

15 (r) "Party state" means a state that becomes a party to the
16 interstate compact on adoption and medical assistance.

17 (s) "Placement" means a placement or commitment, including the
18 necessity of removing the child from his or her parental home, as
19 approved by the court under an order of disposition issued under
20 section 18(1)(c) or (d) of chapter XIIIA of the probate code of
21 1939, 1939 PA 288, MCL 712A.18.

22 (t) "Residence state" means the state in which the child is a
23 resident by virtue of the adoptive parent's residency.

24 (u) "State" means a state of the United States, the District
25 of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,
26 Guam, the Commonwealth of the Northern Mariana Islands, or a
27 territory or possession of the United States.

1 (v) "Support subsidy" means payment for support of a child who
2 has been placed for adoption.

3 Sec. 115g. (1) The department ~~may~~ **SHALL** pay ~~a support~~
4 ~~subsidy~~ **ADOPTION ASSISTANCE, MEDICAL ASSISTANCE, OR BOTH** to an
5 adoptive parent of an adoptee who is placed in the home of the
6 adoptive parent under the adoption code or under the adoption laws
7 of another state or a tribal government **UNLESS OTHERWISE DIRECTED**
8 **BY THE ADOPTIVE PARENTS THROUGH A SIGNED WRITTEN AGREEMENT**, if all
9 of the following requirements are met:

10 (a) ~~The department has certified that the~~ **THE** adoptee is a
11 child with special needs.

12 (b) ~~Certification is made~~ **THE ADOPTEE MEETS THE DEFINITION**
13 **OF A CHILD WITH SPECIAL NEEDS** before the adoptee's eighteenth
14 birthday.

15 (c) ~~Certification is made~~ **THE ADOPTEE MEETS THE DEFINITION**
16 **OF A CHILD WITH SPECIAL NEEDS** before the ~~petition for adoption is~~
17 ~~filed~~ **ADOPTION IS FINALIZED**.

18 (d) The adoptive parent requests ~~the support subsidy~~
19 **ADOPTION ASSISTANCE, MEDICAL ASSISTANCE, OR BOTH** not later than the
20 date ~~of confirmation of~~ the adoption **IS FINALIZED**.

21 (2) The department shall determine eligibility for ~~the~~
22 ~~support subsidy~~ **ADOPTION ASSISTANCE, MEDICAL ASSISTANCE, OR BOTH**
23 without regard to the income of the adoptive parent or parents. The
24 amount shall be equal to the family foster care rate, including the
25 difficulty of care rate, that was paid for the adoptee while the
26 adoptee was in family foster care, except that the amount shall be
27 increased to reflect increases made in the standard age appropriate

1 foster care rate paid by the department.

2 (3) The department shall ~~complete the certification process~~
 3 **DETERMINE ELIGIBILITY FOR ADOPTION ASSISTANCE, MEDICAL ASSISTANCE,**
 4 **OR BOTH** within 30 days after it receives a request. ~~for a support~~
 5 ~~subsidy.~~

6 Sec. 115h. (1) The department ~~may~~ **SHALL** pay ~~a~~ medical
 7 ~~subsidy~~ **ASSISTANCE** to the adoptive parent or parents of an adoptee
 8 who is placed for adoption in the home of the adoptive parent or
 9 parents ~~pursuant to~~ **UNDER** the adoption code or the laws of any
 10 other state or a tribal government, if ~~all of the following~~
 11 ~~requirements are met:~~

12 ~~— (a) The~~ **THE** expenses to be covered by the medical ~~subsidy~~
 13 **ASSISTANCE** are necessitated by a physical, mental, or emotional
 14 condition of the adoptee that existed or the cause of which existed
 15 before the adoption petition was filed or ~~certification was~~
 16 ~~established, whichever occurred first~~ **ELIGIBILITY WAS DETERMINED.**

17 ~~— (b) The adoptee was in foster care at the time the petition~~
 18 ~~for adoption was filed. This subdivision does not apply to~~
 19 ~~adoptions confirmed pursuant to the adoption code before June 28,~~
 20 ~~1992.~~

21 ~~— (c) Certification was made before the adoptee's eighteenth~~
 22 ~~birthday.~~

23 ~~— (2) The department shall determine the amount of the medical~~
 24 ~~subsidy without respect to the income of the adoptive parent or~~
 25 ~~parents.~~

26 (2) The department shall ~~not pay a medical subsidy until~~
 27 **FIRST SEEK** all other available public money and third party payment

1 ~~is used~~ **WHEN PAYING MEDICAL ASSISTANCE**. For purposes of this
2 subsection, third party payment is available if an adoptive parent
3 has an option, at or after the time of certification, to obtain
4 from the parent's employer health coverage for the child, with or
5 without cost to the adoptive parent. The department may waive this
6 subsection in cases of undue hardship.

7 (3) The adoptive parent or parents may request ~~a~~ medical
8 ~~subsidy~~ **ASSISTANCE** before or after the confirmation of the
9 adoption. ~~A medical subsidy~~ **MEDICAL ASSISTANCE** requested after
10 the adoptee is placed in adoption is effective the date the request
11 is received by the department if the necessary documentation for
12 certification is received within 90 days after the request is made.
13 In allocating available funding for medical ~~subsidies~~ **ASSISTANCE**,
14 the department shall not give preferential treatment to requests
15 that are made before the confirmation of an adoption, but shall
16 allocate funds based on a child's need for the ~~subsidy~~
17 **ASSISTANCE**.

18 (4) Payment of ~~a~~ medical ~~subsidy~~ **ASSISTANCE** for treatment
19 of a mental or emotional condition is limited to outpatient
20 treatment unless 1 or more of the following apply:

21 (a) Certification for the medical ~~subsidy~~ **ASSISTANCE** was
22 made before the adoption confirmation date.

23 (b) The adoptee was placed in foster care by the court
24 ~~pursuant to~~ **UNDER** section 18(1)(d) or (e) of chapter XIIIA of ~~Act~~
25 ~~No. 288 of the Public Acts of 1939, being section 712A.18 of the~~
26 ~~Michigan Compiled Laws~~ **THE PROBATE CODE OF 1939, 1939 PA 288, MCL**
27 **712A.18**, before the petition for adoption was filed.

1 (c) The adoptee was certified for ~~a support subsidy~~ **ADOPTION**
2 **ASSISTANCE**.

3 Sec. 115i. (1) **THE DEPARTMENT SHALL NOTIFY PROSPECTIVE**
4 **ADOPTIVE PARENTS REGARDING THE AVAILABILITY OF ADOPTION ASSISTANCE,**
5 **MEDICAL ASSISTANCE, AND NONRECURRING ADOPTION ASSISTANCE.**
6 **NOTIFICATION SHALL BE GIVEN IN WRITING AT THE TIME OF PLACEMENT OR**
7 **AT LEAST 14 DAYS BEFORE FINALIZATION OF ADOPTION.**

8 (2) ~~(1)~~ If adoption assistance is to be paid, the department
9 and the adoptive parent or parents shall enter into an adoption
10 assistance agreement covering all of the following:

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

12 (b) The amount to be paid and, if appropriate, eligibility for
13 ~~medical assistance~~ **MEDICAID**.

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

16 (3) ~~(2)~~ If medical ~~subsidy~~ **ASSISTANCE** eligibility is
17 certified, the department and the adoptive parent shall enter into
18 a medical ~~subsidy~~ **ASSISTANCE** agreement covering all of the
19 following:

20 (a) Identification of the physical, mental, or emotional
21 condition covered by the medical ~~subsidy~~ **ASSISTANCE**.

22 ~~(b) The duration of the medical subsidy agreement.~~

23 ~~(c) Conditions for continued eligibility for the medical~~
24 ~~subsidy as established by statute.~~

25 **(B) THE AMOUNT TO BE PAID.**

26 **(C) THE NATURE AND ALL TYPES OF SERVICES AND ASSISTANCE.**

27 **(D) ANY PREAPPROVAL OR REIMBURSEMENT PROCEDURES TO BE FOLLOWED**

1 BY THE PARTIES.

2 (4) ~~(3)~~ The department shall give a copy of the adoption
3 assistance agreement or medical ~~subsidy~~ **ASSISTANCE** agreement, or
4 both, to the adoptive parent or parents **AT LEAST 14 DAYS BEFORE**
5 **SIGNING THE ADOPTION ASSISTANCE AGREEMENT OR MEDICAL ASSISTANCE**
6 **AGREEMENT WITH RECOMMENDATION THAT THE ADOPTIVE PARENT OR PARENTS**
7 **SEEK LEGAL COUNSEL BEFORE SIGNING THE ADOPTION ASSISTANCE AGREEMENT**
8 **OR MEDICAL ASSISTANCE AGREEMENT.**

9 (5) ~~(4)~~ Unless the medical condition of the adoptee no
10 longer exists, or an event described in section 115j has occurred,
11 as indicated in a report filed under subsection ~~(6) or as~~
12 ~~otherwise determined by the department~~ (7), the department shall
13 not modify or discontinue ~~a~~ medical ~~subsidy~~ **ASSISTANCE UNLESS**
14 **THE ADOPTIVE PARENT OR PARENTS SUBMIT A SIGNED WRITTEN REQUEST TO**
15 **THE DEPARTMENT TO MODIFY OR DISCONTINUE THE MEDICAL ASSISTANCE.**

16 (6) ~~(5)~~ An adoption assistance agreement or medical ~~subsidy~~
17 **ASSISTANCE** agreement does not affect the legal status of the
18 adoptee or the legal rights and responsibilities of the adoptive
19 parent or parents.

20 (7) ~~(6)~~ The adoptive parent or parents shall file a verified
21 report with the department at least once ~~each year as~~ **EVERY 2**
22 **YEARS** to the location of the adoptee and other matters relating to
23 the continuing eligibility of the adoptee for adoption assistance
24 or a medical ~~subsidy~~ **ASSISTANCE**, or both.

25 Sec. 115j. (1) Adoption assistance or ~~a~~ medical ~~subsidy~~
26 **ASSISTANCE**, or both, shall continue until 1 of the following
27 occurs:

1 (A) THE ADOPTEE DIES.

2 (B) ~~(a)~~ The adoptee becomes 18 years of age.

3 ~~(b) The adoptee is emancipated.~~

4 ~~(c) The adoptee dies.~~

5 ~~(d) The adoption is terminated.~~

6 ~~(e) A determination of ineligibility is made by the~~
7 ~~department.~~

8 (C) THE ADOPTEE MARRIES.

9 (D) THE ADOPTEE ENTERS MILITARY SERVICE.

10 (E) THE DEPARTMENT DETERMINES THAT THE ADOPTIVE PARENTS ARE NO
11 LONGER LEGALLY RESPONSIBLE FOR SUPPORT OF THE ADOPTEE.

12 (F) THE DEPARTMENT DETERMINES THAT THE ADOPTIVE PARENTS ARE NO
13 LONGER PROVIDING ANY SUPPORT TO THE ADOPTEE.

14 (2) ~~If sufficient money is appropriated, the~~ THE department
15 ~~may~~ **SHALL** continue adoption assistance or ~~a~~ medical ~~subsidy~~
16 **ASSISTANCE**, or both, for an adoptee under 21 years of age if the
17 department determines that the adoptee is a student regularly
18 attending a high school, college, university, or vocational school
19 in pursuance of a course of study leading to a high school diploma,
20 college degree, or gainful employment.

21 (3) Adoption assistance, ~~and a~~ medical ~~subsidy~~ **ASSISTANCE**,
22 **OR BOTH** shall continue even if the adoptive parent leaves the
23 state.

24 (4) ~~An adoption support subsidy~~ **ADOPTION ASSISTANCE, MEDICAL**
25 **ASSISTANCE, OR BOTH** shall continue during a period in which the
26 adoptee is removed for delinquency from his or her home as a
27 temporary court ward based on proceedings under section 2(a) of

1 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

2 (5) Upon the death of the adoptive parent, the department
 3 shall continue making ~~support subsidy payments or continue medical~~
 4 ~~subsidy eligibility, or both,~~ **ADOPTION ASSISTANCE PAYMENTS,**
 5 **MEDICAL ASSISTANCE PAYMENTS, OR BOTH** to the guardian of the adoptee
 6 if a guardian is appointed as provided in section 5202 or 5204 of
 7 the estates and protected individuals code, 1998 PA 386, MCL
 8 700.5202 and 700.5204.

9 Sec. 115k. (1) ~~An adoptee, the adoptee's guardian, or the~~
 10 ~~adoptive parent or parents may appeal a determination of the~~
 11 ~~department made under this act. The appeal shall be conducted~~
 12 ~~pursuant to the administrative procedures act of 1969, Act No. 306~~
 13 ~~of the Public Acts of 1969, being sections 24.201 to 24.328 of the~~
 14 ~~Michigan Compiled Laws. An appeal brought pursuant to chapter 6 of~~
 15 ~~Act No. 306 of the Public Acts of 1969, being sections 24.301 to~~
 16 ~~24.306 of the Michigan Compiled Laws, shall be heard as follows:~~
 17 **AN ADOPTEE, THE ADOPTEE'S GUARDIAN, OR THE ADOPTIVE PARENT OR**
 18 **PARENTS MAY APPEAL A DETERMINATION OF THE DEPARTMENT MADE UNDER**
 19 **THIS ACT IN 1 OF THE FOLLOWING WAYS:**

20 (A) AN APPEAL MAY BE FILED IN THE APPROPRIATE STATE COURT.

21 (B) AN APPEAL MAY BE CONDUCTED UNDER THE ADMINISTRATIVE
 22 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. AN
 23 APPEAL BROUGHT UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
 24 1969 PA 306, MCL 24.201 TO 24.328, SHALL BE HEARD AS FOLLOWS:

25 (i) ~~(a)~~ In the case of an adoptee residing in this state, by
 26 the probate court for the county in which the petition for adoption
 27 was filed or the county in which the adoptee is found.

1 (ii) ~~(b)~~ In the case of an adoptee not residing in this
2 state, by the probate court for the county in which the petition
3 for adoption was filed.

4 (2) The department shall notify the adoptee and the adoptive
5 parent or parents of their rights of appeal under this section.

6 Sec. 115l. (1) The department shall enter into an agreement
7 with the adoptive parent or parents of a child with special needs
8 under this section for the payment of nonrecurring adoption
9 ~~expenses~~ **ASSISTANCE** incurred by or on behalf of the adoptive
10 parent or parents. The agreement ~~may~~ **SHALL** be a separate document
11 ~~or part of an~~ **FROM THE** adoption assistance agreement under section
12 115i. The agreement under this section shall indicate the nature
13 and amount of nonrecurring adoption ~~expenses~~ **ASSISTANCE** to be
14 paid by the department, which shall not exceed \$2,000.00 for each
15 adoptive placement. ~~meeting the requirements of this section.~~ The
16 department shall make payment as provided in the agreement.

17 (2) An agreement under this section shall be signed at or
18 before entry of an order of adoption under the adoption code. **THE**
19 **DEPARTMENT SHALL PROVIDE THE ADOPTIVE PARENT OR PARENTS WITH A FORM**
20 **THAT HAS CLEAR INSTRUCTIONS ON HOW TO SUBMIT A CLAIM FOR**
21 **NONRECURRING ADOPTION ASSISTANCE.** Claims for payment shall be filed
22 with the department within 2 years after entry of the order of
23 adoption.

24 (3) The department shall take all actions necessary and
25 appropriate to notify potential claimants under this section,
26 including compliance with federal regulations.

27 Sec. 115m. (1) The department shall prepare and distribute to

1 adoption facilitators and other interested persons a pamphlet
2 describing the adoption process and the adoption assistance and
3 medical ~~subsidy~~ **ASSISTANCE** programs established under sections
4 115f to 115s. The state department shall provide a copy of the
5 pamphlet to each prospective adoptive parent before placing a child
6 with that parent.

7 (2) The description of the adoption process required under
8 subsection (1) shall include at least all of the following:

9 (a) The steps that must be taken under the adoption code to
10 complete an adoption, and a description of all of the options
11 available during the process.

12 (b) A description of the services that are typically available
13 from each type of adoption facilitator.

14 (c) Recommended questions for a biological parent or
15 prospective adoptive parent to ask an adoption facilitator before
16 engaging that adoption facilitator's services.

17 (d) A list of the rights and responsibilities of biological
18 parents and prospective adoptive parents.

19 (e) A description of the information services available to
20 biological and prospective adoptive parents including, but not
21 limited to, all of the following:

22 (i) The registry of adoptive homes established and maintained
23 by the department under section 8 of the foster care and adoption
24 services act, 1994 PA 203, MCL 722.958.

25 (ii) The directory of children produced under section 8 of the
26 foster care and adoption services act, 1994 PA 203, MCL 722.958.

27 (iii) The public information forms maintained by the department

1 ~~pursuant to~~ UNDER section 14d of 1973 PA 116, MCL 722.124d.

2 (f) A statement about the existence of the children's
3 ombudsman and its authority as an investigative body.

4 (g) A statement about the importance and availability of
5 counseling for all parties to an adoption and that a prospective
6 adoptive parent must pay for counseling for a birth parent or
7 guardian unless the birth parent or guardian waives the counseling.

8 (H) A STATEMENT ABOUT THE IMPORTANCE OF SEEKING LEGAL COUNSEL
9 BEFORE SIGNING AN AGREEMENT DEALING WITH ADOPTION ASSISTANCE OR
10 MEDICAL ASSISTANCE.

11 (I) A STATEMENT THAT COERCIVE BEHAVIOR FROM DEPARTMENT STAFF
12 OR AN EMPLOYEE OF A CHILD PLACING AGENCY IS NOT PROTECTED BY
13 GOVERNMENTAL IMMUNITY AND SHOULD BE REPORTED TO LAW ENFORCEMENT
14 OFFICIALS.

15 SEC. 115T. IF THE ADOPTIVE PARENT OR PARENTS CHOOSE NOT TO
16 RECEIVE ADOPTION ASSISTANCE OR MEDICAL ASSISTANCE AT THE TIME OF
17 PLACEMENT IN THE ADOPTIVE PARENT'S HOME, THEY SHALL BE ENCOURAGED
18 TO SIGN A DEFERRED ADOPTION ASSISTANCE OR MEDICAL ASSISTANCE
19 AGREEMENT WITH A PAYMENT AMOUNT OF \$0.00 LISTED IN THAT AGREEMENT.
20 ESTABLISHING A DEFERRED ADOPTION ASSISTANCE OR MEDICAL ASSISTANCE
21 AGREEMENT PRESERVES FUTURE RECURRING ADOPTION ASSISTANCE
22 ELIGIBILITY, MEDICAL ASSISTANCE ELIGIBILITY, OR BOTH FOR THE
23 ADOPTEE IN THE EVENT THAT THE ADOPTIVE PARENT OR PARENTS NEED
24 ASSISTANCE IN MEETING THE ADOPTEE'S NEEDS.

25 SEC. 115U. AN ADOPTION ASSISTANCE AGREEMENT SHALL BE
26 NEGOTIATED AND SIGNED BEFORE THE CHILD'S ADOPTION FINALIZATION. IN
27 SOME CASES, A CHILD MAY BE ELIGIBLE TO RECEIVE ADOPTION ASSISTANCE

1 AFTER THE CHILD'S ADOPTION IS LEGALLY FINALIZED. AN ADOPTIVE PARENT
2 MAY REQUEST AN APPLICATION FOR ADOPTION ASSISTANCE BE MADE ON THE
3 CHILD'S BEHALF AND SHALL RECEIVE AN ADMINISTRATIVE HEARING TO
4 DETERMINE THE CHILD'S ELIGIBILITY FOR STATE OR FEDERALLY FUNDED
5 ASSISTANCE. IF THE CHILD IS FOUND ELIGIBLE FOR THE PROGRAM, AN
6 ADOPTION ASSISTANCE AGREEMENT SHALL BE NEGOTIATED ON BEHALF OF THE
7 CHILD AND SHALL BE EFFECTIVE BEGINNING ON THE DATE THAT THE CHILD'S
8 SPECIAL NEEDS BECAME APPARENT, AS DOCUMENTED BY A LICENSED
9 PHYSICIAN.