

By Senator Peaden

1-409-02

1 A bill to be entitled
2 An act providing for adoption assistance;
3 creating s. 409.406, F.S.; providing authority
4 for the Department of Children and Family
5 Services to enter into interstate agreements
6 with other participating states for medical and
7 other necessary services for special-needs
8 children; establishing procedures for
9 interstate delivery of adoption assistance and
10 related services and benefits; providing for
11 rules; creating s. 409.407, F.S.; prohibiting
12 expansion of the state's financial commitment;
13 providing an effective date.

15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 409.406, Florida Statutes is
18 created to read:

19 409.406 Interstate Compact on Adoption and Medical
20 Assistance.--The Interstate Compact on Adoption and Medical
21 Assistance is enacted into law and entered into with all other
22 jurisdictions legally joining therein in form substantially as
23 follows:

24 INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

25 ARTICLE I. Findings

26 The Legislature finds that:

27 (a) Special measures are required to find adoptive
28 families for children for whom state assistance is desirable
29 pursuant to s. 409.166 and to assure the protection of the
30 interest of the children affected during the entire assistance

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1 period when the adoptive parents move to another state or are
2 residents of another state.

3 (b) The providers of medical and other necessary
4 services for children who benefit from state assistance
5 encounter special difficulties when the provision of services
6 takes place in other states.

7 ARTICLE II. Purposes

8 The purposes of the act are to:

9 (a) Authorize the Department of Children and Family
10 Services to enter into interstate agreements with agencies of
11 other states to protect children for whom it provides adoption
12 assistance.

13 (b) Provide procedures for interstate children's
14 adoption-assistance payments, including medical payments.

15 ARTICLE III. Definitions

16 As used in this compact, the term:

17 (a) "Agency" means the Agency for Health Care
18 Administration.

19 (b) "Department" means the Florida Department of
20 Children and Family Services.

21 (c) "State" means a state of the United States, the
22 District of Columbia, the Commonwealth of Puerto Rico, the
23 United States Virgin Islands, Guam, the Commonwealth of the
24 Northern Mariana Islands, or a territory or possession of or
25 administered by the United States.

26 (d) "Adoption-assistance state" means the state that
27 is signatory to an adoption-assistance agreement in a
28 particular case.

29 (e) "Residence state" means the state where the child
30 resides.

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1 (f) "Medical assistance" means the medical-assistance
2 program authorized by Title XIX of the Social Security Act.

3 ARTICLE IV. Compacts Authorized

4 The Department of Children and Family Services, by and
5 through its secretary, may participate in the development of
6 and negotiate and enter into interstate compacts on behalf of
7 this state with other states to implement the purposes of this
8 act. Such a compact has the force and effect of law.

9 ARTICLE V. Contents of Compacts

10 A compact entered into under this act must have the
11 following content:

12 (a) A provision making it available for joinder by all
13 states;

14 (b) A provision for withdrawal from the compact upon
15 written notice to the parties, but with a period of 1 year
16 between the date of the notice and the effective date of the
17 withdrawal;

18 (c) A requirement that the protections afforded under
19 the compact continue in force for the duration of the adoption
20 assistance and are applicable to all children and their
21 adoptive parents who, on the effective date of the withdrawal,
22 are receiving adoption assistance from a party state other
23 than the one in which they are residents and have their
24 principal place of abode;

25 (d) A requirement that each instance of adoption
26 assistance to which the compact applies be covered by an
27 adoption-assistance agreement in writing between the adoptive
28 parents and the state child welfare agency of the state which
29 undertakes to provide the adoption assistance and, further,
30 that any such agreement be expressly for the benefit of the
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1 adopted child and enforceable by the adoptive parents and the
2 state agency providing the adoption assistance; and

3 (e) Such other provisions as are appropriate to the
4 proper administration of the compact.

5 ARTICLE VI. Optional Contents of Compacts

6 A compact entered into under this section may contain
7 provisions in addition to those required by Article V, as
8 follows:

9 (a) Provisions establishing procedures and entitlement
10 to medical and other necessary social services for the child
11 in accordance with applicable laws, even though the child and
12 the adoptive parents are in a state other than the one
13 responsible for or providing the services, or the funds to
14 defray part or all of the costs thereof; and

15 (b) Such other provisions as are appropriate or
16 incidental to the proper administration of the compact.

17 ARTICLE VII. Medical Assistance

18 (a) A child with special needs who is a resident of
19 this state and who is the subject of an adoption-assistance
20 agreement with another state is entitled to receive a
21 medical-assistance identification from this state upon the
22 filing with the agency of a certified copy of the
23 adoption-assistance agreement obtained from the
24 adoption-assistance state. Pursuant to rules of the agency,
25 the adoptive parents shall at least annually show that the
26 agreement is still in force or has been renewed.

27 (b) The terms of the compact entered into by the
28 department apply to children who are the subject of federal
29 adoption-assistance agreements. The state will provide the
30 benefits under this section to children who are the subject of
31 a state adoption-assistance agreement, upon the determination

1 by the department and the agency that the adoption-assistance
2 state is a party to the compact and has reciprocity in
3 provision of medical assistance to state adoption-assistance
4 children.

5 (c) The agency shall consider the holder of a
6 medical-assistance identification pursuant to this section as
7 any other holder of a medical-assistance identification under
8 the laws of this state and shall process and make payment on
9 claims on behalf of such holder in the same manner and under
10 the same conditions and procedures established for other
11 recipients of medical assistance.

12 (d) The provisions of this article apply only to
13 medical assistance for children under adoption-assistance
14 agreements from a state that has entered into a compact with
15 this state under which the other state provided medical
16 assistance to children with special needs under
17 adoption-assistance agreements made by this state. All other
18 children entitled to medical assistance pursuant to an
19 adoption-assistance agreement entered into by this state are
20 eligible to receive such assistance under the laws and
21 procedures applicable thereto.

22 (e) The department shall adopt rules necessary for
23 administering this section.

24 ARTICLE VIII. Federal Participation

25 Consistent with federal law, the department and the
26 agency, in administering this act and any compact pursuant to
27 this act, must include in any state plan made pursuant to the
28 Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No.
29 96-272), Titles IV(E) and XIX of the Social Security Act, and
30 any other applicable federal laws, the provision of adoption
31 assistance and medical assistance for which the Federal

1 Government pays some or all of the cost. The department and
2 the agency shall apply for and administer all relevant federal
3 aid in accordance with law.

4 Section 2. Section 409.407, Florida Statutes, is
5 created to read:

6 409.407 Interstate agreements between the Department
7 of Children and Family Services and agencies of other
8 states.--The Department of Children and Family Services, which
9 is authorized to enter into interstate agreements with
10 agencies of other states for the implementation of the
11 purposes of the Interstate Compact on Adoption and Medical
12 Assistance pursuant to s. 409.406, may not expand the
13 financial commitment of the state beyond the financial
14 obligation of the adoption-assistance agreements and Medicaid.

15 Section 3. This act shall take effect July 1, 2002.

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18 SENATE SUMMARY

19 Creates the Interstate Compact on Adoption and Medical
20 Assistance to provide for agreements between this state
21 and other states for the payment of adoption assistance
and medical assistance for eligible special-needs
children.

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