

House Bill 2051

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that Department of Human Services is to determine qualification for and set amount of adoption payments through negotiations with prospective adoptive parents. Allows change of payment amount upon change in circumstances or in amount of comparable assistance in foster care. Clarifies when department may suspend or terminate payments to adoptive parents.

Establishes right to hearing for persons affected by decision or order of department.

A BILL FOR AN ACT

1
2 Relating to payments to adoptive parents; creating new provisions; and amending ORS 418.330 and
3 418.335.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 418.330 is amended to read:

6 418.330. (1) The Department of Human Services may make payments to adoptive parents on be-
7 half of a child placed for adoption by the department or by an approved child-caring agency when
8 the department determines:

9 (a) The child has special needs because of [*a handicap*] **an impediment** to adoptive placement
10 by reason of the child's physical or mental condition, race, age, or membership in a sibling group;
11 or

12 (b) The adoptive family is capable of providing the permanent family relationships needed by the
13 child in all respects other than financial, and the needs of the child are beyond the economic ability
14 and resources of the family.

15 (2) Payments [*in subsidization of adoption*] **under subsection (1) of this section:**

16 (a) May include but are not limited to the maintenance costs, medical and surgical expenses,
17 and other costs incidental to the care, training and education of the child[.]; **and**

18 (b) [*Such payments*] May not exceed the cost of providing comparable assistance in foster care
19 [*and shall not be made after the adoptive child becomes 18 years of age*].

20 **SECTION 2.** ORS 418.335 is amended to read:

21 418.335. [*(1) Qualification for payments in subsidization of adoption shall be determined and ap-*
22 *proved by the Department of Human Services prior to the completion of the adoption proceeding, and*
23 *shall be redetermined annually thereafter. The department may increase, decrease, suspend or terminate*
24 *payments at any time in its discretion.*]

25 [(2) *If a payment in subsidization of adoption is suspended or terminated prior to the 18th birthday*
26 *of the child, the parents of the child may petition the department for a review of the case. The de-*
27 *partment shall afford the petitioner an opportunity for a hearing which shall be held in the county the*
28 *petitioner elects.*]

29 (1) **Qualification for payments under ORS 418.330 must be determined by the Department**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 of Human Services prior to the completion of the adoption proceeding.

2 (2) The department shall set the amount of payments under ORS 418.330 through nego-
3 tiations with the prospective adoptive parents, taking into consideration the circumstances
4 of the prospective adoptive parents and the needs of the child.

5 (3) The department may change the amount of payment under ORS 418.330:

6 (a) Through renegotiation with the adoptive parents, based upon a showing that there
7 has been a change in the circumstances of the adoptive parents or the needs of the child;
8 or

9 (b) When the department has reduced or increased the amount of comparable assistance
10 in foster care under ORS 418.647.

11 (4) The department may suspend or terminate payments when one or more of the fol-
12 lowing conditions exist:

13 (a) The child attains 18 years of age.

14 (b) The adoptive parents are no longer legally responsible for the support of the child.

15 (c) The child is no longer receiving any support from the adoptive parents.

16 (5) The department shall provide an opportunity for a hearing under ORS chapter 183 to
17 any person affected by a decision or order of the department under this section.

18 **SECTION 3.** The amendments to ORS 418.330 and 418.335 by sections 1 and 2 of this 2011
19 Act apply to payments to adoptive parents made on or after the effective date of this 2011
20 Act.

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