

House Bill 2052

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**.

Expands definition of "child" for purposes of payments to subsidize adoption made by Department of Human Services. Requires department to pay nonrecurring adoption expenses in adoption of child with special needs. Clarifies limits on payments to adoptive parents. Requires parents receiving adoption payments to inform department of circumstances affecting eligibility.

A BILL FOR AN ACT

1
2 Relating to payments to adoptive parents; creating new provisions; and amending ORS 418.330,
3 418.335 and 418.340.

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) **As used in this section:**

7 (a) **"Child" means:**

8 (A) **A person under 18 years of age;**

9 (B) **A person under 21 years of age if the Department of Human Services determines that**
10 **the person has a mental or physical disability that warrants the continuation of assistance;**
11 **or**

12 (C) **A person who has attained 18 years of age and:**

13 (i) **Is in substitute care as defined in ORS 419A.004, and on whose behalf payments under**
14 **this section are being received, provided the person was at least 16 years of age at the time**
15 **the payments commenced;**

16 (ii) **Has not attained 21 years of age; and**

17 (iii)(I) **Is completing secondary education or a program leading to an equivalent creden-**
18 **tial;**

19 (II) **Is enrolled in an institution or program that provides post-secondary or vocational**
20 **education;**

21 (III) **Is participating in a program or activity designed to promote, or remove barriers**
22 **to, employment;**

23 (IV) **Is employed for at least 80 hours per month; or**

24 (V) **Is incapable of doing any of the activities described in sub-sub-subparagraphs (I) to**
25 **(IV) of this sub-subparagraph due to a medical condition, which incapability is supported by**
26 **regularly updated documentation.**

27 (b) **"Child-caring agency" means:**

28 (A) **A child-caring agency as defined in ORS 418.205; and**

29 (B) **For a child who has attained 18 years of age, an independent residence facility es-**
30 **tablished or certified under ORS 418.475 in which the child resides as an enrollee in an inde-**

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 **pendent living program.**

2 (c) **“Nonrecurring adoption expenses” means reasonable and necessary adoption fees,**
 3 **court costs, attorney fees and other expenses that are directly related to the adoption of a**
 4 **child with special needs and that are not incurred in violation of state or federal law.**

5 [(1)] (2) The department [*of Human Services*] may make payments to adoptive parents on behalf
 6 of a child placed for adoption by the department or by an approved child-caring agency when the
 7 department determines:

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

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

14 [(2) *Payments in subsidization of adoption may include but are not limited to the maintenance*
 15 *costs, medical and surgical expenses, and other costs incidental to the care, training and education of*
 16 *the child. Such payments may not exceed the cost of providing comparable assistance in foster care and*
 17 *shall not be made after the adoptive child becomes 18 years of age.*]

18 **(3) Payments to subsidize adoptions made under subsection (2) of this section:**

19 **(a) Shall include payment of nonrecurring adoption expenses incurred by or on behalf of**
 20 **adoptive parents in connection with the adoption of a child with special needs;**

21 **(b) May include, but are not limited to, the maintenance costs, medical and surgical ex-**
 22 **penditures, and other costs incidental to the care, training and education of the child;**

23 **(c) May not exceed the cost of providing comparable assistance in foster care; and**

24 **(d) May not be made:**

25 **(A) For a child who has not attained 18 years of age, when the adoptive parents are no**
 26 **longer legally responsible for the support of the child; or**

27 **(B) When the child is no longer receiving any support from the adoptive parents.**

28 **(4) Adoptive parents receiving payments under subsection (2) of this section shall inform**
 29 **the department of circumstances that would make the adoptive parents:**

30 **(a) Ineligible to receive the payments; or**

31 **(b) Eligible to receive the payments in a different amount.**

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

33 418.335. (1) Qualification for payments [*in subsidization of adoption*] **under ORS 418.330** shall
 34 be determined and approved by the Department of Human Services prior to the completion of the
 35 adoption proceeding, and shall be redetermined annually thereafter. **Subject to ORS 418.330 (3),** the
 36 department may increase, decrease, suspend or terminate payments at any time in its discretion.

37 (2) If a payment [*in subsidization of adoption*] **under ORS 418.330** is suspended or terminated
 38 [*prior to the 18th birthday of the child*] **for a reason not related to the age of the child,** the par-
 39 ents of the child may petition the department for a review of the case. The department shall afford
 40 the petitioner an opportunity for a hearing, which shall be held in the county the petitioner elects.

41 **SECTION 3.** ORS 418.340 is amended to read:

42 418.340. The Department of Human Services shall make all necessary rules [*and regulations for*
 43 *administering the program for payments in subsidization of*] **for payments to subsidize** adoptions.

44 **SECTION 4. The amendments to ORS 418.330, 418.335 and 418.340 by sections 1 to 3 of this**
 45 **2011 Act apply to payments to adoptive parents made on or after the effective date of this**

1 **2011 Act.**

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