
HOUSE BILL No. 1936

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-21.5-2-6; IC 31-19-26.

Synopsis: Medical expenses for adopted children. Requires payment by the county office of family and children or the division of family and children of the costs of certain health related adoption subsidies. Makes a determination by the division of family and children with respect to subsidies subject to administrative review.

Effective: July 1, 2003.

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January 23, 2003, read first time and referred to Committee on Ways and Means.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

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HOUSE BILL No. 1936



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-21.5-2-6, AS AMENDED BY P.L.1-2002,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 6. (a) This article does not apply to the
4 formulation, issuance, or administrative review (but does, except as
5 provided in subsection (b), apply to the judicial review and civil
6 enforcement) of any of the following:

- 7 (1) Determinations by the division of family and children, **except**
- 8 **a determination made under IC 31-19-26-3.**
- 9 (2) Determinations by the alcohol and tobacco commission.
- 10 (3) Determinations by the office of Medicaid policy and planning
- 11 concerning recipients and applicants of Medicaid. However, this
- 12 article does apply to determinations by the office of Medicaid
- 13 policy and planning concerning providers.
- 14 (4) A final determination of the Indiana board of tax review.
- 15 (b) IC 4-21.5-5-12 and IC 4-21.5-5-14 do not apply to judicial
- 16 review of a final determination of the Indiana board of tax review.

17 SECTION 2. IC 31-19-26-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) When a petition
 2 for adoption is filed seeking a subsidy and the payment of a subsidy is
 3 ordered by the court, **or a subsidy is required under section 3(a) of**
 4 **this chapter**, the order **or adoption decree** must contain the following
 5 information:

6 (1) Whether a subsidy:

7 (A) will be paid under section 2 ~~or 3~~ **of this chapter; or**

8 (B) **is required under section 3(a)** of this chapter;

9 or both.

10 (2) The amount of ~~each~~ a subsidy to be paid **under section 2 of**
 11 **this chapter.**

12 (3) If a subsidy ~~will be paid~~ **is required** under ~~section 3~~ **section**
 13 **3(a)** of this chapter, the condition or cause covered by the
 14 subsidy.

15 (4) Any condition for the continued payment of a subsidy other
 16 than a requirement set forth in this chapter.

17 (b) **Except as provided in section 3 of this chapter**, the county
 18 office of family and children of the county responsible for foster care
 19 of an adoptive child:

20 (1) may be ordered to pay ~~either or both of the subsidies~~ **the**
 21 **subsidy under section 2 of this chapter; and**

22 (2) **shall pay a subsidy required** under **section 3** of this chapter;
 23 to the adoptive parents or designated payees to the extent that money
 24 is available.

25 SECTION 3. IC 31-19-26-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) ~~The court may~~
 27 ~~order the department to~~ **county office of family and children of the**
 28 **county responsible for foster care of an adoptive child shall** pay a
 29 subsidy for the medical, surgical, hospital, and related expenses for an
 30 adoptive child due to the physical, mental, emotional, or medical
 31 condition of the child if:

32 (1) the condition or the cause of the condition existed before the
 33 petition for adoption was filed;

34 (2) **the expenses related to treatment of the condition are paid**
 35 **by the state or a local unit of government before the adoption;**
 36 and

37 (3) payments from insurance or public money to treat the
 38 condition or cause of the condition are not available to the
 39 adoptive child or adoptive parents.

40 (b) **The county office of family and children of the county**
 41 **responsible for foster care of an adoptive child shall pay a subsidy**
 42 **for the medical, surgical, hospital, and related expenses for an**

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1 adoptive child due to a physical, a mental, an emotional, or a
 2 medical condition of the child of which evidence appears after the
 3 child is adopted if:

4 (1) the condition or the cause of the condition existed before
 5 the petition for adoption was filed, as determined by the
 6 child's treating physician; and

7 (2) payments from insurance or public money to treat the
 8 condition or cause of the condition are not available to the
 9 adoptive child or adoptive parents.

10 (c) If funding is not available through the county office of family
 11 and children as required under subsections (a) and (b), the division
 12 of family and children established by IC 12-13-1-1 shall pay the
 13 subsidy.

14 (d) The amount of the subsidy required under subsection (a) or
 15 (b) must be equal to the amount that would be paid for the medical,
 16 surgical, hospital, and related expenses under the Medicaid
 17 program under IC 12-15.

18 (e) A person aggrieved by an agency action under this section
 19 may petition for administrative review under IC 4-21.5-3-7.

20 SECTION 4. IC 31-19-26-4 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Subject to
 22 subsection (b), the subsidies under sections 2 and 3 of this chapter
 23 continue:

24 (1) until:

25 (A) the child becomes eighteen (18) years of age;

26 (B) the child becomes emancipated;

27 (C) the child dies;

28 (D) the child's adoption is terminated; or

29 (E) further order of court;

30 whichever occurs first; and

31 (2) although the adoptive parents leave the jurisdiction of the
 32 court.

33 (b) The court may order a subsidy granted **or required** under this
 34 chapter to continue until the adoptive child becomes twenty-one (21)
 35 years of age. The court may issue an order under this subsection if:

36 (1) the adoptive child files a petition for the order; and

37 (2) the court determines that the child is enrolled in:

38 (A) a secondary school;

39 (B) a college or university; or

40 (C) a course of vocational training leading to gainful
 41 employment.

42 SECTION 5. IC 31-19-26-5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) As a condition for
2 continuation of the subsidies, the court shall require the adoptive
3 parents to file a sworn report with the court, with an additional copy to
4 be filed with the county office of family and children making the
5 payments of aid, at least one (1) time each year, stating:

6 (1) the location of the parents; and

7 (2) the location and condition of the child.

8 (b) The court or the county office of family and children may
9 request confirmation of the veracity of the report required by
10 subsection (a) from any governmental agency that provides services in
11 the area of Indiana in which the child resides. On the basis of the report
12 or information received by the court indicating changed conditions, the
13 court may:

14 (1) continue;

15 (2) increase;

16 (3) reduce; or

17 (4) discontinue;

18 the subsidy by order of the court. **However, a court may not reduce**
19 **or discontinue a subsidy under this section if the subsidy is**
20 **required under section 3 of this chapter.**

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