

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 241, between lines 32 and 33, begin a new paragraph and
2 insert:
3 "SECTION 232. IC 31-19-26.5-3, AS ADDED BY P.L.146-2008,
4 SECTION 562, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2011]: Sec. 3. **(a)** The department ~~may~~ **shall**
6 make payments of adoption subsidy under this chapter for the benefit
7 of a child with special needs if the department has:
8 (1) either:
9 (A) entered into a written agreement **under section 10.5 of**
10 **this chapter** with the adoptive parent or parents, before or at
11 the time the court enters a final decree of adoption under
12 IC 31-19-11-1, that specifies the amount, terms, and
13 conditions of the adoption assistance payments; or
14 (B) received a written final order in an administrative appeal
15 in accordance with section 12(4) of this chapter concluding
16 that the adoptive parents are eligible for a subsidy payable
17 under this chapter and determining the appropriate subsidy
18 amount; **and**
19 (2) ~~determined that sufficient funds are available in the adoption~~
20 ~~assistance account of the state general fund; and can reasonably~~
21 ~~be anticipated to be available in that account during the term of~~
22 ~~the agreement or order; to make the payments as specified in the~~
23 ~~agreement or order; and~~
24 (3) ~~(2)~~ determined that the child is not eligible for adoption
25 assistance under 42 U.S.C. 673.
26 **(b) This section does not prohibit the department from**
27 **modifying or terminating an agreement with the adoptive parent**
28 **or parents under this chapter. However, the department may not**
29 **terminate an agreement with the adoptive parent or parents due to**
30 **insufficient funds in the adoption assistance account.**

1 SECTION 233. IC 31-19-26.5-10, AS ADDED BY P.L.146-2008,
 2 SECTION 562, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2011]: Sec. 10. An adoption assistance account
 4 is established within the state general fund for the purpose of funding
 5 adoption subsidy payments under this chapter and the state's share of
 6 adoption assistance payments under 42 U.S.C. 673. The account
 7 consists of:

8 (1) amounts specifically appropriated to the department by the
 9 general assembly for adoption assistance;

10 (2) amounts allocated by the department to the adoption
 11 assistance account from ~~the department funds available to the~~
 12 ~~department~~; **in accordance with section 10.5 of this chapter**;
 13 and

14 (3) any other amounts contributed or paid to the department for
 15 adoption assistance under this chapter.

16 SECTION 234. IC 31-19-26.5-10.5 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2011]: **Sec. 10.5. (a) The department shall:**

19 **(1) enter into an agreement described under section 3(a)(1)(A)**
 20 **of this chapter with each adoptive parent of a child with**
 21 **special needs who is eligible for a subsidy under this chapter;**
 22 **and**

23 **(2) allocate funds to the adoption assistance account necessary**
 24 **to meet the requirements under section 3 of this chapter.**

25 **(b) This section does not require the department to enter into an**
 26 **agreement to:**

27 **(1) make additional payments under section 6 of this chapter;**
 28 **or**

29 **(2) continue adoption subsidy payments under section 9(b) of**
 30 **this chapter.**

31 SECTION 235. IC 31-19-26.5-11, AS ADDED BY P.L.146-2008,
 32 SECTION 562, IS AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) ~~In determining the~~
 34 ~~availability of funds in the adoption assistance account for payments of~~
 35 ~~adoption subsidies under this chapter~~; **Subject to sections 3 and 10.5**
 36 **of this chapter**, the department shall give priority to payments required
 37 by court orders for county adoption subsidies entered under
 38 IC 31-19-26 (before its repeal).

39 (b) The provisions of this chapter applicable to continuation,
 40 modification, or termination of adoption subsidy payments shall apply
 41 after January 1, 2009, to county adoption subsidy orders entered under
 42 IC 31-19-26 (before its repeal).

43 SECTION 236. IC 31-19-26.5-12, AS ADDED BY P.L.146-2008,
 44 SECTION 562, IS AMENDED TO READ AS FOLLOWS
 45 [EFFECTIVE JULY 1, 2011]: Sec. 12. The department shall adopt
 46 rules under IC 4-22-2, as needed, to carry out this chapter. The rules

- 1 must include at least the following subjects:
- 2 (1) The application and determination process for subsidies or
- 3 other assistance provided under this chapter.
- 4 (2) The standards for determination of a child with special needs.
- 5 (3) The process for determining the duration, extension,
- 6 modification, and termination of agreements, as provided in
- 7 sections 8 and 9 of this chapter.
- 8 (4) The procedure for administrative review and appeal of
- 9 determinations made by the department under this chapter.
- 10 (5) **Subject to sections 3 and 10.5 of this chapter**, the procedure
- 11 for determining availability of funds for new subsidy agreements
- 12 and continuation of existing agreements or orders under this
- 13 chapter and IC 31-19-26 (before its repeal), including any funding
- 14 ~~limitations or~~ priorities as provided in ~~sections 4~~ and **section 11**
- 15 of this chapter."
- 16 Page 251, between lines 9 and 10, begin a new paragraph and insert:
- 17 "SECTION 278. IC 31-19-26.5-4 IS REPEALED [EFFECTIVE
- 18 JULY 1, 2011]."
- 19 Renumber all SECTIONS consecutively.
(Reference is to EHB 1001 as printed April 19, 2011.)

Senator BRODEN