PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION ____

MR. SPEAKER:

I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 17, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 18. IC 31-19-26.5-3, AS ADDED BY P.L.146-2008, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a)** The department ~~may~~ **shall** make payments of adoption subsidy under this chapter for the benefit of a child with special needs if the department has:

(1) either:

(A) entered into a written agreement **under section 10.5 of this chapter** with the adoptive parent or parents, before or at the time the court enters a final decree of adoption under IC 31-19-11-1, that specifies the amount, terms, and conditions of the adoption assistance payments; or

(B) received a written final order in an administrative appeal in accordance with section 12(4) of this chapter concluding that the adoptive parents are eligible for a subsidy payable under this chapter and determining the appropriate subsidy amount; **and**

~~(2) determined that sufficient funds are available in the adoption assistance account of the state general fund, and can reasonably be anticipated to be available in that account during the term of the agreement or order, to make the payments as specified in the agreement or order; and~~

~~(3)~~ **(2)** determined that the child is not eligible for adoption assistance under 42 U.S.C. 673.

(b) This section does not prohibit the department from modifying or terminating an agreement with the adoptive parent or parents under this chapter. However, the department may not terminate an agreement with the adoptive parent or parents due to insufficient funds in the adoption assistance account.

SECTION 19. IC 31-19-26.5-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. If the department determines that sufficient funds are not or will not be available in the adoption assistance account established under this chapter to make adoption subsidy payments to adoptive parents of all children who may be eligible for a subsidy payable under this chapter, the department may, in accordance with procedures established by rules:~~

~~(1) approve new adoption subsidy agreements only for the benefit of children for whom the department has wardship responsibility at the time the adoption petition is filed; or~~

~~(2) give priority to funding new adoption subsidy agreements for children for whom the department has had wardship responsibility.~~

SECTION 20. IC 31-19-26.5-10, AS ADDED BY P.L.146-2008, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. An adoption assistance account is established within the state general fund for the purpose of funding adoption subsidy payments under this chapter and the state's share of adoption assistance payments under 42 U.S.C. 673. The account consists of:

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

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

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

SECTION 21. IC 31-19-26.5-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10.5. (a) The department shall:**

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

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

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

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

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

SECTION 22. IC 31-19-26.5-11, AS ADDED BY P.L.146-2008, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) ~~In determining the availability of funds in the adoption assistance account for payments of adoption subsidies under this chapter,~~ **Subject to sections 3 and 10.5 of this chapter,** the department shall give priority to payments required by court orders for county adoption subsidies entered under IC 31-19-26 (before its repeal).

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

SECTION 23. IC 31-19-26.5-12, AS ADDED BY P.L.146-2008, SECTION 562, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. The department shall adopt rules under IC 4-22-2, as needed, to carry out this chapter. The rules must include at least the following subjects:

(1) The application and determination process for subsidies or other assistance provided under this chapter.

(2) The standards for determination of a child with special needs.

(3) The process for determining the duration, extension, modification, and termination of agreements, as provided in sections 8 and 9 of this chapter.

(4) The procedure for administrative review and appeal of determinations made by the department under this chapter.

(5) **Subject to sections 3 and 10.5 of this chapter,** the procedure for determining availability of funds for new subsidy agreements and continuation of existing agreements or orders under this chapter and IC 31-19-26 (before its repeal), including any funding ~~limitations or~~ priorities as provided in ~~sections 4 and~~ **section** 11 of this chapter.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed February 24, 2012.)

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Representative Austin