

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WITHDRAWN	Noes _____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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 12 be amended to read as follows:

- 1 Page 27, between lines 10 and 11, begin a new paragraph and insert:
- 2 "SECTION 40. IC 31-19-26.5-3, AS ADDED BY P.L.146-2008,
- 3 SECTION 562, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a)** The department ~~may~~ **shall**
- 5 make payments of adoption subsidy under this chapter for the benefit
- 6 of a child with special needs if the department has:
- 7 (1) either:
- 8 (A) entered into a written agreement **under section 10.5 of**
- 9 **this chapter** with the adoptive parent or parents, before or at
- 10 the time the court enters a final decree of adoption under
- 11 IC 31-19-11-1, that specifies the amount, terms, and
- 12 conditions of the adoption assistance payments; or
- 13 (B) received a written final order in an administrative appeal
- 14 in accordance with section 12(4) of this chapter concluding
- 15 that the adoptive parents are eligible for a subsidy payable
- 16 under this chapter and determining the appropriate subsidy
- 17 amount; **and**
- 18 ~~(2) determined that sufficient funds are available in the adoption~~
- 19 ~~assistance account of the state general fund; and can reasonably~~
- 20 ~~be anticipated to be available in that account during the term of~~
- 21 ~~the agreement or order; to make the payments as specified in the~~
- 22 ~~agreement or order; and~~
- 23 ~~(2)~~ **(2)** determined that the child is not eligible for adoption
- 24 assistance under 42 U.S.C. 673.

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

6           SECTION 41. IC 31-19-26.5-4 IS REPEALED [EFFECTIVE JULY  
 7 1, 2012]. Sec. 4. If the department determines that sufficient funds are  
 8 not or will not be available in the adoption assistance account  
 9 established under this chapter to make adoption subsidy payments to  
 10 adoptive parents of all children who may be eligible for a subsidy  
 11 payable under this chapter, the department may, in accordance with  
 12 procedures established by rules:

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

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

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

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

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

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

34           SECTION 43. IC 31-19-26.5-10.5 IS ADDED TO THE INDIANA  
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2012]: **Sec. 10.5. (a) The department shall:**

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

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

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

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

1           **(2) continue adoption subsidy payments under section 9(b) of**  
2           **this chapter.**  
3           SECTION 44. IC 31-19-26.5-11, AS ADDED BY P.L.146-2008,  
4           SECTION 562, IS AMENDED TO READ AS FOLLOWS  
5           [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) ~~In determining the~~  
6           ~~availability of funds in the adoption assistance account for payments of~~  
7           ~~adoption subsidies under this chapter,~~ **Subject to sections 3 and 10.5**  
8           **of this chapter,** the department shall give priority to payments required  
9           by court orders for county adoption subsidies entered under  
10          IC 31-19-26 (before its repeal).  
11          (b) The provisions of this chapter applicable to continuation,  
12          modification, or termination of adoption subsidy payments shall apply  
13          after January 1, 2009, to county adoption subsidy orders entered under  
14          IC 31-19-26 (before its repeal).  
15          SECTION 45. IC 31-19-26.5-12, AS ADDED BY P.L.146-2008,  
16          SECTION 562, IS AMENDED TO READ AS FOLLOWS  
17          [EFFECTIVE JULY 1, 2012]: Sec. 12. The department shall adopt  
18          rules under IC 4-22-2, as needed, to carry out this chapter. The rules  
19          must include at least the following subjects:  
20                (1) The application and determination process for subsidies or  
21                other assistance provided under this chapter.  
22                (2) The standards for determination of a child with special needs.  
23                (3) The process for determining the duration, extension,  
24                modification, and termination of agreements, as provided in  
25                sections 8 and 9 of this chapter.  
26                (4) The procedure for administrative review and appeal of  
27                determinations made by the department under this chapter.  
28                (5) **Subject to sections 3 and 10.5 of this chapter,** the procedure  
29                for determining availability of funds for new subsidy agreements  
30                and continuation of existing agreements or orders under this  
31                chapter and IC 31-19-26 (before its repeal), including any funding  
32                ~~limitations or priorities as provided in sections 4 and section 11~~  
33                of this chapter."  
34          Renumber all SECTIONS consecutively.  
              (Reference is to ESB 12 as printed February 17, 2012.)

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Representative Austin