

ACT 110

H.B. NO. 2345-86

A Bill for an Act Relating to and Authorizing an Adoption Assistance Compact and Procedures for Interstate Services Payments.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
ADOPTION ASSISTANCE COMPACT AND  
PROCEDURES FOR INTERSTATE SERVICES  
PAYMENTS**

§ -1 **Findings and purposes.** The legislature finds that to obtain adoptive families for children with special needs, states must assure prospective adoptive parents of substantial assistance in meeting the high costs of supporting and providing for the child’s special needs. The purpose of this chapter is to authorize the department of social services and housing to enter into interstate agreements for the protection of children who receive adoption assistance from the State.

§ -2 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Adoption assistance” means the payment or payments for the maintenance of a child which are made or committed to be made pursuant to this chapter.

“Adoption assistance state” means the state that is a signatory to an adoption assistance agreement in a particular case.

“Child” means a person less than eighteen years of age, or a person less than twenty-one years of age who has mental or physical handicaps that warrant the continuation of assistance beyond the age of eighteen.

“Child with special needs” means a child for whom the department has determined that:

- (1) The child cannot or should not be returned to the parent’s home;
- (2) There exists a specific factor or condition, including but not limited to, ethnic background, age, membership in a minority or sibling group, or physical, emotional or mental handicaps, which make it likely that the child could not be placed with adoptive parents without providing adoption assistance; and

- (3) A reasonable but unsuccessful effort has been made to place the child with appropriate adoptive parents without providing adoption assistance, provided that no attempt need be made when it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child.

“Department” means the department of social services and housing and its authorized representatives.

“Residence state” means the state of which the child is a resident by virtue of the residence of the adoptive parents.

“State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of the United States.

**§ -3 Compacts authorized.** The department is authorized to develop and participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of the State. A compact entered into pursuant to this chapter shall have the force and effect of law.

**§ -4 Contents of compacts.** A compact entered into pursuant to the authority conferred by this chapter shall:

- (1) Provide all states the option of joining;
- (2) Permit the withdrawal from the compact upon one year written notice to all signatories;
- (3) Provide that a state’s withdrawal from the compact does not affect its responsibility to continue to provide assistance to those recipients who were receiving assistance pursuant to the compact prior to the effective date of the withdrawal; and
- (4) Require that each case of adoption assistance under the compact be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance.

**§ -5 Optional contents of compacts.** A compact entered into pursuant to this chapter may:

- (1) Establish procedures and entitlements to medical, developmental, child care, or other social services for the child in accordance with applicable laws;
- (2) Contain other provisions as may be appropriate or incidental to the proper administration of the compact.

**§ -6 Medical assistance.** (a) For the purposes of this chapter, a child with special needs shall be eligible for a medical assistance identification document if:

- (1) An adoption assistance agreement was entered into on the child’s behalf;
- (2) A certified copy of the adoption assistance agreement is filed with the department; and
- (3) The state that entered into the adoption assistance agreement is a signatory to the compact.

At least once a year, the adoptive parents shall be required to show that the adoption assistance agreement is in force.

(b) A holder of medical assistance identification documents pursuant to this chapter shall be treated the same as any other holder of medical assistance identification documents under the laws of this State.

## ACT 110

(c) The department shall reimburse the cost of services for a child who is in another state if:

- (1) The child is covered by an adoption assistance agreement made by the department;
- (2) The service is not covered by the resident state;
- (3) The service would have been covered by the State if the child had remained a resident of the State;
- (4) The service is not covered by any insurance or other third party medical contract or arrangement; and
- (5) Evidence of payment for the services sought to be reimbursed is submitted to the department.

(d) This section shall apply only to medical assistance for children under adoption assistance agreements from states that have entered into a compact with this State under which the other state provides medical assistance to children with special needs under adoption assistance agreements made by this State.

**§ -7 Federal participation.** The department shall include a provision for adoption assistance and medical assistance for which the federal government pays for some or all of the costs in any state plan made pursuant to the Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272 or Social Security Act, Titles IV(e) or XIX.”

**SECTION 2.** This Act shall take effect upon its approval.

(Approved April 29, 1986.)