

Chapter 74.13A RCW
ADOPTION SUPPORT

Sections

- 74.13A.005 Adoption support—State policy enunciated.
- 74.13A.007 Adoption support expenditures—Findings—Intent.
- 74.13A.010 Prospective adoptive parent's fee for cost of adoption services.
- 74.13A.015 Adoption services—Disposition of fees—Use—Federal funds—Gifts and grants.
- 74.13A.020 Adoption support program administration—Rules and regulations—Disbursements from general fund, criteria—Limits.
- 74.13A.025 Factors determining payments or adjustment in standards.
- 74.13A.030 Both continuing payments and lump sum payments authorized.
- 74.13A.035 Application—1996 c 130.
- 74.13A.040 Review of support payments.
- 74.13A.045 Adoptive parent's financial information.
- 74.13A.047 Adoption assistance payments—Expenditure limits.
- 74.13A.050 Agreements as contracts within state and federal Constitutions—State's continuing obligation.
- 74.13A.055 Voluntary amendments to agreements—Procedure when adoptive parties disagree.
- 74.13A.060 Nonrecurring adoption expenses.
- 74.13A.065 Records—Confidentiality.
- 74.13A.070 Recommendations for support of the adoption of certain children.
- 74.13A.075 "Secretary" and "department" defined.
- 74.13A.080 Short title—1971 act.
- 74.13A.085 Adoption support reconsideration program.
- 74.13A.090 Interstate agreements for adoption of children with special needs—Findings.
- 74.13A.095 Interstate agreements for adoption of children with special needs—Purpose.
- 74.13A.100 Interstate agreements for adoption of children with special needs—Definitions.
- 74.13A.105 Interstate agreements for adoption of children with special needs—Authorization.
- 74.13A.110 Interstate agreements for adoption of children with special needs—Required provisions.
- 74.13A.115 Interstate agreements for adoption of children with special needs—Additional provisions.
- 74.13A.120 Interstate agreements for adoption of children with special needs—Medical assistance for children residing in this state—Penalty for fraudulent claims.
- 74.13A.125 Interstate agreements for adoption of children with special needs—Adoption assistance and medical assistance in state plan.

RCW 74.13A.005 Adoption support—State policy enunciated. It is the policy of this state to enable the secretary to charge fees for

certain services to adoptive parents who are able to pay for such services.

It is, however, also the policy of this state that the secretary of the department shall be liberal in waiving, reducing, or deferring payment of any such fee to the end that adoptions shall be encouraged in cases where prospective adoptive parents lack means.

It is the policy of this state to encourage, within the limits of available funds, the adoption of certain hard to place children in order to make it possible for children living in, or likely to be placed in, foster homes or institutions to benefit from the stability and security of permanent homes in which such children can receive continuous parental care, guidance, protection, and love and to reduce the number of such children who must be placed or remain in foster homes or institutions until they become adults.

It is also the policy of this state to try, by means of the program of adoption support authorized in RCW 26.33.320 and 74.13A.005 through 74.13A.080, to reduce the total cost to the state of foster home and institutional care. [2018 c 58 § 73; 1985 c 7 § 133; 1971 ex.s. c 63 § 1. Formerly RCW 74.13.100.]

Effective date—2018 c 58: See note following RCW 28A.655.080.

RCW 74.13A.007 Adoption support expenditures—Findings—Intent.

The legislature finds that the current state adoption support policy to encourage, within available funds, the adoption of certain hard to place children, has expedited permanency for children who are unable to reunify with their family and has resulted in savings otherwise spent on foster care.

The legislature also finds that current economic conditions have reduced state funds available for many critical programs. The legislature further finds that adoption support expenditures continue to increase. Given these realities, the legislature finds there is a need to control adoption support costs without adversely impacting permanency for state dependent children.

The legislature acknowledges that the best way to reduce adoption support and foster care expenditures is to safely prevent children from entering the foster care system. However, the legislature also finds that the recent prospective reduction to adoption support payments set forth in chapter 50, Laws of 2011 1st sp. sess. has not, to date, adversely impacted permanency for foster children in need of adoptive homes.

Therefore, the legislature intends to continue the adoption assistance rate reduction beyond the period set forth in the operating budget, while focusing on sustainable long-term efforts to prevent children from entering the foster care system, such as pursuing a potential federal Title IV-E waiver, which if granted, would allow Washington to reinvest dollars otherwise spent on foster care in prevention programs.

The legislature also finds that many adoptive parents spend adoption support payments on additional mental health services for adoptive children that are not currently covered by existing public programs. The legislature intends to offset adoption support payment expenditures by facilitating efforts to improve the access and quality of existing mental health services for adoptive families in the long term. [2012 c 147 § 1.]

RCW 74.13A.010 Prospective adoptive parent's fee for cost of adoption services. When a child proposed for adoption is placed with a prospective adoptive parent the department may charge such parent a fee in payment or part payment of such adoptive parent's part of the cost of the adoption services rendered and to be rendered by the department.

In charging such fees the department shall treat a husband and wife as a single prospective adoptive parent.

Each such fee shall be fixed according to a sliding scale based on the ability to pay of the prospective adoptive parent or parents.

Such fee scale shall be annually fixed by the secretary after considering the recommendations of the committee designated by the secretary to advise him or her on child welfare and pursuant to the regulations to be issued by the secretary in accordance with the provisions of Title 34 RCW.

The secretary may waive, defer, or provide for payment in installments without interest of, any such fee whenever in his or her judgment payment or immediate payment would cause economic hardship to such adoptive parent or parents.

Nothing in this section shall require the payment of a fee to the state of Washington in a case in which an adoption results from independent placement or placement by a licensed child-placing or supervising agency. [2009 c 520 § 64; 1971 ex.s. c 63 § 2. Formerly RCW 74.13.103.]

RCW 74.13A.015 Adoption services—Disposition of fees—Use—Federal funds—Gifts and grants. All fees paid for adoption services pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 shall be credited to the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such appropriations as may be available. The secretary may for such purposes, contract with any public agency or supervising agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private, and other public funding sources to carry out such purposes.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the general fund and may use such funds, subject to such limitations as may be imposed by federal or state law, to carry out the program of adoption support authorized by RCW 26.33.320 and 74.13A.005 through 74.13A.080. [2009 c 520 § 65; 1985 c 7 § 134; 1979 ex.s. c 67 § 7; 1975 c 53 § 1; 1973 c 61 § 1; 1971 ex.s. c 63 § 3. Formerly RCW 74.13.106.]

Severability—1979 ex.s. c 67: See note following RCW 19.28.351.

RCW 74.13A.020 Adoption support program administration—Rules and regulations—Disbursements from general fund, criteria—Limits.

(1) The secretary shall issue rules and regulations to assist in the

administration of the program of adoption support authorized by RCW 26.33.320 and 74.13A.005 through 74.13A.080.

(2) Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, disabilities, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

(3) Such agreements shall meet the following criteria:

(a) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(b) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(c) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support. If the secretary finds that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13A.005 through 74.13A.080, including annual review of the amount of such support.

(d) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

(4) At least six months before an adoption is finalized under chapter 26.33 RCW and RCW 74.13A.005 through 74.13A.080, the department must provide to the prospective adoptive parent, in writing, information describing the limits of the adoption support program including the following information:

(a) The limits on monthly cash payments to adoptive families;

(b) The limits on the availability of children's mental health services and the funds with which to pay for these services;

(c) The process for accessing mental health services for children receiving adoption support services;

(d) The limits on the one-time cash payments to adoptive families for expenses related to their adopted children; and

(e) That payment for residential or group care is not available for adopted children under the adoption support program. [2020 c 274 § 63. Prior: 2009 c 520 § 66; 2009 c 491 § 9; 1990 c 285 § 7; 1985 c 7 § 135; 1982 c 118 § 4; 1979 ex.s. c 67 § 8; 1971 ex.s. c 63 § 4. Formerly RCW 74.13.109.]

Findings—Purpose—Severability—1990 c 285: See notes following RCW 74.04.005.

Severability—1979 ex.s. c 67: See note following RCW 19.28.351.

RCW 74.13A.025 Factors determining payments or adjustment in standards. The factors to be considered by the secretary in setting the amount of any payment or payments to be made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 and in adjusting standards hereunder shall include: The size of the family including the adoptive child, the usual living expenses of the family, the special needs of any family member including education needs, the family income, the family resources and plan for savings, the medical and hospitalization needs of the family, the family's means of purchasing or otherwise receiving such care, and any other expenses likely to be needed by the child to be adopted. In setting the amount of any initial payment made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary is authorized to establish maximum payment amounts that are reasonable and allow permanency planning goals related to adoption of children under RCW 13.34.145 to be achieved at the earliest possible date. To encourage adoption of children between the ages of fourteen and eighteen, and in particular those children between the ages of fourteen and eighteen who are hard to place for adoption, the secretary is authorized to include as part of any new negotiated adoption agreement executed after October 19, 2017, continued eligibility for the Washington college bound scholarship pursuant to RCW 28B.118.010.

The amounts paid for the support of a child pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child such payments may be discontinued and later resumed.

Payments under RCW 26.33.320 and 74.13A.005 through 74.13A.080 may be continued by the secretary subject to review as provided for herein, if such parent or parents having such child in their custody establish their residence in another state or a foreign jurisdiction.

In fixing the standards to govern the amount and character of payments to be made for the support of adopted children pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080 and before issuing rules and regulations to carry out the provisions of RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary shall consider the comments and recommendations of the committee designated by the secretary to advise him or her with respect to child welfare. [2017 3rd sp.s. c 20 § 8; 2013 c 23 § 210; 1996 c 130 § 1; 1985 c 7 § 136; 1971 ex.s. c 63 § 5. Formerly RCW 74.13.112.]

Construction—Competitive procurement process and contract provisions—Conflict with federal requirements and Indian Child Welfare Act of 1978—2017 3rd sp.s. c 20: See notes following RCW 74.13.270.

RCW 74.13A.030 Both continuing payments and lump sum payments authorized. To carry out the program authorized by RCW 26.33.320 and 74.13A.005 through 74.13A.080, the secretary may make continuing payments or lump sum payments of adoption support. In lieu of continuing payments, or in addition to them, the secretary may make one or more specific lump sum payments for or on behalf of a hard to place child either to the adoptive parents or directly to other persons to assist in correcting any condition causing such child to be hard to place for adoption.

Consistent with a particular child's needs, continuing adoption support payments shall include, if necessary to facilitate or support the adoption of a special needs child, an amount sufficient to remove any reasonable financial barrier to adoption as determined by the secretary under RCW 74.13A.025.

After determination by the secretary of the amount of a payment or the initial amount of continuing payments, the prospective parent or parents who desire such support shall sign an agreement with the secretary providing for the payment, in the manner and at the time or times prescribed in regulations to be issued by the secretary subject to the provisions of RCW 26.33.320 and 74.13A.005 through 74.13A.080, of the amount or amounts of support so determined.

Payments shall be subject to review as provided in RCW 26.33.320 and 74.13A.005 through 74.13A.080. [2017 3rd sp.s. c 20 § 9; 1996 c 130 § 2; 1985 c 7 § 137; 1971 ex.s. c 63 § 6. Formerly RCW 74.13.115.]

Construction—Competitive procurement process and contract provisions—Conflict with federal requirements and Indian Child Welfare Act of 1978—2017 3rd sp.s. c 20: See notes following RCW 74.13.270.

RCW 74.13A.035 Application—1996 c 130. Chapter 130, Laws of 1996 applies to adoption support payments for eligible children whose eligibility is determined on or after July 1, 1996. Chapter 130, Laws of 1996 does not apply retroactively to current recipients of adoption support payments. [1996 c 130 § 3. Formerly RCW 74.13.116.]

RCW 74.13A.040 Review of support payments. (1) Any parent who is a party to an agreement under RCW 74.13A.005 through 74.13A.080 may at any time, in writing, request, for reasons set forth in such request, a review of the amount of any payment or the level of continuing payments. The review shall begin not later than thirty days from the receipt of such request. Any adjustment may be made retroactive to the date such request was received by the secretary. If such request is not acted on within thirty days after it has been received by the secretary, such parent may invoke his or her rights under the hearing provisions set forth in RCW 74.13A.055.

(2) The secretary may make adjustments in payments at the time of the review, or at other times, if the secretary finds that circumstances have changed and warrant an adjustment in payments. Changes in circumstances may include, but are not limited to, variations in medical opinions, prognosis, and costs. Appropriate adjustments in payments shall be made based upon changes in the needs of the child and/or changes in the adoptive parents' income, resources, and expenses for the care of such child or other members of the family, including medical and/or hospitalization expense not otherwise covered by or subject to reimbursement from insurance or other sources of financial assistance. [2013 c 23 § 211; 2009 c 527 § 1; 1995 c 270 § 2; 1985 c 7 § 138; 1971 ex.s. c 63 § 7. Formerly RCW 74.13.118.]

Finding—1995 c 270: "The legislature finds that it is in the best interest of the people of the state of Washington to support the adoption process in a variety of ways, including easing administrative

burdens on adoptive parents receiving financial support, providing finality for adoptive placements and stable homes for children, and not delaying adoptions." [1995 c 270 § 1.]

RCW 74.13A.045 Adoptive parent's financial information. So long as any adoptive parent is receiving support pursuant to RCW 26.33.320 and *74.13.100 through 74.13.145 he or she shall, upon request, file with the secretary a copy of his or her federal income tax return. Such return and any information thereon shall be marked by the secretary "confidential", shall be used by the secretary solely for the purposes of RCW 26.33.320 and *74.13.100 through 74.13.145, and shall not be revealed to any other person, institution or agency, public or private, including agencies of the United States government, other than a superior court, judge or commissioner before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and *74.13.100 through 74.13.145 is then pending.

In carrying on the review process authorized by RCW 26.33.320 and *74.13.100 through 74.13.145 the secretary may require the adoptive parent or parents to disclose such additional financial information, not privileged, as may enable him or her to make determinations and adjustments in support to the end that the purposes and policies of this state expressed in *RCW 74.13.100 may be carried out, provided that no adoptive parent or parents shall be obliged, by virtue of this section, to sign any agreement or other writing waiving any constitutional right or privilege nor to admit to his or her home any agent, employee, or official of any department of this state, or of the United States government.

Such information shall be marked "confidential" by the secretary, shall be used by him or her solely for the purposes of RCW 26.33.320 and *74.13.100 through 74.13.145, and shall not be revealed to any other person, institution, or agency, public or private, including agencies of the United States government other than a superior court judge or commission before whom a petition for adoption of a child being supported or to be supported pursuant to RCW 26.33.320 and *74.13.100 through 74.13.145 is then pending. [1995 c 270 § 3; 1985 c 7 § 139; 1971 ex.s. c 63 § 8. Formerly RCW 74.13.121.]

***Reviser's note:** RCW 74.13.100 through 74.13.145 were recodified as RCW 74.13A.005 through 74.13A.080 pursuant to 2009 c 520 § 95.

Finding—1995 c 270: See note following RCW 74.13A.040.

RCW 74.13A.047 Adoption assistance payments—Expenditure limits.

(1) To ensure expenditures continue to remain within available funds as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than eighty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection applies prospectively to adoption assistance agreements established on or after July 1, 2013, through June 30, 2017.

(2) (a) To ensure expenditures continue to remain within available funds as required by RCW 74.13A.005 and 74.13A.020, the secretary

shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than the following:

(i) For a child under the age of five, no more than eighty percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(ii) For a child aged five through nine, no more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(iii) For a child aged ten through eighteen, no more than ninety-five percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period.

(b) This subsection applies prospectively to adoption assistance agreements established on or after October 19, 2017.

(3) The department must establish a central unit of adoption support negotiators to help ensure consistent negotiation of adoption support agreements that will balance the needs of adoptive families with the state's need to remain fiscally responsible.

(4) The department must request, in writing, that adoptive families with existing adoption support contracts renegotiate their contracts to establish lower adoption assistance payments if it is fiscally feasible for the family to do so. The department shall explain that adoption support contracts may be renegotiated as needs arise. [2017 3rd sp.s. c 20 § 10; 2012 c 147 § 2.]

Construction—Competitive procurement process and contract provisions—Conflict with federal requirements and Indian Child Welfare Act of 1978—2017 3rd sp.s. c 20: See notes following RCW 74.13.270.

RCW 74.13A.050 Agreements as contracts within state and federal Constitutions—State's continuing obligation. An agreement for adoption support made before January 1, 1985, or pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, although subject to review and adjustment as provided for herein, shall, as to the standard used by the secretary in making such review or reviews and any such adjustment, constitutes a contract within the meaning of section 10, Article I of the United States Constitution and section 23, Article I of the state Constitution. For that reason once such an agreement has been made any review of and adjustment under such agreement shall as to the standards used by the secretary, be made only subject to the provisions of RCW 26.33.320 and 74.13A.005 through 74.13A.080 and such rules and regulations relating thereto as they exist on the date of the initial determination in connection with such agreement or such more generous standard or parts of such standard as may hereafter be provided for by law or regulation. Once made such an agreement shall constitute a solemn undertaking by the state of Washington with such adoptive parent or parents. The termination of the effective period of RCW 26.33.320 and 74.13A.005 through 74.13A.080 or a decision by the state or federal government to discontinue or reduce general appropriations made available for the purposes to be served by RCW 26.33.320 and 74.13A.005 through 74.13A.080, shall not affect the state's specific continuing obligations to support such adoptions, subject to such annual review

and adjustment for all such agreements as have theretofore been entered into by the state.

The purpose of this section is to assure any such parent that, upon his or her consenting to assume the burdens of adopting a hard to place child, the state will not in future so act by way of general reduction of appropriations for the program authorized by RCW 26.33.320 and 74.13A.005 through 74.13A.080 or ratable reductions, to impair the trust and confidence necessarily reposed by such parent in the state as a condition of such parent taking upon himself or herself the obligations of parenthood of a difficult to place child.

Should the secretary and any such adoptive parent differ as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary in making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement such adoptive parent may invoke his or her rights, including all rights of appeal under the fair hearing provisions, available to him or her under RCW 74.13A.055. [2009 c 520 § 67; 1985 c 7 § 140; 1971 ex.s. c 63 § 9. Formerly RCW 74.13.124.]

RCW 74.13A.055 Voluntary amendments to agreements—Procedure when adoptive parties disagree. Voluntary amendments of any support agreement entered into pursuant to RCW 26.33.320 and *74.13.100 through 74.13.145 may be made at any time. In proposing any such amending action which relates to the amount or level of a payment or payments, the secretary shall, as provided in **RCW 74.13.124, use either the standard which existed as of the date of the initial determination with respect to such agreement or any subsequent standard or parts of such standard which both parties to such agreement agree is more generous than those in effect as of the date of such initial agreement. If the parties do not agree to the level of support, the secretary shall set the level. The secretary shall give the adoptive parent or parents written notice of the determination. The adoptive parent or parents aggrieved by the secretary's determination have the right to an adjudicative proceeding. The proceeding is governed by RCW 74.08.080 and chapter 34.05 RCW, the Administrative Procedure Act. [1989 c 175 § 148; 1985 c 7 § 141; 1971 ex.s. c 63 § 10. Formerly RCW 74.13.127.]

Reviser's note: *(1) RCW 74.13.100 through 74.13.145 were recodified as RCW 74.13A.005 through 74.13A.080 pursuant to 2009 c 520 § 95.

** (2) RCW 74.13.124 was recodified as RCW 74.13A.050 pursuant to 2009 c 520 § 95.

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 74.13A.060 Nonrecurring adoption expenses. The secretary may authorize the payment, from the appropriations available from the general fund, of all or part of the nonrecurring adoption expenses incurred by a prospective parent. "Nonrecurring adoption expenses" means those expenses incurred by a prospective parent in connection with the adoption of a difficult to place child including, but not limited to, attorneys' fees, court costs, and agency fees. Payment

shall be made in accordance with rules adopted by the department.
[2017 3rd sp.s. c 6 § 502; 1990 c 285 § 8; 1985 c 7 § 142; 1979 ex.s.
c 67 § 9; 1971 ex.s. c 63 § 11. Formerly RCW 74.13.130.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Findings—Purpose—Severability—1990 c 285: See notes following RCW 74.04.005.

Severability—1979 ex.s. c 67: See note following RCW 19.28.351.

RCW 74.13A.065 Records—Confidentiality. The secretary shall keep such general records as are needed to evaluate the effectiveness of the program of adoption support authorized by RCW 26.33.320 and *74.13.100 through 74.13.145 in encouraging and effectuating the adoption of hard to place children. In so doing the secretary shall, however, maintain the confidentiality required by law with respect to particular adoptions. [1985 c 7 § 143; 1971 ex.s. c 63 § 13. Formerly RCW 74.13.133.]

***Reviser's note:** RCW 74.13.100 through 74.13.145 were recodified as RCW 74.13A.005 through 74.13A.080 pursuant to 2009 c 520 § 95.

RCW 74.13A.070 Recommendations for support of the adoption of certain children. Any supervising agency or person having a child in foster care or institutional care and wishing to recommend to the secretary support of the adoption of such child as provided for in RCW 26.33.320 and 74.13A.005 through 74.13A.080 may do so, and may include in its or his or her recommendation advice as to the appropriate level of support and any other information likely to assist the secretary in carrying out the functions vested in the secretary by RCW 26.33.320 and 74.13A.005 through 74.13A.080. Such agency may, but is not required to, be retained by the secretary to make the required preplacement study of the prospective adoptive parent or parents. [2009 c 520 § 68; 1985 c 7 § 144; 1971 ex.s. c 63 § 14. Formerly RCW 74.13.136.]

RCW 74.13A.075 "Secretary" and "department" defined. As used in RCW 26.33.320 and 74.13A.005 through 74.13A.080 the following definitions shall apply:

(1) "Department" means the department of children, youth, and families.

(2) "Secretary" means the secretary of the department. [2017 3rd sp.s. c 6 § 501; 2013 c 23 § 212; 1985 c 7 § 145; 1971 ex.s. c 63 § 15. Formerly RCW 74.13.139.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

RCW 74.13A.080 Short title—1971 act. RCW 26.33.320 and *74.13.100 through 74.13.145 may be known and cited as the "Adoption Support Demonstration Act of 1971". [1985 c 7 § 146; 1971 ex.s. c 63 § 17. Formerly RCW 74.13.145.]

***Reviser's note:** RCW 74.13.100 through 74.13.145 were recodified as RCW 74.13A.005 through 74.13A.080 pursuant to 2009 c 520 § 95.

RCW 74.13A.085 Adoption support reconsideration program. (1)

The department shall establish, within funds appropriated for the purpose, a reconsideration program to provide medical and counseling services through the adoption support program for children of families who apply for services after the adoption is final. Families requesting services through the program shall provide any information requested by the department for the purpose of processing the family's application for services.

(2) A child meeting the eligibility criteria for registration with the program is one who:

(a) Was residing in a preadoptive placement funded by the department or in foster care funded by the department immediately prior to the adoptive placement;

(b) Had a disability or behavioral health condition that existed and was documented prior to the adoption or was at high risk of future disability or behavioral health condition as a result of conditions exposed to prior to the adoption; and

(c) Resides in the state of Washington with an adoptive parent who lacks the necessary financial means to care for the child's special need.

(3) If a family is accepted for registration and meets the criteria in subsection (2) of this section, the department may enter into an agreement for services. Prior to entering into an agreement for services through the program, the medical needs of the child must be reviewed and approved by the department.

(4) Any services provided pursuant to an agreement between a family and the department shall be met from the department's medical program. Such services shall be limited to:

(a) Services provided after finalization of an agreement between a family and the department pursuant to this section;

(b) Services not covered by the family's insurance or other available assistance; and

(c) Services related to the eligible child's identified disability or behavioral health condition that existed prior to the adoption.

(5) Any payment by the department for services provided pursuant to an agreement shall be made directly to the physician or provider of services according to the department's established procedures.

(6) The total costs payable by the department for services provided pursuant to an agreement shall not exceed twenty thousand dollars per child. [2020 c 274 § 64; 2017 3rd sp.s. c 6 § 503; 1997 c 131 § 1; 1990 c 285 § 5. Formerly RCW 74.13.150.]

Effective date—2017 3rd sp.s. c 6 §§ 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Findings—Purpose—Severability—1990 c 285: See notes following RCW 74.04.005.

RCW 74.13A.090 Interstate agreements for adoption of children with special needs—Findings. The legislature finds that:

(1) Finding adoptive families for children for whom state assistance under *RCW 74.13.100 through 74.13.145 is desirable and assuring the protection of the interest of the children affected during the entire assistance period require special measures when the adoptive parents move to other states or are residents of another state.

(2) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states. [1997 c 31 § 1. Formerly RCW 74.13.152.]

***Reviser's note:** RCW 74.13.100 through 74.13.145 were recodified as RCW 74.13A.005 through 74.13A.080 pursuant to 2009 c 520 § 95.

RCW 74.13A.095 Interstate agreements for adoption of children with special needs—Purpose. The purposes of *RCW 74.13.152 through 74.13.159 are to:

(1) Authorize the department to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the department; and

(2) Provide procedures for interstate children's adoption assistance payments, including medical payments. [1997 c 31 § 2. Formerly RCW 74.13.153.]

***Reviser's note:** RCW 74.13.152 through 74.13.159 were recodified as RCW 74.13A.090 through 74.13A.125 pursuant to 2009 c 520 § 95.

RCW 74.13A.100 Interstate agreements for adoption of children with special needs—Definitions. The definitions in this section apply throughout *RCW 74.13.152 through 74.13.159 unless the context clearly indicates otherwise.

(1) "Adoption assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(2) "Residence state" means the state where the child is living.

(3) "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 or administered by the United States. [1997 c 31 § 3. Formerly RCW 74.13.154.]

***Reviser's note:** RCW 74.13.152 through 74.13.159 were recodified as RCW 74.13A.090 through 74.13A.125 pursuant to 2009 c 520 § 95.

RCW 74.13A.105 Interstate agreements for adoption of children with special needs—Authorization. The department is authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with other states to implement one or more of the purposes set forth in *RCW 74.13.152 through 74.13.159. When entered into, and for so long as it remains in force, such a compact has the force and effect of law. [1997 c 31 § 4. Formerly RCW 74.13.155.]

***Reviser's note:** RCW 74.13.152 through 74.13.159 were recodified as RCW 74.13A.090 through 74.13A.125 pursuant to 2009 c 520 § 95.

RCW 74.13A.110 Interstate agreements for adoption of children with special needs—Required provisions. A compact entered into pursuant to the authority conferred by *RCW 74.13.152 through 74.13.159 must have the following content:

- (1) A provision making it available for joinder by all states;
- (2) A provision for withdrawal from the compact upon written notice to the parties, but with a period of one year between the date of the notice and the effective date of the withdrawal;
- (3) A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who, on the effective date of the withdrawal, are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode;
- (4) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement that is (a) in writing between the adoptive parents and the state child welfare agency of the state that undertakes to provide the adoption assistance, and (b) expressly for the benefit of the adopted child and enforceable by the adoptive parents and the state agency providing the adoption assistance; and
- (5) Such other provisions as are appropriate to implement the proper administration of the compact. [1997 c 31 § 5. Formerly RCW 74.13.156.]

***Reviser's note:** RCW 74.13.152 through 74.13.159 were recodified as RCW 74.13A.090 through 74.13A.125 pursuant to 2009 c 520 § 95.

RCW 74.13A.115 Interstate agreements for adoption of children with special needs—Additional provisions. A compact entered into pursuant to the authority conferred by *RCW 74.13.152 through 74.13.159 may contain provisions in addition to those required under **RCW 74.13.156, as follows:

- (1) Provisions establishing procedures and entitlement to medical and other necessary social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs of the services; and
- (2) Such other provisions as are appropriate or incidental to the proper administration of the compact. [1997 c 31 § 6. Formerly RCW 74.13.157.]

Reviser's note: *(1) RCW 74.13.152 through 74.13.159 were recodified as RCW 74.13A.090 through 74.13A.125 pursuant to 2009 c 520 § 95.

** (2) RCW 74.13.156 was recodified as RCW 74.13A.110 pursuant to 2009 c 520 § 95.

RCW 74.13A.120 Interstate agreements for adoption of children with special needs—Medical assistance for children residing in this state—Penalty for fraudulent claims. (1) A child with special needs who resides in this state and is the subject of an adoption assistance agreement with another state is entitled to receive a medical assistance identification card from this state upon the filing with the department of a certified copy of the adoption assistance agreement obtained from the adoption assistance state. In accordance with regulations of the medical assistance administration, the adoptive parents are required at least annually to show that the agreement is still in force or has been renewed.

(2) The medical assistance administration shall consider the holder of a medical assistance identification under this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims in the same manner and under the same conditions and procedures as for other recipients of medical assistance.

(3) The medical assistance administration shall provide coverage and benefits for a child who is in another state and is covered by an adoption assistance agreement made by the department for the coverage or benefits, if any, not provided by the residence state. Adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state for reimbursement. No reimbursement may be made for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents. The department shall adopt rules implementing this subsection. The additional coverage and benefit amounts provided under this subsection must be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state. The rules must include procedures to be followed in obtaining prior approval for services if required for the assistance.

(4) The submission of any claim for payment or reimbursement for services or benefits under this section or the making of any statement that the person knows or should know to be false, misleading, or fraudulent is punishable as perjury under chapter 9A.72 RCW.

(5) This section applies 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 provided medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance under an adoption assistance agreement entered into by this state are eligible to receive assistance in accordance with the applicable laws and procedures. [1997 c 31 § 7. Formerly RCW 74.13.158.]

RCW 74.13A.125 Interstate agreements for adoption of children with special needs—Adoption assistance and medical assistance in

state plan. Consistent with federal law, the department, in connection with the administration of *RCW 74.13.152 through 74.13.158 and any pursuant compact shall include in any state plan made pursuant to the adoption assistance and child welfare act of 1980 (P.L. 96-272), Titles IV(e) and XIX of the social security act, and any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all of the cost. The department shall apply for and administer all relevant federal aid in accordance with law. [1997 c 31 § 8. Formerly RCW 74.13.159.]

***Reviser's note:** RCW 74.13.152 through 74.13.158 were recodified as RCW 74.13A.090 through 74.13A.120 pursuant to 2009 c 520 § 95.