

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2657

Chapter 147, Laws of 2012

(partial veto)

62nd Legislature
2012 Regular Session

ADOPTION SUPPORT EXPENDITURES

EFFECTIVE DATE: 06/07/12

Passed by the House February 9, 2012
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 29, 2012, 3:32 p.m., with
the exception of Section 3 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
SUBSTITUTE HOUSE BILL 2657 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 29, 2012

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2657

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Health & Human Services Appropriations & Oversight
(originally sponsored by Representatives Roberts, Kagi, Maxwell, and Kenney)

READ FIRST TIME 02/06/12.

1 AN ACT Relating to adoption support expenditures; adding new
2 sections to chapter 74.13A RCW; adding a new section to chapter 71.36
3 RCW; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13A RCW
6 to read as follows:

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

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

18 The legislature acknowledges that the best way to reduce adoption
19 support and foster care expenditures is to safely prevent children from

1 entering the foster care system. However, the legislature also finds
2 that the recent prospective reduction to adoption support payments set
3 forth in chapter 50, Laws of 2011 1st sp. sess. has not, to date,
4 adversely impacted permanency for foster children in need of adoptive
5 homes.

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

13 The legislature also finds that many adoptive parents spend
14 adoption support payments on additional mental health services for
15 adoptive children that are not currently covered by existing public
16 programs. The legislature intends to offset adoption support payment
17 expenditures by facilitating efforts to improve the access and quality
18 of existing mental health services for adoptive families in the long
19 term.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.13A RCW
21 to read as follows:

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

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

34 (3) The department must request, in writing, that adoptive families
35 with existing adoption support contracts renegotiate their contracts to
36 establish lower adoption assistance payments if it is fiscally feasible

1 for the family to do so. The department shall explain that adoption
2 support contracts may be renegotiated as needs arise.

3 ***NEW SECTION. Sec. 3. A new section is added to chapter 71.36 RCW**
4 **to read as follows:**

5 (1) The department of social and health services, division of
6 behavioral health and recovery, shall convene a work group as part of
7 its children's mental health redesign process, to develop
8 recommendations to better address the mental health service needs of
9 adoptive families and reduce the need for adoptive families to spend
10 adoption support payments on mental health services for their adoptive
11 children. In developing recommendations, the work group should assess:

12 (a) The mental health service needs of children in adoption support
13 households;

14 (b) Existing service and provider capacity to meet the identified
15 needs of children in adoption support households; and

16 (c) Additional provider training, consultation or capacity
17 necessary to meet unmet service needs, and increase the use of
18 appropriate evidence-based practices.

19 (2) The work group must include, but is not limited to,
20 representatives from the department of social and health services
21 children's administration, the health care authority, the University of
22 Washington department of psychiatry, the children's mental health
23 evidence-based practice institute, regional support networks, mental
24 health service providers, health plans, primary care providers, tribes,
25 adoptive families, and representatives from other relevant
26 organizations as needed. The work group shall issue its
27 recommendations to the legislature no later than December 15, 2012.

28 (3) This section expires August 1, 2013.

**Sec. 3 was vetoed. See message at end of chapter.*

Passed by the House February 9, 2012.
Passed by the Senate February 29, 2012.
Approved by the Governor March 29, 2012, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State March 29, 2012.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 3,
Substitute House Bill 2657 entitled:

"AN ACT Relating to adoption support expenditures."

Section 3 requires the Department of Social and Health Services to
convene a work group, as part of its children's mental health redesign
efforts, to develop recommendations to better address the mental
health service needs of adoptive families and reduce the need to spend

adoption support payments on mental health services. The Department of Social and Health Services is additionally required to issue recommendations to the Legislature by December 15, 2012.

While I appreciate the intent of this section, the Department of Social and Health Services has already included the convening of a similar work group in its plan for improvements to the children's mental health system. I am directing the Secretary of the Department of Social and Health Services to consider the Legislature's intent in the composition and tasks of the work group and to keep the Legislature informed of its efforts. Creation of a work group in statute and the preparation of a formal report are not necessary.

For this reason, I have vetoed Section 3 of Substitute House Bill 2657.

With the exception of Section 3, Substitute House Bill 2657 is approved."