



THE SENATE
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Memorandum

To: The Families, Children's and Seniors Committee
From: Senator Bruce Caswell
Date: 9/24/2014
Re: SB 890

Senate Bill 890 attempts to solve a contentious issue that has been with us for years. Ten years ago the House held hearings on the issue of parents adopting children out of the foster care system. In some cases these parents would find out several years later their adopted child had some severe impairments which they were told nothing about. They needed additional help with all of the doctor bills, transportation costs, meals, babysitting services for other children, and the list continues. The law stated that once the adoptive parents had signed a contract with the state and agreed to the help they would receive, they could not return to DHS to ask for more assistance. Some of these adoptive parents felt they had been hoodwinked by DHS and were not told about their child's impairments. DHS insisted they did not know of the child's impairments at the time of the adoption. The issue became a he said she said kind of thing and the hearings became quite contentious. Senate Bill 890 attempts to solve this problem in a way that is fair to the adoptive parents and also fair to the taxpayer.

Under Senate Bill 890 the original adoption procedure will be a negotiation between the adoptive parents along with the private agencies in the department. This negotiation will establish an adoption subsidy for the adoptive parents. It could be anywhere from zero to the same rate that would have been paid had the child remained in foster care. In addition, if the

child has severe impairments there would also be a Determination of Care subsidy. This subsidy would not be negotiated but is currently set in law. In the past, the adoption subsidy was also set in law but now it will be negotiated as is done in other states.

Next, for all those children who have been adopted in the past, there will be a three month window, January 1, 2015 to March 31, 2015 to apply for a Determination of Care subsidy if their child has an impairment they can prove existed before the adoption took place. This does not apply to adoptive parents who do not have an adoption subsidy for their child because we have no way of tracking them. This is a one-time application.

Finally, going forward, every new adoption will carry with it the ability for the parents to come back to DHS one time to apply for a Determination of Care subsidy for their child if impairment was not confirmed at the time of the adoption but appears later. Again, the parents will have to prove the impairment was present prior to the adoption in order to qualify for the additional subsidy. As an example, Fetal Alcohol Syndrome is an impairment that is not evident in very young children but manifests itself at a later date. It is very expensive to treat.

Money has been set aside in the 2015-2016 budget to pay for all of this. On-going costs will be less than what we have in this year's budget as the children adopted in the past will only be considered in the 2015-2016 budget year.

I thank you for your anticipated help in solving this problem that has been with us for many years. I think this is a logical and cost effective solution to a long standing problem.