

SENATE BILL 477

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2004 Regular Session  
(4lr0896)

*ENROLLED BILL*  
*-- Finance/Judiciary --*

Introduced by **Senators Brinkley, Colburn, DeGrange, Greenip, Hafer, Jacobs, Kittleman, Kramer, and Pinsky**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **~~Family Law - Adoption Subsidies - Medically Fragile Child~~**  
3 **Medically Fragile Children - Study**

4 FOR the purpose of ~~altering the calculation of an adoption subsidy for a medically~~  
5 ~~fragile child; requiring the subsidy to be reviewed and adjusted annually and~~  
6 ~~continued after a certain age until services are no longer required; requiring the~~  
7 Governor's Office for Individuals with Disabilities, with the assistance of the  
8 Department of Human Resources and the Department of Health and Mental  
9 Hygiene, to study the placement of medically fragile children in Maryland;  
10 specifying the contents of the study; requiring a certain report by a certain date;  
11 and generally relating to ~~adoption subsidies for~~ the placement of medically  
12 fragile children.

13 ~~BY repealing and reenacting, with amendments,~~  
14 ~~Article - Family Law~~  
15 ~~Section 5-410~~

1 Annotated Code of Maryland  
2 (1999 Replacement Volume and 2003 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article -- Family Law**

6 ~~§ 410.~~

7 (a) (1) Before a final decree of adoption is passed, the local department and  
8 a prospective adoptive parent of an eligible child shall make a written agreement  
9 regarding the subsidy.

10 (2) In the case of an eligible child who has special circumstances that  
11 existed before the adoption but were not detected until after the adoption, the  
12 agreement shall be made promptly after the local department approves the  
13 application for a subsidy.

14 (b) A subsidy may commence either at the time of the placement for adoption  
15 or at an appropriate time after the passage of the adoption decree.

16 (c) (1) The nature, amount, and duration of the subsidy shall be determined  
17 by:

18 (i) the needs of the eligible child because of the eligible child's  
19 special circumstances; and

20 (ii) the availability of other resources to meet the eligible child's  
21 needs.

22 (2) The subsidy may be for a limited or a long period of time.

23 (3) The subsidy shall be in an amount that is not more than:

24 (i) the allowable amount for a child under foster family care in this  
25 State, or if placement is in another state, the allowable amount for a child under  
26 foster family care in that state, whichever is higher;

27 (ii) in the case of a medically fragile child [living in a treatment  
28 foster care home, \$2,000 per month], AN AMOUNT BASED ON THE ESTABLISHED COST  
29 OF CARE OF ALL THE COSTS ASSOCIATED WITH THE CARE OF A CHILD IN FOSTER  
30 CARE UP TO THE AMOUNT THE STATE PAID FOR THE COST OF CARE FOR:

31 1. TREATMENT FOSTER CARE, WHICH PROVIDES  
32 TREATMENT IN A FAMILY SETTING, NOT TO EXCEED \$10,000 PER MONTH; OR

33 2. RESIDENTIAL PLACEMENT, WHICH PROVIDES  
34 TREATMENT IN A FACILITY, NOT TO EXCEED \$10,000 PER MONTH; or

1 (iii) if the subsidy is for a special service, a reasonable fee for that  
2 service.

3 (d) (1) If, under a subsidy agreement, the subsidy does not terminate in the  
4 first year after the final decree of adoption is passed, the subsidy is subject to annual  
5 reapplication, reevaluation, and reapproval by the local department.

6 (2) ~~IN THE CASE OF A MEDICALLY FRAGILE CHILD, THE SUBSIDY SHALL:~~

7 (I) ~~BE REVIEWED AND ADJUSTED ANNUALLY TO MEET THE~~  
8 ~~CHILD'S NEEDS, WITH A MAXIMUM OF \$10,000 PER MONTH; AND~~

9 (II) ~~CONTINUE AFTER THE CHILD TURNS 21 YEARS OLD, UNTIL THE~~  
10 ~~INDIVIDUAL NO LONGER REQUIRES SERVICES.~~

11 ~~{(2)}~~ (3) A subsidy agreement shall include a notice of the annual  
12 reapplication requirement.

13 (a) The Governor's Office for Individuals with Disabilities, or any successor  
14 organization, with the assistance of the Department of Human Resources and the  
15 Department of Health and Mental Hygiene, shall study the placement of medically  
16 fragile children in Maryland.

17 (b) The study shall determine:

18 (1) the total number of medically fragile children in ~~therapeutic foster~~  
19 ~~care out-of-home care;~~

20 (2) the number of families who have given up custody of medically fragile  
21 children;

22 (3) the total number of medically fragile children who have been adopted  
23 and are receiving State assistance;

24 (4) the total number of unsubsidized medically fragile children in  
25 Maryland;

26 (5) the number of families willing to adopt a medically fragile child if  
27 ongoing support were available after the child turns 21 years of age;

28 (6) the cost of providing services and equipment to medically fragile  
29 children;

30 (7) alternatives to address permanency planning for medically fragile  
31 children in ~~therapeutic foster care out-of-home care;~~ and

32 (8) any other actions that the State can take to prevent the  
33 institutionalization of medically fragile children after the age of 21.

34 (c) The Governor's Office of Individuals with Disabilities, or any successor  
35 organization, shall report its findings and recommendations to the Governor and,

1 subject to § 2-1246 of the State Government Article, to the Senate Finance  
2 Committee and the House Judiciary Committee on or before December 1, 2004.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 ~~October 1, 2004~~ July 1, 2004.