

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1324 Session of  
2002

INTRODUCED BY EARLL, M. WHITE, ERICKSON, COSTA, HELFRICK,  
C. WILLIAMS, RHOADES, MOWERY, TOMLINSON, LAVALLE, SCHWARTZ,  
WAGNER, TARTAGLIONE, WAUGH, O'PAKE, STOUT, ORIE, BOSCOLA,  
HUGHES, LEMMOND, THOMPSON, BELL AND ROBBINS, MARCH 12, 2002

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 12, 2002

AN ACT

1 Authorizing the Department of Public Welfare to enter into  
2 interstate compacts relating to adoption assistance; and  
3 providing for terms and implementation of the interstate  
4 compacts.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Interstate  
9 Adoption Compact Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Adoption assistance state." The state which is signatory to  
15 an adoption assistance agreement in a particular case.

16 "County agency." The county children and youth social  
17 service agency pursuant to section 405 of the act of June 24,  
18 1937 (P.L.2017, No.396), known as the County Institution

1 District Law, or its successor, and supervised by the Department  
2 of Public Welfare under Article IX of the act of June 13, 1967  
3 (P.L.31, No.21), known as the Public Welfare Code.

4 "Department." The Department of Public Welfare of the  
5 Commonwealth.

6 "Residence state." The state in which the child resides.

7 "State." A state of the United States, the District of  
8 Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,  
9 Guam, the Commonwealth of the Northern Mariana Islands or a  
10 territory or possession of or administered by the United States.

11 Section 3. Authorization for compacts.

12 The department may enter into an interstate compact on behalf  
13 of the Commonwealth with other states in order to carry out the  
14 purposes of this act. Each compact shall have the force and  
15 effect of law.

16 Section 4. Compacts.

17 (a) Requirements.--A compact entered into in accordance with  
18 this act shall include all of the following:

19 (1) A provision making the compact available for joinder  
20 by another state.

21 (2) A provision allowing withdrawal from the compact  
22 upon written notice to the parties. Withdrawal shall be  
23 effective one year following the date of the written notice.

24 (3) A requirement that compact protections remain in  
25 force for the duration of adoption assistance and apply to  
26 all children and their adoptive parents who, on the effective  
27 date of withdrawal, are receiving adoption assistance from a  
28 party state other than the one in which the child and  
29 adoptive parent are resident and have their principal place  
30 of abode.

1           (4) A requirement that all adoption assistance under the  
2 compact be covered by a written adoption assistance agreement  
3 between the adoptive parents and the county agency of the  
4 state providing the adoption assistance. The agreement shall  
5 be for the benefit of the adoptive child and enforceable by  
6 the adoptive parents and the department or county agency  
7 providing the assistance.

8           (5) Any other provision necessary to enforce or  
9 implement the proper administration of the compact.

10 Section 5. Medical assistance.

11       (a) Special needs.--A child with special needs who resides  
12 in this Commonwealth and who is the subject of an adoption  
13 assistance agreement with another state shall receive medical  
14 assistance from the Commonwealth upon the provision of a  
15 certified copy of the adoption assistance agreement with the  
16 other state to the department. The adoptive parents shall  
17 annually present evidence of the continuation or renewal of the  
18 agreement in accordance with procedures adopted by the  
19 department.

20       (b) Benefits.--The department shall ensure that a child  
21 eligible for medical assistance under subsection (a) receives  
22 the same medical assistance benefits as provided to other  
23 recipients of medical assistance in this Commonwealth.

24       (c) Additional coverage.--The county agency shall provide  
25 reimbursement or payment for medical services and benefits  
26 specified in the adoption assistance agreement for a child  
27 living in another party state which are not available under the  
28 medical assistance program of the resident state under Title X  
29 of the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et  
30 seq.). The county agency shall provide reimbursement or payment

1 for medical services and benefits specified in the adoption  
2 assistance agreement for a child living in another party state  
3 that are not available in the resident state.

4 (d) False claims.--A claim for payment or reimbursement for  
5 services or benefits or a statement related to the claim which  
6 the maker knows or has reason to believe is false, misleading or  
7 fraudulent shall be a violation of 18 Pa.C.S. § 4904 (relating  
8 to unsworn falsification to authorities).

9 (e) Continuation.--This section shall apply only to medical  
10 assistance for children under adoption assistance agreements  
11 from states that have entered into a compact with the  
12 Commonwealth. All other children entitled to medical assistance  
13 pursuant to adoption assistance agreements shall be eligible to  
14 receive it in accordance with the laws and procedures applicable  
15 thereto.

#### 16 Section 6. Federal participation.

17 The department shall include the provision of adoption  
18 assistance and medical assistance for which the Federal  
19 Government pays all or part of the cost in any State plan  
20 developed pursuant to the Adoption Assistance and Child Welfare  
21 Act of 1980 (P.L.96-272), Title IV-E and XIX of the Social  
22 Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.) and any  
23 other applicable Federal laws.

#### 24 Section 7. Regulations.

25 The department shall promulgate regulations as necessary to  
26 carry out the purposes of this act.

#### 27 Section 8. Effective date.

28 This act shall take effect in 60 days.