

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 59

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

AN ACT

RELATING TO ADOPTIONS; EXTENDING PAYMENTS FOR SUBSIDIZED
ADOPTIONS FOR CHILDREN WHO HAVE SIGNIFICANT MEDICAL OR PHYSICAL
NEEDS; AMENDING A SECTION OF THE CHILDREN'S CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-5-45 NMSA 1978 (being Laws 1993,
Chapter 77, Section 172) is amended to read:

"32A-5-45. ADMINISTRATION OF SUBSIDIZED ADOPTIONS.--

A. The ~~[social]~~ protective services division of the
department shall promulgate all necessary regulations for the
administration of ~~[the]~~ a program of subsidized adoptions or
placement with permanent guardians.

B. Subsidy payments may include payments to vendors
for medical and surgical expenses and payments to the adoptive
parents or permanent guardians for maintenance and other costs

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1 incidental to the adoption, care, training and education of the
2 child. The payments in any category of assistance shall not
3 exceed the cost of providing the assistance in foster care and
4 shall not be made after the child reaches eighteen years of
5 age. Provided, subsidy payments may be continued until a child
6 reaches twenty-one years of age when the child has significant
7 medical or physical needs and in the absence of intensive
8 medical intervention and highly skilled care-taking would be
9 placed in an institution. In order to be eligible for extended
10 subsidy payments, the child's adoptive family or permanent
11 guardian shall first apply for federal supplemental security
12 income that may be available. Extended subsidy payments shall
13 be reduced by the amount of federal supplemental security
14 income received by the child's adoptive family or permanent
15 guardian. Extended subsidy payments shall not be paid
16 retroactively.

17 C. A written agreement between the adoptive family
18 or permanent guardians and the [~~social~~] protective services
19 division shall precede the decree of adoption or permanent
20 guardianship. The agreement shall incorporate the terms and
21 conditions of the subsidy plan based on the individual needs of
22 the child within the permanent family. In cases of subsidies
23 that continue for more than one year, there shall be an annual
24 redetermination of the need for a subsidy. The [~~social~~]
25 protective services division shall develop an appeal procedure

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1 whereby a permanent family may contest a division determination
2 to deny, reduce or terminate a subsidy."

3 Section 2. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2004.

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