

# INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

## SECTION 1

It is the purpose and policy of the party states to cooperate with each other to assure that adoptive children for whom federally funded medical adoption assistance is desirable and necessary shall continue to receive such adoption assistance, including medical and other necessary services, when the adoptive parents move to other states or are residents of another state.

## SECTION 2

### Definitions

As used in this compact, unless the context clearly requires a different construction:

(a) "Child with special needs" means a minor who has not yet attained the age of eighteen (18) years where the State of Arkansas has determined that the child's mental or physical handicaps warrant the continuation of assistance pursuant to Title IV-E of the Social Security Act, for whom the following has been determined:

(1) That the child cannot or should not be returned to the home of his parents;

(2) That the child is a member of a minority or sibling group or other specific factors exist such as ethnic background, age, medical condition, or physical, mental, or emotional handicap because of which it is reasonable to conclude that such a child cannot be placed with adoptive parents without providing adoption assistance;

(3) That, except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful effort to place the child with appropriate adoptive parents without providing adoption assistance payments.

(b) "Adoption assistance" means the payment or payments are made for maintenance of a child, which payment or payments are made or committed to be made pursuant to the Adoption Assistance Program established by the laws of the party state.

(c) "State" means a state in the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, or territory or possession of the United States.

(d) "Adoptions assistance state" means the state that is signatory to an adoption assistance agreement in a particular case.

(e) "Residence state" means the state of which the child is a resident by virtue of the residence of the adoptive parents.

(f) "Parents" means either the singular or plural of the word "parent".

#### SECTION 4 Medical Assistance

(a) Children for whom a party state is committed in accordance with the terms of an adoption assistance agreement to make adoption assistance payments are eligible for medical assistance during the entire period for which such payments are to be provided, or until the child reaches the age of eighteen (18) years, whichever comes first. Upon application therefor, the adoptive parents of a child on whose behalf a party state's duly constituted authorities have entered into an adoption assistance agreement, the adoptive parents shall receive a medical assistance identification made out in the child's name. The identification shall be issued by the medical assistance program of the resident state and shall entitle the child to the same benefits, pursuant to the same procedures, as any other child who is a resident of the state and covered by medical assistance, whether or not the adoptive parents are eligible for medical assistance.

(b) The identification shall bear no indication that an adoption assistance agreement with another state is the basis for issuance. However, if the identification is issued on account of an outstanding adoption assistance agreement to which another state is a signatory, the records of the issuing state and the adoption assistance state shall show the fact, shall contain a copy of the adoption assistance agreement and any amendment or replacement therefor, and all other pertinent information. The adoption assistance and medical assistance program of the adoption assistance state shall be notified of the identification issuance.

(c) A state which has issued a medical assistance identification pursuant to this compact, which identification is valid and currently in force, shall accept, process, and pay medical assistance claims thereon as on any other medical assistance to which its residents may be eligible or entitled.

(d) An adoption assistance state which provides medical services or benefits to children covered by its adoption assistance agreements, which services or benefits are not provided for those children under the medical assistance program of the residence state, may enter into cooperative arrangements with the residence state to facilitate the delivery and administration of such services and benefits. However, any such arrangements shall not be inconsistent with this compact nor shall they relieve the residence state of any obligation to provide medical assistance in accordance with its laws and this compact.

(e) A child whose residence is changed from one (1) party state to another party state shall be eligible for medical assistance under the medical assistance program of the new state medical assistance.

#### SECTION 5

Withdrawal from this compact shall be by written notice sent by the authority which executed it to the appropriate officials of all other party states, but no such notice shall take effect until one (1) year after it is given in accordance with the requirements of this paragraph. In the event any

state withdraws from this compact, all adoption assistance agreements outstanding and to which a party state is signatory shall continue to have the effects given to them pursuant to this compact, until they expire or are terminated in accordance with their provisions. Until such expiration or termination, all beneficiaries of the agreement involved shall continue to have all rights and obligations conferred or imposed by this compact and the withdrawing state shall continue to administer the compact to the extent necessary to accord and implement fully the rights and protections preserved hereby.

## SECTION 6

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, persons, or circumstances held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

## SECTION 7

All laws and parts of laws in conflict herewith are hereby repealed.