

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

M E M O R A N D U M

TO: CHILDREN'S DIVISION AND CONTRACTED STAFF  
FROM: JOANIE ROGERS, INTERIM DIRECTOR  
SUBJECT: HOUSE BILL 429 ADOPTION UPDATES

DISCUSSION:

The purpose of this MEMO is to inform staff of a legislative action regarding definition changes, amended language, which will be effective on August 28, 2021. 13 CSR 35-38.101 also requires amendments as a result of passage of House Bill 429.

The term "Child with special needs" has been redefined by this legislation. "Child with special needs" is now defined as **a child for whom it has been determined by the Children's Division, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction to be a child:**

- (a) That cannot or should not be returned to the home of his or her parents; and**
- (b) Who has a specific factor or condition such as age, membership in a sibling group, medical condition or diagnosis, or disability because of which is reasonable to conclude that such child cannot be easily placed with adoptive parents;**

The Application for Adoption Subsidy (CD-APP-AD) and Application for Subsidized Guardianship (CD-APP-SG) have both been amended to reflect this redefined definition.

An additional change to this legislation impacts the Missouri Adoption Tax Credit. The amended language now includes the tax credit may be available if the adoption occurred on or after January 1, 2022, regardless of whether the child has special needs and regardless of whether the child adopted is a resident of this state at the time the adoption is initiated, although it gives priority to applicants who adopt special needs children who are residents or wards of residents within this state at the time the adoption is filed.

As part of the efforts to properly inform the courts, an Adoption Home Assessment is conducted to assess pertinent information relevant to the suitability of the family for adoption of a child. The contents of this Adoption Home Assessment shall include, but not be limited to the outline provided in the Child Welfare Manual in Section 6, Chapter 3, and Subsection 2. New regulations are being promulgated to include this outline.

<b>NECESSARY ACTION</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children’s Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT</b> Vickie Stoneberger 573-751-0311 <a href="mailto:Vickie.Stoneberger@dss.mo.gov">Vickie.Stoneberger@dss.mo.gov</a>	<b>MANAGER CONTACT</b>
<b>CHILD WELFARE MANUAL REVISIONS</b> 9.1.3.2 Special Needs Children 9.6.13 Missouri Special Needs Adoption Tax Credit 3.2 Adoptive Family Assessment outline	
<b>FORMS AND INSTRUCTIONS</b> Application for Adoption Subsidy (CD-APP-AD) Application for Subsidized Guardianship (CD-APP-SG)	
<b>REFERENCE DOCUMENTS AND RESOURCES</b> (List or put N/A if not applicable.)	
<b>RELATED STATUTE</b> (List or put N/A if not applicable.)	