

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to amend and reenact section 50-09-02.2 of the North Dakota Century Code,
2 relating to adoptive placement of children with special needs.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 50-09-02.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **50-09-02.2. Assistance for adopted children with special needs.**

7 Assistance provided under this chapter or chapter 50-24.1 after adoption to a child with
8 special needs must be provided without regard to the income or resources of the adopting
9 parents. Except as provided in this section, such assistance continues until the adopted child
10 becomes eighteen years of age, is emancipated, or dies; the adoption is terminated; or a
11 determination of ineligibility is made by the county agency, whichever occurs earlier. If sufficient
12 funds are available, the county agency may continue assistance for an adopted child until the
13 child reaches twenty-one years of age if the agency determines that the adopted child is a
14 student regularly attending a secondary, postsecondary, or career and technical education
15 school in pursuance of a course of study leading to a diploma, degree, or gainful employment.
16 Assistance provided to an adopted child must continue regardless of the residence of the
17 adopting parents. A state or county agency may require, as a condition of receiving assistance
18 under this chapter or chapter 50-24.1, that the adopting parents enter into a contract or
19 agreement regarding the type of assistance to be received; the amount of assistance; the
20 identity of the physical, mental, or emotional condition for which medical assistance is received;
21 or any conditions for continued receipt of assistance. A child with special needs is a child legally
22 available for adoptive placement whose custody has been awarded to the department or a
23 county social service board and who is seven years of age or older; under eighteen years of
24 age with a physical, emotional, or mental disability or has been diagnosed by a licensed

Sixty-sixth
Legislative Assembly

- 1 physician, physician assistant, or advanced practice registered nurse to be at high risk for such
- 2 a disability; a member of a minority; or a member of a sibling group.