

**SENATE BILL NO. 2036  
with House Amendments**

Fifty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2036**

Introduced by

Legislative Council

(Family Law Committee)

1 A BILL for an Act to amend and reenact section 50-09-02.2 of the North Dakota Century Code,  
2 relating to eligibility for certification as a special needs adoption.

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

Fifty-eighth  
Legislative Assembly

- 1 emotional, or mental ~~handicap~~ disability or has been diagnosed by a licensed physician to be at
- 2 high risk for such a disability; a member of a minority; or a member of a sibling group.