

SENATE BILL NO. 2088
with House Amendments
SENATE BILL NO. 2088

Introduced by

Human Services Committee

(At the request of the Department of Human Services)

1 A BILL for an Act to create and enact a new subsection to section 50-28-02 of the North Dakota
2 Century Code, relating to the use of an automated clearing house to facilitate payment to
3 adoptive parents, to amend and reenact section 50-09-02.2 of the North Dakota Century Code,
4 relating to adoption assistance; and to provide for application.

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

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

8 **50-09-02.2. Assistance for adopted children with special needs.**

9 1. Assistance provided under this chapter or chapter 50-24.1 after adoption to a child
10 with special needs must be provided without regard to the income or resources of the
11 adopting parents. Except as provided in this section, such assistance continues until
12 the:

13 a. ~~The adopted child becomes eighteen years of age, is emancipated, or dies; the~~

14 b. ~~The adopted child has attained the age of eighteen or up to the date the~~
15 ~~individual attains the age of twenty-one, as elected by the state agency under~~
16 ~~section 475(8)(B) of the federal Social Security Act [42 U.S.C. 675 (8)(B)];~~

17 c. ~~The adoption is terminated; or a~~

18 d. ~~A determination of ineligibility is made by the human service zone or state~~
19 ~~agency, whichever occurs earlier. If sufficient funds are available, the human~~
20 ~~service zone or state agency may continue assistance for an adopted child until~~
21 ~~the child reaches twenty-one years of age if the human service zone or state~~
22 ~~agency determines that the adopted child is a student regularly attending a~~
23 ~~secondary, postsecondary, or career and technical education school in pursuance~~
24 ~~of a course of study leading to a diploma, degree, or gainful employment. ;~~

- 1 e. The state agency determines the adoptive parents are no longer legally
2 responsible for support of the child who has not attained eighteen years of age,
3 as the adoptive parent's parental rights have been terminated or the child is
4 emancipated, marries, or enlists in the military; or
5 f. The state agency determines the adoptive parents are no longer providing
6 support to the child.

- 7 2. Assistance provided to an adopted child must continue regardless of the residence of
8 the adopting parents. The state agency ~~or human service zone~~ may require, as a
9 condition of receiving assistance under this chapter or chapter 50-24.1, that the
10 adopting parents enter a contract or agreement regarding the type of assistance to be
11 received; the amount of assistance; the identity of the physical, mental, or emotional
12 condition for which medical assistance is received; or any conditions for continued
13 receipt of assistance. A child with special needs is a child legally available for adoptive
14 placement whose custody has been awarded to ~~the state agency or a human service-~~
15 ~~zone~~ a public agency authorized by law to receive and provide care for the child and
16 who is seven years of age or older; under eighteen years of age with a physical,
17 emotional, or mental disability or has been diagnosed by a licensed physician,
18 physician assistant, or advanced practice registered nurse to be at high risk for such a
19 disability; a member of a minority; or a member of a sibling group. Once an adoption
20 assistance agreement is signed with the adoptive parent, the state agency shall obtain
21 the concurrence of the adoptive parent if any changes in the payment amount are
22 made, unless the assistance is discontinued under subsection 1.

23 **SECTION 2.** A new subsection to section 50-28-02 of the North Dakota Century Code is
24 created and enacted as follows:

25 The department shall provide adoption assistance payments to adoptive parents using
26 an automated clearing house to provide for electronic fund transfers. To receive
27 payment, adoptive parents shall provide sufficient documentation to enable the
28 department to provide electronic funds transfers through an automated clearing house.
29 No other forms of adoptive assistance payments are permitted, unless approved by
30 the department.

- 1 **SECTION 3. APPLICATION.** The department of human services shall stagger the
2 implementation of section 2 of this Act so the section applies:
- 3 1. On January 1, 2022, to adoption assistance agreements entered between the
4 department of human services and the adoptive parent on or after January 1, 2022;
5 and
6 2. On January 1, 2023, to adoption assistance agreements entered between the
7 department of human services and the adoptive parent on or before December 31,
8 2021.