

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 years of age or older; under eighteen years of age with a physical,

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- 1 emotional, or mental handicap or is at high risk for such a handicap; a member of a minority; or
- 2 a member of a sibling group.