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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 638

February 5, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

March 21, 2007

Committee Recommendation and Adoption of Report:

To Pass and Read Second Time

By motion, re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to human services; changing eligibility requirements for an adoption
1.3 assistance program; amending Minnesota Statutes 2006, section 259.67,
1.4 subdivision 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 259.67, subdivision 4, is amended to read:

1.7 Subd. 4. Eligibility conditions. (a) The placing agency shall use the AFDC
1.8 requirements as specified in federal law as of July 16, 1996, when determining the child's
1.9 eligibility for adoption assistance under title IV-E of the Social Security Act. If the child
1.10 does not qualify, the placing agency shall certify a child as eligible for state funded
1.11 adoption assistance only if the following criteria are met:

1.12 (1) Due to the child's characteristics or circumstances it would be difficult to provide
1.13 the child an adoptive home without adoption assistance.

1.14 (2)(i) A placement agency has made reasonable efforts to place the child for adoption
1.15 without adoption assistance, but has been unsuccessful; or

1.16 (ii) the child's licensed foster parents desire to adopt the child and it is determined by
1.17 the placing agency that the adoption is in the best interest of the child.

1.18 (3) The child has been a ward of the commissioner, a Minnesota-licensed
1.19 child-placing agency, or a tribal social service agency of Minnesota recognized by the
1.20 Secretary of the Interior. The placing agency shall not certify a child who remains
1.21 under the jurisdiction of the sending agency pursuant to section 260.851, article 5, for
1.22 state-funded adoption assistance when Minnesota is the receiving state.

1.23 (b) For purposes of this subdivision, the characteristics or circumstances that may
1.24 be considered in determining whether a child is a child with special needs under United

2.1 States Code, title 42, chapter 7, subchapter IV, part E, or meets the requirements of
2.2 paragraph (a), clause (1), are the following:

2.3 (1) The child is a member of a sibling group to be placed as one unit in which at
2.4 least one sibling is older than 15 months of age or is described in clause (2) or (3).

2.5 (2) The child has documented physical, mental, emotional, or behavioral disabilities.

2.6 (3) The child has a high risk of developing physical, mental, emotional, or behavioral
2.7 disabilities.

2.8 (4) The child is adopted according to tribal law without a termination of parental
2.9 rights or relinquishment, provided that the tribe has documented the valid reason why the
2.10 child cannot or should not be returned to the home of the child's parent.

2.11 (5) The child is five years of age or older.

2.12 (c) When a child's eligibility for adoption assistance is based upon the high risk of
2.13 developing physical, mental, emotional, or behavioral disabilities, payments shall not be
2.14 made under the adoption assistance agreement unless and until the potential disability
2.15 manifests itself as documented by an appropriate health care professional.