

2021 SENATE HUMAN SERVICES

SB 2088

2021 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Sakakawea Room, State Capitol

SB 2088
1/6/2021

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

Madam Chair Lee opens the hearing at 11:18 a.m. All members present; Senator Lee, Senator K. Roers, Senator O. Larsen, Senator Hogan, Senator Clemens, Senator Anderson.

Discussion Topics:

- Adoption Assistance Agreements
- Parental agreement of subsidies

Julie Hoffman, Administrator of Adoption Services, Department of Human Services. Introduced SB 2088 and provided testimony #92 in favor. **(11:21)**

Steve Riser, Human Services Zone Director, Dakota Central Human Services. Provided testimony #38 in favor. **(11:30)**

Senator Hogan moves **DO PASS** on SB 2088.

Senator Anderson seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kristin Roers	Y
Senator Howard C. Anderson, Jr.	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Oley Larsen	Y

The motion passed 6-0-0

Senator Hogan will carry SB 2088

Senator O. Larsen provided his vote on SB 2088 during the afternoon hearing due to technical difficulties.

Madam Chair Lee closes the hearing on SB 2088 at 11:32 a.m.

Justin Velez, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2088: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Eleventh order on the calendar.

Testimony
Senate Bill 2088 - Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman

January 6, 2021

Chairman Lee and members of the Human Services Committee, I am Julie Hoffman, Administrator of Adoption Services for the Department of Human Services (Department). I appear today to provide testimony on Senate Bill 2088.

Senate Bill 2088 was introduced on behalf of the Department to bring language in the adoption assistance statute into compliance with federal law and policy and to require automated payments of adoption subsidy support to adoptive parents.

Section 1. This section updates and brings section 50-09-02.2 of the North Dakota Century Code into alignment with federal law regarding the adoption assistance program and updates language regarding the human service zone. These changes do not change current practice in the program. Specifically:

- References to the human service zone have been removed since pursuant to 2019 Senate Bill No. 2124, positions for foster care eligibility and subsidized adoption negotiations are being assumed by the Department and human service zones will no longer be involved in these efforts.
- Codifies in statute that adoption assistance continues until:
 - the adopted youth is emancipated or dies,
 - the adopted youth reaches the age of 18, or 21 if the youth continues in an educational program as authorized by section 475 of the Social Security Act,
 - the adoption is terminated,
 - a determination of ineligibility is made by the agency,
 - the agency determines that the adoptive parents are no longer legally responsible for the support of the child who is yet a minor, or

- the agency determines the adoptive parents are no longer providing support to the child.
- Provides, consistent with current practice, that children in public agency custody, including North Dakota tribal nations, can be determined to be a child with special needs for the purposes of adoption assistance.
- Aligns with federal regulation and current practice indicating that the agency must seek concurrence from the adoptive parent for any changes to the subsidy amount unless the assistance is discontinued as indicated under subsection 1 of section 50-09-02.2.

Section 2. The proposed new subdivision to section 50-28-02 in section 2 will allow the Department to provide payment to adoptive parents using an automated clearing house to provide for electronic fund transfers. Today, roughly 1,000 adoptive parents receive subsidy payments on behalf of over 1,600 youth per month. Approximately 35% of these parents receive a paper check from the Department. The processing of a paper check is a manual process which takes additional staff time to prepare and mail out, can be lost in mailing, and requires additional time on the part of the parent to go to the bank and cash the check timely. Automated disbursement will streamline the payment process and guarantee safe transmission of the subsidy support funds. As a point of reference, the Department is proposing a comparable transition to electronic payment processing for Medicaid providers in Senate Bill No. 2085 and for foster care payments in House Bill No. 1091.

This concludes my testimony, and I am happy to answer any questions you may have.

Testimony for Senate Bill 2088

Senate Human Services Committee

January 6, 2021

Chairman Lee and members of the Senate Human Services Committee, I am Steven Reiser, Director of Dakota Central Human Service Zone. I am also a member of the North Dakota Human Service Zone Association. Please accept this testimony in favor of SB 2088.

Human Service Zones have been assisting the Department of Human Services in administrating the subsidized adoption program for North Dakota. Zones have accepted applications, negotiated the amount of the subsidies and have completed the necessary reviews for subsidized adoptions.

I support the changes proposed for how payments should be made. I also agree with the additions made on page two lines 5 and 6 of this bill. In the rare occasions where an adoption has disrupted, a foster placement made, and the adoptive parents are not interested in having the child return to their home payments have been a question. Prior to the change in this bill the subsidized adoption payments could only stop if the adoptive parents agreed to that change. When the parents did not agree to have the payments stopped this resulted in payments going out to adoptive parents who were not supporting the child and payments being made for the child's foster care placement. With this change the duplication of payments will stop. This situation occurs more than one would think. Dakota Central is a small zone and we have had this situation occur at least a couple of times.

Thank you for this opportunity to share this testimony with you and I am willing to answer any questions you might have.

2021 HOUSE HUMAN SERVICES

SB 2088

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2088
3/3/2021

Relating to the use of an automated clearing house to facilitate payment to adoptive parents; relating to adoption assistance; and to provide an effective date

Vice Chair Rohr called the hearing to order at 9:19 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Federal law alignment
- Human service zone
- Adopted youth

Cory Pederson, Director Children and Family Services Department Human Services (9:20) introduced Julie Hoffman, Administrator Adoption Services North Dakota Department Human Services.

Julie Hoffman, Administrator Adoption Services North Dakota Department Human Services (9:20) testified in favor and submitted testimony #7124.

Vice Chair Rohr adjourned at 9:33 a.m.

Tamara Krause, Committee Clerk

Testimony
Senate Bill 2088 - Department of Human Services
House Human Services Committee
Representative Robin Weisz, Chairman

March 3, 2021

Chairman Weisz and members of the Human Services Committee, I am Julie Hoffman, Administrator of Adoption Services for the Department of Human Services (Department). I appear today to provide testimony on Senate Bill 2088.

Senate Bill 2088 was introduced on behalf of the Department to bring language in the adoption assistance statute into compliance with federal law and policy and to require automated payments of adoption subsidy support to adoptive parents.

Section 1. This section updates and brings section 50-09-02.2 of the North Dakota Century Code into alignment with federal law regarding the adoption assistance program and updates language regarding the human service zone. These changes do not change current practice in the program. Specifically:

- References to the human service zone have been removed since pursuant to 2019 Senate Bill No. 2124, positions for foster care eligibility and subsidized adoption negotiations are being assumed by the Department and human service zones will no longer be involved in these efforts.
- Codifies in statute that adoption assistance continues until:
 - the adopted youth is emancipated or dies,
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 - the adoption is terminated,
 - a determination of ineligibility is made by the agency,
 - the agency determines that the adoptive parents are no longer legally responsible for the support of the child who is yet a minor, or

- the agency determines the adoptive parents are no longer providing support to the child.
- Provides, consistent with current practice, that children in public agency custody, including North Dakota tribal nations, can be determined to be a child with special needs for the purposes of adoption assistance.
- Aligns with federal regulation and current practice indicating that the agency must seek concurrence from the adoptive parent for any changes to the subsidy amount unless the assistance is discontinued as indicated under subsection 1 of section 50-09-02.2.

Section 2. The proposed new subdivision to section 50-28-02 in section 2 will allow the Department to provide payment to adoptive parents using an automated clearing house to provide for electronic fund transfers. Today, roughly 1,000 adoptive parents receive subsidy payments on behalf of over 1,600 youth per month. Approximately 35% of these parents receive a paper check from the Department. The processing of a paper check is a manual process which takes additional staff time to prepare and mail out, can be lost in mailing, and requires additional time on the part of the parent to go to the bank and cash the check timely. Automated disbursement will streamline the payment process and guarantee safe transmission of the subsidy support funds.

As a point of reference, the Department is proposing a comparable transition to electronic payment processing for Medicaid providers in Senate Bill No. 2085 and for foster care payments in House Bill No. 1091. This committee made changes to House Bill No. 1091 related to electronic payments. The Department would agree to these same changes to this bill, to provide consistency in how we implement this process with regard to foster care and adoption subsidy payments.

This concludes my testimony, and I am happy to answer any questions you may have.

2021 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2088
3/10/2021

Relating to the use of an automated clearing house to facilitate payment to adoptive parents; relating to adoption assistance; and to provide an effective date

Chairman Weisz opened the committee meeting at 9:32 a.m.

Representatives	Attendance
Representative Robin Weisz	P
Representative Karen M. Rohr	P
Representative Mike Beltz	P
Representative Chuck Damschen	P
Representative Bill Devlin	P
Representative Gretchen Dobervich	P
Representative Clayton Fegley	P
Representative Dwight Kiefert	P
Representative Todd Porter	P
Representative Matthew Ruby	P
Representative Mary Schneider	P
Representative Kathy Skroch	P
Representative Bill Tveit	P
Representative Greg Westlind	P

Discussion Topics:

- Electronic deposits
- Bank of North Dakota
- Outside vendor
- Staggered implementation

Rep. Karen Rohr (9:34) moved to adopt amendment 21.8071.01001 - #10283.

Rep. Mary Schneider (9:34) second

Voice Vote – Motion Carried

Rep. Karen Rohr (9:36) moved **Do Pass As Amended**

Rep. Kathy Skroch (9:36) second

Representatives	Vote
Representative Robin Weisz	Y
Representative Karen M. Rohr	Y
Representative Mike Beltz	Y
Representative Chuck Damschen	Y

Representative Bill Devlin	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Dwight Kiefert	Y
Representative Todd Porter	Y
Representative Matthew Ruby	Y
Representative Mary Schneider	Y
Representative Kathy Skroch	Y
Representative Bill Tveit	Y
Representative Greg Westlind	Y

Motion Carried Do Pass As Amended 14-0-0

Bill Carrier: Rep. Gretchen Dobervich

Chairman Weisz adjourned at 9:37 a.m.

Tamara Krause, Committee Clerk

March 10, 2021

DA 3/10/21
1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2088

Page 1, line 4, replace "an effective date" with "for application"

Page 3, replace lines 1 and 2 with:

"SECTION 3. APPLICATION. The department of human services shall stagger the implementation of section 2 of this Act so the section applies:

1. On January 1, 2022, to adoption assistance agreements entered between the department of human services and the adoptive parent on or after January 1, 2022; and
2. On January 1, 2023, to adoption assistance agreements entered between the department of human services and the adoptive parent on or before December 31, 2021."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2088: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "an effective date" with "for application"

Page 3, replace lines 1 and 2 with:

"SECTION 3. APPLICATION. The department of human services shall stagger the implementation of section 2 of this Act so the section applies:

1. On January 1, 2022, to adoption assistance agreements entered between the department of human services and the adoptive parent on or after January 1, 2022; and
2. On January 1, 2023, to adoption assistance agreements entered between the department of human services and the adoptive parent on or before December 31, 2021."

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"SECTION 3. APPLICATION. The department of human services shall stagger implementation of section 2 of this Act so it applies:

1. On January 1, 2022, to adoption assistance agreements entered between the department of human services and the adoptive parent on or after January 1, 2022; and
2. On January 1, 2023, to adoption assistance agreements entered between the department of human services and the adoptive parent on or before December 31, 2021."

Renumber Accordingly