

## CHAPTER 259

## CHANGE OF NAME, ADOPTION

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**259.44 REIMBURSEMENT OF NONRECURRING ADOPTION EXPENSES.**

The commissioner of human services shall provide reimbursement of up to \$2,000 to the adoptive parent or parents for costs incurred in adopting a child with special needs. The commissioner shall determine the child's eligibility for adoption expense reimbursement under title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 676.

**History:** 1989 c 282 art 2 s 164

**259.47 POSTADOPTION SERVICES.**

*[For text of subds 1 to 4, see M.S.1988]*

**Subd. 5. Charges.** The commissioner, the commissioner's agents, and licensed child-placing agencies may require a reasonable expense reimbursement for providing services required in this section. Reimbursements received by the commissioner according to this subdivision shall be deposited in the general fund.

**History:** 1989 c 282 art 2 s 165

**259.471 POSTADOPTION SERVICE GRANTS PROGRAM.**

**Subdivision 1. Purpose.** The commissioner of human services shall establish and supervise a postadoption service grants program to be administered by local social service agencies for the purpose of preserving and strengthening adoptive families. The program will provide financial assistance to adoptive parents to meet the special needs of an adopted child that cannot be met by other resources available to the family.

**Subd. 2. Eligibility criteria.** A child may be certified by the local social service agency as eligible for a postadoption service grant after a final decree of adoption and before the child's 18th birthday if:

(a) The child was a ward of the commissioner or a Minnesota licensed child placing agency before adoption;

(b) The child had special needs at the time of adoption. For the purposes of this section, "special needs" means a child who had a physical, mental, emotional, or behavioral disability at the time of an adoption or has a preadoption background to which the current development of such disabilities can be attributed; and

(c) The adoptive parents have exhausted all other available resources. Available resources include public income support programs, medical assistance, health insurance coverage, services available through community resources, and any other private or public benefits or resources available to the family or to the child to meet the child's special needs.

**Subd. 3. Certification statement.** The local social service agency shall certify a child's eligibility for a postadoption service grant in writing to the commissioner. The certification statement shall include:

(1) a description and history of the special needs upon which eligibility is based; and

(2) applicable supporting documentation including:

(i) the child's individual service plan;

(ii) medical, psychological, or special education evaluations;

- (iii) documentation that all other resources have been exhausted; and
- (iv) an estimate of the costs necessary to meet the special needs of the child.

**Subd. 4. Commissioner review.** The commissioner shall review the facts upon which eligibility is based and shall award postadoption service grants to eligible adoptive parents to the extent funds are appropriated consistent with subdivision 5.

**Subd. 5. Grant payments.** The amount of the postadoption service grant payment shall be based on the special needs of the child and the determination that other resources to meet those special needs are not available. The amount of any grant payments shall be based on the severity of the child's disability and the effect of the disability on the family and must not exceed \$10,000 annually.

Permissible expenses that may be paid from grants shall be limited to:

- (1) medical expenses not covered by the family's health insurance or medical assistance;
- (2) therapeutic expenses, including individual and family therapy; and
- (3) nonmedical services, items, or equipment required to meet the special needs of the child.

The grants under this section shall not be used for maintenance for out-of-home placement of the child in substitute care.

**History:** 1989 c 282 art 2 s 166

## **259.49 ACCESS TO ORIGINAL BIRTH CERTIFICATE INFORMATION.**

**Subdivision 1. Request.** An adopted person who is 19 years of age or over may request the commissioner of health to disclose the information on the adopted person's original birth certificate. The commissioner of health shall, within five days of receipt of the request, notify the commissioner of human services in writing of the request by the adopted person.

**Subd. 2. Search.** Within six months after receiving notice of the request of the adopted person, the commissioner of human services shall make complete and reasonable efforts to notify each parent identified on the original birth certificate of the adopted person. The commissioner, the commissioner's agents, and licensed child-placing agencies may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subdivision. Every licensed child placing agency in the state shall cooperate with the commissioner of human services in efforts to notify an identified parent. All communications under this subdivision are confidential pursuant to section 13.02, subdivision 3.

For purposes of this subdivision, "notify" means a personal and confidential contact with the genetic parents named on the original birth certificate of the adopted person. The contact shall not be by mail and shall be by an employee or agent of the licensed child placing agency which processed the pertinent adoption or some other licensed child placing agency designated by the commissioner of human services. The contact shall be evidenced by filing with the commissioner of health an affidavit of notification executed by the person who notified each parent certifying that each parent was given the following information:

- (a) The nature of the information requested by the adopted person;
- (b) The date of the request of the adopted person;
- (c) The right of the parent to file, within 30 days of receipt of the notice, an affidavit with the commissioner of health stating that the information on the original birth certificate should not be disclosed;
- (d) The right of the parent to file a consent to disclosure with the commissioner of health at any time; and
- (e) The effect of a failure of the parent to file either a consent to disclosure or an affidavit stating that the information on the original birth certificate should not be disclosed.

*[For text of subd 3, see M.S.1988]*

**Subd. 4. Release of information after notice.** If, within six months, the commissioner of human services certifies to the commissioner of health notification of each parent identified on the original birth certificate pursuant to subdivision 2, the commissioner of health shall disclose the information requested by the adopted person 31 days after the date of the latest notice to either parent. This disclosure will occur if, at any time during the 31 days both of the parents identified on the original birth certificate have filed a consent to disclosure with the commissioner of health and neither consent to disclosure has been revoked by the subsequent filing by a parent of an affidavit stating that the information should not be disclosed. If only one parent has filed a consent to disclosure and the consent has not been revoked, the commissioner of health shall disclose, to the adopted person, original birth certificate information on the consenting parent only.

*[For text of subd 5, see M.S.1988]*

**History:** 1989 c 88 s 1-3; 1989 c 282 art 2 s 167