

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

2366

2007 SENATE JUDICIARY

SB 2366

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2366**

## Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 31, 2007

Recorder Job Number: 1805 & 2430

Committee Clerk Signature

*Mara L. Solberg*

**Minutes:** Relating to foreign decree of adoption and an application for a new birth record.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony:

### Testimony In Support of Bill:

**Sen. Krauter**, Dist. #31 Introduced the bill (meter 1:40) This bill was brought to me by people in the Mandan area and it is a situation to make life better. Reviewed our current laws for adoption. I have worked with the Human Service Department and the Health department to make this a good bill.

**Kevin Johnson**, Mandan resident (meter 4:00) Currently ND recognizes foreign adoption. They do not record it unless you pay additional fees and have it filed in court. Spoke of the cost and work they need to "readopt" the child. We are asking the court to validate only the adoption. Spoke of process to the parents could do, to prepare the documents that was already done when the adoption was done in the other country and presenting it to the judge themselves to get a valid birth certificate.

**Sen. Olafson** asked (meter 6:59) if the language of the bill was consistent with Federal Immigration language? Yes spoke of the IR3 pass port language-discussion.

**Sen. Fiebiger** spoke of doing adoption, page 1, and requirements for foreign birth certificates. Is this difficult to obtain? We did not have a problem getting one and I have not heard of it being difficult. Spoke of two adoption agencies who are aware of adoption issues not seeing this as a problem. Discussion of line 18, spoke of an amendment (meter 8:60)

**Judge Bruce Romonic**, S.E. District Bismarck (meter 11:46) Reviewed the reason why the bill was in front of committee. Spoke of personal experience doing adoptions. Referred to an e-mail. Spoke of original adoption fees costing \$20-30,000 and then have to pay to have additional procedures done in ND. For a judge, this process is just a "rubber stamp", due to the thoroughness of the International adoption process. The down side is that we have very few happy moments and these are them and we will miss them.

**Sen. Nething** spoke of his experience as a lawyer and how enjoyable the adoption process was. (meter 14:59)

Mary Jo Sinner, gave testimony (meter 15:58) Att. # 3

Sen. Nething questioned the language of "international" instead of "foreign". "Foreign is consistent with code.

Tom Frier, ND Family Alliance (meter 19:15) Spoke in support of the Bill

**Mike Fischer**, Registered Lobbyist but here on a personal issue. Talked about his current process in the adoption of a child from china.

#### **Testimony in Opposition of the Bill:**

None

#### **Testimony Neutral to the Bill:**

**Julie Hoffman**, Adoption Administrator Human service department. Here for questions (meter 20:00) Spoke of foster care adoptions

**Additional Testimony Submitted:**

**Susan Grundysen**, The Village Lutheran Social Services of ND – Att. #1

**Ann Dahl**, Christian Family Life Services – Att. #2

**Job Number:** 2430 - Additional clarification on the amendment if IR-3

**Senator David Nething**, Chairman closed the hearing.

**Sen. Nelson** made the motion to Do Pass Amendment with an emergency clause and **Sen. Marcellais** seconded the motion. All members were in favor and the motion passes.

**Sen. Nelson** made the motion to Do Pass 2366 as amended and **Sen. Olafson** seconded the motion. All members were in favor and the motion passes.

Carrier: **Sen. Marcellais**

**Senator David Nething**, Chairman closed the hearing.





**REPORT OF STANDING COMMITTEE**

**SB 2366: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Sixth order on the calendar.

Page 1, line 2, after "record" insert "; and to declare an emergency"

Page 1, line 16, replace "immediate relative" with "IR-3"

Page 1, line 17, remove "immigrant"

Page 1, line 18, after "individual's" insert "foreign" and replace "registration" with "decree"

Page 2, after line 25, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

2007 HOUSE JUDICIARY

SB 2366

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2366

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/13/07

Recorder Job Number: 4942

Committee Clerk Signature



Minutes:

**Sen. Aaron Krauter:** Sponsor, this sets up the process to recognize legally and to address the issue of foreign adoptions. It sets up a process whereby the decree of foreign adoption is recognized and a birth certificate can be provided. We all understand that if you have a foreign adoption, we recognize it in ND, but the idea is to get a national birth record, so this is a piece of legislation I put together with help from the Department of Human Services, with the adoption people there, the Birth Records department there, and all sorts of constituents from Mandan that had experiences where they've adopted and then had to go through another legal process and spend money to get that also recognized in the state of ND as a legal document.

**Rep. Klemin:** Thank you. Further testimony in support.

**Kevin Johnson, Mandan:** My wife, Valerie, and our two children are with us today. I'm from Mandan. We adopted a daughter from China, and as Sen. Krauter mentioned, ND does recognize a foreign decree of adoption as though they were adopted here in ND. However, without going through a legal process, court costs, and a court hearing, we have no record of it. We have no validation. So this bill allows for a state recognition, state validation of a foreign decree of adoption without having to go through the court process. It simplifies and reduces costs for the adopted parents and the same thing is accomplished, that being there is

a piece of paper in the court system that says ND recognizes this child as though it were adopted here in ND. That's what we are hoping that this will do. We ask that you pass in favor of this.

**Rep. Kingsbury:** When you adopt a child, and you have a decree that is recognized in ND, when do you run into a stumbling block, that makes you feel that you need this.

**Kevin Johnson:** We run into a stumbling block if we were going to move to another state that does not recognize foreign decree adoptions. There is nothing to fall back on. They recognize ND's laws but they may not recognize the foreign adoption. So if we have it in ND records, if there is a question of the adoption in another state, we refer them back to the ND court system and the records. Another situation where we can run into problems is when we want to have it validated and if there is any contest or any question about the adopted child's inheritance. This would validate that adoption and there is a court record of that adoption in ND. Currently, we have paperwork in China and we have paperwork from China, but we don't have paperwork here in the ND courts, without going through that court process.

**Rep. Meyer:** What is an IR-3 Visa?

**Kevin Johnson:** An IR-3 visa is an Immigrant Relative Visa and there are two types: IR-3 and IR-4. The IR-3 means that when the child was adopted in the foreign country, both parents went to that country and went through that process in that country. An IR-4 would indicate that only one parent had gone to the country and gone through the process. So when they come back to ND, then they are required to go through further steps here in ND. So by spelling out IR-3, we are putting in some sideboards and actually a safety measure that parents who haven't completed an adoption in a foreign country can't go through the process we're asking today.

**Rep. Wolf:** I am unfamiliar with foreign adoption. When you adopt a child from a foreign country, do they automatically become a citizen of the US?

**Kevin Johnson:** That is correct.

**Rep. Wolf:** In section 2, you are trying to get a ND birth certificate.

**Kevin Johnson:** Correct.

**Rep. Klemin:** I see there is an emergency clause on here, is there some special reason for that?

**Kevin Johnson:** That was placed on it by the Senate Judiciary Committee. She felt so strongly about this bill, she really liked it and she placed it on there.

**Rep. Klemin:** So it was added as a Senate amendment.

**Kevin Johnson:** Correct.

**Rep. Klemin:** Thank you. Further testimony in support.

**Mary Jo Sinner Savageau:** (see attached testimony). District Judge Bruce Romanick, testified at the Senate hearing and was unable to be here today at the hearing and gave me permission to make his support known.

**Rep. Klemin:** Thank you. Further testimony in support.

**Kevin Johnson:** I forgot to mention that before you are copies of two letters from two adoption agencies in ND in support of this bill.

**Rep. Delmore:** Do either of these agencies help to provide support for foreign adoptions.

**Kevin Johnson:** You mean in terms of financially?

**Rep. Delmore:** No, help with paperwork, etc.

**Kevin Johnson:** Yes, they do, it is a requirement that to do a foreign adoption, you have to have a local adoption agency to assist you with all of the local and state paperwork. They do help.

**Rep. Klemin:** Thank you. Further testimony in support. Testimony in opposition. We will close the hearing.

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2366

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/14/07

Recorder Job Number: 5025

Committee Clerk Signature *A. Penrose*

Minutes:

**Chairman DeKrey:** We will take a look at SB 2366. What are the committee's wishes.

**Rep. Delmore:** I move a Do Pass.

**Rep. Meyer:** Second.

13 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Meyer=

Date: 3/14/07  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2366

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Meyer	✓	
Rep. Charging			Rep. Onstad	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Heller	✓				
Rep. Kingsbury	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Meyer

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2366, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2366 was placed on the Fourteenth order on the calendar.**

2007 TESTIMONY

SB 2366



HH #1

**THE ADOPTION OPTION**  
**MEMORANDUM**

**TO:** Members of the Senate Judiciary Committee  
**FROM:** Susan R Grundysen, MSW, LCSW  
**RE:** SB 2366  
**DATE:** January 31, 2007

Good Morning to the members of the Senate Judiciary Committee.  
My name is Susan Grundysen. I am a licensed certified social worker employed by The Village Family Service Center. Our program, The Adoption Option, is collaboration between The Village Family Service Center and Lutheran Social Service of ND, providing pregnancy counseling, an array of adoption services, and search and disclosure services. Both agencies are non-profit, licensed child-placing agencies in the state of ND. I am submitting this letter today in support of SB 2366.

I believe this bill will provide the opportunity for families who have adopted internationally to quickly and easily secure their internationally decreed adoption under ND law. This new validation process would secure the child's adoptive status no matter where the family may eventually reside. And let's face the realities of the world today, we can not be certain that some international event would not put into jeopardy an adoption that has not been formally recognized under US law. This bill also offers relief to the court system in no longer requiring the necessity for a hearing to rubber stamp the international adoption decree. The one comment I would make related to changes in the bill is to consider using politically correct, positive language and change the word "foreign" to "international". After all, none of the children are "strange or alien" as Webster defines foreign. They simply were born abroad, in another country. Let's think

**progressively! Thank you for your consideration of this bill today.**

A partnership of The Village Family Service Center and Lutheran Social Services of North Dakota, providing pregnancy counseling and adoption services throughout North Dakota.



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|--|---|--|--|---|---|
| 411 N. 4th St.<br>Suite 10<br>Bismarck, ND 58501<br>701-255-1165 | 1325 11th St. S.<br>P.O. Box 389<br>Fargo, ND 58107<br>701-235-7341 | 1201 25th St. S.<br>P.O. Box 9859<br>Fargo, ND 58106<br>701-451-4900 | 412 DeMers Ave.<br>Grand Forks, ND 58201<br>701-772-7577 | 300 3rd Ave. S.W.<br>Suite D<br>Minot, ND 58701<br>701-852-3328 | 511-1/2 W. 2nd St.<br>Williston, ND 58801<br>701-774-0749 |
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ted Way Agency

## Christian Family Life Services

*A Licensed Child-Placing Agency*  
203 S. 8th St. Fargo, ND 58103  
Phone 701-237-4473 Fax 701-235-1703

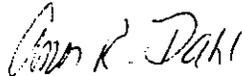


January 29, 2007

To Whom It May Concern:

I wanted to write in support of the passage of SB 2366, concerning the validation of a foreign decree of adoption. I think that this bill makes good sense, would simplify the adoption process for all, and would help reduce the sometimes burdensome costs of adoption. As someone who has worked in the field of adoption for sixteen years, I can see no risks or down side to this bill. I urge you to vote in support it.

Sincerely,

A handwritten signature in cursive script that reads "Ann R. Dahl".

Ann R. Dahl, LSW, LPC  
Administrator, Christian Family Life Services

AH #3  
1-31-07

Honorable Chairman Nething, Respected Committee Members,

Same to Ho

My name is Mary Jo Sinner Savageau, and I am the mother of two daughters adopted from China. Like many international adoptions, our adoptions were finalized in our daughters' respective provinces in China and subsequently recognized by law as final by both the U.S. and N.D. governments.

However, while current ND law recognizes internationally decreed adoptions, it describes a court "finalization" process (Section 14-15-09) that does not differentiate between adoptions that are not yet final and those that are final. Therefore, all families in this state who have internationally decreed adoptions have been strongly encouraged by adoption professionals to go through the court hearing process to "refinalize" our adoptions using the same process as finalizing an adoption. This is typically at the expense of hiring an attorney and adding unnecessary burden to the court system.

For most of us who have adopted internationally, my husband John and I worked hard, we waited a long time, we traveled far and we paid plenty of fees to meet and bring our children home. Once home, we want to focus on bonding with our children, meeting their needs and establishing normal routines. The last thing we want to think about at that time is yet one more legal step, yet more fees, yet another paper challenge, to make our adoptions finally "final." The court hearing is a step that is not necessary, since our adoptions *are* already final. I know of families who have not gone through this refinalization step even years after their adoption because it is too burdensome and costly.

At the refinalization hearings for both of our adoptions, even the presiding judges questioned the need for the hearing, acknowledging that the state already recognizes adoptions decreed in another state or country. But since there is no language in the law to

clarify how the state handles these adoptions, the court hearing has been the only avenue to provide official validation.

Senate Bill 2366 simply proposes to clarify how internationally decreed adoptions are recognized by the state as final, and proposes a simplified process for families to obtain that validation. I ask you to support Senate Bill 2366.

Thank you for your attention. I and others here will be happy to try to answer any questions you might have.