

HOUSE BILL NO. 1206

Introduced by

Representatives McWilliams, Rick C. Becker, Hogan, Johnston, Kasper, K. Koppelman,
Lefor, Olson, Pyle, Schneider, Weisz

Senator J. Lee

1 A BILL for an Act to amend and reenact subsection 5 of section 14-15-11 and sections
2 14-15.1-01 and 14-15.1-04 of the North Dakota Century Code, relating to the investigation and
3 report by a child-placing agency and the definition of relative.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 5 of section 14-15-11 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 5. An investigation and report is not required in cases in which a stepparent is the
8 petitioner or the individual to be adopted is an adult. The department, when required to
9 consent to the adoption, may give consent without making the investigation. If the
10 petitioner is a relative other than a stepparent of the minor, the minor has lived with the
11 petitioner for at least ~~nine~~six months, no allegations of abuse or neglect have been
12 filed against the petitioner or any member of the petitioner's household, and the court
13 is satisfied that the proposed adoptive home is appropriate for the minor, the court
14 may waive the investigation and report required under this section.

15 **SECTION 2. AMENDMENT.** Section 14-15.1-01 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **14-15.1-01. Definitions.**

18 As used in this chapter, unless the context otherwise requires:

- 19 1. "Birth parent" means the woman who gave birth to a child, any man alleged by that
20 woman to be the biological father of that child, or any man presumed by law or
21 judicially determined to be the biological father of that child.
22 2. "Child-placing agency" means an agency licensed under chapter 50-12.
23 3. "Court" means the district court of this state.

- 1 4. "Department" means the department of human services.
- 2 5. "Identified adoptive parent" means the person or persons eligible under section
- 3 14-15-03 to adopt a child and who has been selected by a birth parent to adopt a
- 4 specific child.
- 5 6. "Relative" means a brother, sister, half-brother, half-sister, first cousin, uncle, aunt,
- 6 father, mother, or grandparent of the child by marriage, blood, or adoption.

7 **SECTION 3. AMENDMENT.** Section 14-15.1-04 of the North Dakota Century Code is

8 amended and reenacted as follows:

9 **14-15.1-04. Report of child-placing agency.**

- 10 1. Before a hearing under this chapter, the report of a child-placing agency must be filed
- 11 with the court. The child-placing agency shall serve a copy of the report upon the birth
- 12 parent, the identified adoptive parent, the guardian ad litem, and the department at
- 13 least seven days before the hearing. ~~The~~Except as provided in subsection 2, the
- 14 report must include ~~the following~~:
- 15 4. a. A recommendation as to whether the home of the identified adoptive parent is a
- 16 suitable home for the placement of the child.
- 17 2. b. A preplacement adoption assessment indicating how the identified adoptive
- 18 parent's emotional maturity, finances, health, relationships, criminal history
- 19 record, and any other relevant factors may affect the identified adoptive parent's
- 20 ability to accept, care for, and provide the child with an adequate environment in
- 21 which to mature.
- 22 3. c. The medical and social history of the birth parent, including an assessment
- 23 regarding the birth parent's understanding and acceptance of the action.
- 24 4. d. If the child has been born before the filing of the report, a medical and
- 25 developmental history of the child.
- 26 2. If the identified adoptive parent is a relative of the child, the report must include:
- 27 a. The criminal history record of the identified adoptive parent and any household
- 28 member.
- 29 b. Written credible character statements from three adult witnesses. Each statement
- 30 must be acknowledged before a notary public and include:
- 31 (1) The relationship of the witness to the identified parent;

- 1 (2) The relationship, love, and other emotional ties existing between the child
- 2 and the identified adoptive parent;
- 3 (3) The emotional maturity and moral character of the the identified adoptive
- 4 parent;
- 5 (4) The sufficiency and stability of the identified adoptive parent's home
- 6 environment;
- 7 (5) The ability of the identified adoptive parent to provide food, clothing, shelter
- 8 and medical care for the child; and
- 9 (6) The mental and physical health of the identified adoptive parent, if known.
- 10 c. The medical and social history of the birth parent, including an assessment
- 11 regarding the birth parent's understanding and acceptance of the action.