

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED 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 13 of section 14-15-01 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; and to provide for a legislative
4 management study.

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

6 **SECTION 1. AMENDMENT.** Subsection 13 of section 14-15-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 13. "Relative" means any individual having the following relationship to the minor by
9 marriage, blood, or adoption: brother, sister, stepbrother, stepsister, first cousin, uncle,
10 aunt, or grandparent.

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

13 **14-15.1-01. Definitions.**

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

- 15 1. "Birth parent" means the woman who gave birth to a child, any man alleged by that
- 16 woman to be the biological father of that child, or any man presumed by law or
- 17 judicially determined to be the biological father of that child.
- 18 2. "Child-placing agency" means an agency licensed under chapter 50-12.
- 19 3. "Court" means the district court of this state.
- 20 4. "Department" means the department of human services.
- 21 5. "Identified adoptive parent" means the person or persons eligible under section
- 22 14-15-03 to adopt a child and who has been selected by a birth parent to adopt a
- 23 specific child.

1 6. "Relative" means a brother, sister, stepbrother, stepsister, first cousin, uncle, aunt, or
2 grandparent of the child by marriage, blood, or adoption.

3 **SECTION 3. AMENDMENT.** Section 14-15.1-04 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **14-15.1-04. Report of child-placing agency.**

6 1. Before a hearing under this chapter, the report of a child-placing agency must be filed
7 with the court. The child-placing agency shall serve a copy of the report upon the birth
8 parent, the identified adoptive parent, the guardian ad litem, and the department at
9 least seven days before the hearing. ~~The~~Except as provided in subsection 2, the
10 report must include the following:

11 1. a. A recommendation as to whether the home of the identified adoptive parent is a
12 suitable home for the placement of the child.

13 2. b. A preplacement adoption assessment indicating how the identified adoptive
14 parent's emotional maturity, finances, health, relationships, criminal history
15 record, and any other relevant factors may affect the identified adoptive parent's
16 ability to accept, care for, and provide the child with an adequate environment in
17 which to mature.

18 3. c. The medical and social history of the birth parent, including an assessment
19 regarding the birth parent's understanding and acceptance of the action.

20 4. d. If the child has been born before the filing of the report, a medical and
21 developmental history of the child.

22 2. If the identified adoptive parent is a relative of the child, the report of a child-placing
23 agency must include:

24 a. An assessment and recommendation of the criminal history record of the
25 identified adoptive parent and any adult living in the home of the adoptive parent.

26 b. Written credible character statements from three adult witnesses. Each statement
27 must be acknowledged before a notary public and include:

28 (1) The relationship of the witness to the identified parent;

29 (2) The relationship, love, and other emotional ties existing between the child
30 and the identified adoptive parent;

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

10 **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - ADOPTION.** During the 2017-18
11 interim, the legislative management shall consider studying adoption by an identified or an
12 unidentified adoptive parent. The study must include an evaluation and a comparison of the
13 adoptive process and procedure, expenses, duration, and state tax credits and deductions
14 associated with adoption by an identified or an unidentified adoptive parent. The legislative
15 management shall report its findings and recommendations, together with any legislation
16 required to implement the recommendations, to the sixty-sixth legislative assembly.