CHAPTER 14-15.1
CHILD RELINQUISHMENT TO IDENTIFIED ADOPTIVE PARENTS

14-15.1-01. Definitions.

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

1. "Birth parent" means the woman who gave birth to a child, any man alleged by that woman to be the biological father of that child, or any man presumed by law or judicially determined to be the biological father of that child.
2. "Child-placing agency" means an agency licensed under chapter 50-12.
3. "Court" means the district court of this state.
4. "Department" means the department of human services.
5. "Identified adoptive parent" means the person or persons eligible under section 14-15-03 to adopt a child and who has been selected by a birth parent to adopt a specific child.
6. "Relative" means a brother, sister, stepbrother, stepsister, first cousin, uncle, aunt, or grandparent of the child by marriage, blood, or adoption.

14-15.1-02. Petition for relinquishment - Filing - Written consent required.

1. A birth parent or identified adoptive parent may file with the court a petition to relinquish parental rights with respect to a minor child to the identified adoptive parent. The written consent of any birth parent to the adoption must accompany the petition. The written consent of the identified adoptive parent to assume custody must be filed with the petition. The petition and all documents must be served upon the department, nonpetitioning birth parents, and identified adoptive parent.
2. A petition for relinquishment, together with the written consent to adoption, may be filed before the birth of the child to whom the petition relates.

14-15.1-03. Petition for relinquishment - Hearing - Temporary custody order - Notice - Order for relinquishment.

1. The court shall set a time and place for a hearing on the petition for relinquishment. A guardian ad litem must be appointed for the child at least seven days prior to the hearing. The hearing may not be held sooner than forty-eight hours after the child's birth or the signing of all necessary consents to adoption, whichever is later. If a report of a child-placing agency is filed with the petition pursuant to section 14-15.1-04, the court may enter a temporary order placing the child with the identified adoptive parent pending the hearing.
2. Notice of the hearing must be served on or by any birth parent, the department, the child-placing agency, the identified adoptive parent, and the guardian ad litem.
3. The court may require any birth parent to appear personally and enter consent to the adoption on the record. The court shall determine that any written consent has been validly executed. If the court determines it is in the best interests of the child, the court shall approve the petition for relinquishment.
4. If the court approves the petition and determines, based upon the report of the child-placing agency and other evidence presented at the hearing, that placement with the identified adoptive parent is in the best interests of the child, the court shall:
    a. Enter an order terminating the relationship of the birth parent and the child;
    b. Order that the child be placed with the identified adoptive parent pending adoption;
    c. Order supervision by a child-placing agency until the adoption is finalized;
    d. Order the identified adoptive parent financially responsible for the support of the child until further order of the court; and
    e. Make a finding regarding the reasonableness of expenses reported under section 14-15.1-05.

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

1. Before a hearing under this chapter, the report of a child-placing agency must be filed with the court. The child-placing agency shall serve a copy of the report upon the birth parent, the identified adoptive parent, the guardian ad litem, and the department at least seven days before the hearing. Except as provided in subsection 2, the report must include:
   a. A recommendation as to whether the home of the identified adoptive parent is a suitable home for the placement of the child.
   b. A preplacement adoption assessment indicating how the identified adoptive parent's emotional maturity, finances, health, relationships, criminal history record, and any other relevant factors may affect the identified adoptive parent's ability to accept, care for, and provide the child with an adequate environment in which to mature.
   c. The medical and social history of the birth parent, including an assessment regarding the birth parent's understanding and acceptance of the action.
   d. If the child has been born before the filing of the report, a medical and developmental history of the child.
2. If the identified adoptive parent is a relative of the child, the report of a child-placing agency must include:
   a. An assessment and recommendation of the criminal history record of the identified adoptive parent and any adult living in the home of the adoptive parent.
   b. Written credible character statements from three adult witnesses. Each statement must be acknowledged before a notary public and include:
      (1) The relationship of the witness to the identified parent;
      (2) The relationship, love, and other emotional ties existing between the child and the identified adoptive parent;
      (3) The emotional maturity and moral character of the identified adoptive parent;
      (4) The sufficiency and stability of the identified adoptive parent's home environment;
      (5) The ability of the identified adoptive parent to provide food, clothing, shelter, and medical care for the child; and
      (6) The mental and physical health of the identified adoptive parent, if known.
   c. The medical and social history of the birth parent, including an assessment regarding the birth parent's understanding and acceptance of the action.

14-15.1-05. Report of agreements and disbursements.

Prior to a hearing under this chapter, a report of agreements and disbursements must be filed with the court and served upon the department. The report must include the following:

1. A statement of all agreements, whether oral or written, entered into between any of the parties to an action under this chapter, which relate in any way to the future conduct of any party with respect to the child. If oral agreements are reported, the substance of such agreements must be set forth in the report and a copy of the report must be served on all parties to the oral agreement. Copies of all written agreements must be attached to the report.
2. A full accounting in a manner acceptable to the court of all disbursements of anything of value made or agreed to be made by or on behalf of the identified adoptive parent in connection with proceedings under this chapter. The report must show any expenses incurred in connection with:
   a. The birth of the child.
   b. Placement of the child with the identified adoptive parent.
   c. Medical or hospital care received by the birth parent or by the child prior to or after the child's birth.
   d. Services relating to the petition for relinquishment or the placement of the child which were received by or on behalf of a birth parent, identified adoptive parent, or any other person.

14-15.1-06. Fees and charges.

Reasonable fees may be charged for professional services and living expenses if reflected in a report of agreements and disbursements filed under this chapter and approved by the court. The fees may not be contingent upon placement of the child for adoption, consent to adoption, or cooperation in the completion of adoption. "Reasonable fees" may include:

1. Preplacement counseling, adoption assessment, placement of the child, foster care, or other preadoption services, which must be paid directly to the provider of the services;
2. Legal fees relating to the petition for relinquishment or adoption, which must be paid directly to the provider of the services;
3. Medical expenses relating to prenatal care and the birth of the child, which are not already covered by health insurance;
4. Expenses for transportation, meals, and lodging incurred for placement of the child or in order to receive counseling, legal, or medical services related to the pregnancy, birth, or placement; and
5. Living expenses of the birth mother which are needed to maintain an adequate standard of living, which the birth mother is unable to otherwise maintain because of loss of income or other support resulting from pregnancy. Payments may cover expenses incurred during the pregnancy-related incapacity but not for a period longer than six weeks following the delivery unless the court determines within the six-week period that the birth mother is unable to be employed due to physical limitations relating to the birth of the child. Living expenses do not include expenses for lost wages, gifts, educational expenses, vacations, or other similar expenses of a birth mother.

14-15.1-07. Adoption petition - Time limit for filing.

1. Within one hundred eighty days after entry of an order for relinquishment under this chapter, the identified adoptive parent shall file a petition for adoption under chapter 14-15 or the statutes of the adopting parent's state of residence. A copy of the petition to adopt must be filed with the department. Reports relating to postplacement supervision must be filed with the court hearing the adoption. The resulting decree of adoption, if so ordered by the court, must be filed with the department.
2. If no petition for adoption is filed within one hundred eighty days, the department shall notify the court. The court shall then set a hearing to determine whether the child's placement should be changed.

14-15.1-08. Confidentiality of records.

All files, records, and proceedings under this chapter are confidential pursuant to section 14-15-16. This confidentiality requirement is retroactive pursuant to subsection 25 of section 14-15-16.