

1999 SENATE HUMAN SERVICES

SB 2388

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2388

Senate Human Services Committee

Conference Committee

Hearing Date FEBRUARY 1, 1999

Tape Number	Side A	Side B	Meter #
1		X	5,620
2/1/99 2		X	1,675
Committee Clerk Signature <i>Carol Kalodziejchuk</i>			

Minutes:

The hearing was opened on SB2388.

BRIAN GIESE introduced bill in absence of Sen Cook. He distributed SENATOR COOK'S written testimony. He addressed the committee with written testimony. He supports the bill.

In the law there are two exceptions for not having an investigation. Only a stepparent and as an adult being adopted. SENATOR THANE: Is there normally an investigation unless the court says otherwise. I wonder if it is so clear-cut that an investigation isn't needed, would there be anything wrong with a judge making that determination. Mr. GIESE answered that the courts may not be willing to take a letter from an attorney representing a petitioner or an affidavit of a couple of close friends and relatives or a social worker to make a brief report such as in guardianship cases. Not sure what they would require in order for the court to waive investigations. SENATOR DEMERS: In the case of stepparents the whole family is living

together. We all know that there are times when child abuse is evident in the home and I would want the court to have some discretion in such cases. Mr. GIESE: Has same concerns. The way the bill is written the investigation cost is great.

Opposition to Bill SB2388.

MARI DAUGHERTY. AASK adoption worker, opposes bill in written testimony. She also read the testimony from LEANNE JOHNSON, and handed out testimony from SUSAN

GRUNDYSEN. SENATOR KILZER: How much does assessment cost? MS. DAUGHERTY

answered with the AASK program people who cannot afford an adoption can write for an

adoption exception and the state will pay if the child has special needs. SENATOR DEMERS:

If a child lives in a home for a period of time is there an adjustment in the lengthy investigation?

Ms. DAUGHERTY: Yes, if this is a stable, comfortable place we can look at an adjustment, not completely free from investigation, but shorter.

JULIE HOFFMAN, Adoptions Administrator in Dept of Human Services, opposes the bill. (See written testimony).

Hearing was closed on SB2388.

Discussion was resumed on 2/1/99.

Can we incorporate 2388 into 2171? Don't think so - it deals with different chapters.

An amendment was discussed on line 11, after, and if the child has lived with the relative for two years or longer and there has been no involvement of the child protection system.

SENATOR DEMERS moved the amendment. SENATOR FISCHER seconded it. Roll call vote carried 6-0.

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Senate Human Services Committee

Bill/Resolution Number SB2388

Hearing Date FEBRUARY 1, 1999

SENATOR LEE moved a DO PASS AS AMENDED. SENATOR KILZER seconded it. Roll call vote carried 6-0. SENATOR DEMERS will carry the bill.

FISCAL NOTE

(Return original and 14 copies)

Bill / Resolution No.: SB 2388

Amendment to: _____

Requested by Legislative Council

Date of Request: 01/27/99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative: SB 2388 relates to adoption investigations. The bill has no fiscal impact on the Department.

2. State fiscal effect in dollar amounts:

	1997-1999		1999-2001		2001-2003	
	<u>Biennium</u>		<u>Biennium</u>		<u>Biennium</u>	
	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>
	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>
Revenues:						
Expenditures:	-0-		-0-		-0-	

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: _____ -0-
- b. For the 1999-01 biennium: _____
- c. For the 2001-03 biennium: _____

4. County, City, and School District fiscal effect in dollar amounts:

	1997-1999			1999-2001			2001-2003		
	<u>Biennium</u>			<u>Biennium</u>			<u>Biennium</u>		
	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>
	-0-								

If additional space is needed, attach a supplemental sheet.

Signed

Brenda M. Weisz

Typed Name

Brenda M. Weisz

Date Prepared: January 29, 1999

Department

Human Services

Phone No.

328-2397

Date: 2/1/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2388

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number 90801.0101 .0200

Action Taken Amendment

Motion Made By Sen DeMers Seconded By Sen Fischer

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment _____

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

line 11, page 1 after, & if the child has lived with the relative for 2 yrs or longer & there has been no involvement of the child protection system.

Date: 2/1/99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2388

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass As Amended

Motion Made By Sen Lee Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment Sen DeMers

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

REPORT OF STANDING COMMITTEE

SB 2388: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2388 was placed on the Sixth order on the calendar.

Page 1, line 10, after "minor" insert ", the minor has lived with the petitioner for at least two years, no allegations of abuse or neglect have been filed,"

Renumber accordingly

1999 HOUSE HUMAN SERVICES
SB 2388

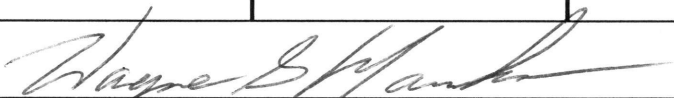
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2388

House Human Services Committee

Conference Committee

Hearing Date March 1, 1999

Tape Number	Side A	Side B	Meter #
2	x		15.3-39.6
Committee Clerk Signature 			

Minutes:

BRYAN GIESE, Attorney At Law, Mandan testifies: (Testimony attached.)

Rep. ROBIN WEISZ : Are you satisfied with the 2 year amendment or do you see it as a problem? BRYAN GIESE: In many cases the grandparents want to get the child on their insurance plan. There are some situations where this is desirable for a child who has not lived with the grandparents for two years. The two years may be a little long. Rep. ROBIN WEISZ : There is still some control of this in the court's ability to waive the investigation. BRYAN GIESE: This leaves it to the discretion of the individual district judge and their perspective instead of a standard procedure.

OPPOSITION to SB 2388

JULIE HOFFMAN, Adoptions Administrator, Department of Human Services testifies:

Rep. CAROL NIEMEIER :Aren't there other issues besides abuse that should be included in the investigation. JULIE HOFFMAN: The assessment covers all areas including home, environment. Rep. CAROL NIEMEIER : What is the cost of a home study? JULIE HOFFMAN: From \$1500 to \$2000

Rep. ROXANNE JENSEN : Are there cases where the investigation worked to the disadvantage of the child. JULIE HOFFMAN: Not really except for the delay. Some families thought the investigation was helpful even though they were against it. Helped define the internal relationships, boundaries relative to the adoption. Rep. ROXANNE JENSEN : Can the child be covered by the grandparents without adoption? JULIE HOFFMAN: Only in placement, not in a family.

Rep. WANDA ROSE : How quickly can the child be placed now as apposed to the two year period? JULIE HOFFMAN: Most situations is a planned adoption by the grandparents prior to the birth. The two year period can also be complicated then the child resides in another state and the issues of that state have to be addressed. I think the two years is appropriate.

Rep. CLARA SUE PRICE : On the insurance issue, if the child's parent is covered by the grandparents' insurance policy then the child is also covered.

Hearing closed on SB 2388

Hearing Reopened.

COMMITTEE DISCUSSION

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House Human Services Committee

Bill/Resolution Number 2388

Hearing Date March 1, 1999

After discussion Rep. TODD PORTER moved to amend the bill to strike the requirement that the child live with the relative for two years and to clarify that the allegations of abuse were filed against the petitioner. Rep. RALPH METCALF seconded. Motion passed.

Rep. RALPH METCALF moved 'do pass as amended', Rep. ROBIN WEISZ seconded.

Roll call vote #4: 14 ayes, 1 nay, 0 absent.

CARRIER: Rep. TODD PORTER

Date: 3/1/99
 Roll Call Vote #: 4

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2388

House Human Services Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Metcalf Seconded By Weisz

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairwoman	✓		Bruce A. Eckre	✓	
Robin Weisz - Vice Chairman	✓		Ralph Metcalf	✓	
William R. Devlin	✓		Carol A. Niemeier	✓	
Pat Galvin	✓		Wanda Rose	✓	
Dale L. Henegar	✓		Sally M. Sandvig	✓	
Roxanne Jensen		✓			
Amy N. Kliniske	✓				
Chet Pollert	✓				
Todd Porter	✓				
Blair Thoreson	✓				

Total Yes 14 No 1
 Absent _____

Floor Assignment Rep Porter

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

Page 1, line 13, after "practicum" insert "under the direct supervision of a licensed massage therapist"

Page 1, line 14, after "clinic" insert "under the direct supervision of a licensed massage therapist"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2295: **Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2295 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2303: **Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2309, as engrossed: **Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "but which must require at least seven hundred fifty hours of"

Page 1, remove lines 10 through 16

Page 1, line 17, remove "five hundred hours of instruction"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2315: **Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2315 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2370: **Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2370 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2376: **Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2376 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2388, as engrossed: **Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2388 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "the minor has lived with the petitioner for at least two years,"

Page 1, line 11, after "filed" insert "against the petitioner or any member of the petitioner's household"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2407: **Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2407 was placed on the Sixth order on the calendar.

Page 2, line 10, remove "automobile rental companies agency"

Renumber accordingly

1999 SENATE HUMAN SERVICES

SB 2388

CONFERENCE COMMITTEE

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2388CC

Senate Human Services Committee

Conference Committee

Hearing Date MARCH 8, 1999

Tape Number	Side A	Side B	Meter #
3/24/99 1	X		
Committee Clerk Signature <i>Barbara Holodyskiuk</i>			

Minutes:

Discussion was held on House amendments to SB2388. The discussion was that the problem exists when even a family member awarded adoption privileges that has not had the child in their home may not be a good experience for the child. The committee voted DO NOT CONCUR. SENATOR FISCHER, SENATOR DEMERS, and SENATOR KILZER are member of the Conference Committee.

The conference committee was called to order on 3/24/99 by SENATOR FISCHER. SENATOR FISCHER, SENATOR KILZER, SENATOR DEMERS, REPRESENTATIVE KLINISKE, REPRESENTATIVE PORTER, REPRESENTATIVE NEIMEIER were present.

Discussion was called. SENATOR DEMERS stated that line 11 was a good change on the part of the House amendments. The question is why the removal of two year time period, because we were informed by all of the adoption representatives, both private and public, that it would be

considered good adoption practice. REPRESENTATIVE KLINISKE responded that the reason the House eliminated the 2 year time limit was that supposing the parents of a child were killed in a car accident and the relative was willing to take the child, we felt that two years was too long and that adoption should be allowed right away especially in the case of death. SENATOR DEMERS: Without a study? REP KLINISKE: Yes. SENATOR DEMERS: We had some problem with unsuitable relatives; we are not married to two years either, but think there should be some limitation. SENATOR KILZER stated that if these things are fulfilled then a study is not necessary. REPRESENTATIVE PORTER: This bill allows the court to choose to waive the background checks. The court could easily check the abuse record without substantial cost and know an immediate background so we aren't getting into the strange uncle, strange aunt situation. It was also left 100% up to the courts if they felt comfortable waiving this requirement. REPRESENTATIVE NIEMEIER: The court does have discretion. Two years is a long time in the life of a child. We want to avoid the child be jerked about and stability and binding with the eventual adoptive parents should be the key. SENATOR DEMERS stated that there was nothing wrong with a child living in that home as a foster child. Two years is a long time, but recommended by adoption agencies. REPRESENTATIVE NIEMEIER responded that one year placement in prospective home is stated in 14-10-05 as part of regulation in termination of parental rights. REPRESENTATIVE PORTER offered an amendment of 6 months. He moved that the House recede from the House amendments and reamend to read 6 months and the same House amendment wording on line 11. REPRESENTATIVE KLINISKE seconded. Discussion was held. REPRESENTATIVE NIEMEIER stated that one year was a good

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Senate Human Services Committee
Bill/Resolution Number SB2388CC
Hearing Date MARCH 24, 1999

compromise. SENATOR DEMERS agreed that 6 months was too short and one year would be suitable. Roll call vote failed on a 3-3 vote.

REPRESENTATIVE NIEMEIER moved line 10 read one year. SENATOR KILZER seconded it. Discussion. Roll call vote failed 3-3.

Conference committee was recessed for 15 minutes.

The conference committee was called back to order. REPRESENTATIVE KLINISKE moved line 10 read 9 months and line 11 stay as written in House amendments. SENATOR KILZER seconded it. Roll call vote carried 6-0-0.

Date: 3/24/99
 Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2388

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number Recede + further amend.

Action Taken Amendment of 6 Months + other House Amendments

Motion Made By Rep Klinisky Seconded By _____

Senators	Yes	No	Representatives	Yes	No
Senator Thane			Klinisky	✓	
Senator Kilzer		✓	Porter	✓	
Senator Fischer	✓		Niemeier		✓
Senator Lee					
Senator DeMers		✓			
Senator Mutzenberger					

Total _____ (yes) _____ (no)

Absent Filed

Floor Assignment _____

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

Date: 3/24/99
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SD 2388

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number None

Action Taken 1 yes -

Motion Made By Rep Niemeier Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Thane			Representative		
Senator Kilzer	✓		Kleinke		✓
Senator Fischer		✓	Porter		✓
Senator Lee			Niemeier	✓	
Senator DeMers	✓				
Senator Mutzenberger					

Total _____ (yes) _____ (no)

Absent _____

Floor Assignment _____

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

Date: 3/24/99
 Roll Call Vote #: 3

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2388

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Recede from House + Amend 9 months + line 11

Motion Made By Rep Klinicki Seconded By Sen Kilzer

Senators	Yes	No	Representatives	Yes	No
Senator Thane			Klinicki	✓	
Senator Kilzer	✓		Porter	✓	
Senator Fischer	✓		Niemcewicz	✓	
Senator Lee					
Senator DeMers	✓				
Senator Mutzenberger					

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment _____

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

REPORT OF CONFERENCE COMMITTEE

SB 2388, as engrossed: Your conference committee (Sens. Fischer, Kilzer, DeMers and Reps. Kliniske, Porter, Niemeier) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 626, adopt amendments as follows, and place SB 2388 on the Seventh order:

That the House recede from its amendments as printed on page 626 of the Senate Journal and page 701 of the House Journal and that Engrossed Senate Bill No. 2388 be amended as follows:

Page 1, line 10, replace "two years" with "nine months"

Page 1, line 11, after "filed" insert "against the petitioner or any member of the petitioner's household"

Renumber accordingly

Engrossed SB 2388 was placed on the Seventh order of business on the calendar.

1999 TESTIMONY
SB 2388

Bryan L. Giese

ATTORNEY AT LAW

107 FIRST AVENUE, N.W.
MANDAN, ND 58554-3108

TELEPHONE 701/667-1100
FAX 701/663-1407

February 1, 1999

Mr. Chairman, Senator Thane and
Members of the Senate Human Services Committee:

I appreciate the opportunity to address this committee regarding what I feel is a problem or glitch in State government which needs to be researched, addressed and corrected. The issue is adoption of a child by the child's grandparents or close family relatives.

Several weeks ago I brought a matter regarding an actual case or factual situation to the attention of my (District 34) Senator and Representatives and thereafter, Senator Cook asked the Legislative Council to research the issue and draft a bill to amend existing State law to address this issue. The bill is SB 2388 which is before this committee today.

I have also addressed the same factual situation to Julie Hoffman the ND State Adoption Administrator. She and I have had some discussion and correspondence regarding this issue as well. I am sure that she and the ND Department of Human Services will address the many concerns they have in any amendment to the present statute.

Existing law, NDCC § 14-15-11(5) provides for exceptions to the investigation and reporting requirements in adoption cases only in two situations 1) when a stepparent is the petitioner and 2) if the person to be adopted is an adult. SB 2388 as drafted amends existing law and allows for further exemptions for other close family relatives by marriage, blood or adoption: grandparent, brother, sister, step-brother, stepsister, uncle or aunt.

I generally support the concepts contained in SB 2388, especially as it relates to grandparents of the adoptive child. To the best of my knowledge, this bill carries no fiscal note nor cost to the State of North Dakota.

The requirement of a full investigation, home study, background check and report is quite involved, time consuming and very expensive. This is an expense that many worthy families can not well afford.

Attached to this letter is a copy of an excerpt of the case summary which I initially directed to Senator Cook. I would be happy to respond to any questions and yield the floor to other interested parties. Thank-you for your time and attention.

Bryan L. Giese

Senator Cook, Representatives R. Kelsch and Porter:

I write to you in regard to a problem or glitch in State government which I feel needs to be researched, addressed and corrected. This is a Human Services issue, which I will outline for you in an actual case which I presently am involved in.

A young lady/girl (approx. age 16-17 herein designated "D" for daughter) while living at home with her parents ("M" for Mom and "P" for Dad or Pa) gets herself pregnant and has a baby (hereinafter "C"). The natural father ("NF") is somewhat irresponsible and has no desire to have contact or parental involvement/responsibility with C (they never marry). D decides to keep the baby C and from his birth on, has been and is presently being cared for and raised in the family home of M&P. Approximately 90 to 100% of the child care, nurturing and rearing has been done by the grandparents, M&P. Naturally, strong "parent-child" bonds have developed between the grandparents and the child.

D, now over the age of 18, has now become emancipated and is living independently in her own apartment, and working/going to college, etc. C remains in the informal care, custody and control of M&P. Without going into more detail, all of the parties (NF, D, M&P) have discussed the issues and have mutually decided it would be in the best interests of C, that he should be legally adopted by M&P. A petition for adoption has been drafted and signed by M&P; and consent to adoption/termination of parental rights forms have been drafted and signed by D and NF. The adoption proceeding is set to go forward.

I discussed this case in a telephone conversation with the State Adoption Administrator, who told me that adoption cases such as this first need to have a home study together with full background checks of M&P. She said that there is no exemption in the law for grandparents. M&P are fine, upstanding, hardworking and responsible citizens and would have no trouble passing the home study and background checks. The problem is that this takes additional time and a fee must be paid to the independent adoption/family services agency of about \$1,600.00. My clients and others in similar situations, are not able to pay such a high fee in addition to the normal charges for filing fees, legal and certified copies of documents.

I have not had time to research this matter further so I am not sure if the problem is in the wording of the law/statute, the State regulations, internal agency policy, or the agency's interpretation and administration of the law and regulations. I would appreciate it if someone on your staff would look into this issue and hopefully the legislature could somehow correct what I perceive to be a problem.

Senate Human Services Committee

February 1, 1999

Good morning Chairman Thane and members of the Senate Human Services Committee. My name is Leanne Johnson and I am employed by Lutheran Social Services/ND and serve as the Adoption Director for A.A.S.K. (Adults Adopting Special Kids). I am submitting this testimony today to provide written comments in opposition of Senate Bill Number 2388.

The A.A.S.K. program is a collaborative effort between Lutheran Social Services/ND, Catholic Family Services, The Village Family Services Center, the North Dakota Department of Human Services and affiliated with the Turtle Mountain Band of Chippewa Indians. Currently, the A.A.S.K. program has four adoption specialists statewide and a Tribal Adoption Specialist located in Belcourt. Each adoption specialist is responsible for two human service center regions.

A.A.S.K. is responsible for the adoption of children with special needs in North Dakota. Children with special needs may be older children, children placed along with a sibling for adoption, children with a mental, physical, emotional disability, or children of minority race which make them difficult to place. These children have generally been in the custody of County Social Services or a Tribe prior to the termination of parental rights. Many times these children have had multiple placements outside of their birth home. The AASK program assists relatives seeking to adopt their relative child in these circumstances. In addition, we work with relatives and their relative child with special needs who are not in the custody of the County or a Tribe. These situations are considered an exception and require the Adoption Administrator's approval.

From 1993 until 1998, A.A.S.K. has placed a total of 194 children and completed a total of 179 adoptive family assessments. 35 of these adoptions in the last 4 years have been relative adoptions. The adoptive family assessment, referred to in law as an investigation and report, is an integral component to the positive adoption of a child. It is not a grueling investigation as the word might lead one to believe. Rather, the adoption assessment is actually a process with many components that serve the best interests of the adopted child.

Whether it is an adoption assessment for an infant, a child without special needs, or a child with special needs, there is a common assessment process that occurs. This assessment process includes an education component to the overall adoption process and the impact that it has on the child's identity, self-esteem, and overall well being. This is done through a variety of means including individual meetings between the family and the adoption specialist and at times, adoption preparation group meetings and post-adoption support groups. There is opportunity for the adoptive family and adoption specialist to not only go over reasons for the birth parent's departure, be it from death, voluntary termination of their parental right or an involuntary termination but ways for the family to address these issues with the child. How open the adoption will be and the limits of birth parent involvement can be clarified.

Support for the adoptive family is also discussed as part of the adoption assessment. It is important for the adoptive family to be aware of various services that are available in their community to support the adoption and future needs of their family. Community resources and different funding sources for day care, after-school activities, counseling, financial support are but a few examples of the types of services available that families participating in the adoption assessment might not otherwise be aware of.

Current state law allows stepparent adoptions without the need for an

assessment. Senate Bill 2388 proposes to broaden that waiver to include all relatives seeking to adopt their relative child. It is my professional opinion that the adoption assessment is a vital component to the adoption process that should not be waived in such a broad manner as this proposed legislation. If a relative has had the child(ren) living with them for a period of time without involvement of the child protection system and the relative desires to adopt, I could support some type of modified assessment process for these individuals. However, this is not what is proposed in this legislation. To permit all relatives to adopt without an adoption assessment, in my professional opinion, would not serve children's best interest. In addition, I express concerns in the proposed provision that the court may waive this assessment if they are satisfied that the proposed adoptive home is appropriate for the minor. How will the court do this? How will they know? Is this not what the adoptive assessment is for?

The AASK workers and the agencies they represent strongly support the need for relative adoptions. We firmly believe that adoption assessment is a mechanism in which we can provide that support while enhancing the likelihood of a positive adoption for the family and child.

I would like to thank the committee for your time and strongly encourage you to oppose this bill as it stands. I am available for any questions the committee might have. I can be reached at 701-271-3265.

SB2388

Senate Human Services Committee

February 1, 1999

Good morning Chairman Thane and the members of the Senate Human Services Committee. My name is Mari Daugherty and I am an AASK adoption worker, under the states collaborative for special needs adoptions. I have submitted this written testimony to share in opposition to Senate Bill Number 2388.

The assessment process for adoption is two fold. It insures the safe placement of children with families, and also the preparedness of the families to take those children.

I have done several adoptions in which the adoptive parents fell under the definition of relative under this amendment. All of these people have had the advantage of participating in the AASK program. They received training on working with special needs children through a group process. The group provides 28hrs of training. While this may seem like a big time commitment, most of the families that completed the groups believed it was worth their time. Not only do they learn new skills, get insights into their child's behavior, they also develop friendships with other families that are important support systems. In this group process they develop

networks with professionals, from the state, county, local, and medical agencies. They receive several books on their child's specific issues and relative adoption, as it has its own special circumstance

When they are accepted by the state office the families can receive AASK support services. This includes the above mentioned groups. The family also has an AASK worker to assist them with any current issues they may have. The worker can hook them up with the necessary councilors, therapist, doctors, and other community support systems.

Finally, the AASK worker assist the family in completing the necessary paper work for subsidy. Many families require some financial assistance to parent their adoptive children. This is especially true for Grandparents who are usually living on a fixed income.

It is a great concern that relatives wishing to adopt would utilize this amendment. They could then be finalizing an adoption with a child that they may not be prepared to parent. Having assessments completed do more than safe guard the child, they also help to provide the necessary assistance for the family as well.

SB 2388

Senate Human Services Committee

February 1, 1999

Good morning Senator Thane and members of the Senate Human Services Committee. My name is Julie Hoffman and I serve as the Adoptions Administrator in the Department of Human Services. I am here today to provide testimony regarding Senate Bill 2388 and am here to neither support or oppose the bill.

Periodically, the Department has been requested by attorneys to "waive" the requirement for an investigation of a prospective adoptive home. We have held that North Dakota Century Code does not allow for such a waiver and have supported investigation as "good practice" in the field of adoption services. The investigation, or adoption assessment, provides documented information regarding the suitability of the party to adopt with recommendations to the court for it's consideration. These assessments, completed by experienced social workers of licensed child placing agencies, include interviews with the adopting parents and any children in the family, as well as a visit to the family home. It may include the administration of assessment tools, criminal background and child abuse and neglect checks, reference letters and various other documentation. Perhaps the greatest benefit to relatives who adopt is the education they receive regarding adoption issues, support in establishing healthy boundaries and roles with the birth parents for the benefit of the adopted child and information to assist the adopted child in understanding his/her birth situation and on-going connections to birth family.

It is unfortunate that not all persons petitioning the courts to adopt are found appropriate to do so. It is possible that these people may screen themselves out during the assessment process, or may come to believe some other arrangement for permanency may be more appropriate for the child. The investigation provides minimal information upon which the court may make it's determination regarding this most important decision in the child's life.

When the Department is the custodian of the child, as in the case of children adopted from the foster care system and those infants placed voluntarily through the licensed child placing agencies, the assessment and recommendations of the agencies provide the Department the information necessary for the consent of the Department to the adoption of the child. We would be concerned if, in such a situation, a relative petitioning to adopt might receive such a waiver and the Department then be left with inadequate information upon which to make an informed consent decision. The assessment is also one of the documents required for the establishment of an adoption subsidy in the case of a special needs child.

Questions which arise as one considers how to build exceptions to the need for adoption assessment include - what degree of relationship is appropriate to qualify for an exception; should the child have had to reside with the adopting parent for a period of time, and if so, how long; was the placement of the child with the relative for a planned adoption, or was it considered a temporary arrangement; and what if the birth parent or other custodian opposes the adoption of the child by the relative. Each scenario provides it's own set of circumstances which complicate the adoption process. The licensed child placing agencies involvement in the adoption process provides professional guidance and to the family as it works through these many variables.

We do find it appropriate that if such a waiver is to be built, that the discretion for such a waiver is in the hands of the Court. The liability for the permanent placement of a child without an assessment to the adoptive families suitability is not one which the Department would desire to make. Though currently the Department has the ability to waive the investigation requirement for those children for whom we are required to consent to the adoption, we do not in practice to this.

I am available to answer questions, should you have any.

SB 2388
Senate Human Services Committee
February 1, 1999

Good morning Chairman Thane and the members of the Senate Human Services Committee. My name is Susan R. Grundysen, and I am the Adoption Coordinator for Lutheran Social Services of North Dakota. I have submitted this written testimony to be shared in opposition to Senate Bill Number 2388.

The adoption assessment process, (investigation and written report) is a function serving as a check and balance in the interest of children being adopted. Those children sought to be adopted by relatives have as much right to a finding of a healthy, stable home, and understanding of adoption issues as any other child in the adoption process. The assessment allows for the prospective parent(s) to not just learn about the child, but gain insight and understanding to the issues inherent to adoption. A variety of issues present themselves in any adoption and require attention.

- Role: who is the parent, how does the child refer to the new parents, how the new parents refer to the biological parents, and associated feelings as they grow over time.**

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- **Openness:** what is the contact between biological parents and the child, how are the adopting parents involved in this, and the associated feelings.
- **Adoption:** what was the nature of the termination of parental rights, and how will this effect the child's internalizing feelings of worthiness, abandonment, and belonging.

Lutheran Social Services of North Dakota is happy to assist a relative seeking to adopt a related child. We recognize the value in the continuation of biological ties. The adoption assessment process is bonoficial in that it allows for the opportunity for adoptive parents to consider the issues present in adoption, and formulate healthy responses.

Lutheran Social Services believes that every child deserves a permanent home in which he/she is loved and cared for to the best of the ability of the parents and family, regardless of relative status.

Thank you to the members of the Senate Human Services Committee. I encourage you oppose this bill.

SB 2388

House Human Services Committee

March 1, 1999

Good morning Chairman Price and members of the House Human Services Committee. My name is Julie Hoffman and I serve as the Adoptions Administrator in the Department of Human Services. I am here today to provide testimony regarding Senate Bill 2388 and am here to neither support nor oppose the bill.

Periodically, the Department has been requested by attorneys to "waive" the requirement for an investigation of a prospective adoptive home. We have held that North Dakota Century Code does not allow the Department to do so and have supported investigation as "good practice" in the field of adoption services. The investigation, or adoption assessment, provides documented information regarding the suitability of the party to adopt with recommendations to the court for its consideration. These assessments, completed by experienced social workers of licensed child placing agencies, include interviews with the adopting parents and any children in the family, as well as a visit to the family home. It may include the administration of assessment tools, criminal background and child abuse and neglect checks, reference letters and various other documentation. Perhaps the greatest benefit to relatives who adopt is the education they receive regarding adoption issues, support in establishing healthy boundaries and roles with the birth parents for the benefit of the adopted child and information to assist the adopted child in understanding his/ her birth situation and ongoing connections to birth parents. It is unfortunate that not all persons who propose to adopt are found appropriate to do so. It is possible that these people may screen themselves out during the assessment process, or may come to believe some other arrangement for permanency may be more appropriate for the child.

When the Department is the custodian of the child, the assessment and recommendations of the child placing agency provides the Department information

necessary for the Department to consent to the adoptive placement of the child. The assessment is also one of the documents required for the establishment of an adoption subsidy in the case of a special need child.

The bill as amended provides that a judge may waive the investigation provided "no allegations of child abuse or neglect have been filed". We question whether this pertains to the petitioner only or is a more general statement of allegations having been filed in regards to the prospective adoptee? If this relates to the Department's concern when we have custody of a child, we would ask that this be clarified.

We do find it appropriate if such a waiver is to be built, that the discretion for such a waiver is in the hands of the Court. The liability for the permanent placement of a child without an assessment to the adoptive families suitability is not one which the Department would desire to make. Though currently the Department has the ability to waive the investigation requirement for those children for whom we are required to consent to the adoption, in practice, we do not do this.

I am available to answer questions, should you have any.