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*10/2/03*  
Date

CP

2003 HOUSE JUDICIARY

HB 1036

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1036

House Judiciary Committee

Conference Committee

Hearing Date 1-14-03

Tape Number	Side A	Side B	Meter #
1	xx		42-end
1		xx	0-end
2	xx		0-2

Committee Clerk Signature *A. Penrose*

**Minutes:** 12 members present, 1 member absent (Rep. Bernstein)

**Chairman DeKrey:** We will open the hearing on HB 1036.

**Rep. Delmore:** This is a companion bill, and I defer to Jennifer.

**Jennifer Clark, LC:** This is essentially a companion bill to the bill you just heard, the difference is, this bill amends the law relating to adoption to identified adoptive parents.

**Julie Hoffman, Administrator of Adoption Services for Dept. of Human Svc:** (see testimony)

**Rep. Delmore:** Who worked on this bill?

**Ms. Hoffman:** Initially the Family Law Committee studied this, and said here are all the things that are the same as nationally in regard to adoption law and which aren't, and where we think adoption is moving. The committee asked me to look at those more carefully and prioritize as the Administrator of Adoption Services, where I thought the committee's efforts should be. I brought together a group of adoption specialists from across the state. We prioritized the listing

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of where we thought change was needed in North Dakota law. They drafted legislation for those changes we were working on. There are six bills that came from that committee. Each bill relates to a specific section in the Century Code. Now our laws are not really uniform any more across the state.

**Rep. Klemin:** The amendment that you are proposing, that the pre-placement report is the one that's provided for in under Section 14-15.1-04?

**Ms. Hoffman:** Exactly.

**Rep. Klemin:** This subsection 1 says "if a pre-placement report is filed". Does that mean that the pre-placement report is not required then.

**Ms. Hoffman:** Yes.

**Rep. Klemin:** Only is there is a pre-placement report or a report from a child placement agency, can the court even consider entering a temporary order for placement of custody.

**Ms. Hoffman:** Yes.

**Rep. Klemin:** So the amendment, you are talking about would just simply refer to this other section.

**Ms. Hoffman:** Yes. We would like to clarify that the pre-placement report is the report of the child placing agency and I am not sure of the language you could draft, but it is the report of the child placing agency.

**Rep. Onstad:** You're asking for reasonable fee, what is a reasonable fee. How is it broken out.

**Ms. Hoffman:** Currently in identified adoptions, there is a requirement that a report is filed with the court, a written document related to any financial disbursements made in regard to the adoption, and any written or verbal agreement between the parties; and it is filed with the court;

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but there is no requirement that the court make a finding about that in any way. So we need to define what are reasonable costs, asking the court to make a judgment about whether the court feels it is reasonable. Page 3 of the bill, paragraph 5 says "living expenses of the birth mother which are needed to maintain an adequate standard of living, to maintain loss of income, payments may cover expenses incurred during the pregnancy related to the incapacity, but not for a period longer than 6 weeks following the delivery. That's one example. Then there are further definitions about medical expenses, legal fees, counseling, pre-placement counseling. These are the categories under which an adopted family could be asked to pay fees and asking the court to determine whether that fee is reasonable.

**Rep. Boehning:** Fees, are they pre-agreed to before the birth of the child, or something that comes up after the child is born, these are medical and living expenses? Or is this all pre-established.

**Ms. Hoffman:** In general, I think they are spoken about before the birth, as they are planning the adoption, the birth parent could say, "I don't have medical insurance" and can you help with the cost of medical care because I can't afford that. The adoptive parent may agree to pay "X" number of dollars in medical care. They may agree to do "X" dollars for living expenses, etc. before the birth.

**Rep. Boehning:** Will my insurance cover medical expenses for the birth mother? Or do I have to have the child adopted first, is there a law for that.

**Ms. Hoffman:** Currently there is a statute which requires insurance companies to cover a child adopted from the time of placement by an adoption agency or placement with a family under this

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section. The birth mother's insurance would cover the actual birth, unless there was some agreement otherwise.

**Rep. Kingsbury:** How negotiable are these fees?

**Ms. Hoffman:** Very negotiable, no guidelines exist right now, no limits to what an adoptive parent could be asked to pay for. The families that refuse, may not have the adoption go through.

**Chairman DeKrey:** Thank you for appearing before the committee. Anyone else in support of HB 1036?

**Rebecca Doll, LSW, Village Family Service Ctr.:** (see testimony) Firmly support HB 1036.

**Chairman DeKrey:** You say the changes, they would be mandatory?

**Ms. Doll:** Mandatory, yes.

**Chairman DeKrey:** Thank you for appearing before the committee. Anyone else wishing to testify on HB 1036.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1036

House Judiciary Committee

Conference Committee

Hearing Date 1-20-03

Tape Number	Side A	Side B	Meter #
1	xx		22-30
Committee Clerk Signature <i>A. Penrose</i>			

Minutes: 13 members present.

**Chairman DeKrey:** We will now look at HB 1036. The Identified Adoption Statute.

**Rep. Klemin:** This amendment should clarify that the pre-placement report can be filed with the court for temporary custody per Julie Hoffman's testimony.

**Chairman DeKrey:** Any discussion on the amendment.

**Rep. Klemin:** I move the amendment 30111.0101 to HB 1036 be passed.

**Rep. Maragos:** Seconded.

**Rep. Delmore:** Does that amendment cover all of the needs that were given to us by Ms. Hoffman?

**Rep. Klemin:** That is her amendment.

**Chairman DeKrey:** Voice vote, 13 yes, 0 no. It passes, we now have a bill before us. HB 1036 as amended. Committee's wishes.

**Rep. Galvin:** Recommend Do Pass with amendments on HB 1036.

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**Rep. Delmore:** Seconded.

**Chairman DeKrey:** Any further discussion.

**13 YES 0 NO 0 ABSENT DO PASS W/AMENDMENTS CARRIER: Rep. Grande**

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