

2023 HOUSE HUMAN SERVICES

HB 1457

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1457
1/23/2023

Relating to creating a preference for foster home families in the adoption process.

Chairman Weisz called the meeting to order at 10:06 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Rep. Kiefert not present.

Discussion Topics:

- Genetic relationship with foster children
- Placement of foster children with relatives
- Safety of foster children
- Quicker home stability for foster children
- Comparison of foster child programs with other states

Rep. Prichard introduced HB 1457 with supportive testimony and proposed an amendment to bill (#15308).

Tasha Gorenz, foster parent from Bottinaue, ND, spoke in support of HB 1457.

Bailey Grainer, foster parent from ND, spoke in support of HB 1457.

Cory Pederson, Director of the Children and Family Services Section with the Department of Health and Human Services, opposition testimony (#15172).

Desiree Sorenson, Director for the Mountrail McKenzie Human Service Zone, opposition testimony (#15273).

Chairman Weisz adjourned the meeting at 10:27 AM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1457
2/14/2023

Relating to creating a preference for foster home families in the adoption process.

Chairman Weisz called the meeting to order at 9:55 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Committee work
- Amendment (23.0750.01002)
- Placement options
- Safety protocols
- Quicker home stability

Representative Prichard proposed an amendment (#23.0750.01002) to HB 1457 #26094

Representative Prichard moved to adopt amendment (#23.0750.01002)

Seconded by Representative Anderson.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	N
Representative Gretchen Dobervich	N
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 11-3-0.

Representative Prichard moved a do pass as amended on HB 1457.

Seconded by Representative Anderson.

Representative Prichard withdrew the motion.

Representative Prichard moved to further amend to remove the word "If" in line 1 on page 2 and add the word "that" on line 2 (23.0750.01003)

Seconded by Vice Chairman Ruby.

Voice vote: Motion carries

Representative Prichard moved a do pass as amended on HB 1457.

Seconded by Representative Anderson.

Committee discussion

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	N
Representative Jayme Davis	Y
Representative Gretchen Dobervich	N
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 12-2-0.

Bill carrier: Representative Anderson.

Chairman Weisz adjourned the meeting at 10:09 AM.

Phillip Jacobs, Committee Clerk By: Donna Knutson

February 14, 2023

24
2-14-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1457

Page 1, line 24, replace "if" with "and if after conducting a diligent search, there is no fit and willing relative interested in adoption, upon termination of parental rights."

Page 2, line 1, after "agency" insert "that"

Page 2, line 1, remove "the human"

Page 2, line 2, remove "service zone director or a licensed child-placing agency"

Page 2, line 6, replace "infancy" with "since the child was less than one year old"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1457: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1457 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "if" with "and if after conducting a diligent search, there is no fit and willing relative interested in adoption, upon termination of parental rights."

Page 2, line 1, after "agency" insert "that"

Page 2, line 1, remove "the human"

Page 2, line 2, remove "service zone director or a licensed child-placing agency"

Page 2, line 6, replace "infancy" with "since the child was less than one year old"

Renumber accordingly

2023 SENATE HUMAN SERVICES

HB 1457

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1457
3/20/2023

Relating to creating a preference for foster home families in the adoption process

3:26 PM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Hogan, Weston** were present.

Discussion Topics:

- Family preferential
- Foster home
- Adoptive home
- Safe and stable home

3:27 PM **Representative Brandon Prichard** introduced HB 1457 and testified in favor. #25937

3:38 PM **Ruby Ritchie** testified in favor #25902

3:43 PM **Tasha Gorentz, foster parent**, testified online in favor. #25944

3:54 PM **Cory Pedersen, Director of the Children and Family Services Section, North Dakota Department of Health and Human Services**, testified in opposition. #25890

4:01 PM **Kimberly Jacobson, Zone Director, Agassiz Valley Human Service Zone**, testified in opposition. #25765

4:11 PM **Cory Pedersen** provided additional information. No written testimony.

4:16 PM **Madam Chair Lee** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1457
3/27/2023

Relating to creating a preference for foster home families in the adoption process
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4:16 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Clemens, K. Roers, Hogan, Weston** were present. **Senator Cleary** was absent.

Discussion Topics:

- Welfare act
- Family preferential
- Foster care
- Siblings

Senator Lee calls for discussion.

4:31 PM **Cory Pedersen, Director, Children and Family Services, ND Health and Human Services**, provided information verbally.

Senator K. Roers moved **DO NOT PASS**.

Senator Hogan seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	AB
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 5-0-1.

Senator K. Roers will carry HB 1457.

4:56 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1457, as engrossed: Human Services Committee (Sen. Lee, Chairman)
recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1457 was placed on the Fourteenth order on the calendar. This bill
does not affect workforce development.

TESTIMONY

HB 1457

**Testimony
House Bill No. 1457
House Human Services Committee
Representative Weisz, Chairman
January 23, 2023**

Chairman Weisz, and members of the House Human Services Committee, I am Cory Pedersen, Director of the Children and Family Services Section with the Department of Health and Human Services (Department). I appear before you in opposition to House Bill 1457 and ask the committee to give it a do not pass recommendation.

Federal regulations under Title 42 U.S.C. § 671(a)(19) require each child in foster care to achieve one of the five approved permanency goals: reunification with parents, guardianship, placement with a fit/willing relative, another planned permanent living arrangement (APPLA) or adoption.

Federal law requires states to consider relatives of the child for placement preference. Foster parents may be considered for a more long-term permanency option, but are not guaranteed, to be a permanent placement option for a foster child.

In summary, foster care is intended to be temporary and if adoption is the selected permanency plan diligent effort must be made by the custodian to rule out relatives before “considering” the licensed foster care provider as the adoption option. There are many other barriers that delay permanency for children and Children and Family Services Section is committed to continuing to look for areas we can improve the process and streamline items to be more efficient for our providers while balancing what is best for the children and their families we serve.

This concludes my testimony, and I would be happy to answer any questions you may have.

Testimony Prepared for the
House Human Services Committee

January 23, 2023

By: Desiree Sorenson, LBSW, Mountrail McKenzie Human Service Zone

RE: HB 1457: Relating to creating a preference for foster home families in the adoption process.

Chairman Weisz, and Members of the Committee. My name is Desiree Sorenson, I am here today to provide testimony in opposition of HB 1457, in its current form.

Human Service Zones, the Division of Juvenile Services and Tribal child welfare agencies serve as legal custodians when care/custody/control of children is removed from their parents or legal caregivers. Once a Termination of Parental Rights has occurred, the Human Service Zone Director ultimately must consent for adoption. In its current form, this bill directly contradicts federal laws, state policy and practice, and will certainly jeopardize federal funding to the state of North Dakota's child welfare system. However, most importantly, this bill disregards a child's biological, familial and kin connections, potentially depriving them of life long relationships with siblings, aunts, uncles, cousins, or other extended family members.

When the adoptive family selection process occurs for a child whose parental rights have been terminated, careful consideration of biological and "kin" adoptive options occurs, including the current licensed foster care family. Foster families are able to let their desire to be considered an adoptive option be known. I would also like to add that a relative placement is continually explored throughout the time that the child is in foster care through a relative search.

Please note the following definition of “Identified Relative” in North Dakota’s child welfare policy:

*“Identified Relative” means the child’s grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece or first cousin. An individual with a relationship to the children, derived through a current or former spouse of the child’s parent, similar to a relationship described in the first sentence. **An individual recognized in the child’s community as having a relationship with the child similar to a relationship described in the first sentence;** A child’s stepparent. (NDCC 50-11).*

Because foster families have already been in a caregiving role for a child, they already have some elevated standing when considering adoptive options. However, this caregiving role, should not blindly supersede biological familial connections to the child.

*The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that states “consider giving **preference to adult relative caregivers over non-relative caregivers when considering placement of a child.** This is consistent with the philosophy of placing a child in the “least restrictive environment.”*

The language in this proposed bill does allow exception for cases in which the Indian Child Welfare Act applies. This federal law seeks to keep Indian children with their Indian families after evidence indicated a large number of Indian children were being removed from their families and placed with non-Indian families. We want to have similar protections of family, culture and community for all children.

Thank you for considering of my testimony relating to this bill. I stand for any questions the committee may have.



North Dakota House of Representatives

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COMMITTEES:

Human Services
Agriculture

House Bill 1457
House Health and Human Services Committee
Representative Weisz, Chairman
January 23, 2023

Chairman Weisz and members of the House Health and Human Services Committee,

My name is Rep. Brandon Prichard and I represent District 8 which covers all of Emmons County, rural and suburban portions of Burleigh County, and Wilton which is in McLean County. I am here to testify in support HB 1457 which would give preference to foster families in the adoption process if the family has raised the child from infancy, cared for the child for over six months, or if the intent from the foster parents was to adopt the child from the beginning of the foster process. HB 1457 would make adopting a child easier and more equitable for foster families. Notably, there is an exception for ICWA which federally mandates that a Native American child be prioritized to Native American families.

Currently, the process for adoption allows blood relatives who have never seen the child get preferential treatment over the foster parents. Families who entered the adoption pool without a connection may also get preferential treatment. HB 1457 would reorder the process by giving the preferential treatment to the family which has raised the child or cared for them for over six months. We need to stop looking at family as only a blood connection and begin to realize that family stems from emotional connections within a shared household. It can be heart-wrenching for a foster family to watch the child they raised be stripped away from them because they were not first in line in the adoption process.

I would like to suggest a simple amendment to HB 1457 for the purpose of clarifying the language. On page 2, line 6, I would suggest changing the language to "since the child's birth until one year of age." This would remove any ambiguity about the word "infancy."

I encourage the Health and Human Service Committee to support foster families who want to adopt children in their care. I respectfully ask for the committee to support HB 1457 by giving the bill a "Do Pass" recommendation.

Testimony Prepared for the
Senate Human Services Committee

March 20, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: House Bill 1457 – Adoptive Placement Preferences

Chair Lee and members of the Senate Human Services Committee, my name is Kim Jacobson. I am the Agassiz Valley Human Service Zone Director, which includes the service area of Traill and Steele Counties. In addition, I serve as President of the North Dakota Human Service Zone Director Association. Please consider my testimony in opposition of HB 1457.

In North Dakota, Human Service Zone Directors, the Division of Juvenile Services, and Tribal child welfare agencies serve as the legal custodian of who are removed from their parental or legal caregiver. The foster care system is complex with many federal and state laws directing and influencing decisions, proceedings, and efforts. It is the role of the legal custodian to make a variety of necessary and essential decisions. This includes adoptive placement decisions.

While changes were made to this bill while in House Chamber, there remains problems with this bill. The engrossed language now recognizes the federal requirement for “fit and willing relatives” to have precedence for adoptive placement consideration. However, for the committee’s knowledge, North Dakota child welfare policy and NDCC defines identified relative as:

“the child’s grandparent, great-grandparent, sibling, half-sibling, aunt, great-uncle, nephew, niece, or first cousin. An individual with a relationship to the children, through a current or former spouse of the child’s parent, similar to a relationship in the first sentence. An individual recognized in the child’s community as having a relationship with the child similar to a relationship described in the first sentence; A child’s stepparent (NDCC 50-11).

As a foster family for a foster child have already been in a caregiving role for the child, they already have some elevated standing regarding adoptive options based on current definition. However, this caregiving role, should not blindly supersede biological familial connections to the child.

Ultimately, by federal law and court-order, the adoptive placement decision for children in public custody remains with the legal custodian, such as the Human Service Zone Director. We are required to make informed decisions, in the child's best interest, considering all factors. State law that guarantees or prioritizes adoptive placement is counterproductive, may serve as a barrier, and will place those who have authority to make adoptive placement decisions in difficult situations.

Thank you for the opportunity to testify in opposition to HB 1457. I stand for questions from the committee.

**Testimony
Engrossed House Bill No. 1457
Senate Human Services Committee
Senator Lee, Chairman
March 20, 2023**

Chairman Lee, and members of the Senate Human Services Committee, I am Cory Pedersen, Director of the Children and Family Services Section with the Department of Health and Human Services (Department). I appear before you in opposition to engrossed House Bill 1457 and ask the committee to give it a do not pass recommendation.

Federal regulations under Title 42 U.S.C. § 671(a)(19) require each child in foster care to achieve one of the five approved permanency goals: reunification with parents, guardianship, placement with a fit/willing relative, another planned permanent living arrangement (APPLA), or adoption.

Federal law requires states to consider relatives of the child for placement preference. Foster parents may be considered for a more long-term permanency option, but are not guaranteed to be a permanent placement option for a foster child.

While we appreciate the effort to get children to permanency as soon as possible we would caution the committee that this change may have unintended consequences pitting custodial agencies against state licensed foster parents. It could potentially set up a race to the courthouse. When it comes to what is best for the child, licensed providers are part of the team lead by the custodial agency; and this law change sets up what could become an adversarial process.

In summary, foster care is intended to be temporary and if adoption is the selected permanency plan, effort must be made by the custodian to rule out relatives before “considering” the licensed foster care provider as the adoption option.

There are many barriers that delay permanency for children. The Department is committed to continuing to look for opportunities to improve practices and processes, keeping the best interest of the children and families we serve at the center of our work.

This concludes my testimony, and I would be happy to answer any questions you may have.

Chairman Weisz and members of the House Health and Human Services Committee,

My name is Ruby Ritchie. I am here to testify in support of house bill 1457 and ask the committee to give the bill a “Do Pass” recommendation. This bill would give adoption preference to foster families who are caring for a child who is in the process of adoption rather than giving preference to a relative. According to house bill 1457 sections 4a-c this would give preference to foster families who have had a foster child in their care “For six months or longer leading up to the termination of parental rights; “Since the child’s birth or infancy;” or “With the intention of adopting the child.”.

Foster care is never a permanency plan. Foster care agencies work to ensure that children in foster care are working towards reunification until termination of parental rights occurs. At this point a child would be moved into the adoption process. This bill would make it easier for the child in a foster home to be adopted by the foster care provider they currently live with if the foster care provider is interested in adopting the child. If the relative of the child gets preference, the child may not be placed in a home that is suited for their needs. Foster care agencies have higher levels of need for children who need treatment foster care. These homes are equipped with families who have gone through trauma informed education and classes to prepare them for caring for a child with high needs. If a relative is given preference rather than a current foster home, the relative may not know how to best care for the child.

According to Foster Care Services Permanency Planning Service Chapter 624-05 chapter 5 section 12 a-d; “Relative” is defined as:

- a. The child’s grandparent, great-grandparent, sibling, halfsibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin;

b. An individual with a relationship to the child, derived through a current or former spouse of the child's parent, similar to a relationship described in subdivision a:

c. An individual recognized in the child's community as having a relationship with the child similar to a relationship described in subdivision a; or

d. The child's stepparent.

It is important to know what giving preference to a relative really means, this relative could even be considered as "An individual recognized in the child's community as having a relationship with the child similar to a relationship described in subdivision a which states - The child's grandparent, great-grandparent, sibling, halfsibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin;"

If a child in foster care has already been placed in a secure foster home and the custodian and foster care agency has found this to be a permanency option due to the attachment and connection of the child and foster family has made with one another, it may be in the child's best interest to avoid another disruption and transition and keep them in one home. This concludes my testimony and I encourage the committee to support house bill 1457.



North Dakota House of Representatives

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COMMITTEES:

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House Bill 1457
Senate Health and Human Services Committee
Senator Lee, Chairman
March 20, 2023

Chairman Lee and members of the Senate Health and Human Services Committee,

My name is Rep. Brandon Prichard and I represent District 8 which covers all of Emmons County, rural and suburban portions of Burleigh County, and Wilton which is in McLean County. I am here to testify in support HB 1457 which would give preference to foster families in the adoption process if the family has raised the child from infancy, cared for the child for over six months, or if the intent from the foster parents was to adopt the child from the beginning of the foster process. HB 1457 would make adopting a child easier and more equitable for foster families. Notably, there is an exception for ICWA which federally mandates that a Native American child be prioritized to Native American families. A diligent search for existing family members is required by federal law and is included in the language of HB 1457.

Currently, families who entered the adoption pool without a connection may get preferential treatment. HB 1457 would reorder the process by giving the preferential treatment to the family which has raised the child or cared for them for over six months, from infancy, or with the intent of adoption. After revamping the bill several times with legislative council, the version in front of you is within the framework of federal adoption and foster care law. It should have no conflict. Several other states such as Oregon have had this provision in their code for decades. We need to realize that family stems from emotional connections within a shared household. It can be heart-wrenching for a foster family to watch the child they raised be stripped away from them because they were not first in line in the adoption process.

I encourage the Senate Health and Human Service Committee to support foster families who want to adopt children in their care. I respectfully ask for the committee to support HB 1457 by giving the bill a "Do Pass" recommendation.

I came here today asking for your support on HB 1457.

My name is Tasha Gorentz, I have 5 years of experience as a foster parent in Cass County, North Dakota. During those 5 years, I have had 22 foster children come through my home.

A few years ago, I had a 6 month old little boy come into my home through foster care. He had been severely neglected and even though he was 6 months old, was basically a new born baby. He was not able to physically do anything a typical 6 month old should, like hold his own head up for example.

My family fell in love with him immediately and let his case worker know that if he became adoptable, my family wanted to be considered.

For a year my family worked hard with his therapy team to get him caught up physically, developmentally and emotionally. During this time my family was his family. He bonded to me through love and support. He felt safe and all of his needs were met. To him I was his mom.

We were informed that his biological mom had made enough progress and he was being returned to her with shared supervised custody with his maternal grandmother.

I did not feel confident in the county's decision, but since I was "just the foster parent" I had no say in his permanency and was forced to pack up his life and his things and send him back to a home that had originally neglected his needs.

A few short months later I get a call from his case worker and my biggest fear was confirmed. I rush to the emergency room and was in complete shock seeing my little boy completely covered in bruises from head to toe. The perfect image of a handprint bruise across his little cheek still haunts me to this day. That was the only one his clothing didn't conceal, but the ones on his thighs and across his little bottom were even worse.

My family took our little boy home and started the process of healing him physically and emotionally all over again.

I watched his bruises fade.

I laid with him and comforted him through the night terrors.

I slowly watched as my sweet, happy, smart and sassy little boy slowly started to feel safe and find himself again.

I made sure his case worker knew AGAIN that he had a home with us and we wanted to adopt him. We celebrated the day his parental rights were terminated, relieved as it was one step closer to keeping him safe.

Families who step up to foster children go through so much. As rewarding as our work is, it's equally as difficult, testing our hearts every step of the way.

For a year and a half, we were this little boy's safe place. Through both physical and emotional neglect and traumatic physical abuse, his definition of family had been changed from those of biology to us. To my family, the ones who wrapped him in our love and light and fought for his growth, happiness and stability. I celebrated his first two birthdays, his first two Christmases. I taught him to use sign language, to talk, to walk and to run. To him, I was his mom. To him, we were his family.

At 2 years and 3 months old, right in the middle of essential nurturing and development milestones, after all he had already endured and was just finally starting to move on from, this little boy was ripped out of the only safe home he had ever known, out of my home and was adopted to people who were complete strangers to him.

HB 1475 would provide more and quicker stability for children who have already faced the enormous emotional traumas that caused them into foster care to begin with by allowing the homes they have been in and thrived in to become their permanency plan through foster adoption.

It would also support foster families, like my own, giving us adoptive rights and helping to prevent some of the loss and trauma we experience being the soldiers on the front line of foster care.

23.0750.01002

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1457

Introduced by

Representatives Prichard, Davis, Finley-DeVille, Fisher, Holle, McLeod, Meier

Senators Clemens, Lee, Weston

1 A BILL for an Act to amend and reenact section 27-20.3-24 of the North Dakota Century Code
2 relating to creating a preference for foster home families in the adoption process.

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

4 **SECTION 1. AMENDMENT.** Section 27-20.3-24 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-20.3-24. Disposition upon termination of parental rights.**

- 7 1. If, upon entering an order terminating the parental rights of a parent, there is no parent
8 having parental rights, the court shall:
- 9 a. Commit the child to the custody of the human service zone director or a licensed
10 child-placing agency willing to accept custody for the purpose of placing the child
11 for adoption or, in the absence of such an agreement, in a foster home;
- 12 b. Appoint a fit and willing relative or other appropriate individual as the child's legal
13 guardian; or
- 14 c. Establish some other planned permanent living arrangement.
- 15 2. The custodian has the rights of a legal custodian and authority to consent to the child's
16 adoption, marriage, enlistment in the armed forces of the United States, and surgical
17 and other medical treatment.
- 18 3. If the child is not placed for adoption within twelve months after the date of the order
19 and a legal guardianship or other planned permanent living arrangement for the child
20 has not been established by a court of competent jurisdiction, the child must be
21 returned to the court issuing the original termination order for entry of further orders for
22 the care, custody, and control of the child.
- 23 4. Unless section 27-20.2-15 or the federal Indian Child Welfare Act of 1978 [25 U.S.C.
24 1901 et seq.] applies, and if after conducting a diligent search there is no fit and

Sixty-eighth
Legislative Assembly

- 1 | willing relative interested in adoption, upon termination of parental rights, if a human
2 | service zone director or licensed child-placing agency, places a child for adoption
3 | under subdivision a of subsection 1, the human service zone director or a licensed
4 | child-placing agency shall give adoptive placement priority to a foster care provider
5 | interested in adopting the child, if the foster care provider provided foster care to the
6 | child:
- 7 | a. For six months or longer leading up to the termination of parental rights;
8 | b. Since the child's birth or infancy since the child was less than one year old; or
9 | c. With the intention of adopting the child.