

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 513 of section ~~14-15-11~~14-15-01 and
2 | sections 14-15.1-01 and 14-15.1-04 of the North Dakota Century Code, relating to the
3 | investigation and report by a child-placing agency and the definition of relative.

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

5 | ~~**SECTION 1. AMENDMENT.** Subsection 5 of section 14-15-11 of the North Dakota Century
6 | Code is amended and reenacted as follows: _____~~

7 | ~~_____ 5. An investigation and report is not required in cases in which a stepparent is the
8 | petitioner or the individual to be adopted is an adult. The department, when required to
9 | consent to the adoption, may give consent without making the investigation. If the
10 | petitioner is a relative other than a stepparent of the minor, the minor has lived with the
11 | petitioner for at least nine six months, no allegations of abuse or neglect have been
12 | filed against the petitioner or any member of the petitioner's household, and the court
13 | is satisfied that the proposed adoptive home is appropriate for the minor, the court
14 | may waive the investigation and report required under this section.~~

15 | **SECTION 1. AMENDMENT.** Subsection 13 of section 14-15-01 of the North Dakota
16 | Century Code is amended and reenacted as follows:
17 | 13. "Relative" means any individual having the following relationship to the minor by
18 | marriage, blood, or adoption: brother, sister, stepbrother, stepsister, first cousin, uncle,
19 | aunt, or grandparent.

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

22 | **14-15.1-01. Definitions.**

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

- 1 1. "Birth parent" means the woman who gave birth to a child, any man alleged by that
- 2 woman to be the biological father of that child, or any man presumed by law or
- 3 judicially determined to be the biological father of that child.
- 4 2. "Child-placing agency" means an agency licensed under chapter 50-12.
- 5 3. "Court" means the district court of this state.
- 6 4. "Department" means the department of human services.
- 7 5. "Identified adoptive parent" means the person or persons eligible under section
- 8 14-15-03 to adopt a child and who has been selected by a birth parent to adopt a
- 9 specific child.
- 10 6. "Relative" means a brother, sister, ~~half-brother, half-sister~~ ~~stepbrother, stepsister~~, first
- 11 cousin, uncle, aunt, ~~father, mother~~, or grandparent of the child by marriage, blood, or
- 12 adoption.

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

15 **14-15.1-04. Report of child-placing agency.**

- 16 1. Before a hearing under this chapter, the report of a child-placing agency must be filed
- 17 with the court. The child-placing agency shall serve a copy of the report upon the birth
- 18 parent, the identified adoptive parent, the guardian ad litem, and the department at
- 19 least seven days before the hearing. ~~The~~ Except as provided in subsection 2, the
- 20 report must include ~~the following~~:
- 21 4. a. A recommendation as to whether the home of the identified adoptive parent is a
- 22 suitable home for the placement of the child.
- 23 2. b. A preplacement adoption assessment indicating how the identified adoptive
- 24 parent's emotional maturity, finances, health, relationships, criminal history
- 25 record, and any other relevant factors may affect the identified adoptive parent's
- 26 ability to accept, care for, and provide the child with an adequate environment in
- 27 which to mature.
- 28 3. c. The medical and social history of the birth parent, including an assessment
- 29 regarding the birth parent's understanding and acceptance of the action.
- 30 4. d. If the child has been born before the filing of the report, a medical and
- 31 developmental history of the child.

- 1 2. If the identified adoptive parent is a relative of the child, the report of a child-placing
2 agency must include:
- 3 a. ~~The~~An assessment and recommendation of the criminal history record of the
4 identified adoptive parent~~and any household member.~~
- 5 b. Written credible character statements from three adult witnesses. Each statement
6 must be acknowledged before a notary public and include:
- 7 (1) The relationship of the witness to the identified parent;
8 (2) The relationship, love, and other emotional ties existing between the child
9 and the identified adoptive parent;
- 10 (3) The emotional maturity and moral character of the the identified adoptive
11 parent;
- 12 (4) The sufficiency and stability of the identified adoptive parent's home
13 environment;
- 14 (5) The ability of the identified adoptive parent to provide food, clothing, shelter
15 and medical care for the child; and
- 16 (6) The mental and physical health of the identified adoptive parent, if known.
- 17 c. The medical and social history of the birth parent, including an assessment
18 regarding the birth parent's understanding and acceptance of the action.