

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED 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 13 of section 14-15-01 and sections  
2 14-15.1-01 and 14-15.1-04 of the North Dakota Century Code, relating to the investigation and  
3 report by a child-placing agency and the definition of relative; and to provide for a legislative  
4 management study.

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

6 **SECTION 1. AMENDMENT.** Subsection 13 of section 14-15-01 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 13. "Relative" means any individual having the following relationship to the minor by  
9 marriage, blood, or adoption: brother, sister, stepbrother, stepsister, first cousin, uncle,  
10 aunt, or grandparent.

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

13 **14-15.1-01. Definitions.**

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

- 15 1. "Birth parent" means the woman who gave birth to a child, any man alleged by that
- 16 woman to be the biological father of that child, or any man presumed by law or
- 17 judicially determined to be the biological father of that child.
- 18 2. "Child-placing agency" means an agency licensed under chapter 50-12.
- 19 3. "Court" means the district court of this state.
- 20 4. "Department" means the department of human services.
- 21 5. "Identified adoptive parent" means the person or persons eligible under section
- 22 14-15-03 to adopt a child and who has been selected by a birth parent to adopt a
- 23 specific child.

1       6. "Relative" means a brother, sister, stepbrother, stepsister, first cousin, uncle, aunt, or  
2       grandparent of the child by marriage, blood, or adoption.

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

5       **14-15.1-04. Report of child-placing agency.**

6       1. Before a hearing under this chapter, the report of a child-placing agency must be filed  
7       with the court. The child-placing agency shall serve a copy of the report upon the birth  
8       parent, the identified adoptive parent, the guardian ad litem, and the department at  
9       least seven days before the hearing. ~~The~~Except as provided in subsection 2, the  
10      report must include the following:

11      1. a. A recommendation as to whether the home of the identified adoptive parent is a  
12      suitable home for the placement of the child.

13      2. b. A preplacement adoption assessment indicating how the identified adoptive  
14      parent's emotional maturity, finances, health, relationships, criminal history  
15      record, and any other relevant factors may affect the identified adoptive parent's  
16      ability to accept, care for, and provide the child with an adequate environment in  
17      which to mature.

18      3. c. The medical and social history of the birth parent, including an assessment  
19      regarding the birth parent's understanding and acceptance of the action.

20      4. d. If the child has been born before the filing of the report, a medical and  
21      developmental history of the child.

22      2. If the identified adoptive parent is a relative of the child, the report of a child-placing  
23      agency must include:

24      a. An assessment and recommendation of the criminal history record of the  
25      identified adoptive parent and any adult living in the home of the adoptive parent.

26      b. Written credible character statements from three adult witnesses. Each statement  
27      must be acknowledged before a notary public and include:

28      (1) The relationship of the witness to the identified parent;

29      (2) The relationship, love, and other emotional ties existing between the child  
30      and the identified adoptive parent;

- 1                   (3) The emotional maturity and moral character of the the identified adoptive  
2                   parent;
- 3                   (4) The sufficiency and stability of the identified adoptive parent's home  
4                   environment;
- 5                   (5) The ability of the identified adoptive parent to provide food, clothing, shelter  
6                   and medical care for the child; and
- 7                   (6) The mental and physical health of the identified adoptive parent, if known.
- 8                   c. The medical and social history of the birth parent, including an assessment  
9                   regarding the birth parent's understanding and acceptance of the action.

10                   **SECTION 4. LEGISLATIVE MANAGEMENT STUDY - ADOPTION.** During the 2017-18  
11 interim, the legislative management shall consider studying adoption by an identified or an  
12 unidentified adoptive parent. The study must include an evaluation and a comparison of the  
13 adoptive process and procedure, expenses, duration, and state tax credits and deductions  
14 associated with adoption by an identified or an unidentified adoptive parent. The legislative  
15 management shall report its findings and recommendations, together with any legislation  
16 required to implement the recommendations, to the sixty-sixth legislative assembly.