

**2023 SENATE HUMAN SERVICES**

**SB 2080**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
1/4/2023

A BILL relating to a licensed child-placing agency investigation.
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10:15 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston** are present. **Senator Hogan** was absent.

## Discussion Topics:

- Streamline licensing
- Adoption programming

10:13 AM **Cory Petersen, Dept. of Health and Human Services**, introduced SB 2080 testimony in favor #12302

10:17 AM **Senator Lee** closed the hearing.

**Madam Chair Lee** asks for motion.

**Senator Cleary** moves **DO PASS**.  
**Senator Clemens** seconded the motion.

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

The motion passed 5-0-1.

**Senator Lee** will carry SB 2080

10:18 AM Madam Chair Lee adjourned the meeting.

*Patricia Lahr, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**SB 2080: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2080 was placed on the Eleventh order on the calendar. This bill affects workforce development.

**2023 HOUSE HUMAN SERVICES**

**SB 2080**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

SB 2080  
3/6/2023

Relating to a licensed child-placing agency investigation.

Chairman Weisz called the meeting to order at 2:32 PM.

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

### **Discussion Topics:**

- Foster parents
- Adoptive home study

Cory Pederson, Director of the Children and Family Services Section with the Department of Health and Human Services, supportive testimony (#22131).

Chairman Weisz adjourned the meeting at 2:36 PM.

*Phillip Jacobs, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Human Services Committee Pioneer Room, State Capitol

SB 2080  
4/5/2023

Relating to a licensed child-placing agency investigation.

Chairman Weisz called the meeting to order at 3:05 PM.

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

### Discussion Topics:

- Committee work
- Amendment

Chairman Weisz called for a discussion on SB 2080.

Rep. Prichard moved to adopt amendment (#23.8042.01001) (#27487) to SB 2080.

Seconded by Rep. Anderson.

Rep. Prichard explained the changes proposed in the amendment.

### Roll Call Vote:

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

Motion carries 7-6-1.

Rep. Prichard moved a do pass as amended on SB 2080.

Seconded by Rep. Anderson.

Roll Call Vote:

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

Motion carries 7-6-1.

Carried by Rep. Prichard.

Chairman Weisz adjourned the meeting at 3:40 PM.

*Phillip Jacobs, Committee Clerk*

24  
45-23

PROPOSED AMENDMENTS TO SENATE BILL NO. 2080

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "2" insert "and 3"

Page 1, line 1, after "14-15-11" insert "and section 27-20.3-24"

Page 1, line 2, after "investigation" insert "and adoptive child placement priority; and to provide a contingent effective date"

Page 1, line 12, after the underscored period insert "An adoptive home is suitable if, in the manner prescribed by the department, the petitioner is licensed or approved under section 50-11-01 to furnish foster care for children."

**SECTION 2. AMENDMENT.** Subsection 3 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

3. A written report of the investigation, which may include the petitioner's foster care assessment to demonstrate the suitability of the adoptive home, must be filed with the court by the investigator before the petition is heard.

**SECTION 3. AMENDMENT.** Section 27-20.3-24 of the North Dakota Century Code is amended and reenacted as follows:

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.



4. Unless sections 27-20.2-15 and 27-20.3-19 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent search, a fit and willing relative interested in adoption is not located, upon termination of parental rights, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall give adoptive placement priority to a foster care provider interested in adopting the child, if the foster care provider provided foster care to the child:
- a. For six months or longer leading up to the termination of parental rights;
  - b. Since the child's birth or since the child was less than one year old; or
  - c. With the intention of adopting the child.

4A  
45-23

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

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless sections 27-20.2-15, 27-20.3-19, 27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3, 27-20.3-19.4, and 27-20.3-19.5 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent search, a fit and willing relative interested in adoption is not located, upon termination of parental rights, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall give adoptive placement priority to a foster care provider interested in adopting the child, if the foster care provider provided foster care to the child:

- a. For six months or longer leading up to the termination of parental rights;
- b. Since the child's birth or since the child was less than one year old; or
- c. With the intention of adopting the child.

8A  
4-5-23

**SECTION 5. CONTINGENT EFFECTIVE DATE.** Section 4 of this Act becomes effective at the time provided in House Bill No. 1536 if sections 27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3, 27-20.3-19.4, and 27-20.3-19.5 as created by House Bill No. 1536 are approved by the sixty-eighth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2080: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2080 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "2" insert "and 3"

Page 1, line 1, after "14-15-11" insert "and section 27-20.3-24"

Page 1, line 2, after "investigation" insert "and adoptive child placement priority; and to provide a contingent effective date"

Page 1, line 12, after the underscored period insert "An adoptive home is suitable if, in the manner prescribed by the department, the petitioner is licensed or approved under section 50-11-01 to furnish foster care for children."

**SECTION 2. AMENDMENT.** Subsection 3 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

3. A written report of the investigation, which may include the petitioner's foster care assessment to demonstrate the suitability of the adoptive home, must be filed with the court by the investigator before the petition is heard.

**SECTION 3. AMENDMENT.** Section 27-20.3-24 of the North Dakota Century Code is amended and reenacted as follows:

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless sections 27-20.2-15 and 27-20.3-19 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent search, a fit and willing relative interested in adoption is not located, upon termination of parental rights, a human service zone director or licensed child-placing agency that places a child

for adoption under subdivision a of subsection 1, shall give adoptive placement priority to a foster care provider interested in adopting the child, if the foster care provider provided foster care to the child:

- a. For six months or longer leading up to the termination of parental rights:
- b. Since the child's birth or since the child was less than one year old;  
or
- c. With the intention of adopting the child.

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

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless sections 27-20.2-15, 27-20.3-19, 27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3, 27-20.3-19.4, and 27-20.3-19.5 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent search, a fit and willing relative interested in adoption is not located, upon termination of parental rights, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall give adoptive placement priority to a foster care provider interested in adopting the child, if the foster care provider provided foster care to the child:
  - a. For six months or longer leading up to the termination of parental rights:
  - b. Since the child's birth or since the child was less than one year old;  
or
  - c. With the intention of adopting the child.

**SECTION 5. CONTINGENT EFFECTIVE DATE.** Section 4 of this Act becomes effective at the time provided in House Bill No. 1536 if sections

27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3, 27-20.3-19.4, and 27-20.3-19.5 as created by House Bill No. 1536 are approved by the sixty-eighth legislative assembly."

Renumber accordingly

**2023 CONFERENCE COMMITTEE**

**SB 2080**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
4/14/2023  
Conference Committee

Relating to a licensed child-placing agency investigation and adoptive child placement priority; and to provide a contingent effective date.
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10:33 AM **Chair Lee** opened the conference committee meeting. **Senators Lee, K. Roers, Hogan and Representatives Prichard, Frelich, Dobervich** were present.

**Discussion Topics:**

- Foster family, foster home
- Placement preference
- Amendments
- Federal law
- Sibling unification

**Chair Lee** calls for discussion.

Representative Prichard provided background on House discussion.

Senator Hogan provided information. No written testimony.

10:55 AM **Lynn Flieth, Human Service Zone Director**, provided information. No written testimony.

11:04 AM **Senator Lee** closed the conference committee meeting.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
4/17/2023  
Conference Committee

<b>Relating to a licensed child-placing agency investigation and adoptive child placement priority; and to provide a contingent effective date.</b>
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2:52 PM **Chair Lee** opened the conference committee meeting. **Senators Lee, Hogan, K. Roers, and Representatives Prichard, Frelich, Dobervich** are present.

## **Discussion Topics:**

- Adoption process
- Foster parent process
- Child welfare study

**Senator Hogan** provided information and proposed an amendment verbally.  
LC 23.8042.01006 #27626

Committee discussion SB 2080.

3:00 PM **Senator Lee** closed the conference committee meeting.

*Patricia Lahr, Committee Clerk*



# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
4/20/2023  
Conference Committee

**Relating to a licensed child-placing agency investigation and adoptive child placement priority; and to provide a contingent effective date.**

10:33 AM **Chair Lee** opened the conference committee meeting. **Senators Lee, Hogan K. Roers and Representatives Prichard, Frelich, Dobervich** were present.

**Discussion Topics:**

- Proposed amendment
- Best interest of the child
- Terminology
- Home study
- Foster care study

**Chair Lee** calls for discussion.

**Committee** discussion SB 2080.

**Senator Hogan** proposed an amendment. LC 23804201009. #27736

**Representative Prichard** proposed an amendment. LC 23804201008. #27737

10:51 AM **Kim Jacobson, Director Agassiz Valley Human Service Zone** provided information verbally.

10:59 AM **Senator Lee** closed the conference committee meeting.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
4/22/2023  
Conference Committee

<b>Relating to a licensed child-placing agency investigation and adoptive child placement priority; and to provide a contingent effective date.</b>
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9:00 AM **Chair Lee** opened the conference committee meeting. **Senators Lee, Hogan K. Roers and Representatives Prichard, Frelich, Dobervich** are present.

## **Discussion Topics:**

- Proposed amendment
- Conference committee decision

**Chair Lee** calls for discussion.

**Committee** discussion SB 2080.

**Senator Hogan** moved **Unable to agree**, recommends that the committee be discharged and a new committee be appointed.

**Senator K. Roers** seconded the motion.

**Roll call vote-motion carried 4-0-2.**

**Representative Prichard** is the House bill carrier.

**Senator Lee** is the Senate bill carrier.

9:05 AM **Senator Lee** closed the conference committee meeting.

*Patricia Lahr, Committee Clerk*

**2023 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2080

**Senate Human Services Committee**

- Action Taken**
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Hogan                      Seconded by: Senator K. Roers

Senators					Representatives				
	4/22		Yes	No		4/22		Yes	No
Lee, Chair	X		Y		Prichard, Chair	X			N
Hogan	X		Y		Frelich	X			N
K. Roers	X		Y		Dobervich	X		Y	
Total Senate Vote			3		Total Rep. Vote			1	2

Vote Count            Yes: 4                      No: 0                      Absent: 2

Senate Carrier Senator Lee                      House Carrier Representative Prichard

LC Number \_\_\_\_\_ . \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ . \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2080:** Your conference committee (Sens. Lee, Hogan, K. Roers and Reps. Prichard, Frelich, Dobervich), having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
4/24/2023  
Conference Committee

<b>Relating to a licensed child-placing agency investigation and adoptive child placement priority; and to provide a contingent effective date.</b>
---

3:00 PM **Chair Lee** opened the conference committee meeting. **Senators Lee, Hogan K. Roers and Representatives M. Ruby, Frelich, J. Dockter** are present.

## **Discussion Topics:**

- Proposed amendment
- Conference committee decision

**Chair Lee** calls for discussion.

**Committee** discussion SB 2080.

3:01 PM **Kim Jacobson, Director, Agassiz Valley Human Service Zone**, provided information verbally.

3:10 PM **Antowan Pickett, Director, Grand Forks Human Service Zone**, provided information verbally.

3:21 PM **Kim Jacobsen**, provided additional verbally.

## **Additional written Testimony:**

**Cory Pedersen, Children and Family Services Director, North Dakota Department of Health and Human Services #27855**

3:39 PM **Senator Lee** closed the conference committee meeting.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
4/25/2023  
Conference Committee

Relating to a licensed child-placing agency investigation and adoptive child placement priority; and to provide a contingent effective date.
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11:00 AM **Chair Lee** opened the conference committee meeting. **Senators Lee, Hogan K. Roers and Representatives M. Ruby, Frelich, J. Dockter** were present.

**Discussion Topics:**

- Proposed amendment

**Chair Lee** calls for discussion.

11:00 AM **Christopher Dodson, Executive Director, ND Catholic Conference**, provided a document on adoption. #27882

**Representative M. Ruby** discussed proposed amendment. #27895

11:16 AM **Jonathon Alm, Attorney, Department of Health and Human Services**, provided proposed amendment verbally. LC 23.8042.02000 #27881

11:28 AM **Senator Lee** closed the conference committee meeting.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
4/25/2023  
Conference Committee

Relating to a licensed child-placing agency investigation and adoptive child placement priority; and to provide a contingent effective date.
--

3:00 PM **Chair Lee** opened the conference committee meeting. **Senators Lee, Hogan K. Roers and Representatives M. Ruby, Frelich, J. Dockter** were present.

**Discussion Topics:**

- Proposed amendment

**Chair Lee** calls for discussion.

**Senator Lee** proposed amendment with emergency clause, section 6 the first subsection of the study timeliness of termination of parental rights available, report to legislative management. LC 23.8042.01012 #27902

3:20 PM **Christopher Dodson, Executive Director, North Dakota Catholic Conference,** provided information verbally.

3:25 PM **Cory Pedersen, Director, ND Human and Health Family Services,** provided information verbally.

3:29 PM **Johnathon Alm, Attorney, ND Human and Health Services** provided information verbally.

3:33 PM **Senator Lee** closed the conference committee meeting.

*Patricia Lahr, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Human Services Committee**  
Fort Lincoln Room, State Capitol

SB 2080  
4/26/2023  
Conference Committee

**Relating to a licensed child-placing agency investigation and adoptive child placement priority; and to provide a contingent effective date.**

9:31 AM **Chair Lee** opened the conference committee meeting. **Senators Lee, Hogan K. Roers and Representatives M. Ruby, Frelich, J. Dockter** are present.

## **Discussion Topics:**

- Proposed amendment
- Conference committee decision

**Chair Lee** calls for discussion.

Committee Discussion:

9:32 AM **Jonathon Alm, Attorney, ND Department of Health and Human Services**, discussed the proposed amendment. #27910

9:42 AM **Senator Lee** called for recess.

9:47 AM **Senator Lee** reconvened.

9:47 AM **Liz Fordahl, Legal Counsel, Legislative Council**, provided information verbally.

**Representative M. Ruby** moved House recede from House amendments and amend including amendments from LC 23.8042.01012 and the amendment #27910 and the implementation language changes. (LC 23.8042.01013)

**Representative Frelich** seconded the motion.

**Roll call vote-motion carried 6-0-0.**

**Representative Frelich** is the House bill carrier.

**Senator Lee** is the Senate bill carrier.

9:57 AM **Senator Lee** closed the conference committee meeting.

*Patricia Lahr, Committee Clerk*



April 26, 2023

AG  
4-26-23  
(1-4)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2080

That the House recede from its amendments as printed on pages 1541-1543 of the Senate Journal and pages 1701-1703 of the House Journal and that Senate Bill No. 2080 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "2" insert ", 4, and 5"

Page 1, line 1, after "14-15-11" insert "and section 27-20.3-24"

Page 1, line 2, after "investigation" insert "and adoptive child placement; to provide a statement of legislative intent; to provide for a legislative management study; to provide for a legislative management report; to provide a contingent effective date; to provide an effective date; and to declare an emergency"

Page 1, line 8, overstrike "the adoptive home is a suitable home for the"

Page 1, line 9, overstrike "minor and whether the" and insert immediately thereafter ":

a. The"

Page 1, line 9, after the second "minor" insert: "; and

b. The adoptive home is suitable for the minor"

Page 1, line 12, after the underscored period insert "An adoptive home is presumed suitable if, in the manner prescribed by the department, the petitioner is continuously licensed, certified, or approved as a family foster home for children under chapter 50-11 to furnish foster care for children for more than one year without a correction order, fiscal sanction, or license revocation proceeding, unless the custodial agency reasonably believes the use of the foster care assessment or the licensed, certified, or approved family foster home for children is not in the best interest of the minor.

**SECTION 2. AMENDMENT.** Subsection 4 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

4. The report of the investigation must contain a:
  - a. A review of the child's history; a
  - b. A preplacement adoption assessment of the petitioner, including a criminal history record investigation of the petitioner; ~~and a~~
  - c. A postplacement evaluation of the placement with a recommendation as to the granting of the petition for adoption;
  - d. The petitioner's foster care assessment to demonstrate the presumed suitability of the adoptive home if a foster care assessment was considered in the investigation under subsection 2 of this section; and any

- e. Any other information the court requires regarding the petitioner or the minor.

AG  
9-26-21  
(2-4)

**SECTION 3. AMENDMENT.** Subsection 5 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a court-appointed legal guardian or a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section.

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

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless sections 27-20.2-15 and 27-20.3-19 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent and exhaustive search, a fit and willing relative interested in adoption is not located, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall consider granting the adoptive placement to a licensed, certified, or approved family foster home for children provider interested in adopting the child, if the licensed, certified, or approved family foster home for children provider provided foster care to the child:



- AG  
4-26-2  
(3-4)
- a. For one year or longer leading up to the termination of parental rights; and
  - b. Without a correction order, fiscal sanction, or license revocation proceeding.
5. Subsection 4 does not apply if considering the adoptive placement to the licensed, certified, or approved family foster home for children provider would result in siblings who are placed for adoption being placed in separate homes.

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

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless chapter 27-19.1 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent and exhaustive search, a fit and willing relative interested in adoption is not located, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall consider granting the adoptive placement to a licensed, certified, or approved family foster home for children provider interested in adopting the child, if the licensed, certified, or approved family foster home for children provider provided foster care to the child:
  - a. For one year or longer leading up to the termination of parental rights; and
  - b. Without a correction order, fiscal sanction, or license revocation proceeding.

5. Subsection 4 does not apply if considering the adoptive placement to the licensed, certified, or approved family foster home for children provider would result in siblings who are placed for adoption being placed in separate homes.

AG  
4-26-23  
(4-4)

**SECTION 6. LEGISLATIVE MANAGEMENT STUDY - CHILD WELFARE ISSUES.**

1. During the 2023-24 interim, the legislative management shall consider studying the laws and practices of the child welfare system. The study must include a review of the:
  - a. Implementation of the revisions in juvenile court procedures and the new model of practice;
  - b. Laws, administrative rules, and practices of the foster care and adoption systems;
  - c. The timeliness of termination of parental rights;
  - d. Timeliness of permanency; and
  - e. Availability of resources to support children and families experiencing out-of-home placement or risk of out-of-home placement.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 7. LEGISLATIVE INTENT - CHILD WELFARE ISSUES - LEGISLATIVE MANAGEMENT REPORT.** It is the intent of the sixty-eighth legislative assembly that the department of health and human services conduct a foster care and adoption child welfare redesign. The redesign must include a review of methods to streamline adoptions by licensed, certified, or approved family foster home for children providers and identify a fit and willing relative interested in adoption earlier in the process. The department shall report its findings and recommendations to the legislative management by January 1, 2024 and every six months after the initial report during the 2023-25 biennium.

**SECTION 8. CONTINGENT EFFECTIVE DATE.** Section 5 of this Act becomes effective on October 1, 2024, if chapter 27-19.1 as created by section 1 of House Bill No. 1536 is approved by the sixty-eighth legislative assembly.

**SECTION 9. EFFECTIVE DATE.** Sections 1, 2, and 4 become effective on October 1, 2024.

**SECTION 10. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

**2023 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. SB 2080

**Senate Human Services Committee**

- Action Taken**     **SENATE accede to House Amendments**  
 **SENATE accede to House Amendments and further amend**  
 **HOUSE recede from House amendments**  
 **HOUSE recede from House amendments and amend as follows**
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative M. Ruby      Seconded by: Representative Frelich

Senators	4/26		Yes	No	Representatives	4/26		Yes	No
Lee, Chair	X		Y		M. Ruby, Chair	X		Y	
Hogan	X		Y		Frelich	X		Y	
K. Roers	X		Y		J. Dockter	X		Y	
Total Senate Vote			3		Total Rep. Vote			3	

Vote Count      Yes: 6                      No: 0                      Absent: 0

Senate Carrier Lee                      House Carrier Frelich

LC Number 23.8042 . 01013 of amendment

LC Number 23.8042 . 03000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2080:** Your conference committee (Sens. Lee, Hogan, K. Roers and Reps. M. Ruby, Frelich, Dockter) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1541-1543, adopt amendments as follows, and place SB 2080 on the Seventh order:

That the House recede from its amendments as printed on pages 1541-1543 of the Senate Journal and pages 1701-1703 of the House Journal and that Senate Bill No. 2080 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections"

Page 1, line 1, after "2" insert ", 4, and 5"

Page 1, line 1, after "14-15-11" insert "and section 27-20.3-24"

Page 1, line 2, after "investigation" insert "and adoptive child placement; to provide a statement of legislative intent; to provide for a legislative management study; to provide for a legislative management report; to provide a contingent effective date; to provide an effective date; and to declare an emergency"

Page 1, line 8, overstrike "the adoptive home is a suitable home for the"

Page 1, line 9, overstrike "minor and whether the" and insert immediately thereafter ":

a. The"

Page 1, line 9, after the second "minor" insert: "; and

b. The adoptive home is suitable for the minor"

Page 1, line 12, after the underscored period insert "An adoptive home is presumed suitable if, in the manner prescribed by the department, the petitioner is continuously licensed, certified, or approved as a family foster home for children under chapter 50-11 to furnish foster care for children for more than one year without a correction order, fiscal sanction, or license revocation proceeding, unless the custodial agency reasonably believes the use of the foster care assessment or the licensed, certified, or approved family foster home for children is not in the best interest of the minor.

**SECTION 2. AMENDMENT.** Subsection 4 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

4. The report of the investigation must contain a:
  - a. A review of the child's history; a
  - b. A preplacement adoption assessment of the petitioner, including a criminal history record investigation of the petitioner; ~~and a~~
  - c. A postplacement evaluation of the placement with a recommendation as to the granting of the petition for adoption;
  - d. The petitioner's foster care assessment to demonstrate the presumed suitability of the adoptive home if a foster care assessment was considered in the investigation under subsection 2 of this section; and any
  - e. Any other information the court requires regarding the petitioner or the minor.

**SECTION 3. AMENDMENT.** Subsection 5 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a court-appointed legal guardian or a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section.

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

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless sections 27-20.2-15 and 27-20.3-19 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent and exhaustive search, a fit and willing relative interested in adoption is not located, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall consider granting the adoptive placement to a licensed, certified, or approved family foster home for children provider interested in adopting the child, if the licensed, certified, or approved family foster home for children provider provided foster care to the child:
  - a. For one year or longer leading up to the termination of parental rights; and

- b. Without a correction order, fiscal sanction, or license revocation proceeding.
- 5. Subsection 4 does not apply if considering the adoptive placement to the licensed, certified, or approved family foster home for children provider would result in siblings who are placed for adoption being placed in separate homes.

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

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless chapter 27-19.1 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent and exhaustive search, a fit and willing relative interested in adoption is not located, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall consider granting the adoptive placement to a licensed, certified, or approved family foster home for children provider interested in adopting the child, if the licensed, certified, or approved family foster home for children provider provided foster care to the child:
  - a. For one year or longer leading up to the termination of parental rights; and
  - b. Without a correction order, fiscal sanction, or license revocation proceeding.
5. Subsection 4 does not apply if considering the adoptive placement to the licensed, certified, or approved family foster home for children provider would result in siblings who are placed for adoption being placed in separate homes.



**SECTION 6. LEGISLATIVE MANAGEMENT STUDY - CHILD WELFARE ISSUES.**

1. During the 2023-24 interim, the legislative management shall consider studying the laws and practices of the child welfare system. The study must include a review of the:
  - a. Implementation of the revisions in juvenile court procedures and the new model of practice;
  - b. Laws, administrative rules, and practices of the foster care and adoption systems;
  - c. The timeliness of termination of parental rights;
  - d. Timeliness of permanency; and
  - e. Availability of resources to support children and families experiencing out-of-home placement or risk of out-of-home placement.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 7. LEGISLATIVE INTENT - CHILD WELFARE ISSUES - LEGISLATIVE MANAGEMENT REPORT.** It is the intent of the sixty-eighth legislative assembly that the department of health and human services conduct a foster care and adoption child welfare redesign. The redesign must include a review of methods to streamline adoptions by licensed, certified, or approved family foster home for children providers and identify a fit and willing relative interested in adoption earlier in the process. The department shall report its findings and recommendations to the legislative management by January 1, 2024 and every six months after the initial report during the 2023-25 biennium.

**SECTION 8. CONTINGENT EFFECTIVE DATE.** Section 5 of this Act becomes effective on October 1, 2024, if chapter 27-19.1 as created by section 1 of House Bill No. 1536 is approved by the sixty-eighth legislative assembly.

**SECTION 9. EFFECTIVE DATE.** Sections 1, 2, and 4 become effective on October 1, 2024.

**SECTION 10. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

SB 2080 was placed on the Seventh order of business on the calendar.

**TESTIMONY**

**SB 2080**

**Testimony**  
**Senate Bill No. 2080**  
**Senate Human Services Committee**  
**Senator Judy Lee, Chairman**  
January 4, 2023

Chairman Lee, 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 to support Senate Bill 2080, which was introduced on behalf of the Department.

**Section 1.** The change in this section relates to the investigation completed by a licensed child-placing agency identified in chapter 14-15 of the North Dakota Century Code, Revised Uniform Adoption Act. The Department proposes to add language to subsection 2 of section 14-15-11 of the North Dakota Century Code in effort to support the use and consideration of the Department-approved foster care assessment when considering a family for adoption.

North Dakota has various licensed child-placing agencies throughout the state. This addition to the law would require the agencies to engage with the Department when an individual is a licensed foster care provider or seeking to become a licensed foster care provider, at the same time as their adoption investigation.

This updated language will streamline communication, offer efficiencies to the family, while ensuring the Department is aware of the family's involvement with adoption programming, while also holding a license as a foster care provider.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

**Testimony**  
**Senate Bill No. 2080**  
**House Human Services Committee**  
**Representative Robin Weisz, Chairman**  
March 6<sup>th</sup>, 2023

Chairman Weisz, 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 to support Senate Bill 2080, which was introduced on behalf of the Department.

**Section 1.** The change in this section relates to the investigation completed by a licensed child-placing agency identified in chapter 14-15 of the North Dakota Century Code, Revised Uniform Adoption Act. The Department proposes to add language to subsection 2 of section 14-15-11 of the North Dakota Century Code in effort to support the use and consideration of the Department-approved foster care assessment when considering a family for adoption.

North Dakota has various licensed child-placing agencies throughout the state. This addition to the law would require the agencies to engage with the Department when an individual is a licensed foster care provider or seeking to become a licensed foster care provider, at the same time as their adoption investigation.

This updated language will streamline communication, offer efficiencies to the family, while ensuring the Department is aware of the family's involvement with adoption programming, while also holding a license as a foster care provider.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

23.8042.01001

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2080**

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact subsection 2 and subsection 3 of section 14-15-11 and-  
2 section 27-20.3-24 of the North Dakota Century Code, relating to a licensed child-placing  
3 agency investigation and adoptive child placement priority.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 14-15-11 of the North Dakota Century  
6 Code is amended and reenacted as follows:

7 2. An investigation must be made by a licensed child-placing agency to inquire into the  
8 conditions and antecedents of a minor sought to be adopted and of the petitioner for  
9 the purpose of ascertaining whether the adoptive home is a suitable home for the  
10 minor and whether the proposed adoption is in the best interest of the minor. The  
11 licensed child-placing agency shall obtain and consider the foster care assessment of  
12 an applicant who is also a licensed, certified, or approved family foster home for  
13 children in the manner prescribed by the department. An adoptive home is suitable if,  
14 in the manner prescribed by the department, the petitioner is licensed or approved  
15 under section 50-11-01 to furnish foster care for children.

16 **SECTION 2. AMENDMENT.** Subsection 3 of section 14-15-11 of the North Dakota Century  
17 Code is amended and reenacted as follows:

18 3. A written report of the investigation, which may include the petitioner's foster care  
19 assessment to demonstrate the suitability of the adoptive home, must be filed with the  
20 court by the investigator before the petition is heard.

21 **SECTION 3. AMENDMENT.** Section 27-20.3-24 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23.8042.01006  
Title.

Prepared by the Legislative Council staff for  
Senator Hogan

April 17, 2023

### PROPOSED AMENDMENTS TO SENATE BILL NO. 2080

That the House recede from its amendments as printed on pages 1541-1543 of the Senate Journal and pages 1701-1703 of the House Journal and that Senate Bill No. 2080 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 5 of section 14-15-11 of the North Dakota Century Code, relating to an investigation of a petitioner for adoption; and to provide for a legislative management study.

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

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

5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a court-appointed legal guardian or a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section.

#### **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - CHILD WELFARE ISSUES.**

1. During the 2023-24 interim, the legislative management shall consider studying the laws and practices of the child welfare system. The study must include a review of the:
  - a. Implementation of the revisions in juvenile court procedures and the new model of practice;
  - b. Laws, administrative rules, and practices of the foster care and adoption systems; and
  - c. Availability of resources to support children and families experiencing out-of-home placement or risk of out-of-home placement.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly



23.8042.01009  
Title.

Prepared by the Legislative Council staff for  
Senator Hogan

April 18, 2023

**PROPOSED AMENDMENTS TO SENATE BILL NO. 2080**

That the House recede from its amendments as printed on pages 1541-1543 of the Senate Journal and pages 1701-1703 of the House Journal and that Senate Bill No. 2080 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 5 of section 14-15-11 of the North Dakota Century Code, relating to an investigation of a petitioner for adoption; and to provide for a legislative management study.

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

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

5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a court-appointed legal guardian or a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section.

**SECTION 2. LEGISLATIVE MANAGEMENT STUDY - CHILD WELFARE ISSUES.**

1. During the 2023-24 interim, the legislative management shall consider studying the laws and practices of the child welfare system. The study must include a review of the:
  - a. Implementation of the revisions in juvenile court procedures and the new model of practice;
  - b. Laws, administrative rules, and practices of the foster care and adoption systems;
  - c. The timeliness of termination of parental rights;
  - d. The timeliness of permanency; and
  - e. Availability of resources to support children and families experiencing out-of-home placement or risk of out-of-home placement.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

23.8042.01008

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2080**

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact ~~subsections~~subsections 2, 4, and 5 of section 14-15-11  
2 and section 27-20.3-24 of the North Dakota Century Code, relating to a licensed child-placing  
3 agency investigation and adoptive child placement priority; to provide for a legislative  
4 management study; and to provide a contingent effective date.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 14-15-11 of the North Dakota Century  
7 Code is amended and reenacted as follows:

8 2. An investigation must be made by a licensed child-placing agency to inquire into the  
9 conditions and antecedents of a minor sought to be adopted and of the petitioner for  
10 the purpose of ascertaining whether ~~the adoptive home is a suitable home for the~~  
11 ~~minor and whether the~~;

12 a. The proposed adoption is in the best interest of the minor; and

13 b. The adoptive home is suitable for the minor. The licensed child-placing agency  
14 shall obtain and consider the foster care assessment of an applicant who is also  
15 a licensed, certified, or approved family foster home for children in the manner  
16 prescribed by the department. An adoptive home is suitable if, in the manner  
17 prescribed by the department, the petitioner is licensed or approved under  
18 section 50-11-01 to furnish foster care for children, unless the licensed  
19 child-placing agency reasonably believes the use of the foster care assessment  
20 is not in the best interest of the minor.

21 **SECTION 2. AMENDMENT.** Subsection 4 of section 14-15-11 of the North Dakota Century  
22 Code is amended and reenacted as follows:

23 4. The report of the investigation must contain ~~a~~;

24 a. A review of the child's history; ~~a~~



- 1        b. A preplacement adoption assessment of the petitioner, including a criminal  
2                history record investigation of the petitioner; ~~and a~~  
3        c. A postplacement evaluation of the placement with a recommendation as to the  
4                granting of the petition for adoption;
- 5        d. The petitioner's foster care assessment to demonstrate the suitability of the  
6                adoptive home if a foster care assessment was considered in the investigation  
7                under subsection 2 of this section; and ~~any~~  
8        e. Any other information the court requires regarding the petitioner or the minor.

9        **SECTION 3. AMENDMENT.** Subsection 5 of section 14-15-11 of the North Dakota Century  
10 Code is amended and reenacted as follows:

- 11        5. An investigation and report is not required in cases in which a stepparent is the  
12                petitioner or the individual to be adopted is an adult. The department and human  
13                service zone, when required to consent to the adoption, may give consent without  
14                making the investigation. If the petitioner is a court-appointed legal guardian or a  
15                relative other than a stepparent of the minor, the minor has lived with the petitioner for  
16                at least nine months, no allegations of abuse or neglect have been filed against the  
17                petitioner or any member of the petitioner's household, and the court is satisfied that  
18                the proposed adoptive home is appropriate for the minor, the court may waive the  
19                investigation and report required under this section.

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

22        **27-20.3-24. Disposition upon termination of parental rights.**

- 23        1. If, upon entering an order terminating the parental rights of a parent, there is no parent  
24                having parental rights, the court shall:
- 25                a. Commit the child to the custody of the human service zone director or a licensed  
26                child-placing agency willing to accept custody for the purpose of placing the child  
27                for adoption or, in the absence of such an agreement, in a foster home;
- 28                b. Appoint a fit and willing relative or other appropriate individual as the child's legal  
29                guardian; or
- 30                c. Establish some other planned permanent living arrangement.



1       2. The custodian has the rights of a legal custodian and authority to consent to the child's  
2       adoption, marriage, enlistment in the armed forces of the United States, and surgical  
3       and other medical treatment.

4       3. If the child is not placed for adoption within twelve months after the date of the order  
5       and a legal guardianship or other planned permanent living arrangement for the child  
6       has not been established by a court of competent jurisdiction, the child must be  
7       returned to the court issuing the original termination order for entry of further orders for  
8       the care, custody, and control of the child.

9       4. Unless sections 27-20.2-15 and 27-20.3-19 or the federal Indian Child Welfare Act of  
10       1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent search, a fit  
11       and willing relative interested in adoption is not located, upon termination of parental  
12       rights, a human service zone director or licensed child-placing agency that places a  
13       child for adoption under subdivision a of subsection 1, shall give adoptive placement  
14       priority to a foster care provider interested in adopting the child, if the foster care  
15       provider provided foster care to the child:

16       a. For six months or longer leading up to the termination of parental rights;

17       b. Since the child's birth or since the child was less than one year old; or

18       c. With the intention of adopting the child.

19       5. Subsection 4 does not apply if granting adoptive placement priority to the foster care  
20       provider would result in siblings who are placed for adoption simultaneously being  
21       placed in separate homes.

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

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

25       1. If, upon entering an order terminating the parental rights of a parent, there is no parent  
26       having parental rights, the court shall:

27       a. Commit the child to the custody of the human service zone director or a licensed  
28       child-placing agency willing to accept custody for the purpose of placing the child  
29       for adoption or, in the absence of such an agreement, in a foster home;

30       b. Appoint a fit and willing relative or other appropriate individual as the child's legal  
31       guardian; or



- 1 c. Establish some other planned permanent living arrangement.
- 2 2. The custodian has the rights of a legal custodian and authority to consent to the child's
- 3 adoption, marriage, enlistment in the armed forces of the United States, and surgical
- 4 and other medical treatment.
- 5 3. If the child is not placed for adoption within twelve months after the date of the order
- 6 and a legal guardianship or other planned permanent living arrangement for the child
- 7 has not been established by a court of competent jurisdiction, the child must be
- 8 returned to the court issuing the original termination order for entry of further orders for
- 9 the care, custody, and control of the child.
- 10 4. Unless sections 27-20.2-15, 27-20.3-19, 27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3,
- 11 27-20.3-19.4, and 27-20.3-19.5 or the federal Indian Child Welfare Act of 1978
- 12 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent search, a fit and
- 13 willing relative interested in adoption is not located, upon termination of parental rights,
- 14 a human service zone director or licensed child-placing agency that places a child for
- 15 adoption under subdivision a of subsection 1, shall give adoptive placement priority to
- 16 a foster care provider interested in adopting the child, if the foster care provider
- 17 provided foster care to the child:
- 18 a. For six months or longer leading up to the termination of parental rights;
- 19 b. Since the child's birth or since the child was less than one year old; or
- 20 c. With the intention of adopting the child.
- 21 5. Subsection 4 does not apply if granting adoptive placement priority to the foster care
- 22 provider would result in siblings who are placed for adoption simultaneously being
- 23 placed in separate homes.

#### SECTION 6. LEGISLATIVE MANAGEMENT STUDY - CHILD WELFARE ISSUES.

- 25 1. During the 2023-24 interim, the legislative management shall consider studying the
- 26 laws and practices of the child welfare system. The study must include a review of the:
- 27 a. Implementation of the revisions in juvenile court procedures and the new model
- 28 of practice;
- 29 b. Laws, administrative rules, and practices of the foster care and adoption
- 30 systems; and

## SENATE BILL NO. 2080 WITH HOUSE AMENDMENTS

Page 1, line 1, replace "3" with "5"

Page 1, line 1, remove "and section"

Page 1, line 2, remove "27-20.3-24"

Page 1, line 3, remove "and adoptive child placement priority; and to provide a contingent effective date"

Page 1, line 13, remove "An adoptive home is suitable if,"

Page 1, remove lines 14 and 15

Page 1, line 16, replace "3" with "5"

Page 1, line 17, after the colon replace the remainder of the bill with:

- "5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a court-appointed legal guardian or a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section."

Renumber accordingly



Amending 23.8042.02000 version

SENATE BILL NO. 2080 WITH HOUSE AMENDMENTS

Page 1, line 1, replace "3" with "5"

Page 1, line 1, remove "and section"

Page 1, line 2, remove "27-20.3-24"

Page 1, line 3, replace "and adoptive child placement priority" with "; to provide a statement of legislative intent"

Page 1, line 3, after "provide" insert "for"

Page 1, line 3, replace "contingent effective date" with "study"

Page 1, line 13, remove "An adoptive home is suitable if,"

Page 1, remove lines 14 and 15

Page 1, line 16, replace "3" with "5"

Page 1, line 17, after the colon replace the remainder of the bill with:

- "5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a court-appointed legal guardian or a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section.

**SECTION 3. LEGISLATIVE INTENT - CHILD WELFARE ISSUES.** It is the intent of the sixty-eight legislative assembly that the department of health and human services conduct a foster care and adoption child welfare redesign to include reviewing streamlining adoptions by licensed, certified, or approved family foster home for children providers and identifying a fit and willing relative interested in adoption earlier in the process.

Adoptive Home Study Requirements (75-03-36-31) and Foster Care Licensing Requirements (75-03-14-04)

Requirements for Adoptive Home Study 75-03-36-31	Is it included in requirements for foster care family in 75-03-14-04?
Motivation for adoption;	No
Strengths and challenges of each member of the family;	No
The attitudes and feelings of the family members and extended family regarding adoption, with emphasis, if indicated, on attitudes and feelings about potential special needs and foreign-born children;	No
Evidence of stability of the adoptive parents' marital or other significant relationships;	No
The applicant's understanding of and plans for assisting a minority or foreign-born child to understand and value the child's racial and cultural background;	No
Attitudes of the applicant toward the birth parents and the birth parents' reasons for placement;	No
The applicant's plan for discussing adoption with the child;	No
The applicant's emotional stability and maturity, including a history of treatment for substance abuse, mental health concerns, abuse or neglect issues, or other issues impacting the applicant's emotional stability and maturity. If indicated, the child-placing agency shall make arrangements for psychological evaluation of the applicant's emotional stability and maturity;	Yes
The applicant's parenting skills and willingness to acquire additional skills needed for the child's development;	No
The attitude of the applicant's birth children or previously adopted children about adoption, if applicable;	No
Reports of the physical examination of the applicant or self-disclosure of medical concerns, current within the last twelve months;	Yes
The applicant's ability to provide financially for the child to be adopted with or without financial assistance under subsidized adoption, including the availability of health insurance;	No
The applicant's references, including at least five personal and community character references;	No
The applicant's religious preference, if any;	No
Description of the applicant's home and community;	Similar
Substitute care for child care if the applicant works;	No
Plans for care of the child in the event of the death of the applicant after the adoption;	No
Results of fingerprint-based criminal history record investigation and child abuse and neglect index investigations; and	Yes
Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the applicants.	No

15. The family foster home for children shall have reliable, legal, and safe transportation available to transport children in placement.
16. The family foster home for children shall be equipped with a carbon monoxide detector.
17. The family foster home for children shall develop a written emergency preparedness plan, maintain and post a list of emergency contacts, including poison control, and have first aid supplies on hand while a foster child is in placement.
18. The family foster home for children shall properly store medications, alcohol, poisonous materials, cleaning supplies, and other hazardous materials to prevent access to children, as appropriate for age and development of the children in placement.
19. Pets belonging to the foster family must be properly vaccinated as per veterinary guidelines.
20. Swimming pools in the ground or an aboveground pool with a depth of four feet or greater must have a barrier on all sides to minimize unsupervised access. The barrier must be equipped with a safety lock. If the pool cannot be drained, the swimming pool must have a working pump and filtering system. The pool area must have a life saving device available in the event of an emergency. This standard does not apply to a small wading pool.
21. Hot tubs on the premises of a foster home for children must have safety code covers that are locked when not in use.

**History:** Effective December 1, 1984; amended effective July 1, 1993; April 1, 2004; January 1, 2014; April 1, 2016; October 1, 2019.

**General Authority:** NDCC 50-11-03

**Law Implemented:** NDCC 50-11-02

#### **75-03-14-04. Qualifications of persons residing in the family foster home for children.**

1. An applicant for licensure must:
  - (a) Be age twenty-one years or greater;
  - (b) Be financially stable with reasonable income or resources available to the home to properly care for children; and
  - (c) Have functional literacy, demonstrating their ability to read licensing policy, handbook, child care plans, and medication labels.
2. A person residing in the family foster home for children, except a foster child or ward of the court, may not exhibit symptoms of substance abuse or emotional instability that inhibit their ability to care for children.
3. No person may smoke or vape in the family foster home for children, in circumstances which present a hazard to the health of the foster child, or in an enclosed area when the foster child is present. All foster parents must be aware of the potential hazards of smoking in the presence of children, particularly infants and children with respiratory or allergic sensitivity.
4. If symptoms of substance abuse or emotional instability that inhibit the ability to care for children occur in a family foster home for children at a time when a foster child is in placement, every effort should be made to keep the placement intact if the household member is seeking treatment. The supervising agency may make no further placements in that family foster home for children until the household member successfully completes treatment. If a household member has symptoms of substance abuse or emotional instability, the household member



may have had no incidents which inhibited their ability to care for children for a period of at least twelve months prior to an applicant obtaining licensure.

5. A member of the household, except a foster child, may not have been the subject of a child abuse or neglect assessment where a confirmed decision was made unless the department, after making appropriate consultation with persons qualified to evaluate the capabilities of the household member, documenting criteria used in making the decision, and imposing any restrictions deemed necessary, approves the issuance of a license; and
  - a. The household member has followed the recommendations of the child protection team; or
  - b. The household member can demonstrate the elimination of an underlying basis precipitating the neglect or abuse.
6. Prior to the department approving a license, the applicant shall submit the results of a physical examination dated within twelve months of the date of application. All foster parents, annually thereafter, shall submit a declaration of good health, including all residents of the family foster home for children, except any foster child, in a manner and form required by the department. The authorized agent is the payer of last resort whenever any other benefit or source of third-party payment is available for the cost of any physical examinations required pursuant to this subsection. Any foster parent continuously licensed prior to October 1, 2019, is exempt from having to submit a declaration of good health.
7. The department may require proof of immunizations for all residents living in the family foster home for children, except any foster child. It is recommended all members of the household be up to date on immunizations as recommended by a health care professional, unless the immunization is contrary to the person's health as documented by a licensed health care professional or the person provides written documentation that immunizations are against the person's religious, philosophical, or moral beliefs.
8. The department may require foster parents specializing in the care of medically fragile infants and children to receive specific vaccines if the needs of the child require such precaution, such as influenza or pertussis.
9. The department may require psychological testing of any resident of the family foster home for children as determined necessary. The cost of any psychological testing required pursuant to this subsection is the responsibility of the department.
10. Physical disabilities or age of foster parents do not affect licensing of the family foster home for children provided that the applicant can show that these factors do not significantly inhibit the ability of the foster parents to efficiently carry on the duties required of them.
11. All foster parents or potential parents must demonstrate a working knowledge and comply with the department's approved family foster home for children preservice training competencies.
12. All foster parents or potential parents must demonstrate a working knowledge of the reasonable and prudent parent standard by allowing foster children the opportunity to participate in developmentally and age appropriate activities. All foster parents must engage in the reasonable and prudent parent standard.
13. Fire safety training is required annually.

**History:** Effective December 1, 1984; amended effective April 1, 2004; July 1, 2006; January 1, 2014; April 1, 2016; October 1, 2019; July 1, 2020; April 1, 2022.

**General Authority:** NDCC 50-11-03, 50-11-03.4

**Law Implemented:** NDCC 50-11-02



### **75-03-36-31. Services to prospective adoptive parents.**

1. A child-placing agency serving minority race children shall have a recruitment plan that actively recruits homes of the same race as the adoptive children to preserve the adoptive child's culture.
2. The child-placing agency shall provide information to a prospective adoptive parent about the adoption process, the child-placing agency's policies and practices, legal procedures, and the approximate time the adoption process will take, adoptive standards, children available, the availability of a subsidy if appropriate, and a payment schedule which clarifies provision of services, dates of payment, and an estimate of final costs.
3. The child-placing agency shall require the prospective adoptive parent of a foreign-born child to purchase a surety bond, or have five thousand dollars in savings, to provide financial protection for a possible disruption, or unexpected medical costs prior to finalization unless the adoptive parent is provided a copy of the decree of adoption from the foreign court at the time of finalization in the foreign country.
4. The child-placing agency shall document the following information in the applicant's record and a summary of the information must be recorded in the adoption assessment:
  - a. Motivation for adoption;
  - b. Strengths and challenges of each member of the family;
  - c. The attitudes and feelings of the family members and extended family regarding adoption, with emphasis, if indicated, on attitudes and feelings about potential special needs and foreign-born children;
  - d. Evidence of stability of the adoptive parents' marital or other significant relationships;
  - e. The applicant's understanding of and plans for assisting a minority or foreign-born child to understand and value the child's racial and cultural background;
  - f. Attitudes of the applicant toward the birth parents and the birth parents' reasons for placement;
  - g. The applicant's plan for discussing adoption with the child;
  - h. The applicant's emotional stability and maturity, including a history of treatment for substance abuse, mental health concerns, abuse or neglect issues, or other issues impacting the applicant's emotional stability and maturity. If indicated, the child-placing agency shall make arrangements for psychological evaluation of the applicant's emotional stability and maturity;
  - i. The applicant's parenting skills and willingness to acquire additional skills needed for the child's development;
  - j. The attitude of the applicant's birth children or previously adopted children about adoption, if applicable;
  - k. Reports of the physical examination of the applicant or self-disclosure of medical concerns, current within the last twelve months;
  - l. The applicant's ability to provide financially for the child to be adopted with or without financial assistance under subsidized adoption, including the availability of health insurance;

- m. The applicant's references, including at least five personal and community character references;
  - n. The applicant's religious preference, if any;
  - o. Description of the applicant's home and community;
  - p. Substitute care for child care if the applicant works;
  - q. Plans for care of the child in the event of the death of the applicant after the adoption;
  - r. Results of fingerprint-based criminal history record investigation and child abuse and neglect index investigations; and
  - s. Recommendations for adoption in regard to number, age, sex, characteristics, and special needs of children best served by the applicants.
5. During the course of the study, the child-placing agency shall keep the applicant informed of the applicant's status with the child-placing agency. When an applicant is denied a positive recommendation for adoption, the child-placing agency shall inform the applicant, in writing, of the reasons the child cannot be placed in the applicant's home. The child-placing agency shall offer services to the applicant as needed.
  6. The child-placing agency shall require an adoptive family assessment be updated at least every two years from the date of completion of the original assessment until a child is placed into the home for the purpose of adoption.
  7. The child-placing agency shall have regular contact with an approved waiting adoptive family to assess their circumstances and current ability to receive a child for adoptive placement.
  8. The child-placing agency shall develop a procedure to allow applicants to grieve the services provided by the child-placing agency and to allow prospective adoptive parents to appeal the child-placing agency's decision regarding adoption assessment denial.

**History:** Effective April 1, 2010.

**General Authority:** NDCC 50-12-05

**Law Implemented:** NDCC 50-12

**75-03-36-32. Case plan for adoption.**

1. The child-placing agency shall develop a written case plan for each client. The case plan must include a description of specific services to be provided and must include goals and the time frames for meeting those goals.
2. The child-placing agency shall review the case plan periodically.
3. The child-placing agency shall develop the case plan cooperatively with the client, including with a child when developmentally appropriate.
4. The case plan must be signed and dated by the client.
5. The case plan must be signed and dated by the case manager.
6. For a child in the custody of a tribe or a human service zone, the case plan must be directed by the child's child and family team.
7. For a child in the custody of the child-placing agency, the child-placing agency may direct the case plan.

A BILL for an Act to amend and reenact ~~subsection~~ subsections 2, 4, and 5 of section 14-15-11 and section 27-20.3-24 of the North Dakota Century Code, relating to a licensed child-placing agency investigation and adoptive child placement priority; to provide for a legislative management study; and to provide a contingent effective date.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

2. An investigation must be made by a licensed child-placing agency to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether ~~the adoptive home is a suitable home for the minor and whether the~~ :
  - a. The proposed adoption is in the best interest of the minor; and
  - b. The adoptive home is suitable for the minor. The licensed child-placing agency shall obtain and consider the foster care assessment of an applicant who is also a licensed, certified, or approved family foster home for children in the manner prescribed by the department. An adoptive home is presumed suitable if, in the manner prescribed by the department, the petitioner is continuously licensed, certified, or approved as a family foster home for children under ~~section 50-11-04~~chapter 50-11 to furnish foster care for children for more than one year without a correction order, fiscal sanction, or license revocation proceeding, unless the licensed ~~child-placing~~custodial agency reasonably believes the use of the foster care assessment or the licensed, certified, or approved family foster home for children is not in the best interest of the minor.

**SECTION 2. AMENDMENT.** Subsection 4 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

4. The report of the investigation must contain ~~a~~:
  - a. A review of the child's history; ~~a~~

- b. A preplacement adoption assessment of the petitioner, including a criminal history record investigation of the petitioner; ~~and a~~
- c. A postplacement evaluation of the placement with a recommendation as to the granting of the petition for adoption;
- d. The petitioner's foster care assessment to demonstrate the presumed suitability of the adoptive home if a foster care assessment was considered in the investigation under subsection 2 of this section; and ~~any~~
- e. Any other information the court requires regarding the petitioner or the minor.

**SECTION 3. AMENDMENT.** Subsection 5 of section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

- 5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a court-appointed legal guardian or a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section.

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

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

- 1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;

- b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
    - c. Establish some other planned permanent living arrangement.
  2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
  3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless sections 27-20.2-15 and 27-20.3-19 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent and exhaustive search, a fit and willing relative interested in adoption is not located, upon termination of parental rights, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall ~~give~~ consider granting the adoptive placement priority to a licensed, certified, or approved family foster carehome for children provider interested in adopting the child, if the licensed, certified, or approved family foster carehome for children provider provided foster care to the child:
  - a. For ~~six months~~ one year or longer leading up to the termination of parental rights; and
  - b. ~~Since the child's birth or since the child was less than one year old;~~ ~~or~~ Without a correction order, fiscal sanction, or license revocation proceeding
  - c. ~~With the intention of adopting the child.~~
5. Subsection 4 does not apply if ~~granting~~ considering the adoptive placement priority to the licensed, certified, or approved family foster carehome for

children provider would result in siblings who are placed for adoption simultaneously being placed in separate homes.

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

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

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless sections 27-20.2-15, 27-20.3-19, 27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3, 27-20.3-19.4, and 27-20.3-19.5 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent and exhaustive search, a fit and willing relative interested in adoption is not located, upon termination of parental rights, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall give consider granting the adoptive placement priority to a licensed, certified, or

approved family foster care home for children provider interested in adopting the child, if the licensed, certified, or approved family foster care home for children provider provided foster care to the child:

- a. For ~~six months~~ one year or longer leading up to the termination of parental rights; and
- b. ~~Since the child's birth or since the child was less than one year old;~~ or Without a correction order, fiscal sanction, or license revocation proceeding
- c. ~~With the intention of adopting the child.~~

5. Subsection 4 does not apply if ~~granting~~ considering the adoptive placement ~~priority to the licensed, certified, or approved foster care home for children provider would result in siblings who are placed for adoption simultaneously being placed in separate homes.~~

## **SECTION 6. LEGISLATIVE MANAGEMENT STUDY - CHILD WELFARE ISSUES.**

1. During the 2023-24 interim, the legislative management shall consider studying the laws and practices of the child welfare system. The study must include a review of the:
  - a. Implementation of the revisions in juvenile court procedures and the new model of practice;
  - b. Laws, administrative rules, and practices of the foster care and adoption systems; and
  - c. Availability of resources to support children and families experiencing out-of-home placement or risk of out-of-home placement.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly.

**SECTION 7. CONTINGENT EFFECTIVE DATE.** Section 5 of this Act becomes effective at the time provided in House Bill No. 1536 if sections 27-20.3-19.1, 27-20.3-



23.8042.01012

Sixty-eighth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2080**

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact ~~subsections~~subsections 2, 4, and 5 of section 14-15-11  
2 and section 27-20.3-24 of the North Dakota Century Code, relating to a licensed child-placing  
3 agency investigation and adoptive child placement priority; to provide a statement of legislative  
4 intent; to provide for a legislative management study; to provide for a legislative management  
5 report; to provide a contingent effective date; and to provide an effective date.

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

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 14-15-11 of the North Dakota Century  
8 Code is amended and reenacted as follows:

9 2. An investigation must be made by a licensed child-placing agency to inquire into the  
10 conditions and antecedents of a minor sought to be adopted and of the petitioner for  
11 the purpose of ascertaining whether ~~the adoptive home is a suitable home for the~~  
12 ~~minor and whether the;~~

- 13 a. The proposed adoption is in the best interest of the minor; and
- 14 b. The adoptive home is suitable for the minor. The licensed child-placing agency  
15 shall obtain and consider the foster care assessment of an applicant who is also  
16 a licensed, certified, or approved family foster home for children in the manner  
17 prescribed by the department. An adoptive home is presumed suitable if, in the  
18 manner prescribed by the department, the petitioner is continuously licensed,  
19 certified, or approved as a family foster home for children under chapter 50-11 to  
20 furnish foster care for children for more than one year without a correction order,  
21 fiscal sanction, or license revocation proceeding, unless the custodial agency  
22 reasonably believes the use of the foster care assessment or the licensed,  
23 certified, or approved family foster home for children is not in the best interest of  
24 the minor.



1       **SECTION 2. AMENDMENT.** Subsection 4 of section 14-15-11 of the North Dakota Century  
2 Code is amended and reenacted as follows:

3       4. The report of the investigation must contain ~~a~~:

4       ~~a. A review of the child's history; -a~~

5       ~~b. A preplacement adoption assessment of the petitioner, including a criminal  
6 history record investigation of the petitioner; -and a~~

7       ~~c. A postplacement evaluation of the placement with a recommendation as to the  
8 granting of the petition for adoption;~~

9       ~~d. The petitioner's foster care assessment to demonstrate the presumed suitability  
10 of the adoptive home if a foster care assessment was considered in the  
11 investigation under subsection 2 of this section; and ~~any~~~~

12       ~~e. Any other information the court requires regarding the petitioner or the minor.~~

13       **SECTION 3. AMENDMENT.** Subsection 5 of section 14-15-11 of the North Dakota Century  
14 Code is amended and reenacted as follows:

15       5. An investigation and report is not required in cases in which a stepparent is the  
16 petitioner or the individual to be adopted is an adult. The department and human  
17 service zone, when required to consent to the adoption, may give consent without  
18 making the investigation. If the petitioner is a court-appointed legal guardian or a  
19 relative other than a stepparent of the minor, the minor has lived with the petitioner for  
20 at least nine months, no allegations of abuse or neglect have been filed against the  
21 petitioner or any member of the petitioner's household, and the court is satisfied that  
22 the proposed adoptive home is appropriate for the minor, the court may waive the  
23 investigation and report required under this section.

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

26       **27-20.3-24. Disposition upon termination of parental rights.**

27       1. If, upon entering an order terminating the parental rights of a parent, there is no parent  
28 having parental rights, the court shall:

29       a. Commit the child to the custody of the human service zone director or a licensed  
30 child-placing agency willing to accept custody for the purpose of placing the child  
31 for adoption or, in the absence of such an agreement, in a foster home;



- 1           b. Appoint a fit and willing relative or other appropriate individual as the child's legal  
2           guardian; or
- 3           c. Establish some other planned permanent living arrangement.
- 4           2. The custodian has the rights of a legal custodian and authority to consent to the child's  
5           adoption, marriage, enlistment in the armed forces of the United States, and surgical  
6           and other medical treatment.
- 7           3. If the child is not placed for adoption within twelve months after the date of the order  
8           and a legal guardianship or other planned permanent living arrangement for the child  
9           has not been established by a court of competent jurisdiction, the child must be  
10          returned to the court issuing the original termination order for entry of further orders for  
11          the care, custody, and control of the child.
- 12          4. Unless sections 27-20.2-15 and 27-20.3-19 or the federal Indian Child Welfare Act of  
13          1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent and exhaustive  
14          search, a fit and willing relative interested in adoption is not located, a human service  
15          zone director or licensed child-placing agency that places a child for adoption under  
16          subdivision a of subsection 1, shall consider granting the adoptive placement to a  
17          licensed, certified, or approved family foster home for children provider interested in  
18          adopting the child, if the licensed, certified, or approved family foster home for children  
19          provider provided foster care to the child:
- 20           a. For one year or longer leading up to the termination of parental rights; and  
21           b. Without a correction order, fiscal sanction, or license revocation proceeding.
- 22          5. Subsection 4 does not apply if considering the adoptive placement to the licensed,  
23          certified, or approved family foster home for children provider would result in siblings  
24          who are placed for adoption being placed in separate homes.
- 25          **SECTION 5. AMENDMENT.** Section 27-20.3-24 of the North Dakota Century Code is  
26          amended and reenacted as follows:
- 27          **27-20.3-24. Disposition upon termination of parental rights.**
- 28           1. If, upon entering an order terminating the parental rights of a parent, there is no parent  
29           having parental rights, the court shall:



- 1 a. Commit the child to the custody of the human service zone director or a licensed  
2 child-placing agency willing to accept custody for the purpose of placing the child  
3 for adoption or, in the absence of such an agreement, in a foster home;
  - 4 b. Appoint a fit and willing relative or other appropriate individual as the child's legal  
5 guardian; or
  - 6 c. Establish some other planned permanent living arrangement.
  - 7 2. The custodian has the rights of a legal custodian and authority to consent to the child's  
8 adoption, marriage, enlistment in the armed forces of the United States, and surgical  
9 and other medical treatment.
  - 10 3. If the child is not placed for adoption within twelve months after the date of the order  
11 and a legal guardianship or other planned permanent living arrangement for the child  
12 has not been established by a court of competent jurisdiction, the child must be  
13 returned to the court issuing the original termination order for entry of further orders for  
14 the care, custody, and control of the child.
  - 15 4. Unless chapter 27-19.1 or the federal Indian Child Welfare Act of 1978 [25 U.S.C.  
16 1901 et seq.] applies, and if after conducting a diligent and exhaustive search, a fit and  
17 willing relative interested in adoption is not located, a human service zone director or  
18 licensed child-placing agency that places a child for adoption under subdivision a of  
19 subsection 1, shall consider granting the adoptive placement to a licensed, certified, or  
20 approved family foster home for children provider interested in adopting the child, if the  
21 licensed, certified, or approved family foster home for children provider provided foster  
22 care to the child:
    - 23 a. For one year or longer leading up to the termination of parental rights; and
    - 24 b. Without a correction order, fiscal sanction, or license revocation proceeding.
  - 25 5. Subsection 4 does not apply if considering the adoptive placement to the licensed,  
26 certified, or approved family foster home for children provider would result in siblings  
27 who are placed for adoption being placed in separate homes.
- 28 **SECTION 6. LEGISLATIVE MANAGEMENT STUDY - CHILD WELFARE ISSUES.**
- 29 1. During the 2023-24 interim, the legislative management shall consider studying the  
30 laws and practices of the child welfare system. The study must include a review of the:



- 1 a. Implementation of the revisions in juvenile court procedures and the new model
- 2 of practice;
- 3 b. Laws, administrative rules, and practices of the foster care and adoption
- 4 systems; and
- 5 c. Availability of resources to support children and families experiencing out-of-
- 6 home placement or risk of out-of-home placement.
- 7 2. The legislative management shall report its findings and recommendations, together
- 8 with any legislation required to implement the recommendations, to the sixty-ninth
- 9 legislative assembly.

10 **SECTION 7. LEGISLATIVE INTENT - CHILD WELFARE ISSUES - LEGISLATIVE**

11 **MANAGEMENT REPORT.** It is the intent of the sixty-eighth legislative assembly that the  
12 department of health and human services conduct a foster care and adoption child welfare  
13 redesign. The redesign must include a review of methods to streamline adoptions by licensed,  
14 certified, or approved family foster home for children providers and identify a fit and willing  
15 relative interested in adoption earlier in the process. The department shall report its findings and  
16 recommendations to the legislative management by July 1, 2024.

17 **SECTION 8. CONTINGENT EFFECTIVE DATE.** Section 5 of this Act becomes effective at  
18 the time provided in House Bill No. 1536 if chapter 27-19.1 as created by House Bill No. 1536 is  
19 approved by the sixty-eighth legislative assembly.

20 **SECTION 9. EFFECTIVE DATE.** Sections 1, 2, 3, and 4 become effective on October 1,  
21 2024.

## AMENDMENTS TO SENATE BILL NO. 2080

## Version ending in "12"

Page 1, line 3, remove "priority"

Page 3, line 12, replace "sections 27-20.2-15 and 27-20.3-19" with "chapter 27-19.1"

(this is the chapter created in 1536)

Page 5, lines 1-6 will be amended to read:

- a. Implementation of the revisions in juvenile court procedures and the new model of practice;
- b. Laws, administrative rules, and practices of the foster care and adoption systems;
- c. The timeliness of termination of parental rights;
- d. Timeliness of permanency; and
- e. Availability of resources to support children and families experiencing out-of-home placement or risk of out-of-home placement.

Page 5, SECTION 7 will read:

**SECTION 7. LEGISLATIVE INTENT – CHILD WELFARE ISSUES – LEGISLATIVE MANAGEMENT REPORT.** It is the intent of the sixty-eighth legislative assembly that the department of health and human services conduct a foster care and adoption child welfare redesign. The redesign must include a review of methods to streamline adoptions by licensed, certified, or approved family foster home for children providers and identify a fit and willing relative interested in adoption earlier in the process. The department shall report its findings and recommendations to the legislative management every six months during the 2023-25 biennium.

Page 5, SECTION 8 will read:

**SECTION 8. CONTINGENT EFFECTIVE DATE.** Section 4 of this act becomes effective on October 1, 2024 if House Bill No. 1536 is signed into law. Section 5 of this Act becomes effective at the time provided in House Bill No. 1536 if chapter 27-19.1 as created by House Bill No. 1536 is signed into law.