

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1036
(Legislative Council)
(Family Law Committee)

AN ACT to amend and reenact subsections 1 and 4 of section 14-15.1-03 and sections 14-15.1-04, 14-15.1-06, and 14-15.1-07 of the North Dakota Century Code, relating to child relinquishment to identified adoptive parents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 1 and 4 of section 14-15.1-03 of the North Dakota Century Code are amended and reenacted as follows:

1. The court shall set a time and place for a hearing on the petition for relinquishment. A guardian ad litem must be appointed for the child at least seven days prior to the hearing. The hearing may not be held sooner than forty-eight hours after the child's birth or the signing of all necessary consents to adoption, whichever is later. If a ~~preplacement~~ report of a child-placing agency is filed with the petition pursuant to section 14-15.1-04, the court may enter a temporary order placing the child with the identified adoptive parent pending the hearing.

4. If the court approves the petition and determines, based upon the ~~preplacement study report of the child-placing agency~~ and other evidence presented at the hearing, that placement with the identified adoptive parent is in the best interests of the child, the court shall ~~order that the child be placed with the identified adoptive parent pending adoption. The identified adoptive parent is financially responsible for the support of the child until further order of the court. The court shall also enter an order terminating the relationship of the birth parent and the child;~~
 - a. Enter an order terminating the relationship of the birth parent and the child;
 - b. Order that the child be placed with the identified adoptive parent pending adoption;
 - c. Order supervision by a child-placing agency until the adoption is finalized;
 - d. Order the identified adoptive parent financially responsible for the support of the child until further order of the court; and
 - e. Make a finding regarding the reasonableness of expenses reported under section 14-15.1-05.

SECTION 2. AMENDMENT. Section 14-15.1-04 of the North Dakota Century Code is amended and reenacted as follows:

14-15.1-04. Report of child-placing agency. ~~Prior to~~ Before a hearing under this chapter, the ~~preplacement adoptive home study~~ report of a child-placing agency must be filed with the court. The child-placing agency shall serve a copy of the report upon the birth parent, the identified adoptive parent, the guardian ad litem, and the department at least seven days ~~prior to~~ before the hearing. The report must include the following:

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

2. ~~A~~ A preplacement adoption assessment of indicating how the identified adoptive parent's emotional maturity, finances, health, relationships, criminal history record, and any other relevant factors may affect the identified adoptive parent's ability to accept, care for, and provide the child with an adequate environment in which to mature.
3. The medical and social history of the birth parent, including an assessment regarding the birth parent's understanding and acceptance of the ~~proceedings~~ action.
4. If the child has been born ~~prior to~~ before the filing of the report, a medical and developmental history of the child.

SECTION 3. AMENDMENT. Section 14-15.1-06 of the North Dakota Century Code is amended and reenacted as follows:

14-15.1-06. Fees and charges. Reasonable fees may be charged for professional services ~~relating to the petition for relinquishment, placement of the child, and other pre adoption services, medical care or services, prenatal costs, foster care, or other reasonable items of cost or expense if reflected in a report of agreements and disbursements filed under this chapter and approved by the court~~ and living expenses if reflected in a report of agreements and disbursements filed under this chapter and approved by the court. The fees may not be contingent upon placement of the child for adoption, consent to adoption, or cooperation in the completion of adoption. "Reasonable fees" may include:

1. Preplacement counseling, adoption assessment, placement of the child, foster care, or other preadoption services, which must be paid directly to the provider of the services;
2. Legal fees relating to the petition for relinquishment or adoption, which must be paid directly to the provider of the services;
3. Medical expenses relating to prenatal care and the birth of the child, which are not already covered by health insurance;
4. Expenses for transportation, meals, and lodging incurred for placement of the child or in order to receive counseling, legal, or medical services related to the pregnancy, birth, or placement; and
5. Living expenses of the birth mother which are needed to maintain an adequate standard of living, which the birth mother is unable to otherwise maintain because of loss of income or other support resulting from pregnancy. Payments may cover expenses incurred during the pregnancy related incapacity but not for a period longer than six weeks following the delivery unless the court determines within the six-week period that the birth mother is unable to be employed due to physical limitations relating to the birth of the child. Living expenses do not include expenses for lost wages, gifts, educational expenses, vacations, or other similar expenses of a birth mother.

SECTION 4. AMENDMENT. Section 14-15.1-07 of the North Dakota Century Code is amended and reenacted as follows:

14-15.1-07. Adoption petition - Time limit for filing.

1. Within ~~ninety~~ one hundred eighty days after entry of an order for relinquishment under this chapter, the identified adoptive parent shall file a petition for adoption under chapter 14-15 or the statutes of the adopting parent's state of residence. A copy of the petition to adopt must be filed with the department. Reports relating to postplacement supervision must be filed with the court hearing the adoption. The resulting decree of adoption, if so ordered by the court, must be filed with the department.

2. If no petition for adoption is filed within ~~ninety~~ one hundred eighty days, the department shall notify the court. The court shall then set a hearing to determine whether the child's placement should be changed.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1036.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at _____ o'clock _____ M.

Secretary of State