

SENATE BILL NO. 2188

Introduced by

Senators Klein, Dever, Robinson

Representatives Grande, Pollert, Weisz

1 A BILL for an Act to create and enact a new section to chapter 50-12 of the North Dakota
2 Century Code, relating to moral or religious objections by a child-placing agency; and to amend
3 and reenact section 50-12-03 of the North Dakota Century Code, relating to licensure of
4 child-placing agencies.

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

6 **SECTION 1. AMENDMENT.** Section 50-12-03 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **50-12-03. Requirements for license - Term - Moral or religious conviction not bar**
9 **to licensure.** Licenses for the conduct of child-placing agencies must be issued by the
10 department of human services upon application and must be granted for a period not exceeding
11 one year. Such licenses must be issued to reputable and responsible applicants upon a
12 showing that they, and their agents, are equipped properly by training and experience to find
13 and select suitable temporary or permanent homes for children and to supervise such homes
14 when children are placed in them, to the end that the health, morality, and general well-being of
15 children placed by them will be properly safeguarded. The department of human services may
16 not deny a license because of the applicant's objection to performing, assisting, counseling,
17 recommending, facilitating, referring, or participating in a placement that violates the applicant's
18 religious or moral convictions or policies.

19 **SECTION 2.** A new section to chapter 50-12 of the North Dakota Century Code is
20 created and enacted as follows:

21 **Objection to placement for religious or moral convictions or policies - Immunity -**
22 **Effect.** A child-placing agency is not required to perform, assist, counsel, recommend,
23 facilitate, refer, or participate in a placement that violates the agency's religious or moral
24 convictions or policies. A state or local government entity may not deny a child-placing agency

1 any grant, contract, or participation in a government program because of the child-placing
2 agency's objection to performing, assisting, counseling, recommending, facilitating, referring, or
3 participating in a placement that violates the child-placing agency's religious or moral
4 convictions or policies. A child-placing agency is not civilly or criminally liable for refusing to
5 perform, assist, counsel, recommend, facilitate, refer, or participate in a placement that violates
6 the agency's religious or moral convictions or policies. Refusal by a child-placing agency to
7 perform, assist, counsel, recommend, facilitate, refer, or participate in a placement that violates
8 the child-placing agency's religious or moral convictions or policies does not constitute a
9 determination that the proposed adoption is not in the best interest of the minor.