

HOUSE BILL NO. 1534

Introduced by

Representatives Prichard, K. Anderson, Fegley, Fisher, Frelich, Kiefert

Senators Cleary, Clemens, Larson, Weston

1 A BILL for an Act to amend and reenact section 14-15-11 of the North Dakota Century Code,
2 relating to waiver of certain adoption requirements for licensed foster care providers.

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

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

6 **14-15-11. Notice of petition - Investigation and hearing.**

7 1. a. After the filing of a petition to adopt a minor, the court shall fix a time and place
8 for hearing the petition. At least twenty days before the date of hearing, notice of
9 the filing of the petition and of the time and place of hearing must be given by the
10 petitioner to the department and if the minor to be adopted is in the custody of the
11 human service zone to the human service zone; any agency or individual whose
12 consent to the adoption is required by this chapter but who has not consented; an
13 individual whose consent is dispensed with upon any ground mentioned in
14 subdivisions a, b, f, h, i, and j of subsection 1 of section 14-15-06 but who has not
15 consented; any appropriate Indian tribe; and any individual identified by the court
16 as a biological parent or a possible biological parent of the minor, upon making
17 inquiry to the extent necessary and appropriate, as in proceedings under section
18 27-20.3-22, unless the individual has relinquished parental rights or the
19 individual's parental rights have been previously terminated by a court. The
20 notice to the department and if the minor to be adopted is in the custody of the
21 human service zone to the human service zone must be accompanied by a copy
22 of the petition.

- 1 b. Notice of the filing of a petition to adopt an adult must be given by the petitioner
2 at least twenty days before the date of the hearing to each living parent of the
3 adult to be adopted.
- 4 2. An investigation must be made by a licensed child-placing agency to inquire into the
5 conditions and antecedents of a minor sought to be adopted and of the petitioner for
6 the purpose of ascertaining whether the adoptive home is a suitable home for the
7 minor and whether the proposed adoption is in the best interest of the minor. An
8 adoptive home is suitable if, in the manner prescribed by the department, the
9 petitioner is a licensed, certified, or approved family foster home for children.
- 10 3. A written report of the investigation, which may include the petitioner's foster care
11 assessment to demonstrate the suitability of the adoptive home, must be filed with the
12 court by the investigator before the petition is heard.
- 13 4. The report of the investigation must contain a review of the child's history; a
14 preplacement adoption assessment of the petitioner, including a criminal history record
15 investigation of the petitioner; and a postplacement evaluation of the placement with a
16 recommendation as to the granting of the petition for adoption and any other
17 information the court requires regarding the petitioner or the minor.
- 18 5. An investigation and report is not required in cases in which a stepparent is the
19 petitioner or the individual to be adopted is an adult. The department and human
20 service zone, when required to consent to the adoption, may give consent without
21 making the investigation. If the petitioner is a relative other than a stepparent of the
22 minor ~~or a foster care provider licensed under section 50-11-01~~, the minor has lived
23 with the petitioner for at least nine months, no allegations of abuse or neglect have
24 been filed against the petitioner or any member of the petitioner's household, and the
25 court is satisfied that the proposed adoptive home is appropriate for the minor, the
26 court may waive the investigation and report required under this section.
- 27 6. The department and human service zone, when required to consent to the adoption,
28 may request the licensed child-placing agency to conduct further investigation and to
29 make a written report thereof as a supplemental report to the court.
- 30 7. After the filing of a petition to adopt an adult, the court by order shall direct that a copy
31 of the petition and a notice of the time and place of the hearing be given to any

1 individual whose consent to the adoption is required but who has not consented and to
2 each living parent of the adult to be adopted. The court may order an appropriate
3 investigation to assist it in determining whether the adoption is in the best interest of
4 the individuals involved.

5 8. Notice must be given in the manner appropriate under the North Dakota Rules of Civil
6 Procedure for the service of process in a civil action in this state or in any manner the
7 court by order directs. Proof of the giving of the notice must be filed with the court
8 before the petition is heard.