

Testimony Prepared for the  
**House Human Services Committee**

January 23, 2023

By: Desiree Sorenson, LBSW, Mountrail McKenzie Human Service Zone

**RE: HB 1457: Relating to creating a preference for foster home families in the adoption process.**

Chairman Weisz, and Members of the Committee. My name is Desiree Sorenson, I am here today to provide testimony in opposition of HB 1457, in its current form.

Human Service Zones, the Division of Juvenile Services and Tribal child welfare agencies serve as legal custodians when care/custody/control of children is removed from their parents or legal caregivers. Once a Termination of Parental Rights has occurred, the Human Service Zone Director ultimately must consent for adoption. In its current form, this bill directly contradicts federal laws, state policy and practice, and will certainly jeopardize federal funding to the state of North Dakota's child welfare system. However, most importantly, this bill disregards a child's biological, familial and kin connections, potentially depriving them of life long relationships with siblings, aunts, uncles, cousins, or other extended family members.

When the adoptive family selection process occurs for a child whose parental rights have been terminated, careful consideration of biological and "kin" adoptive options occurs, including the current licensed foster care family. Foster families are able to let their desire to be considered an adoptive option be known. I would also like to add that a relative placement is continually explored throughout the time that the child is in foster care through a relative search.

Please note the following definition of “Identified Relative” in North Dakota’s child welfare policy:

*“Identified Relative” means the child’s grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece or first cousin. An individual with a relationship to the children, derived through a current or former spouse of the child’s parent, similar to a relationship described in the first sentence. **An individual recognized in the child’s community as having a relationship with the child similar to a relationship described in the first sentence;** A child’s stepparent. (NDCC 50-11).*

Because foster families have already been in a caregiving role for a child, they already have some elevated standing when considering adoptive options. However, this caregiving role, should not blindly supersede biological familial connections to the child.

*The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that states “consider giving **preference to adult relative caregivers over non-relative caregivers when considering placement of a child.** This is consistent with the philosophy of placing a child in the “least restrictive environment.”*

The language in this proposed bill does allow exception for cases in which the Indian Child Welfare Act applies. This federal law seeks to keep Indian children with their Indian families after evidence indicated a large number of Indian children were being removed from their families and placed with non-Indian families. We want to have similar protections of family, culture and community for all children.

Thank you for considering of my testimony relating to this bill. I stand for any questions the committee may have.