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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1457

Introduced by

Representatives Prichard, Davis, Finley-DeVille, Fisher, Holle, McLeod, Meier

Senators Clemens, Lee, Weston

1 A BILL for an Act to amend and reenact section 27-20.3-24 of the North Dakota Century Code
2 relating to creating a preference for foster home families in the adoption process.

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

4 **SECTION 1. AMENDMENT.** Section 27-20.3-24 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-20.3-24. Disposition upon termination of parental rights.**

- 7 1. If, upon entering an order terminating the parental rights of a parent, there is no parent
8 having parental rights, the court shall:
- 9 a. Commit the child to the custody of the human service zone director or a licensed
10 child-placing agency willing to accept custody for the purpose of placing the child
11 for adoption or, in the absence of such an agreement, in a foster home;
- 12 b. Appoint a fit and willing relative or other appropriate individual as the child's legal
13 guardian; or
- 14 c. Establish some other planned permanent living arrangement.
- 15 2. The custodian has the rights of a legal custodian and authority to consent to the child's
16 adoption, marriage, enlistment in the armed forces of the United States, and surgical
17 and other medical treatment.
- 18 3. If the child is not placed for adoption within twelve months after the date of the order
19 and a legal guardianship or other planned permanent living arrangement for the child
20 has not been established by a court of competent jurisdiction, the child must be
21 returned to the court issuing the original termination order for entry of further orders for
22 the care, custody, and control of the child.
- 23 4. Unless section 27-20.2-15 or the federal Indian Child Welfare Act of 1978 [25 U.S.C.
24 1901 et seq.] applies, and if after conducting a diligent search there is no fit and

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- 1 | willing relative interested in adoption, upon termination of parental rights, if a human
2 | service zone director or licensed child-placing agency, places a child for adoption
3 | under subdivision a of subsection 1, the human service zone director or a licensed
4 | child-placing agency shall give adoptive placement priority to a foster care provider
5 | interested in adopting the child, if the foster care provider provided foster care to the
6 | child:
- 7 | a. For six months or longer leading up to the termination of parental rights;
8 | b. Since the child's birth or infancy since the child was less than one year old; or
9 | c. With the intention of adopting the child.