

Testimony Prepared for the
Senate Human Services Committee

March 20, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: House Bill 1457 – Adoptive Placement Preferences

Chair Lee and members of the Senate Human Services Committee, my name is Kim Jacobson. I am the Agassiz Valley Human Service Zone Director, which includes the service area of Traill and Steele Counties. In addition, I serve as President of the North Dakota Human Service Zone Director Association. Please consider my testimony in opposition of HB 1457.

In North Dakota, Human Service Zone Directors, the Division of Juvenile Services, and Tribal child welfare agencies serve as the legal custodian of who are removed from their parental or legal caregiver. The foster care system is complex with many federal and state laws directing and influencing decisions, proceedings, and efforts. It is the role of the legal custodian to make a variety of necessary and essential decisions. This includes adoptive placement decisions.

While changes were made to this bill while in House Chamber, there remains problems with this bill. The engrossed language now recognizes the federal requirement for “fit and willing relatives” to have precedence for adoptive placement consideration. However, for the committee’s knowledge, North Dakota child welfare policy and NDCC defines identified relative as:

“the child’s grandparent, great-grandparent, sibling, half-sibling, aunt, great-uncle, nephew, niece, or first cousin. An individual with a relationship to the children, through a current or former spouse of the child’s parent, similar to a relationship 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).

As a foster family for a foster child have already been in a caregiving role for the child, they already have some elevated standing regarding adoptive options based on current definition. However, this caregiving role, should not blindly supersede biological familial connections to the child.

Ultimately, by federal law and court-order, the adoptive placement decision for children in public custody remains with the legal custodian, such as the Human Service Zone Director. We are required to make informed decisions, in the child's best interest, considering all factors. State law that guarantees or prioritizes adoptive placement is counterproductive, may serve as a barrier, and will place those who have authority to make adoptive placement decisions in difficult situations.

Thank you for the opportunity to testify in opposition to HB 1457. I stand for questions from the committee.