



North Dakota House of Representatives

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COMMITTEES:

Human Services
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House Bill 1534 Senate Health and Human Services Committee Senator Lee, Chairman March 15, 2023

Chairman Lee and members of the Senate Health and Human Services Committee,

My name is Rep. Brandon Prichard and I represent District 8 which covers all of Emmons County, rural and suburban portions of Burleigh County, and Wilton which is in McLean County. I am here to testify in support HB 1534 which would combine the home studies for foster care and the adoption process. The process of adoption should be easy if a licensed foster parent wants to take the next step and raise a child in the foster care program. This bill would streamline the process and encourage adoption of children currently in a foster home.

The home study is an evaluation of prospective adoptive families and of the physical and emotional environment into which a child would be placed. It consists of a series of interviews with a social worker, including at least one interview in the home, though the number of home visits is usually four. During this process, families will consider all aspects of adoptive parenthood and identify the type of child they wish to adopt with the social worker's assistance. Some agencies use a group approach to the educational part of this adoption preparation process because it creates a built-in support group among families. In North Dakota, families adopting children from foster care are trained through the Foster / Adopt PRIDE model - a training program that familiarizes families with the needs of these children.

Many of the questions asked in the home study are personal. These questions are necessary for the social worker's evaluation of prospective parents. Some questions are about income, assets, and health and the stability of the marriage (if married) and/or family relationships. Physical exams to ensure that prospective parents are healthy are usually required. North Dakota requires prospective adoptive parents to undergo a fingerprint and background check to ensure that individuals do not have a felony conviction for domestic violence or child abuse. A home study is usually completed in a few months, depending upon the agency's requirements and the number of other clients.¹ During some periods, this process can take over a year.

¹ [Steps to Adoption: Adoption Program: Children and Family Services: Services: Department of Human Services: State of North Dakota](#)

Unlike adoptive home studies, the foster care studies a family for the temporary care of children while they are under the custody of the agency and have the full support of case management and other services. Upon conversations with the Department of Health and Human Services, adoption studies are slightly more comprehensive in nature and more global in their assessment of the family since they are recommending the family for a lifetime commitment to a child's safety and well-being. However, the redundancy is staggering, and few differences exist between the processes. In fact, the largest difference between the adoptive process and the foster process is simply the time the adult(s) intend to care for the child.

The purpose of the investigation required in subsection 2 of CC 14-15-11 is to determine whether the adoptive home is a suitable home and whether the proposed adoption is in the best interest of the minor. The intent of the new language in subsection 2 of HB 1534 is to provide that an adoptive home is suitable under this subsection if the petitioner is a foster parent; therefore, they do not need to submit to any further state investigation related to whether their home is suitable. Section 3 provides a foster care assessment made by the department of health and human services may be used as evidence of the suitability of the home for the investigative report for adoption. Thus, if a foster parent petitions for adoption, the agency may use the petitioner's foster care assessment to demonstrate that the petitioner's home is suitable in the report of the investigation. For clarification, this bill would only impact the home study and home visits for licensed, certified, or approved foster care families who wish to adopt a child. The background check mandated by the Federal Bureau of Investigation, paperwork needed to complete an adoption, and training seminars are not affected by this bill.

Therefore, after speaking with foster parents around the State of North Dakota who have adopted children or who are working through the process, a common complaint has been the unnecessary repetitiveness behind the home studies. While opponents of this legislation would argue that the intended timeframe for holding a child differs between foster care and adoption, why should the state be allowing children in the foster system to stay with a foster parent who is unsafe? If we are allowing an individual or family to become licensed foster care providers, they should be trusted with a child regardless of the timeframe. The adoption process is long enough for perspective parents. We should not make it more complicated for foster families who have been through an almost verbatim process. Additionally, foster families often care for a foster child for months or years waiting for termination of parental rights, court proceedings, and agency requirements for adoption. If there is no complaint against the foster family in this long period of care, why put the family and foster child through a long process to find a result that should be determined based upon the level of care provided while the child was in foster care?

I would like to suggest a simple amendment to HB 1534. Upon discussion with legislative council, a recommendation was made to clarify what "the manner prescribed by the department, the petitioner is a licensed, certified, or approved family foster home for children" means according to existing code. NDCC 50-11-01 outlines the process for becoming a foster parent in North Dakota. Therefore, the intent of the bill is not changed, but a process to become a foster parent is identified. The bill is good in the version it passed the House of Representatives. However, the amended version is an improvement.

I encourage the Health and Human Service Committee to support foster families who want to adopt children in their care. I respectfully ask for the committee to support HB 1534 by giving the bill a "Do Pass" recommendation.

23.0752.02001

FIRST ENGROSSMENTSixty-eighth
Legislative Assembly
of North Dakota**ENGROSSED 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.

Sixty-eighth
Legislative Assembly

- 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 to furnish foster home care for~~
10 children under section 50-11-01.
- 11 3. A written report of the investigation, which may include the petitioner's foster care
12 assessment to demonstrate the suitability of the adoptive home, must be filed with the
13 court by the investigator before the petition is heard.
- 14 4. The report of the investigation must contain a review of the child's history; a
15 preplacement adoption assessment of the petitioner, including a criminal history record
16 investigation of the petitioner; and a postplacement evaluation of the placement with a
17 recommendation as to the granting of the petition for adoption and any other
18 information the court requires regarding the petitioner or the minor.
- 19 5. An investigation and report is not required in cases in which a stepparent is the
20 petitioner or the individual to be adopted is an adult. The department and human
21 service zone, when required to consent to the adoption, may give consent without
22 making the investigation. If the petitioner is a relative other than a stepparent of the
23 minor, the minor has lived with the petitioner for at least nine months, no allegations of
24 abuse or neglect have been filed against the petitioner or any member of the
25 petitioner's household, and the court is satisfied that the proposed adoptive home is
26 appropriate for the minor, the court may waive the investigation and report required
27 under this section.
- 28 6. The department and human service zone, when required to consent to the adoption,
29 may request the licensed child-placing agency to conduct further investigation and to
30 make a written report thereof as a supplemental report to the court.