

Testimony in Support of HB 1534

Christina Sambor, Attorney at law, testifying in my individual capacity

North Dakota Senate Human Services Committee

March 15, 2023

Chairman Lee and Members of the committee:

My purpose today is not to take a position on the bill as currently drafted, but rather to request a related amendment that seems it may be related to the concerns that motivate the bill as currently drafted. As a practicing family law attorney, I had the occasion over the last several years to assist a family who provided guardianship care to child, beginning at age one. That child, now five years old, is still in the family's care, and the birth parents' rights have been terminated by the court. The guardians are licensed foster parents, have a current AASK home study, and have had a court supervised guardianship of the child which has resulted in several reports by a guardian ad litem, investigating the child's history, the sufficiency of the care provided by the guardians, and ultimately, has recommended that the child be adopted by the guardians.

Their case uniquely falls into a gap in current statute wherein there is not an obvious waiver for an additional investigation and report. Yet, there is no question that on several fronts, at least as much, if not more information has been collected on the child's placement in this home, the adequacy of the placement, and the child's best interests. Because this information exists in reports other than a traditional adoption home study, it is unclear as to whether or not the reports that exist are sufficient. Therefore, I am recommending the following amendment to HB 1534:

Page 2, line 21, after "a" add: court-appointed legal guardian, or