

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

February 12, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

**RE: Senate Bill 2321 – Open Adoptions**

Chair Lee and members of the House 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 support of SB 2321 with suggested amendment.

In North Dakota, Human Service Zone Directors serve as the legal custodian of foster children. If a foster child is unable to be reunified with his/her parent and a termination of parental rights order is rendered by Juvenile Court, a foster child becomes eligible for adoption. When pursuing this permanency option for foster children, human service zones partner with AASK (Adults Adopting Special Kids) for adoptive recruitment, home study, and adoptive placement services. The decisions and legal actions regarding child welfare-related adoptions are subject to significant federal and state laws, timelines, and requirements. This is balanced along with making decisions that reflect the best interest of the child.

SB 2321 is aimed to support family connections during open adoptions. I support this flexibility during open adoptions to support birth families and adoptive families to voluntarily agree to terms of continued contact. To my understanding, open adoptions are adoptions that do not involve the child-welfare system. However, I notice that a definition of open adoption is not included in SB 2321.

My concern is that without further definition, this section could be misinterpreted to attempt application towards child welfare-related adoptions. If so, this may adversely impact required timelines, privacy and safety considerations, and would not provide a voice for the Human Service Zone Director, as legal custodian of the child, to consent to such contractual agreements. Therefore, I respectfully ask for the committee to include a definition of open adoption to this bill that would clearly exempt child welfare-related adoptions from this requirement.

Thank you for the opportunity to testify. I stand for questions from the committee.