

Good morning, Chairman Ruby and members of the House Human Services Committee. For the record, my name is Greg Stemen, and I serve the state of North Dakota in the house of representatives on behalf of district 27 in southern Cass County.

House Bill 1556 is not a feel-good piece of legislation. As a matter of fact, it is a difficult bill to carry. It deals with the most extreme of the extreme adoptive parent situations. I will read the bill language to reiterate that fact:

For consideration, I will ask you to imagine a situation. For any number of reasons, whether it is your faith, your life experiences or for any number of reasons that can't be explained with words, you decide to become a foster parent, if for no other reason than so a child can know what it is like to be safe, stable, secure, and even loved.

So, you take that step, despite being well-advised through the training provided by the state, of the concerns and issues that are inherent to fostering children with special needs. You don't yield, instead you dig in. You decide to formalize this relationship in all respects by going through the adoption process. You become more than the family you already knew you were... you didn't have to, you chose to.

And then, despite the love, resources, time, and prayers you poured into this child, your child, the worst happens! Your child, age 12, despite all the support systems put in place and the resources you have arranged your entire lives around, sexually accosts the younger adopted siblings, repeatedly. Your adopted child is diagnosed by clinical professionals as one "who will reoffend". The home you built for these children is now not safe. You realize you cannot keep your other children safe. And to the best of my understanding, under current ND law, you have no choices.

I do not bring this legislation to be confrontational, I bring this legislation to seek a solution with any and all willing partners. I realize this is a delicate and incredibly unfortunate set of circumstances that has initiated House Bill 1556. There are no winners here; just one potential situation that is slightly less awful than the other situation.

When the requested legislation was drafted, it was incredibly narrow and written to address extreme situations only. Many will bring up the "slippery slope" concerns, but in visiting with the Attorney General's office, they described the crafted legislation as extremely well-written to protect from misapplication.

I would hope that terms like abandonment, orphans, and other loosely applied language would be avoided. This is an extremely unique and abhorrent situation that is unlike the normal day to day difficulties of the average family. Please keep in mind, this language applies specifically to adoptive parental rights, which must be kept in mind as it verifies the incredibly narrow scope of this bill.

I am aware of the opposition and there was consideration of should this legislation be introduced or not. In consultation with experienced members from both chambers, I heard one common theme, "The conversation needs to take place."

This is proposed legislation that all of us would hope to seldom use, if ever; but the issues children are being rescued from in certain adoption situations, are long lasting and often times don't play

out until years down the road. While these situations are few and far between, the propensity for extreme situations to arise where this type of legislation would need to be applied, is going in the direction of a higher incidence rate.

My rationale for offering the legislation is to have the conversation and if there is a better solution moving forward, I honestly hope an alternative is brought forth and considered. In my opinion, not having a solution at this time, is very concerning.

Thank you for your time, Chair Ruby and all committee members.

Introduced by

Representatives Stemen, Beltz, Hagert, O'Brien, Ostlie, Dockter, Nelson

Senators Lee, Roers, Davison

1 ABILL for an Act to create and enact a new subsection to section 14-15-19 of the North Dakota
2 Century Code, relating to relinquishment of parental rights of adoptive parents.

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

4 **SECTION 1.** A new subsection to section 14-15-19 of the North Dakota Century Code is
5 created and enacted as follows:

6 Notwithstanding any other provision in this section, an adoptive parent may petition
7 the court to relinquish parental rights of an adopted child if extreme circumstances
8 exist.

9 a. For purposes of this subsection, "extreme circumstances" means the:

10 (1) Adopted child has been diagnosed with a severe mental health condition or
11 behavioral health disorder by a licensed child psychologist or psychiatrist;

12 (2) Adopted child has committed an act of a violent or sexual nature against
13 another family member living in the household which if committed by an
14 adult would be considered a crime under the laws of this state; and

15 (3) Adoptive parent is unable to provide proper control of the adopted child and
16 is in imminent fear for the safety of a family member living in the same
17 household as the adopted child.

18 b. If the court finds credible evidence that extreme circumstances exist, there is a
19 rebuttable presumption the adoptive parent's petition to relinquish parental rights
20 of an adopted child must be granted. This presumption may be overcome only by
21 clear and convincing evidence that proper safeguards can be implemented to
22 ensure the safety of each family member living in the household with the adopted
23 child.

24 c. The burden of proof is on the petitioner to show extreme circumstances exist.

Sixty-ninth
Legislative Assembly

- 1 d. A petition brought under this subsection must identify the department as a
2 respondent.