



# Protection & Advocacy Project

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House Human Services Committee

House Bill 1556 - January 27, 2025

Testimony of Brad Peterson, P&A Legal Director

Greetings Chairman Ruby and members of the House Human Services Committee. My name is Brad Peterson and I'm the Legal Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work, and play.

P&A opposes HB 1556. P&A's primary concern is how this legislation will impact a child with a severe mental or behavioral health condition who has been adopted. This bill would subject the adopted child to a 're-termination' which would create further trauma and result in an exacerbation of their mental or behavioral health condition.

When a child is adopted, the child becomes part of the family and can experience, often for the first time in their life, an attachment to the parent. The action of adoption by adults establishes a legal responsibility for the child in the same manner as a natural-born parent. We do not allow a natural parent who does not like how things turned out to not take responsibility for their child without significant effort.

If the adoptive parent "gives back" the child, where does the child go and who takes care of the child? ND already does not have enough foster homes, let alone foster homes that can manage children with challenges due to disabilities.

P&A further opposes HB 1556 as there is nothing in the bill to ensure that a child

has access to legal counsel, so they are properly represented. The bill also does not allow the child the opportunity to meaningfully participate in the proceeding, yet the outcome would result in a significant impact on their life.

In addition, P&A would like the Committee to be aware that this legislation is likely to violate the Indian Child Welfare Act concerning the protections set forth to safeguard Native American children and the required notices and opportunities for a respective Tribe's involvement.

Thank you for your time and consideration.

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