

Testimony
House Bill No. 1120
Senate Human Service Committee
Senator Judy Lee, Chairman
February 12, 2025

Chair Lee, and members of the Senate Human Services Committee, I am Kelsey Bless, Licensing Unit Administrator with Children and Family Services under the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1120, which was introduced at the request of the Department.

Today, the Department licenses four Child Placing Agencies; three are specific to the placement of a child for the purposes of adoption and one is licensed to assist with the placement of children in foster care into treatment homes. The proposed changes will support the efforts of our adoption Licensed Child Placing Agencies and provide clarity in the Century Code, which governs our administrative code. The Department offered this bill as it will offer consistency for all parties involved in the adoption process, including prospective adoptive parents, birth families, custodial agencies and our Licensed Child Placing Agency partners.

Section 1:

The proposed changes in Section 1 of this Bill amend section 14-15-09 of the North Dakota Century Code regarding a petition for adoption. Page 2, lines 9 through 31 and Page 3, lines 1 through 5 remove language related to petitioner expenses and places the language into North Dakota Century Code 50-12-09, noted in Section 3 of this bill. The transition will remove duplication regarding compensation parameters for licensed child placing agencies and adoptive families.

Section 2:

The proposed changes in Section 2 of this Bill amend section 14-15-11 of the North Dakota Century Code regarding the notice of petition related to an investigation and hearing. Page 4, lines 4 and 5 add reference to the Department as an approved source to complete an adoption investigation when a conflict of interest is present for a child placing agency and no other North Dakota child placing agency can complete the adoption investigation.

Lines 11 through 14 remove reference to certified foster care providers. The addition of certified foster care providers occurred during the 2023 legislative session. The removal is proposed as a certified foster care provider is only permitted to care for a child for 30 days or less, which is different than a licensed foster care provider who can care for a child for any length of time determined by the custodial agency. In addition, line 15 removes reference to continuous licensure for more than one year. The length of time in which a foster care provider maintains a license is valuable, but the timeframe noted in law could present a barrier for the families licensed less than one year and selected by the custodial agency as the adoptive family.

Section 3:

The proposed changes in Section 3 of this Bill amend section 50-12-09, compensation for child placing. The additions to this section were noted previously in Section 1 of the Bill. The proposed change removes duplication and offers clarity regarding compensation when placing a child for adoption. Page 5, lines 26 through 31 and page 6, lines 1 through 25 reorganize references to reasonable fees and clarify that a financial agreement must be in place detailing what reasonable fees may be charged to an adoptive family when asked to support costs related to the

child's birth mother or parents who are placing the child for adoption. You will see reference to a "birth mother" versus a "birth parent".

Reimbursement will naturally be higher for a birth mother due to the medical and delivery expenses of the infant, over the costs associated with therapeutic services, which may be requested by either birth parent. Page 6, lines 22 through 23 highlights an amendment made in this section. The Department was in agreement to the amendment recognizing the need to allow for six weeks post-delivery in efforts to cover expenses for a birth mother beyond the day of delivery. This six week period would allow for inclusion of costs associated with an extended hospital stay or charges resulting from medical complications experienced during the delivery of the infant.

Section 4:

The proposed changes in Section 4 of this Bill amend section 50-12-10 of the North Dakota Century Code regarding the revocation of a license. Page 6, line 31 and page 7, line 1 correct clerical errors previously in law. Page 7, lines 4 through 8 remove reference to the revocation of a child placing agency license if the licensee, typically the executive director, was found guilty of an offense that would prohibit them from working in the agency. This historical reference was an oversight as the Department would not find it reasonable to revoke an agency license based on one employee's actions, instead it is proposed to replace it with language originally located in section 50-12-11 of North Dakota Century Code which we are requesting to be repealed. In efforts to remove any confusion, it is requested we combine false or misleading reports made to the Department as grounds for revocation of the child placing agency license in section 50-12-10.

Section 5:

The proposed changes in Section 5 of this Bill amend section 50-12-17 of the North Dakota Century Code regarding agency licensing requirements and registration. Page 7, lines 12 through 17 clarify a person may not place or cause a child to be placed for adoption without a license from the Department. In addition, newly added reference is made regarding adoption services and the investigation being completed by the Department, reflecting the change made in Section 2 of this bill in North Dakota Century Code 14-15-11 related to conflict-of-interest cases. Line 25 through 30 and page 8, line 1 offer clarity regarding the intention to place a child for adoption.

Section 6:

The proposed changes in Section 6 of this Bill repeal section 50-12-02.1 regarding out of state licensing requirements. If an out of state agency was interested in opening a child placing agency in North Dakota, the agency would follow the licensing standards in chapter 50-12 and further defined in North Dakota Administrative Code 75-03-36-05.

The proposed changes also repeal section 50-12-11 of the North Dakota Century Code regarding revocation of a license for false reporting as the detail was previously located in an isolated section, however, was added to section 50-12-10 as the new number four (noted in Section 4 above).

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.