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To: Senate Education Committee
From: Kris Haycraft, Catholic Charities North Dakota
Subject: Senate Bill 2284 - Adoption Disclosure Changes
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Chairman Larson and members of the Senate Judiciary Committee, I am Kris Haycraft, Director of the Pregnancy, Parenting, and Adoption Services Program at Catholic Charities North Dakota.

SB 2284 would drastically change the landscape of adoption in the state of North Dakota. I am testifying in opposition to these changes. I want to explain the complexities of adoption after finalization, to bring to light the consequences related to the proposed changes, and to bring a voice to those who may not be able to stand in front of you today to share their own stories.

This is a simplified version of how search and disclosure currently works within NDCC 14-15-16.

Who can search

- A birth parent (after the adopted child reaches the age of 21)
- An adopted adult (after they have reached the age of 18)
- A birth sibling that shares a biological parent (after the adopted adult reaches the age of 18)
- The adult child of a deceased adopted adult

The search process currently works like this:

1. The person searching completes the two NDDHHS forms (SFN 1992 and SFN 940). At Catholic Charities North Dakota (CCND) we also have them complete a questionnaire that explores their expectations, feelings, and supports related to this adoption search. The forms, along with an administrative fee, are mailed to CCND.
2. Once the documentation is received at CCND, a non-identifying letter is written summarizing the non-identifying information from the file at the time of the adoption. Non-identifying information may include:
 - Date and place of the adopted adult's birth
 - Age of the birth parents and a description of their general physical appearance
 - Race, ethnicity, religion, and medical history of the birth parents
 - Type of termination of parental rights

- Facts and circumstances relating to the adoptive placement Age and sex of children of the birth parents at the time of the adoption
 - Education levels of the birth parents and their occupations, interests, and skills
 - Any supplemental information about the medical or social conditions of members of the birth family provided since the adoption was complete.
3. After the non-identifying letter is written to the person searching, a social worker specializing in adoption calls the searcher to prepare them for all possible outcomes of the search process, to process their expectations, and to help identify personal supports for them as this can be a very emotional journey. Resources are provided to help each member of the adoption triad “put on the hat” of the other person. I often ask people how long they have thought about searching before they actually called CCND to initiate the process. Many times it’s been on their mind for several years. I then remind them that when I make contact with the person they are looking for, it may just be the start of their time to process how reconnecting with their birth relative might affect their lives. Many times searchers will tell me that they don’t have an expectation about who the person they are looking for is, but after some more discussion, they typically do. They imagine them looking like them, they imagine them having a certain type of personality, etc. Identifying these things and processing them increases the likelihood of a lasting relationship in the future.
 4. After this original call to the searcher --- We start searching. The only information the agency has is what was available at the time of the adoption. It would seem that with technology, this might be simple. Often it is not. We first have to find out their current name (as many birth mothers have married since the time of the adoption) and then we need to find a phone number or address where we can reach out to them. Once we have possible contact information, we are very very very careful as we reach out. We ask that they verify who they are and that they either made an adoption plan in the past or are an adopted adult. As you can imagine, securing this information has become increasingly difficult as people are more and more distrusting with the increase of scam calls. It often takes several letters and phone calls before the person understands that the confidential topic that we are hoping to address has to do with an adoption plan from the past.
 5. After we confirm that they are who we are looking for, we let them know who is looking for them and their rights in the search process. They have the right to disclose information or not to disclose identifying information. They have the option of having direct contact or for all contact to go through the agency. The agency sends them two forms to complete that verifies they know their rights and identifies what, if any, information they would like to share. Once those forms are turned into the agency, the social worker works together with both parties to facilitate communication in a way that feels most comfortable for both parties. If the person does not wish to engage further in the search and

disclosure process, the agency gives them a chance to share any non-identifying information such as updated medical information.

6. The agency helps to facilitate communication for as long as needed, often hearing from those involved several years after they were first connected to let us know how their relationship is progressing.

Here is how the proposed legislation would change the search process:

Adopted adults at the age of 18 could ask for and receive their original birth certificate (currently sealed within state law) and their adoption decrees (even if their birth parent's names were on the document). Licensed child placing agencies would be required to share the identifying information of **adopted adults** and **birth parents** without the consent of the person whose information is being released.

As a licensed child-placing agency, we represent each of the members of the adoption triad: birth parents, adoptive parents, and the adoptee. I anticipate that the voice of the adopted adult who desires access to their original birth certificate will be well represented in this hearing, but I want to be the voice of others who would also be affected by this change.

Birth parents and adopted adults lose all rights to consent to the release of their identifying information and to confidentiality within the proposed changes. There is no informed consent.

Birth parents who assumed that the confidential nature of the adoption process would be honored, will now have their information shared without their knowledge or consent.

Adopted adults will also have their information shared without their knowledge or consent. Please keep in mind that some adults were adopted from birth-parent situations where it may be a safety concern for their birth family to have their identifying information.

Adoption Search and Disclosure Statistics from Catholic Charities (one year also represents the addition of The Village and LSS's Searches)

- How many in the last 5 years – 56 identifying searches, 16 non-identifying searches
- Who searched – Adopted Adult (43) Sibling (6) Adult Child of a Deceased AA (3) Birth Parent (4)
- Outcomes – 16 did not authorize contact – 22 did authorize contact – 11 had passed away

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

Thank you.