

Testimony
Senate Bill No. 2284
Senate Judiciary Committee
Senator Diane Larson, Chairman
February 4, 2025

Chairman Larson and members of the Senate Judiciary Committee, I am Julie Hoffman, Adoptions Manager with the Children and Family Services Section in the Department of Health and Human Services (Department). I appear before you neither to support nor oppose Senate Bill 2284, but to provide information and reaction to the bill.

The Department oversees adoption search and disclosure services and also speaks with individuals involved in the adoption process regarding adoption search/disclosure statute, rule, policy, and practice. Adoption search services are provided by licensed child placement agencies (LCPA's) in our state. For the purposes of Adoption Search, Catholic Charities North Dakota holds the repository of adoption records resulting from adoption services that have been provided by multiple agencies. The LCPAs are governed by North Dakota Century Code section 14-15-16 and North Dakota Administrative Code chapters 75-03-13 and 75-03-36.

Search services provided by LCPA's are based on the following principles:

- Agencies actively search for individuals being sought (as compared to a passive registry),
- Personal and confidential contact is made with persons being sought,
- The individual has a right to consent to the release of identifying information about themselves, and
- The individual has the ability to refuse to authorize disclosure of identifying information about themselves.

The search statute contemplates many scenarios, but certainly not all scenarios. There are often questions about how certain circumstances are to be addressed. There are many individuals' rights to balance in the adoption search process as it relates to openness and confidentiality of adoption information. In light of DNA science and its impacts on adoption search disclosure, as well as now having primarily one agency responsible for the bulk of adoption search, changes to the current statute could simplify the process. The Department has discussed this with our current ND LCPA's. They had contemplated requesting changes to this statute or making recommendations for the adoption of a passive search registry but determined more time was needed to make an informed recommendation.

After a review of this bill, the Department would offer the following overarching comments. This bill:

- Removes the definition of notify and the requirement of personal and confidential contact with those whose identifying information is being sought and requirement for notification (page 1, lines 20 through 24 and page 4 line 26 through page 6 line 19);
- Removes the requirement for confidentiality in the search process (page 4, line 22 and 23 and page 7 line 3);
- Removes the ability of those whose identifying information is being sought to either authorize disclosure of identifying information about themselves, or refuse to authorize disclosure of identifying information about themselves;
- Does not provide an avenue for individuals who do not wish for their identifying information to be released;

- Allows adopted individuals to have unlimited access to their original birth certificate after the age of 18 (page 9, lines 25-28);
- Does not include provisions to set apart older adoptions where individuals were originally promised confidentiality.

This bill would move our state from one of a conservative approach to the disclosure of personal information to one of openness, without consideration for adoptions which have already occurred where individuals were promised confidentiality.

If there is interest in doing so, the Department is open to working with the Bill sponsor and the Committee to draft amendment language that would address some of these concerns and offer alternatives for consideration.

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