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ROLL NUMBER

DESCRIPTION

3044

2001 HOUSE HUMAN SERVICES

HCR 3044

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3044

House Human Services Committee

Conference Committee

Hearing Date February 19, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		0 to 2520
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on HCR 3044.

Rep. Sandvig: Presented Resolution. (See written testimony.) HCR 3044 would direct the legislative council to study the feasibility and desirability of establishing a putative fathers' adoption registry. This started out as a bill draft, but I decided to do a study resolution instead. Please give this resolution a DO PASS so that we can possibly study this problem.

Rep. Klein: Could you explain how this registry system works?

Rep. Sandvig: A father has a certain number of days to register with the state and say that he is the father of the child, otherwise if he doesn't, then the mother can do whatever she wants with the child. The original bill has the number of days on it.

Rep. Weiler: Is this registry suppose to help the problem. Is it to clear up the whole system?

Rep. Sandvig: It is so that the father gives up his rights if he does not sign onto this registry.

After the child is born and if he wants to claim that child he needs to sign onto the registry. If the mother wants to give the child up for adoption, she can go ahead and do that if his name is not on that registry.

Rep. Weisz: The way this registry would work is if the father has not signed onto the registry, he loses all rights to that child and mother has the ability to sign the child away. If he signs on the registry I'm assuming his legal rights would be the same as under the current law?

Rep. Sandvig: I think that is the way it would work, yes.

Vice Chairman Devlin: What happens in a case where the father didn't know that the girl was pregnant, or if he was told he wasn't the father and later is proved that he was and he would like to get on the registry. What happens in those cases?

Rep. Sandvig: If he didn't know he was the father then he wouldn't have a chance at signing on to the registry. The mother would have all the rights.

Julie Hoffman: Administrator of Adoption Services, Department of Human Services. (See written testimony.) I am here today to provide information in relation to HCR 3044. The department takes a neutral position in regards to this bill. I would be willing to assist at the request of the Legislative Council should this resolution pass and the Council initiates a study of a possible putative father's registry.

Rep. Weisz: Under current law, if you have a birth parent that wasn't identified at the time, what is the procedure now both in that six month time frame before the adoption is final and after that if someone comes in and proves they are the birth father but were never contacted. What happens then?

Julie Hoffman: Currently at the time the court is considering termination of parental rights there would be notice given to all birth parents that have been named by the birth mother. She may name one or more than one, or if she doesn't know the name of the person, then the court would probably find that there is reason to give notice by publication. They would publish in the newspaper of the location where the father has known to have lived for a certain period of time, and give him the right to respond. If any of the notified fathers have not appeared, then their rights can be determined. It is written into the termination of parental rights orders. There is an appeal period and if the person doesn't come forward within a certain period of time then their rights are terminated. The child is in a home for the six months, then the family can legally have a court adjudication for the adoption of the child that makes them totally the adoptive parents.

Rep. Cleary: This registry, I would think would make your job a lot easier. You won't need to hunt all over for the father.

Julie Hoffman: I think, in some circumstances, it could be beneficial. My concern is that it would be a registry that has to be certified before termination of parental rights, not before that. The registry would have to be checked prior to those termination's of parental rights proceedings.

Rep. Porter: Is our adoption system broken because we need this?

Julie Hoffman: We are always looking at new ways of doing things. We think out our termination of parental rights assures permanency for children. We are pretty conservative from the department's standpoint of our approach to termination of parental rights. We're also concerned that children not be placed into homes when there is an outstanding person with parental rights that may disrupt that adoption in the permanency for the child. Many states are moving to a putative father registry

Rep. Porter: The concept that you described in your second paragraph, how is the father suppose to know that he is responsible to register, and what happens if he doesn't register, and is that registry an open record even though it is going to have potential juvenile names on it?

Julie Hoffman: They vary from state to state depending upon how the laws are written but in general, most states have taken very comprehensive campaigns. It cannot be a one time shot, there has to be continuing advertising, providing brochures in lawyers offices, in hospitals, in clinics, public health offices.

Rep. Porter: I would be interested to see a fiscal note for such a policy. As far as the data base being an open record then?

Julie Hoffman: I am not certain about that. The Montana law is not an open record. Only certain people have access to be able to check it, and that includes child placing agencies, the department, and attorneys. Birth mothers were notified if someone registered. Montana has 50 birth fathers registered.

Rep. Klein: Are you saying the father can come in and take the child away after it has been adopted if he finds out later - he has rights?

Julie Hoffman: We do think that in North Dakota, whereby we've taken aggressive action in identifying birth fathers and terminating their parental rights, provides some assurance that at the point we do a termination of parental rights order that we have terminated all potential birth father's rights. But there is a concern if the birth mother is not on it and has not identified all potential birth fathers, that there could be some problems later.

Rep. Klein: Does that mean the father would get the child then?

Julie Hoffman: No, it does not mean he would automatically get the child. He would have the right to argue in court.

Vice Chairman Devlin: Why should we go away from the certainty of the court procedures that we have now?

Julie Hoffman: In some circumstances the child placing agencies believe that having the registry might effectuate a quicker termination of parental rights if the registry was checked at the point of termination proceedings. There are a few situations where the father is violent, threatening to both the mother or the agency personnel. It might be a better option for them to rely on his responsibility to register rather than to do a search for him and make contact with him.

Rep. Niemeier: Does it also assure the birth father some rights to the child?

Julie Hoffman: Yes, it would. If he registered, then the agency and attorney would have to give him notice despite whether the mother identifies him or not. If he identifies himself, then there would be a responsibility to give him notice.

Vice Chairman Devlin: You said Montana had 50 birth fathers listed. Do you know how many people were on the total list?

Julie Hoffman: Yes, that is how many people are on the list. They have had 200 requests to certify. That means people have inquired about the registry.

Chairman Price: If we read your second paragraph - you're saying it is the male's duty anytime there is a possibility of pregnancy to register? What are the legal ramifications if we are talking about the possibility of statutory rape? He is over 18 and she is not and he registers. What is the liability?

Julie Hoffman: I did look pretty closely to the Montana statute. By registering a man can become, by virtue of that registry, an obligor for child support purposes. If the birth mother didn't place the child for adoption, that would make an affirmative statement by him that he has

acknowledged being the birth father. I would assume it may have some similar ramifications regarding other charges of claims against him.

Vice Chairman Devlin: I understood there were some problems with the Minnesota law. They say they fully expect to be challenged.

Julie Hoffman: There is some concerns about the Minnesota statute. I can't answer all the concerns, but Minnesota doesn't do a court adjudicative termination of parental rights. So in essence, they do a relinquishment in front of an agency. It is then the birth father's duty to register and at the point of adoption rights are terminated and the adoption is adjudicative. So question for us is "what if someone asserts their rights in that period of placement - when there hasn't been a court termination of parental rights." That is where the challenge is.

Chairman Price: In the states that have this and the father did not register, didn't know about the child, didn't know he had to, whatever the reason may be but the birth mother lists the father on the birth certificate, then what do they do? Are they required to contact him?

Julie Hoffman: In some states they are required to follow through regular notification proceedings so that if he is identified he will be contacted. In some states the statute is written so that it really is his responsibility if he doesn't contact for whatever reason. It boils down to how the statute is written.

Rep. Tieman: If we would set up something like this in our state, who would administer it?

Julie Hoffman: Some states it is the Department of Human Services, and in some it would be with the Division of Vital Records through the Department of Health. It varies.

Rep. Tieman: Do you recall how it is set up in Minnesota.

Julie Hoffman: I'm not sure how Minnesota is. I believe it is in the Department of Human Services.

Rep. Tieman: Has your department had any inquiries on this issue?

Julie Hoffman: We have had questions from child placing agencies. We have particularly been questioned by out-of-state agencies.

Chairman Price: Close hearing on HCR 3044.

COMMITTEE WORK:

Chairman Price: Let's go to HCR 3044.

Rep. Niemeler: I move a DO PASS on HCR 3044.

Rep. Cleary: I will second.

Rep. Niemeler: I see in this day and age where we often feel badly about uninvolved fathers, this gives an opportunity for a voluntary registration that would protect their rights when they want to be involved with the child.

Rep. Cleary: It seems to me it would make it a lot easier for the person that wants to adopt.

Rep. Sandvig: The adoption agencies I talked to, they were in favor of studying the issue.

Chairman Price: Is anyone familiar with the Senate Bill coming over on adoption? Is this in there or could it be?

Rep. Sandvig: That is to study the adoption laws. It doesn't really include this, but maybe they could be studied together.

Vice Chairman Devlin: I really don't like this resolution. I like the certainty we have in North Dakota with the courts.

Rep. Galvin: Is there historically quite a cost to these types of studies?

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Chairman Price: Depends on how in depth your study is. The cost is obviously the meeting, the travel time, the lodging for the legislators. Depends on how many meetings they have.

Rep. Devlin: Along those lines I don't think I would ever vote against a study because of the cost, because certainly if this is picked it will be combined with other studies. The issue is whether the state should even study going down this particular line.

Chairman Price: My biggest fear just from the information we got, is that there may be a father out there who will lose the rights to his child just because he didn't register.

Chairman Price: Call the roll.

DO PASS HCR 3044

11 YEAS, 3 NEAS

Date: 2-19-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 3044

House Human Services Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Niemeier Seconded By Rep. Cleary

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairman	✓		Audrey Cleary	✓	
William Devlin - V. Chairman		✓	Ralph Metcalf	✓	
Mark Dosch	✓		Carol Niemeier	✓	
Pat Galvin	✓		Sally Sandvig	✓	
Frank Klein	✓				
Chet Pollert		✓			
Todd Porter		✓			
Wayne Tieman	✓				
Dave Weller		✓			
Robin Weisz	✓				

Total (Yes) 10 No 4

Absent _____

Floor Assignment Rep. Niemeier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 19, 2001 4:35 p.m.

Module No: HR-30-3921
Carrier: Niemeler
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3044: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the
Tenth order on the calendar.

2001 SENATE HUMAN SERVICES

HCR 3044

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3044

Senate Human Services Committee

Conference Committee

Hearing Date March 13, 2001

Tape Number	Side A	Side B	Meter #
1	X		23.6
Committee Clerk Signature <i>Baral Kladovic</i>			

Minutes:

The students from Dickinson were welcomed to the Senate Human Services Committee. Senator Kilzer explained the process of the bill and the resolutions.

The hearing on HCR 3044 was opened.

REPRESENTATIVE SALLY SANDVIG, sponsor, introduced the resolution. (Written testimony)

Neutral testimony.

JULIE HOFFMAN, Dept of Human Services, is neutral on the resolution. (Written testimony)

SENATOR MATHERN: Why would you not take a position? MS. HOFFMAN: The study will provide knowledge of how it is working in other states. I tend to be more negative at this point.

SENATOR KILZER: Do other states have this registry? MS. HOFFMAN: Montana has registry. It would be another tool in dealing with parental rights.

No opposition. The hearing was closed on HCR 3044.

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Senate Human Services Committee

Bill/Resolution Number HCR 3044

Hearing Date March 13, 2001

Discussion on the bill continued. SENATOR MATHERN moved a DO PASS. SENATOR ERBELE seconded the motion. Discussion. Roll call vote carried 5-0-1. SENATOR MATHERN will carry the bill.

Date: 3/13/01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HR 3044

Senate HUMAN SERVICES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Mathern Seconded By Sen Erbele

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Mathern

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 16, 2001 3:18 p.m.

Module No: SR-46-5949
Carrier: T. Mathern
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3044: Human Services Committee (Sen. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the
Fourteenth order on the calendar.

2001 TESTIMONY

HCR 3044

**Testimony HCR 3044
By Representative Sally Sandvig
Before House Human Services Committee**

Chairwoman Price & members of the Human Services Committee:

For the record I'm Representative Sally Sandvig from District 21 in Fargo and I'm here to introduce House Concurrent Resolution 3044 to you.

House Concurrent Resolution 3044 would direct the legislative council to study the feasibility and desirability of establishing a putative fathers' adoption registry. This started out as a bill draft, but I decided to do a study resolution instead.

I became aware of the need for this resolution from the director of the AAA Pregnancy Clinic, a crisis pregnancy center, in Fargo. She explained to me that it was much easier for a mother to give up her child for adoption in Minnesota than here because they have such a registry; and that often times North Dakota unwed mothers who are very young, immature, and probably shouldn't be parenting, are forced to keep and raise their child because a father does not want to give up a tie to a child that someday he can use to his advantage, or maybe take hunting or fishing someday. Often times this father doesn't offer any support emotionally, physically, or monetarily to the mother and doesn't even come and visit the child. Other times the child was a result of a one night stand, a rape or incest, an abusive situation, or the father is a drug addict, alcoholic, or winds up in prison. The mother and child are then forced to be linked to this man forever because he is the father.

I talked with the Christian Family Life Services in Fargo and an attorney who deals with adoptions, and they told me that this resolution would be a good idea because there were problems with

the system. I also talked with other adoption agencies about this and they had some of the same problems with our law as it is.

Please give this resolution a do pass so that we can possibly study this problem.

Thank you.

Christian Family Life Services

A Licensed Child-Placing Agency
203 S. 8th St. Fargo, ND 58103
Phone 701-237-4473 Fax 701-235-1703

February 14, 2001

Dear Representative Sandvig:

It was nice to visit with you by telephone. As I stated in our conversation, our agency is interested in North Dakota looking at a father's registry law. The advantages are obvious: too often a birth father who has shown *no* interest in a birth mother or the child she carries has refused to cooperate with an adoption plan, thus forcing this mother to single parent. Sometimes there has been absolutely no contact between them until it is time to request his signature agreeing to the adoptive placement, and then, even though the birth father is not desiring to have custody of the child or even to participate in the child's upbringing, he will not agree to the adoption. A father's registry would put the burden on the birth father to establish his interest in the child he has fathered.

A father's registry may also protect a birth mother and child from an abusive birth father. Since he would not be due notification of the adoption proceedings, an abusive or controlling father who had not registered would not need to be brought into the picture at all. The mother could proceed with the adoption without stirring him up or dealing with him.

Conversely, a father's registry may *protect* a birth father who *does* have a loving interest in the child he has fathered from having his interests disregarded by a birth mother who might lie to him, to her adoption counselor, or to the court. The best known cases of disrupted adoptions involve birth mothers who have lied to the birth fathers about the paternity of their child or about the survival of the child. The court's response in those cases has been to return the child to the birth parent(s), regardless of the effect on the child. In one well known case, the little boy had been in his adoptive home for four years and was sent to live with a birth father he had never met. The birth fathers' rights were definitely violated by the mother's lie, but the remedy of the court was to then put his violated rights ahead of the child's right to security and permanency. A father's registry would have prevented these kinds of disruptions.

Our agency is licensed in North Dakota and Minnesota. As you know, Minnesota has a registry. I have networked with other Minnesota agency's about their use of the registry as the means to terminating a birth father's parental rights. The agencies that I contacted have used it somewhat, yet all were nervous in relying solely on the registry, because the wording of this law in Minnesota is not airtight, and it has not yet been tested in court. One worker said she fully expected it to be challenged some day, and she feared the outcome. Our agency is now planning to use it for the first time in dealing (or rather, not dealing) with a birth father. We are nervous doing it, even though we are fully within the law. That does not feel good. We should be confident that if we are following the law, the adoption would be protected.

If North Dakota adopts a father's registry, I would *not* support it unless the wording of the law is so clear and airtight that agencies and adoptive families do not have to fear the outcome. I suggest a lot of input from agency workers in the proposed wording. If it is framed in a very clear way, I would think such a law could well serve children in our state.

I am anxious to hear how this proposed legislation is worded and how it goes. Please keep us informed.

Sincerely,

Ann Dahl

Ann R. Dahl

Administrator, Christian Family Life Services, Fargo

STATE OF MICHIGAN



JOHN ENGLER, Governor

DEPARTMENT OF COMMUNITY HEALTH

LEWIS CASS BUILDING

LANSING, MICHIGAN 48913

JAMES K. HAVEMAN, JR., Director

January 29, 2001

The Honorable Sally Sandvig
North Dakota State Legislature - District 21
201 North 11th Street, Apartment 202
Fargo, North Dakota 58102-4652

Dear Representative Sandvig:

It was nice to see you at the Women In Government event. It sounds like you have some interesting legislative options in your state.

To give you some background, when Governor Engler assumed leadership of the State of Michigan on January 1, 1991, there was a separate Department of Mental Health which handled mental health services and services for persons who were developmentally disabled. There was also a separate Department of Public Health, and both directors of these departments were cabinet members.

In addition, within the Department of Management and Budget, there was the Office of Services to the Aging, Crime Victims Services Commission, and Office of Drug Control Policy. The Medicaid program was located within the Michigan Department of Social Services which is now the Family Independence Agency.

In some way, each of these programs dealt with people with particular health needs. There were several problems with this as you can probably gather.

The agencies were not working closely together and departments had a way of practicing their work in "silos." When meetings did take place, it was never clear who was on first and who was in the lead. It was not clear who was responsible for the outcome and there were multiple people doing the same functions, whether it be budgeting, contracting, legislative liaison, and policy development.

The Governor gave me 60 days to come up with a better solution in 1995. We did and proposed the following three areas for his consideration:

January 29, 2001

Page Two

The first was to form a new department entitled, The Michigan Department of Community Health. The second was to move the Medicaid budget from the Family Independence Agency to the new Department of Community Health, which was a major decision. The third was to issue an Executive Order to make this happen. Executive Orders in Michigan have the power of law - they cannot recreate statute but they can move pieces of it around.

When we issued the Executive Orders in 1996, it was interesting that the Legislature, both Republicans and Democrats, very quickly agreed and realigned the legislative policies in the appropriations committees to meet the objectives of the new department. In fact, both sides of the aisle wondered why we had not done this a long time ago. They wanted to take some credit and supported any legislation that we needed, which we did not

The Governor and I had several briefings with key legislative leaders to give them support of why this should happen. You might guess that the interest groups and all of these various departments and agencies were quite reluctant to give up their "turf" or their "deals" like they had in the past, and were somewhat anxious about dealing with part of a larger agency.

We worked very hard during the transition of bringing the various departments together. This is very hard work and takes key personnel and civil service people to make this happen. We eliminated layers in the bureaucracy and streamlined things considerably. Even though our budget is up considerably since 1991 as a whole, the services are going to where the need is, such as the people of this state. If you add up all of the state employees in 1991 in the various departments and agencies, there were about 13,000. Even after closing state institutions and streamlining the various departments and agencies, we now have about 6,000 employees. We shifted the money to where it belongs - at the community level.

Today people have fully accepted the consolidated department. We eliminated hundreds of various task forces and meetings. Meetings are much more efficient and it is clear who runs them and what the outcomes are. We can provide services holistically, we can move into "one-stop shopping," and you really cannot expect people to integrate their services at the local level unless you are committed to integrate them at the state level. We are now one voice in the Legislature. We have one legislative person and one budget person, and all of our contracts have been consolidated into one office as well as our actuarial divisions. I could list many other areas where consolidation and streamlining took place.

January 29, 2001
Page Three

Many states, when they brought agencies together, just left them as they were and put a "health czar" over all the department directors. I think that is a direction in which you do not want to go, and if you integrate programs, you should do it all the way, and you cannot exclude any group because of some political or interest group activity. Many states have done similar mergers like Michigan's but have left out Medicaid, which is a big mistake.

I hope this information has been helpful. It takes a lot of selling but also takes the boldness of the Legislature and the Governor to make this happen successfully. If you have any questions, feel free to contact me at (517) 335-0267, or you can email me at: haveman@state.mi.us.

My continued best wishes and have a nice day.

Cordially,



James K. Haveman, Jr.

JKH:kjd



"Linda Jaeger"
<ljaeger@cfsnd.org>
02/19/2001 08:50 AM

To: <ssandvig@state.nd.us>
cc:
Subject: Putative Fathers Registry

Greetings Rep Sandvig,

I tried calling you last friday in response to the message you left for me, I believe it was thursday.

I regard to the House Concurrent Resolution No. 3044 I think it would be advantageous to study the issue of a registry. I do have some concerns and thus far as an adoption professional have been pleased with ND adoption law. When attending conferences in other states and sharing information about our laws, they have been impressed with our legislation and the respect for the rights of birth parents.

I certainly would be willing to discuss this further and really would appreciate the opportunity for input in regard to this issue. Also, I have some ideas for other bills as well.

Thank you for your time and I wish you the best in the sessions today.

Linda Jaeger, LSW
Child Welfare Coordinator
Catholic Family Service

House Human Services Committee

House Concurrent Resolution 3044

February 19, 2001

Chairman Price and members of the Human Services Subcommittee; my name is Julie Hoffman and I serve as the Administrator of Adoption Services for the Department of Human Services. I am here today to provide information in relation to HCR 3044. The Department takes a neutral position in regards to this bill.

As the bill before you indicates, a number of states have moved toward a putative father's registry. Some see this process as a way to "simplify" the method in which a birth father of a child being relinquished for the purposes of adoption is dealt with by the birth mother and the agency involved in the adoption. Basically, the concept provides that it is the birth father's responsibility to file his name on a data base (or registry) any time he may have engaged in sexual activity that may have, or will result in the birth of a child, as a way to protect his legal rights as a father to that child. If, subsequent to the birth of a child, the birth mother seeks to place the child for adoption, those involved in the planning for the child would be required to check the registry to ascertain whether any man claims that he is the father to that child. If someone (or more than one man) has registered, he must be notified as otherwise provided by law.

In North Dakota we have taken an assertive position about the termination of parental rights. We see it as necessary that the court deals with all potential birth parents rights. This requires that agencies and attorneys involved with the adoption of a child must attempt to identify, contact and facilitate that father's (or more that one potential father's) agreement with the plan for adoption. All potential birth parents are given the opportunity to discuss the plan with the adoption worker in order to assure that they understand their rights and

responsibilities as a parent, the importance of their decision, their understanding of the proceedings and their agreement with the plan. Birth parents rights' are terminated in court proceedings heard before a judge. If a parent is unavailable or unknown, they are given written notice of the termination hearing. If they don't appear or sign a consent to the relinquishment of their parental rights, their rights may be then terminated by default. After all potential parent's rights' have been terminated, the child is considered to be legally free for adoption and may be placed with a family for the purposes of eventual adoption by them. In this state a child must live in the home of the adoptive parents for six months before the adoption may be finalized in a court of law.

Some states don't use the courts to terminate the rights of parents, but rather allow a birth parent or parents to sign relinquishments before a specified individual (notary public, court representative or adoption agency representative), with the relinquishment becoming irrevocable after a specific period of time. Additionally in some of these same states, a fathers registry may be used to provide notice of proceedings to a putative father who asserts a parental interest in a child, so that the putative father may appear in such a proceeding. There appears to be differences in the states putative father registries, in that some registries are certified at the point of a proceeding for termination of parental rights and some at the point of adoption. Some states provide a procedure for the courts to confirm a relinquishment of parental rights and certifications of a putative father registry, in the form of an order for termination of parental rights. Some will not.

I hope this information is helpful. I would be willing to assist at the request of the Legislative Council should this resolution pass and the Council initiate a study of a possible putative father's registry. I would be happy to answer any questions you may have at this time.

Senate Human Services Committee

House Concurrent Resolution 3044

March 13, 2001

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In North Dakota we have taken an assertive position about the termination of parental rights. We see it as necessary that the court deals with all potential birth parents rights. This requires that agencies and attorneys involved with the adoption of a child must attempt to identify, contact and facilitate that father's (or more than one potential father's) agreement with the plan for adoption. All potential birth parents are given the opportunity to discuss the plan with the adoption worker in order to assure that they understand their rights and

responsibilities as a parent, the importance of their decision, their understanding of the proceedings and their agreement with the plan. Birth parents' rights are terminated in court proceedings heard before a judge. If a parent is unavailable or unknown, they are given written notice of the termination hearing. If they don't appear or sign a consent to the relinquishment of their parental rights, their rights may be then terminated by default. After all potential parent's rights have been terminated, the child is considered to be legally free for adoption and may be placed with a family for the purposes of eventual adoption by them. In this state a child must live in the home of the adoptive parents for six months before the adoption may be finalized in a court of law.

Some states don't use the courts to terminate the rights of parents, but rather allow a birth parent or parents to sign relinquishments before a specified individual (notary public, court representative or adoption agency representative), with the relinquishment becoming irrevocable after a specific period of time. Additionally in some of these same states, a fathers registry may be used to provide notice of proceedings to a putative father who asserts a parental interest in a child, so that the putative father may appear in such a proceeding. There appears to be differences in the states putative father registries, in that some registries are certified at the point of a proceeding for termination of parental rights and some at the point of adoption. Some states provide a procedure for the courts to confirm a relinquishment of parental rights and certifications of a putative father registry, in the form of an order for termination of parental rights. Some will not.

I hope this information is helpful. I would be willing to assist at the request of the Legislative Council should this resolution pass and the Council initiate a study of a possible putative father's registry. I would be happy to answer any questions you may have at this time.

**Testimony HCR 3044
By Representative Sally Sandvig
Before Senate Human Services Committee**

Chairwoman Lee & members of the Human Services Committee:

For the record I'm Representative Sally Sandvig from District 21 in Fargo and I'm here to introduce House Concurrent Resolution 3044 to you.

House Concurrent Resolution 3044 would direct the legislative council to study the feasibility and desirability of establishing a putative fathers' adoption registry. This started out as a bill draft, but I decided to do a study resolution instead.

I became aware of the need for this resolution from the director of the AAA Pregnancy Clinic, a crisis pregnancy center, in Fargo. She explained to me that it was much easier for a mother to give up her child for adoption in Minnesota than here because they have such a registry; and that often times North Dakota unwed mothers who are very young, immature, and probably shouldn't be parenting, are forced to keep and raise their child because a father does not want to give up a tie to a child that someday he can use to his advantage, or maybe take hunting or fishing someday. Often times this father doesn't offer any support emotionally, physically, or monetarily to the mother and doesn't even come and visit the child. Other times the child was a result of a one night stand, a rape or incest, an abusive situation, or the father is a drug addict, alcoholic, or winds up in prison. The mother and child are then forced to be linked to this man forever because he is the father.

I talked with the Christian Family Life Services in Fargo and an attorney who deals with adoptions, and they told me that this resolution would be a good idea because there were problems with

the system. I also talked with other adoption agencies about this and they had some of the same problems with our law as it is.

Please give this resolution a do pass so that we can possibly study this problem.

Thank you.