

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2033 (2/85) 5M



ROLL NUMBER

DESCRIPTION

4014

2001 SENATE HUMAN SERVICES

SCR 4014

## 2001 SENATE STANDING COMMITTEE MINUTES

### BILL/RESOLUTION NO. SCR 4014

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 13, 2001

Tape Number	Side A	Side B	Meter #
3	X		4.8
Committee Clerk Signature <i>Paul F. Delaney</i>			

Minutes:

The hearing was opened on SCR 4014.

SENATOR KRAUTER introduced the resolution. SENATOR LEE asked if this would include open adoption records. SENATOR KRAUTER answered that this deals with only adoption.

SENATOR LEE: Is there any reciprocity among states? SENATOR KRAUTER: Not any known, but we want to make it compatible. SENATOR ERBELE: Has ND no private adoption laws? SENATOR KRAUTER: I am not familiar with that law.

STACEY PFLIIGER, Right to Life, supports resolution. (Written testimony)

CHRISTOPHER DOBSON, Catholic Family Service, supports resolution. Why do we do things this way. We need to take a look at the whole piece.

The hearing was closed on SCR 4014.

Discussion resumed on Tape 3, Side A, Meter 4.8

**Page 2**

**Senate Human Services Committee**

**Bill/Resolution Number SCR 4014**

**Hearing Date February 13, 2001**

**SENATOR MATHERN suggested an amendment - supports the needs of all persons involved and that it - on line 11 after the word process. SENATOR MATHERN moved the amendment. SENATOR ERBELE seconded it. Discussion. Voice vote carried. SENATOR ERBELE moved a DO PASS AS AMENDED. SENATOR MATHERN seconded the motion. Roll call vote carried 6-0 SENATOR ERBELE will carry the bill.**

Date: Feb 13, 2001

4014

## Committee



**Leg**

### Action Taken

**Motion Made By**[illegible]**Total**

**Absent**

## Floor Assignment

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

**REPORT OF STANDING COMMITTEE (410)**  
**February 14, 2001 11:43 a.m.**

**Module No: SR-27-3305**  
**Carrier: Erbele**  
**Insert LC: 13056.0101 Title: .0200**

**REPORT OF STANDING COMMITTEE**

**SCR 4014: Human Services Committee (Sen. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4014 was placed on the Sixth order on the calendar.**

Page 1, line 11, after "process" insert "supports the needs of all individuals involved and that the process" and replace the period with a semicolon

Renumber accordingly

2001 HOUSE HUMAN SERVICES

SCR 4014

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4014

House Human Services Committee

☐ Conference Committee

Hearing Date March 21, 2001

Tape Number	Side A	Side B	Meter #
1	x		1 to 1760
1		x	4839 to 4990
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Price: I will call the committee to order and the clerk will take the roll. I will open the hearing on SCR 4014.

Rep. Boucher - District 9: I come to you today in support of a resolution to study the adoption laws of ND. (See written testimony).

Nancy Mathena - Lobbyist for the ND Right to Life Association: I am here today in support of Senate Concurrent Resolution 4014. (See written testimony).

Christopher Dodson - Director ND Catholic Conference: We also support this resolution. I get a lot of calls about why the law is this way. Besides workers comp legislators get more calls on adoptions than anything. Why can't it be easier. It is difficult getting answers for these. Adoption is complicated, if you touch one thing you might affect another. So we think a study would be good to figure these things out. We support this resolution.



Julie Hoffman - Administrator of Adoption Services for the ND Dept. Of Human Services: I am here to present testimony in favor of this resolution. (See written testimony).

Rep. Niemeier: I see there was an addition on the engrossed bill on line 11, "support the needs of all individuals involved" could you expand a bit more on that language?

Hoffman: I think in regards to adoption statutes there is a difficult wait between the rights of differing individuals. All which may have a very different perspective about changes in the statute. So when changing statute you really need to balance the responsibilities of all the parties.

Rep. Niemeier - District 20: I have always been interested in adoption procedures. It seems that this study is a good way to go. I wasn't aware that my son and his family were considering another adoption when I signed on to this bill. Since then they have and they are involved in the process right now. 3 years ago, my son acquired legal guardianship of a little girl from the Marshall Islands and she is now 12 years old and an important part of our family. This time they are going to do a legal adoption and they are looking at either another girl from the Marshall Islands or Eastern Europe. They have started the process already. I don't know what the problems or implications are on overseas adoptions but if this study can help families make that path more smooth, it would be very worthwhile. I do endorse this study and hope it goes forth.

Rep. Sandvig - District 21: I am here in support of this resolution. I heard from people, different adoption agencies and lawyers who worked with adoption that they are sometimes running into problems with groups that advertise in the paper. That they will find an adoptive child for a family and sometimes when a family comes to get this child maybe the mother had decided to keep it and they have put out a lot of money up front and they either don't get the child or they she decides to keep it. I don't know if this can be handled currently with our judicial system, but I am hoping this study can look into that too.

Page 3

House Human Services Committee

Bill/Resolution Number SCR 4014

Hearing Date March 21, 2001

Chairman Price: Anyone else to testify in favor? Any opposition? I will close the hearing on SCR 4014.

#### **COMMITTEE WORK**

Chairman Price: Okay we have SCR 4014 before us.

Rep. Weiler: I move a do pass.

Rep. Pollert: I second.

Chairman Price: Discussion? All those in favor signify by saying Aye. Opposed? Motion carried.

#### **MOTION FOR DO PASS**

#### **UNANIMOUS VOICE VOTE**

#### **CONSENT CALENDAR**

Date: 3-21-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4014

House Human Services Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS & placed on Consent Calendar

Motion Made By Rep. Weiler Seconded By Rep. Pollert

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 Weiler	✓				
Robin Weisz	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Weiler

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

**REPORT OF STANDING COMMITTEE (410)**  
**March 21, 2001 1:00 p.m.**

**Module No: HR-49-6274**  
**Carrier: Weller**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SCR 4014, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4014 was placed on the Tenth order on the calendar.**

2001 TESTIMONY

SCR 4014



*North Dakota Right to Life Association*

**Testimony before the SENATE HUMAN SERVICES COMMITTEE**

**Regarding SENATE CONCURRENT RESOLUTION 4014**

**February 13, 2001 11:00 a.m.**

Chairman Lee, members of the committee, I am Stacey Pfliger, Executive Director of the North Dakota Right to Life Association. I am here today in support of Senate Concurrent Resolution 4014 directing the Legislative Council to study the adoption laws of this state and other states.

A number of concerns have been expressed to the North Dakota Right to Life Association concerning adoptions in our state. Some concerns have been expressed by adopting parents, some by birth parents, and others by legislators. I would like to share with you a few of those concerns:

A family from North Dakota adopted a child from Minnesota. The adoptive mother was required to stay in Minnesota for 40 days while her husband and two other children were in North Dakota. The birth mother had selected this family to adopt her child and had hoped to complete the adoption quietly-her family was unaware of her situation. The young woman was a victim of sexual assault on a date and was traumatized and embarrassed. Minnesota was willing to waive the 30-day waiting period for the mother to sign away her parental rights. However, North Dakota would not accept the birth mother's signature without a termination of parental rights as defined by North Dakota law (Minnesota requires notification of the birth in the newspaper for 30

days before rights could be terminated to satisfy North Dakota's requirement). This young woman's attempt to do the right thing in a difficult situation resulted in traumatic circumstances for her.

Another situation deals with a Texas adoption. The parents and newborn were allowed to travel anywhere in the United States after they were united-except North Dakota. North Dakota would not allow them to return home for three days.

Yet another situation from a birth mother: This young woman became pregnant in North Dakota and left the state because she said it was easier to give up the child under the laws of Minnesota than it would be in North Dakota.

Repeatedly, I have been told of families who were unable to go immediately home with their newly adopted child. I am uncertain if this is occurring predominately when adopting a child in another state or if the same is true for overseas adoptions.

As you can see a study of our laws as well as the laws and interstate compacts of other states is needed to promote a better experience and transition for all parties involved in the adoption process.

I urge this committee to give SCR 4014 a **do pass** recommendation.

**Senate Human Services Committee**  
**Information on Senate Concurrent Resolution 4014**  
**February 13, 2001**

Chairman Lee and members of the Senate Human Services Committee; my name is Julie Hoffman, Administrator of Adoption Services for the ND Department of Human Services. I am sorry that I could not attend today's hearing. I am hereby presenting testimony in favor of SCR 4014.

Adoption practice is changing across the country and has been the focus of recent federal legislation and national interest. Adoption practice as a whole is reflecting a greater openness in relationships between birth and adoptive families. A few tragic cases that have been brought to the attention of the general public have raised concerns about the process of termination/ relinquishment of birth parent rights. The rise of the use of the Internet and other methods of advertisement has connected birth and adoptive families across state lines in increasing numbers. A new concern regarding the "adoption facilitator", a person or agency whose function is to make connections between birth and prospective adoptive families without providing actual adoption services, has been at the focus of a recent case involving the placement of twin girls into another country. Putative father registries, reunion registries, and confidential intermediaries in adoption search are becoming more widely adopted by states across our country. Adopted adults in some states have sought statutory changes to open previously sealed adoption records. This, of course, is an issue on which there are a number of differing perspectives. These and other issues are impacting adoption practice in North Dakota and in other states.

Although adoption practice is changing, the statutes governing adoption in North Dakota have been relatively unchanged in recent years. Aside from changes in the last legislative session related to criminal background checks for prospective adoptive parents (consistent with the requirements of the Adoption



and Safe Families Act), there have been few changes to the adoption statutes in the last number of years. Changing laws in other states and the frequency of adoptive placements across state lines have caused the Department's role in the Interstate Compact on the Placement of Children (ICPC) more challenging. Through the ICPC, a uniform law across all states, we seek to monitor the adoptive placements of children across state lines so that the requirements of both states laws can be met and permanency assured for the child. However, because adoption law and practice differs greatly from state to state, this often becomes difficult and families become frustrated.

In light of the above concerns, the Department would support a Legislative Council study of adoption laws in this state and in other states.

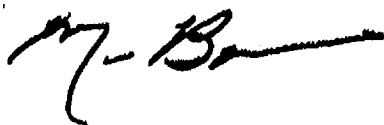
**TESTIMONY IN SUPPORT OF SCR4014**  
**House Human Services Committee**  
**Representative Clara Sue Price, Chairman**

Chairman Price, and members of the Human Services Committee, my name is Merle Boucher Representative from District 9. I come to you today in support of a resolution to study the adoption laws of North Dakota.

In Fiscal Year 1999, there were 346 children adopted in North Dakota. Adoption is an important option for a variety of family situations. It is critical that the laws governing the process protect the interests of all parties. Those wishing to adopt should not have to face procedures that is unduly cumbersome or expensive that may discourage them. At the same time, children who will be adopted, or those putting their children up for adoption, must also have the assurance of a loving and caring home.

Adoption helps create families and protects lives. It should be a positive experience for all those involved. It is my hope that this resolution will help to identify changes necessary in current law to ensure positive adoptions can be a reality for parents and children across the state.

Respectfully Submitted,



Merle Boucher



*North Dakota Right to Life Association*

**Testimony before the HOUSE HUMAN SERVICES COMMITTEE**

**Regarding SENATE CONCURRENT RESOLUTION 4014**

**March 21, 2001 8:30 a.m.**

Chairman Price, members of the committee, I am Nancy Mathena, lobbyist, for the North Dakota Right to Life Association. I am here today in support of Senate Concurrent Resolution 4014 directing the Legislative Council to study the adoption laws of this state and other states.

A number of concerns have been expressed to the North Dakota Right to Life Association concerning adoptions in our state. Some concerns have been expressed by adopting parents, some by birth parents, and others by legislators. I would like to share with you a few of those concerns:

A family from North Dakota adopted a child from Minnesota. The adoptive mother was required to stay in Minnesota for 40 days while her husband and two other children were in North Dakota. The birth mother had selected this family to adopt her child and had hoped to complete the adoption quietly-her family was unaware of her situation. The young woman was a victim of sexual assault on a date and was traumatized and embarrassed. Minnesota was willing to waive the 30-day waiting period for the mother to sign away her parental rights. However, North Dakota would not accept the birth mother's signature without a termination of parental rights as defined by North Dakota law (Minnesota requires notification of the birth in the newspaper for 30

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As you can see a study of our laws as well as the laws and interstate compacts of other states is needed to promote a better experience and transition for all parties involved in the adoption process.

I urge this committee to give SCR 4014 a do pass recommendation.

**House Human Services Committee**

**Senate Concurrent Resolution 4014**

**March 21, 2001**

**Chairman Price and members of the House Human Services Committee; my name is Julie Hoffman, Administrator of Adoption Services for the ND Department of Human Services. I am here today to present testimony in favor of SCR 4014.**

**Adoption practice is changing across the country and has been the focus of recent federal legislation and national interest. Adoption practice as a whole is reflecting a greater openness in relationships between birth and adoptive families. A few tragic cases that have been brought to the attention of the general public have raised concerns about the process of termination/ relinquishment of birth parent rights. The rise of the use of the Internet and other methods of advertisement has connected birth and adoptive families across state lines in increasing numbers. A new concern regarding the "adoption facilitator", a person or agency whose function is to make connections between birth and prospective adoptive families without providing actual adoption services, has been at the focus of a recent case involving the placement of twin girls into another country. Putative father registries, reunion registries, and confidential intermediaries in adoption search are becoming more widely adopted by states across our country. Adopted adults in some states have sought statutory changes to open previously sealed adoption records. This, of course, is an issue on which there are a number of differing perspectives. These and other issues are impacting adoption practice in North Dakota and in other states.**

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