

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1037

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Yolanda Rickford

Date

10/2/03

2003 HOUSE HUMAN SERVICES

HB 1037

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Valista Rickford

Date

10/2/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037
House Human Services Committee

☐ Conference Committee

Hearing Date January 14, 2003

Tape Number	Side A	Side B	Meter #
1	x		26.6 - 57.9
1		x	0.0 - 34.8
2	x		30.2 - 57.5
2		x	0.0 - 7.4
Committee Clerk Signature <i>Sharon Langston</i>			

Jennifer Clark of Legislative Council appeared neutral and to hand out a copy of an appeal. She also went through what was house keeping changes and additions or changes in the bill.

Delores Friedt, Coordinator of Services to Birth and Adoptive Families for ND Dept. of Human Services appeared for Julie Hoffman, Administrator of Adoption Services in support with written testimony.

The committee asked for an explanation of Section 13 in regard to a relative.

Answer: Depends on how closely related and waived by the court if child lived within home for 9 months. Would need to petition the court, etc., otherwise, need to go through adoption agency.

Further discussion on Identified Adoption Law, Expense of Adoption Service, if there was uniformity, why the Dept. is getting into price fixing for adoption services and the word excessive not being defined anywhere. Concerns if the records were anywhere protected in closed records or are they open to the public.

Page 2

House Human Services Committee

Bill/Resolution Number HB 1037

Hearing Date January 14, 2003

Leanne Johnson of Lutheran Social Services of North Dakota and serves as the A.A.S.K.

Adoption Director appeared in support with written testimony.

The committee had questions on accreditation, facilitator agencies, the difference of facilitator or agencies and services provided by each. If a birth parent gets reimbursed for being on the list or if anyone uses a facilitator agency, does this in any way preclude them from utilizing some of the services of the adoption agency, and how long before a new agency becomes credible or in good standing. Foreign Born Adoptions and Special Needs Children.

The committee asked that Krista Andrews come back and possibly Linda Hoffman, when available to get the accurate answers and right information.

No opposition appeared.

Julie Hoffman, Adm. of Adoption Services for the Dept. appeared to explain and answer questions from the committee.

Discussion on term of license from 1 yr to 2 yrs and why, modified licensure and going with 4 yrs. The language is a problem with the Dept. saying what is and what isn't excessive and not saying or telling us what that would be based on in the process. Price fixing, financial records and nothing in the bill that keeps it from being a public record.

Adoption Agencies charge a typical fee for an infant adoption in North Dakota ranges from 8 to \$11,000.00 for all the services. The Dept. does not regulate those fees now.

Committee had concerns with being able to see a list of those services, if they were overcharging and if charging at cost, then why would we need to regulate it? If the dept. is receiving calls now about overcharging, how would this legislation slow down those calls or how would this stop

Page 3

House Human Services Committee

Bill/Resolution Number HB 1037

Hearing Date January 14, 2003

someone from going to another state to adopt? What other states have put this type in language in their adoptive laws? (patterned after MN statute)

Judy Hoffmann believes the intent of this bill is that anyone of these things, if you advertise in a public median, that you knew of a child that was available for adoption and were not licensed in this state, that you would be guilty of this infraction or if you advertised in a public median that you were willing to accept a child for the placement for adoption and were not licensed in this state, you would be violating this section and likewise for the 3rd.

Krista Andrews appeared and offered to look at rewording for clarification and possibly offer an amendment. Possibly breaking down to three separate sections.

Rep. Price had concerns with Section 6 on placement contact, in adding an adoptive home, there is no time limit. Julie stated that contact ends when adoption is final.

LeAnne Johnson from Adoption Option & Linda Jaeger of Catholic Family Services offered themselves available to the committee if needed as Rep. Devlin questioned the costs and fees.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

House Human Services Committee

☐ Conference Committee

Hearing Date January 27, 2003

Tape Number	Side A	Side B	Meter #
1	x		10.5 - 38.3
Committee Clerk Signature <i>Sharon Rengrow</i>			

Minutes: Committee Work

Rep. Porter has trouble with the facilitate part in what the Dept. is trying to do regarding D (3) in reference to knowing of someone who has a baby to put up for adoption and I tell someone else, then is he guilty of a Class B felony?

Answer: If you advertise. They need to advertise in order to be guilty.

Rep. Porter noted that this is almost unenforceable, it would just stop from advertising in the yellow pages, but would be able to advertise on the Internet, etc. I would rather see them try to accommodate to fit that need in the adoption than try to force them to be out with something that's basically unenforceable.

Concerns of the committee in charging excessive fees and that the committee could probably change D to say if charging a fee. Also doubts of the State going after anyone from the facilitators point. Possible amending of Section 1, adding in the definition, facilitator and what

Page 2
House Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date January 27, 2003

it is; Section 2, If they want to do business in ND, then they should be licensed. Section 9 and excessive fees, lines 9 & 10.

Rep. Porter stated that now there is 4 licensed agencies that provide these services, they are all nonprofit agencies and they all answer to a board of directors. Doesn't feel they need to answer to the Dept. of Human Services at the same time. The Dept. should be able to say "here's the four agencies licensed within the State, here's their phone numbers and call them directly to find out what they are charging". Its not the job of the Dept. to be in the fee business.

Rep. Kreidt stated that the State has no business in regulating fees and motioned to take out all the new language, second by Rep. Porter.

Discussion.

Vote: 11-2-0 (Sandvig & Devlin opposed)

Rep. Porter, Weisz and Niemeier to work on language.

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

House Human Services Committee

☐ Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
2		x	57.5 - 61.5
3	x		0.0 - 4.8
Committee Clerk Signature <i>Sharon Rysgraw</i>			

Minutes: Committee Work

Rep. Porter gave some background on what other states were doing.

Rep. Weisz: Court stating they couldn't limit the fees. Doesn't like Section 9 regarding fees.

Also suggested having them register, so if a complaint we could find them.

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. HB 1037

House Human Services Committee

☐ Conference Committee

Hearing Date January 29, 2003

Tape Number	Side A	Side B	Meter #
2	x		22.5 - 59.
Committee Clerk Signature <i>Sharon Renshaw</i>			

Minutes: Committee work.

Rep. Weisz handed out 4 sets of amendments

Rep. Porter moved the amendment .0202 which removes all new language, second by Rep. Weisz.

Rep. Porter feels it is not the Dept.'s job justifying or changing fees.

Rep. Niemeier stated she favors .0203 amendment and feels there is a need to have an oversight on fees because they are in licensing.

Rep. Price stated that if a for-profit comes in, they can charge whatever they want.

Rep. Weisz noted that currently, the Dept. can call each business and see what they charge.

Rep. Devlin has a problem with excessive fees and over charging.

Roll call vote on amendment 8 - 5 - 0

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/2/03
Date

Page 2
House Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date January 29, 2003

Rep. Weisz moved the amendment .0204 which basically eliminate any language concerning facilitator, add the definition of what they are based on what they provide, requires a registration and provide a penalty, second by Rep. Porter.

Roll call vote on amendment 13 - 0 - 0

Rep. Porter made a motion for DO PASS as Amended, second by Rep. Kreidt

VOTE: 11 - 2 - 0 Rep. Weisz to carry the bill.

Yolanda Rickford
Operator's Signature

10/2/03
Date

FISCAL NOTE
Requested by Legislative Council
12/13/2002

Bill/Resolution No.: HB 1037

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Brenda M. Weisz	Agency:	Department of Human Services
Phone Number:	328-2397	Date Prepared:	12/18/2002

30193.0201
Title.

Prepared by the Legislative Council staff for
Representative Porter
January 28, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 5, line 27, replace the underscored semicolon with "or to"

Page 5, line 28, replace "facilitate placement of a child by maintaining a list in any form of birth
parents or" with an underscored period

Page 5, remove lines 29 through 31

Renumber accordingly

Page No. 1

30193.0201

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/2/03
Date

30193.0202
Title.

Prepared by the Legislative Council staff for
Representative Porter
January 28, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 1, line 3, after the first comma insert "and" and remove "and 50-12-09,"

4, ^{line 9 - Fees charged for adoption (delete)}
10

Page 4, remove lines 2 through 12

Renumber accordingly

Page No. 1

30193.0202

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yalosta Rickford
Operator's Signature

10/2/03
Date

30193.0203
Title.

Prepared by the Legislative Council staff for
Representative Porter
January 28, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 4, line 12, remove "Excessive fees may be grounds for license revocation."

Renumber accordingly

Page No. 1

30193.0203

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Yolanda Rickford

Date

10/2/03

30193.0204
Title.

Prepared by the Legislative Council staff for
Representative Porter
January 28, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 1, line 5, after "agencies" insert "and registration of adoption placement facilitators"

Page 1, line 15, after "2." insert ^{one of the following} "Facilitator services" include maintaining a list or other data base of birth parents or prospective adoptive parents and include advertising that the person providing the services knows of a child who is available for adoption, is willing to accept a child for adoption, or knows of prospective adoptive parents of a child,

3."

Page 1, line 19, after "licensed" insert "- Adoption placement facilitator registration"

Page 1, line 20, after the period insert "The department of human services shall register, on forms prescribed and furnished by the department, adoption placement facilitators that provide or offer to provide facilitator services in this state."

Page 5, line 19, after the first boldfaced period insert "Licensure requirement - Registration requirement -"

Page 5, line 25, after the period insert "A person may not offer or provide adoption placement facilitator services in this state unless that person is a facilitator registered with the department of human services," and after "who" insert "willfully"

Page 5, line 27, replace the underscored semicolon with "or to"

Page 5, line 28, replace ": facilitate placement of a child by maintaining a list in any form of birth parents or" with an underscored period

Page 5, remove lines 29 through 31

Renumber accordingly

30193.0205
Title.0300

Adopted by the House Human Services
Committee

January 28, 2003

VK
1/31/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1037 HS 1-31-03

Page 1, line 3, after the first comma insert "and" and remove "and 50-12-09,"

Page 1, line 5, after "agencies" insert "and registration of adoption placement facilitators"

Page 1, line 15, after "2." insert ""Facilitator services" include:

- a. Maintaining a list or other data base of birth parents or prospective adoptive parents.
- b. Advertising that the person providing the services knows of a child who is available for adoption, is willing to accept a child for adoption, or knows of prospective adoptive parents of a child.

3."

Page 1, line 19, after "licensed" insert "- Adoption placement facilitator registration"

Page 1, line 20, after the period insert "The department of human services shall register, on forms prescribed and furnished by the department, adoption placement facilitators that provide or offer to provide facilitator services in this state."

Page 4, remove lines 3 through 12

Page 5, line 19, after the first boldfaced period insert "Licensure requirement - Registration requirement -"

Page 5, line 25, after "placement" insert ". A person may not offer or provide adoption placement facilitator services in this state unless that person is a facilitator registered with the department of human services" and after "who" insert "willfully"

Page 5, line 27, replace the underscored semicolon with "or to"

Page 5, line 28, replace ": facilitate placement of a child by maintaining a list in any form of birth parents or" with an underscored period

Page 5, remove lines 29 through 31

Renumber accordingly

Page No. 1

30193.0205

Yalosta Rickford
Operator's signature

10/2/03
Date

Date: 1/29
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB ~~1037~~ 1037

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken 0202 Amendment

Motion Made By _____ **Seconded By** _____

[illegible]

Total (Yes) 8 No 5

Absent

Floor Assignment _____

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yalosa Rickford
Operator's Signature

10/2/03
Date

4
Date: 1.29.03
Roll Call Vote #: 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1037

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP as Amended

Motion Made By Porter Seconded By Kreidt

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair	✓		Rep. Sally Sandvig	✓	
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman	✓	
Rep. Robin Weisz	✓		Rep. Carol Niemeier	✓	
Rep. Vonnie Pietsch	✓		Rep. Louise Potter		✓
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓	✓			
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 11 No 2

Absent 0

Floor Assignment Rep Weisz

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

Yolanda Rickford
Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
January 31, 2003 11:45 a.m.

Module No: HR-19-1430
Carrier: Welaz
Insert LC: 30193.0205 Title: .0300

REPORT OF STANDING COMMITTEE

HB 1037: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1037 was placed on the Sixth order on the calendar.

Page 1, line 3, after the first comma Insert "and" and remove "and 50-12-09,"

Page 1, line 5, after "agencies" Insert "and registration of adoption placement facilitators"

Page 1, line 15, after "2." Insert "Facilitator services" Include:

- a. Maintaining a list or other data base of birth parents or prospective adoptive parents.
- b. Advertising that the person providing the services knows of a child who is available for adoption, is willing to accept a child for adoption, or knows of prospective adoptive parents of a child.

3."

Page 1, line 19, after "licensed" Insert "- Adoption placement facilitator registration"

Page 1, line 20, after the period Insert "The department of human services shall register, on forms prescribed and furnished by the department, adoption placement facilitators that provide or offer to provide facilitator services in this state."

Page 4, remove lines 3 through 12

Page 5, line 19, after the first boldfaced period Insert "Licensure requirement - Registration requirement -"

Page 5, line 25, after "placement" Insert ". A person may not offer or provide adoption placement facilitator services in this state unless that person is a facilitator registered with the department of human services" and after "who" Insert "willfully"

Page 5, line 27, replace the underscored semicolon with "or to"

Page 5, line 28, replace "; facilitate placement of a child by maintaining a list in any form of birth parents or" with an underscored period

Page 5, remove lines 29 through 31

Renumber accordingly

2003 SENATE HUMAN SERVICES

HB 1037

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Yolanda Rickford

Date

10/2/03

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
1	X		67 - end
		X	0 - 1355
2	X		2711 - end
2		X	0 - 2400
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR JUDY LEE opened the Public Hearing for Engrossed HB 1037 relating to child-placing agency licensure appeals.

Roll call was read. All members present.

JENNIFER CLARK, with the Legislative Council and was Committee Counselor during the interim on the Interim Family Law Committee - the committee from which this bill comes. She stated her testimony is neither in support nor in opposition. This bill is an engrossed house bill, it is in a different form than when it left the interim committee. All the sections in the bill are in the child placing agency chapter of law. All of these sections pertain to child placing agencies. There are three main provisions. One is verification and providing consistent treatment between foster care services and adoption services. The second major change is it changes the one-year child placing agency licensure to up to two years. The third major provision, and this is the one

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/2/03
Date

Page 2

Senate Human Services Committee

Bill/Resolution Number HB 1037

Hearing Date February 26, 2003

that is the most changed from how the bill was introduced, relates to persons who provide adoption facilitation services in our state. The changes were then read and definitions explained..

(Meter # 67 - 760)

KRISTA ANDREWS, Attorney for the Legal Services Division for the ND Department of Human Services, testified in behalf of Julie Hoffman, Administrator of Adoption Services for the Department. The Department supports the passage of Engrossed House Bill 1037 related to licensure of child placing agencies, with the exception of the amendment of the House related to "facilitator services". Support a "do pass." Went through some of the changes. (Written testimony) (Meter # 838 - 1430)

SENATOR LEE: Referred to Section 12 and registering for purposes of coming in for guardianship, how do people know that they're supposed to do that? Some coming in from out-of-state, how do they know they are supposed to register?

KRISTA ANDREWS: Someone else would have to answer that.

SENATOR BROWN: Where did this facilitator amendment come from?

KRISTA ANDREWS: It came from the House of Human Services. They added the amendment.

(Meter # 1502 - 1556)

SUSAN GRUNDYSEN, Social Worker employed by The Village Family Service Center, testified. She stated HB 1037, in its current form is proposing positive changes, except for one. The House Human Services Committee has made changes to this bill relating to defining the services of a "Facilitator". Facilitating services are defined separate from licenses child placing agencies, both of which are to be overseen by the ND Department of Human Services. Yet, this bill does not allow the DHS to regulate facilitating services, no does it prescribe any standards of

Page 3
Senate Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date February 26, 2003

practice for facilitators. Encourage removing the establishment and definition of "Facilitators" within the state of ND. (Written testimony) (Meter #1611 - 1942)

SENATOR LEE: If a local physical knows of a pregnant woman who is interested in placing her child for adoption ... are they able to place the child for adoption? Have an attorney do the work?

SUSAN GRUNDYSEN: They do and can make those connections. We are troubled with that because we believe that there could be conflict of interest. In this engrossment, they can become a facilitator. Continued discussion about screening, difficulties in adoption, and agencies honoring informal agreements. (Meter # 1942 - 2246)

SENATOR BROWN: On the Village's Board and asked for explanation of Village's point of view. Continued discussion on the options of openness, individual's choice, and provide services to all parties in transition. (Meter # 2246 - 2393)

SENATOR BROWN: In the past, it has been difficult for adopted children to find their birth parents which is not the case anymore.

SENATOR LEE: What if the birth parent wanted it to be closed?

SUSAN GRUNDYSEN: Then it is closed.

SENATOR POLOVITZ: Agency - one person? Asked about the facilitator concept. Why is this in the bill. Continued discussion and answers with Ms. Grundysen who said the concern is for the children and children becoming a commodity, also laws in other states. (Meter #2543 - 2858)

SENATOR BROWN: Agencies help through "hoops". Difficult job but the agencies are set up to do it ... they don't need a facilitator. (Meter # 2860 - 2938)

SENATOR LEE: Could you walk us through the process when you got involved early on, you've got several families that are on your list, and you have a birth mother who comes to you

Yolanda Rickford
Operator's Signature

10/2/03
Date

Page 4

Senate Human Services Committee

Bill/Resolution Number HB 1037

Hearing Date February 26, 2003

for services. SUSAN GRUNDYSEN explained process and answered questions regarding time frames. State must consent to final adoption. (Meter #2938 - 3535)

SENATOR POLOVITZ: Are there children to be adopted?

SUSAN GRUNDYSEN: Very few. Continued discussion regarding steps need to be done through, how many on waiting list, and how many children have been placed. (Meter # 3537 - 4130)

LINDA JAEGER, Supervisor for Child Welfare Supervisor for Catholic Family Service, testified to support the HB 1037 relating to licensure of child-placing agencies, with the exception of the section referring to "facilitators". (Written testimony) (Meter # 4260 - 4670)

SENATOR BROWN: Asked about facilitator charging fees to both families ... you're talking about the adoptive and the birth parents?

LINDA JAEGER: Responded both adoptive families were charged fees just for the match. ... When we were on the Interim Family Law Committee, all of the licensing child placing agencies have grave concerns about the facilitators, that we each had experience with them. Then nationally, we had connections ... across the nation, we have talked about different difficulties that we've had. We introduced the bill as a protective device to not allow facilitators within the state because we were seeing the ramifications that were placing place. (Meter # 4260- 4880)

CHRIS DODSON, Director from ND Catholic Conference, spoke stating the original bill had the only reference to facilitator in the penalty section. Discussion with SENATOR LEE regarding the language in the bill. (Meter # 4885 - 5064)

SENATOR LEE: Questioned as how many children CFS placed? and type of adoptions?

Discussion with LINDA JAEGER regarding the potential parents, closed and open adoptions,

Page 5
Senate Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date February 26, 2003

practices followed, examples of adoption, and difficult situations working with facilitators.

(Meter # 5065 - 5667)

SENATOR BROWN: Is the adoption option viable right now? The coordination of the different agencies?

LINDA JAEGER: Close working relationships. (Meter # 5732 - 5782)

SENATOR LEE: Gave examples of counseling. Continued discussion with Linda and Chris regarding agencies who do provide counseling. (Meter # 5818 - 6110)

MARY JO SINNER, Adoptive Parent, testified in a neutral position. There is some language we would like clarified. She mentioned the "hoops" were very difficult. They had adopted a child from China ... adoptions in China are final in the state. "Until the adoption is final" clarified and other lines and sentences were referred to that needed amending. (Tape 1, Side A, Meter # 6135 - end and Side B, 0 - 221)

SENATOR LEE: Asked about the "hoops"? What changes possible?

MARY JO SINNER: She mentioned time frames vary ... discrimination on background checks ... a lot of paperwork. (Meter # 242 - 411)

DAVE FLOHR, Adoptive Parent, testified. He mentioned temporary and permanent adoption, clarification point of stopping, and about adoption agencies doing a valuable service. (Meter # 436 - 605)

JULIE HOFFMAN, from the Department of Human Services, testified and answered questions. She mentioned that after time of final adoption, the department has no authority. Discussion with committee regarding the term "adoptive", "until the adoption is final", the amount of time it

Page 6
Senate Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date February 26, 2003

takes for an the process, about the "facilitator" line originally and how the amendment did something different. (Meter # 615 - 1117)

LEANNE JOHNSON, from Lutheran Social Services, testified. She stated she "echoed" Ms. Hoffman's testimony and fully agreed with the addition of clarifying using all criminal information available ... agree with the changes proposed. (Meter #1125 - 1325)

SENATOR LEE closed the public hearing at this time. (Meter # 1355)

SENATOR JUDY LEE opened the committee meeting in the afternoon on this date on HB 1037 regarding licensure of child placing agencies. (Tape 2, Side A, Meter # 2711)

SENATOR LEE stated she had spoken to REPRESENTATIVE DEVLIN and asked about the "facilitator" part of HB 1037. He had asked Representatives Weisz and Porter, who had been the ringleaders on the House side to come over and talk. Their thinking was that if you don't have the list of somebody who is doing this work, they don't think it should be illegal to do it. This is their thought. But, if you have a list and there are people who are not doing it appropriately, at least law enforcement has somebody to go after because of the fraud statute ought to cover somebody who is doing it incorrectly. I am not saying that I agree or disagree. Just telling you where their approach came from. They thought that the penalty would be the same for a facilitator who didn't perform properly as for a child placement agency who did not perform properly. That was their intent. Continued with example of facilitator in Arizona in contact with birth mother in North Dakota. ... regulations there. Open for discussion. (Meter # 2785 - 2953)
Continued discussion regarding ads on Internet. (Meter # 2954 - 3028)

SENATOR BROWN stated concern about person making money being facilitator.

Page 7

Senate Human Services Committee

Bill/Resolution Number HB 1037

Hearing Date February 26, 2003

Continued committee discussion regarding people using list of names, vulnerable people, other states where it is legal to sell children, and attorney's involvement. (Meter # 3030 - 3285)

SENATOR FAIRFIELD: Intent of the House was then if the facilitator was registered, then they would be regulated.

SENATOR LEE: Right, their intent was that it was in the penalty section originally. So, by changing it, I think there was some unintended consequence there. There is no regulation. What the House Committee thought they had done was that it was still legal to do that kind of connecting, but they wanted them to be registered so that there would be a list. So that if somebody had not been served properly and had been charged improperly, that law enforcement could find those people. ... Currently, no regulations. ... Continued discussion, making amendments and changes regarding terminology and regulating fees, working with the original and the engrossed bill. (Tape 2, Side A, Meter #3281 - end and Side B, 0 - 450)

INTERN TALISA NEMEC noted that the bill did indicate criminal penalty. Further discussion with the committee regarding the proposed amendments and changes. It was noted that JULIE HOFFMAN from the Department of Human Services was to do an amendment. Ta Lisa will draft full amendment changes for the committee. (Meter # 451 - 2390)

SENATOR LEE adjourned the meeting. (Meter #2400)

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. EHB 1037

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 5, 2003

Tape Number	Side A	Side B	Meter #
1		B	2569 - 3502
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR JUDY LEE opened committee discussion on EHB 1037 regarding child-placing agency licensure appeals. TaLisa Nemec, Intern, was asked to explain what she had done on the proposed amendments. Continued discussion on the terminology and multi-state compact.

TaLisa to continue to look at language and make necessary changes. (Meter # 2569 - 3502)

TaLisa Rickford
Operator's Signature

10/2/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

Senate Human Services Committee

☐ Conference Committee

Hearing Date March 12, 2003

Tape Number	Side A	Side B	Meter #
3	X		585 - 1096
Committee Clerk Signature <i>Donna Kramer, Clerk</i>			

Minutes:

SENATOR JUDY LEE reopened committee discussion on the amendment language of HB 1037.

Changed the language and put in phrases ... eliminated all the stuff about facilitators ... updated language ... committee thoughts?

SENATOR BROWN made a motion to DO PASS THE AMENDMENT

SENATOR ERBELE seconded the motion.

Roll call was read. 6 yeas 0 nays.

SENATOR BROWN made a motion to DO PASS AS AMENDED.

SENATOR ERBELE seconded the motion.

Roll call was read. 6 yeas. 0 nays.

SENATOR FAIRFIELD to be the carrier. (Meter # 1096)

30193.0301
Title.0400

Adopted by the Human Services Committee
March 12, 2003

3-14-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1037

Page 1, remove lines 16 thru Jgh 21

Page 1, line 22, replace "3." with "2."

Page 1, line 23, replace "temporary" with "foster", replace "permanent" with "adoptive", and after "care" insert "until an adoption is finalized"

Page 2, line 3, remove "- Adoption placement facilitator"

Page 2, line 4, remove "registration"

Page 2, line 5, remove "The department of human services shall register, on forms prescribed and"

Page 2, remove lines 6 and 7

Page 5, line 23, after "child's" insert "parent, stepparent," after the first comma insert "adult brother or sister, adult", overstrike the second comma, and after "aunt" insert "or guardian"

Page 5, line 25, remove "A"

Page 5, remove line 26

Page 5, line 27, remove "person is a facilitator registered with the department of human services"

Page 5, line 29, replace "or to" with an underscored semicolon

Page 5, line 30, after "placement" insert "; facilitate placement of a child by maintaining a list in any form of birth parents or prospective adoptive parents; or advertise in any public medium that the person knows of a child who is available for adoption or is willing to accept a child for adoption or that the person knows of prospective adoptive parents of a child"

Renumber accordingly

Page No. 1

30193.0301

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Date

Date: 03-12-03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1037

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Amendments Accepted

Motion Made By Sen. Brown Seconded By Sen. Erbele

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes) 6 No 0

Absent

Floor Assignment

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

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

10/2/03
Date

Date: 03-12-03
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1037

Senate Human Services

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 39193.0301

Action Taken

Do Pass as amended

Motion Made By

Sen. Brown

Seconded By

Sen. Erbele

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee - Chairman	✓				
Senator Richard Brown - V. Chair.	✓				
Senator Robert S. Erbele	✓				
Senator Tom Fischer	✓				
Senator April Fairfield	✓				
Senator Michael Polovitz	✓				

Total (Yes)

6

No

0

Absent

Floor Assignment

Sen. Fairfield

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

Operator's Signature

10/2/03
Date

REPORT OF STANDING COMMITTEE (410)
March 14, 2003 9:39 a.m.

Module No: SR-46-4768
Carrier: Fairfield
Insert LC: 30193.0301 Title: .0400

REPORT OF STANDING COMMITTEE

HB 1037, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1037 was placed on the Sixth order on the calendar.

Page 1, remove lines 16 through 21

Page 1, line 22, replace "3." with "2."

Page 1, line 23, replace "temporary" with "foster", replace "permanent" with "adoptive", and after "care" insert "until an adoption is finalized"

Page 2, line 3, remove "- Adoption placement facilitator"

Page 2, line 4, remove "registration"

Page 2, line 5, remove "The department of human services shall register. on forms prescribed and"

Page 2, remove lines 6 and 7

Page 5, line 23, after "child's" insert "parent, stepparent.", after the first comma insert "adult brother or sister, adult", overstrike the second comma, and after "aunt" insert "or guardian"

Page 5, line 25, remove ". A"

Page 5, remove line 26

Page 5, line 27, remove "person is a facilitator registered with the department of human services"

Page 5, line 29, replace "or to" with an underscored semicolon

Page 5, line 30, after "placement" insert "facilitate placement of a child by maintaining a list in any form of birth parents or prospective adoptive parents; or advertise in any public medium that the person knows of a child who is available for adoption or is willing to accept a child for adoption or that the person knows of prospective adoptive parents of a child"

Renumber accordingly

2003 HOUSE HUMAN SERVICES

CONFERENCE COMMITTEE

HB 1037

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Yolanda Rickford

Date

10/2/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1037

House Human Services Committee

☒ Conference Committee

Hearing Date 3-31-03

Tape Number	Side A	Side B	Meter #
1	x		43.0-end
1		x	0-31.3
Committee Clerk Signature <i>Sharon Legrau</i>			

Minutes: Chairman Porter: called the conference committee to order on HB 1037.

Representative Porter, Representative Potter, Representative Pietsch, Senator Lee, Senator Fairfield, Senator Brown were present.

Representative Porter: the Senate amended 1037 in regards to what we had done on the House side with the facilitators and section one and two.

Senator Lee: we did a very small one on page 3 it says until the adoption is finalized in section 6 and the reason for that was, even though that's the way it is, they don't bother people after the adoption is finalized. That is on page 3 line 6 and on lines 22 and 25 at the end of the sentence. Page 1 line 23 and carry through all of the discussion. And the only other change is on page 5 line 23, the number of relatives that could be considered in a family adoption, so that it matches the model legislation which North Dakota is part of the compact on.

Senator Fairfield: there is a question that I raised on having parent twice in the sentence.

Senator Lee: maybe we can get a little help on our verbiage so that it is clear.

Page 2

House Human Services Committee

Bill/Resolution Number HB 1037

Hearing Date 3-31-03

Representative Porter: when we heard this bill originally, it had "being a facilitator against the law and it also had a felony charge placed on it. We had problems with that because there are legitimate facilitator agencies operating in a lot of other states, I think the department came in and said that facilitators were operating in 23 other states or they were banned it was one or the other. It seemed to us that facilitator did serve a niche in doing adoptions and by saying that they could no longer operate as a facilitator, the only thing that we saw was if they want to be a facilitator, so there was a way to go back after them if they take some ones money and not provide the service, was to make them register through the state. Facilitating shouldn't be against the law but regulated.

Senator Lee: the issue is in North Dakota any adoption has to include agencies and in addition with that there is significant cost with the agencies to process the adoption, and we are really looking at vulnerable families terribly anxious to have the connection made for a baby, and it is a difficult thing.

Representative Porter: was there ever anything brought up on the way the language is in the bill about the felony charge applied to it how would that stop someone from using a facilitator and stop someone from potentially being milked out of their money, regards to people doing anything to get a child just crossing state lines going to Minnesota, how can North Dakota enforce something that is unenforceable.

Senator Lee: people would really take that risk if they are going on the Internet, the same that they do when they are trying to find a decent real-estate agent.

Senator Brown: it is just another level of bureaucracy to adoptive parents.

Page 3
House Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date 3-31-03

Representative Porter: you can say that being a facilitator is a class c felony in the state, but what is going to stop someone from going out of state. At least you would recognize the fact that they exist so when people would go to use them , that they understand what they are and what else needs to be done by using them, then it is a free choice and they want to pay the \$10,000.00 and use the facilitator and understand that they might still have to pay another \$10,000.00 to use and adoption agency by saying that you can't have them in N.D. then you have 43 other places that parents can go to use them and one of them being the Internet which you can't control anyway.

Senator Fairfield: I don't think in the Senate Amendments, we are saying you can't have facilitation services, what we are saying is facilitation services now come under the definition of child placing agency. What the House amendments did was sanction an activity without any regulation.

Senator Lee: if you look at the last amendment that the Senate did on page 5 line 30, that last phrase, that is exactly what Senator Fairfield is mentioning, talking about placement.

I think they would still be liable.

Representative Porter: did you have an actual victim come into committee to testify?

Senator Lee: we didn't have a victim, but we had people from all these agencies talk about families that they had ended up working with that had started with facilitators and then were told that they had to have an agency involved and they were not all happy stories, I think the highest price was \$14,000.00 that someone had paid, and one case it is still being resolved.

Senator Fairfield: were there people in the House Committee that came in and testified in favor of facilitation services because we in the Senate had no one testifying in favor of.

Yolanda Rickford
Operator's Signature

10/2/03
Date

Page 4

House Human Services Committee

Bill/Resolution Number HB 1037

Hearing Date 3-31-03

Representative Porter: I don't think it was a matter of someone testifying in favor of them, I think it was a matter of the agency coming in and testifying against this boogie man that didn't exist and not be able to back it up with any real life stories or complaints.

Senator Lee: perhaps it was an effort on the House to recognize it as a free enterprise issue which ties what you are saying together. The problem we had with the House part, was separating out into a separate group, the facilitators were just going to have them just sign up, and we don't have any policies to how to deal with them if they violate. Our concern is to address the function they were doing but not separate out.

Representative Porter: Minnesota does have a facilitator, this version of the law on 1037, when first introduced to the house committee was in a form very similar to Minnesota's law.

Senator Lee: we have very serious concerns with someone becoming a baby broker, concerns with someone being bulked out of a lot of money or taken advantage of, that was our concern, for the people involved, and if we could have some oversight of the facilitator.

Representative Potter: make it as tight as we can to protect the public.

Senator Brown: there are licensed agencies in this business, licensed by the Department of Human Services, in this business, they say the people that are in the facilitation business are taking advantage of people, so that is why we amended that out.

Representative Porter: I think a lot of what happened during the discussion on this particular bill, it was major changes to our current child placing definitions, there were people that thought the Department was building a pretty big fence around North Dakota.

Page 5
House Human Services Committee
Bill/Resolution Number HB 1037
Hearing Date 3-31-03

Senator Lee: we didn't get any effort to build census by the department, as a result of testimony that came into our committee was significantly different from the House because it was being addressed in a different way, we had a lot of really good discussion on it.

Representative Potter: I MOVE that we ACCEDE to the SENATE AMENDMENTS on HB 1037.

Senator Lee: I SECOND the motion.

VOTE: 6-YES 0-NO 0-ABSENT.

Representative Potter: will carry the bill to the floor.

Meeting adjourned.

Yolanda Rickford
Operator's Signature

10/2/03
Date

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

(Bill Number) HB 1037 (, as (re)engrossed):

Your Conference Committee for HOUSE HUMAN SERVICES

For the House:

For the Senate:

Rep. Porter yes

Senator J. Lee yes

Rep. Pietsch yes

Senator R. Brown yes

Rep. Potter yes

Senator Fairfield yes

☒ recommends that the (SENATE/HOUSE) (ACCEDE/RECEDE) (to) (RECEDE FROM)

the (Senate/House) amendments on (SJ/HJ) page(s) 291 --

☒ and place HB 1037 on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

____ having been unable to agree, recommends that the committee be discharged and a
new committee be appointed.

((Re)Engrossed) HB 1037 was placed on the Seventh order of business on the calendar.

DATE: 3 / 31 / 03

CARRIER: Rep. Porter

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1 & 2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE (420)
April 10, 2003 12:22 p.m.

Module No: HR-65-7326

Insert LC: .

REPORT OF CONFERENCE COMMITTEE

HB 1037, as engrossed: Your conference committee (Sens. J. Lee, Brown, Fairfield and Reps. Porter, Pietsch, Potter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 985 and place HB 1037 on the Seventh order.

Engrossed HB 1037 was placed on the Seventh order of business on the calendar.

(2) DESK, (2) COMM

Page No. 1

HR-65-7326

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Yalosta Rickford

Date

10/2/03

2003 TESTIMONY

HB 1037

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Valista Rickford

Date

10/2/03

House Human Services Committee

House Bill Number 1037

January 14, 2003

Chairman Price and members of the House Human Services Committee, my name is Delores Friedt, Coordinator of Services to Birth and Adoptive Families for the ND Department of Human Services. I am presenting testimony regarding House Bill 1037 for Julie Hoffman, Administrator of Adoption Services. Ms. Hoffman was not able to be here today, since there are two other bills regarding adoption law that are being heard at this time in the House Judiciary Committee. The Department supports the passage of House Bill 1037 related to licensure of child placing agencies.

To assist the Family Law Interim Committee in its study of adoption law in North Dakota, the Department collaborated with representatives of licensed child placement agencies in an informal work group to review adoption law and practice in our state and propose changes to that law. The result was six prefiled bills that are being heard in committee this week having to do with adoption law. HB 1037 is one of those and deals with the licensure of child placing agencies as found in North Dakota Century Code 50-12.

There are six agencies licensed in North Dakota to provide adoption service. Those agencies are Catholic Family Service, Christian Family Life Service, LDS Family Services, Lutheran Social Services of ND, New Horizon's Foreign Adoption Service, and the Village Family Service Center. This bill would affect these agencies, as well as two agencies licensed to provide foster care under this chapter - Casey Family Programs and P.A.T.H. ND

There are seven primary changes being proposed to NDCC 50-12. You will find a section-by-section detail of those changes attached to my testimony that I can review for you later. Briefly, those changes are:

- 1) Sections 1 and 13 would further define child placement activities. This chapter (in section 50-12-17) allows only agencies licensed under this chapter to place a child in a family home for adoption (with limited exceptions for relatives placing their children directly with other relatives). The further definition of child placing activities would preclude facilitation of adoptions through the keeping of lists of birth and adoptive parents, making matches of those individuals and connecting them, while not providing the range of adoption services, without first being licensed to provide those services in our state.
- 2) Sections 2 and 3 would extend the possible period of licensure for any agency to not more than 2 years. All of the six adoption agencies have been licensed in good standing for more than fifteen years, some for many more than that. Three of the agencies are also nationally accredited through the Council on Accreditation (a higher standard than licensure). With this in mind, the Department has been moving in the last few years to do a modified licensure process in the odd numbered years for those agencies that are both licensed and accredited in good standing. Although we continue to license annually as required by the law, we do the full process only on the even numbered years. The Department would like the statutory authority to move toward two-year licenses for licensed agencies in good standing.
- 3) Section 4 would require the agencies to consider any criminal background information available to them when making a recommendation in a home study. NDCC 50-12-03.2 details a process of obtaining criminal history information from the ND Bureau of Criminal Investigation and the Federal Bureau of

Investigation. The agency however, may have criminal history information obtained from other sources and we believe all available information should be considered when making a home study recommendation.

- 4) Many of the sections of this bill add language that would make the requirements of the chapter equally applicable to agencies licensed for temporary (foster) care and those that are licensed for permanent care (adoption). We also propose to change the language to reflect the more current terminology of foster care and adoption.
- 5) Section 9 would codify a standard under which the adoption agencies are currently licensed – that the fees they charge for adoption services must be justified by the agency expenses for those same services. It would also make charging excessive fees grounds for revocation.
- 6) Section 11 and 14 reflect the Department's effort to streamline the language regarding denial and revocation by collapsing two sections of the statute, NDCC 50-12-12 and NDCC 50-12-13, and referencing NDCC 28-32, the Administrative Hearings chapter. Additionally, section 10 would allow for revocation if the licensee violates any of the provisions of the chapter.
- 7) Section 12 attempts to address the issue of children who are brought into this state for the purposes of guardianship without appropriate provision being made for their health and safety. This change would require that persons bringing a child into the state for the purposes of guardianship would furnish the Department with written notice, as they do now in the case of foster care or adoption. This would not pertain to relatives bringing or sending a child into ND for guardianship with another relative or to guardianships adjudicated in our state.

The Department was very involved in the discussion and drafting of this bill and supports a "do pass" recommendation from this committee. I would be happy to run through the section-by-section attachment, or to attempt to answer any questions you might have at this time. Additionally, Mrs. Hoffman will make herself available to answer any questions of the committee that I or others here today cannot answer, at the committees' request.

**SUMMARY OF PROPOSED CHANGES TO
NORTH DAKOTA CENTURY CODE 50-12**

- Section 1** We are adding a definition of "placement". In the definition of "child placing agency" we are deferring to a general code definition of person that also includes organizations.
- Section 2** We are removing the annual licensing requirement, and specify in the following section that a license period may not exceed two years.
- Section 3** This section specifies that a license may not be issued for a period of more than two years.
- Section 4** NDCC 50-12-03.2 details the specific procedure whereby criminal background information is requested from the ND Bureau of Criminal Investigation and the Federal Bureau of Investigation. You will note that in lines 10-14, the child placing agency is required to determine that a home is not suitable for the placement of a child if the results of the background check reveal a conviction of certain crimes. The agency may however, have additional criminal history information available to them that may influence their recommendation regarding the specific family. The addition of this statement is consistent with current practice and by statute would allow the child-placing agency to consider all criminal background check information available to them when making a recommendation in a home study report.
- Section 5** Replaces the language with the more current terminology of foster and adoptive home (rather than temporary or permanent).
- Section 6** The changes in this section make the duties detailed applicable to those agencies making adoptive placements as well as those making foster care placements.
- Section 7** Makes the duties in this section applicable to those agencies making adoptive placements as well as those making foster care placements.
- Section 8** Makes the duties in this section applicable to those agencies making adoptive placements as well as those making foster care placements.

- Section 9 This is currently a standard by which adoption agencies are licensed and puts into statute that standard – fees must relate to the documented adoption program expenses of the agency. It would additionally, make a violation of this requirement grounds for agency licensure revocation.
- Section 10 Extends the grounds for revocation to a violation of any of the requirements of the chapter, rather than limiting those grounds to one section (50-12-03) of the code.
- Section 11 We are consolidating NDCC 50-12-12 and 50-12-13 and referencing NDCC 28-32, the Administrative Hearings chapter.
- Section 12 We are recommending the addition of a reference to guardianship, so that the Department would be given notice of proposed guardianship arrangements that are being made to place a child into this state, from another state or country. This would not apply to situations where a parent (or other relative as specified) is arranging for a guardianship of their child with another relative, or to guardianship situations being arranged within this state. Our concern here is that we are given notice of situations where a child is being imported into this state, and adequate assurance for safety and service provision have been made.
- Section 13 NDCC 50-12-17 limits those making placements of children for adoption to those agencies that are licensed under this chapter. The addition we propose to this section will further define adoption placement activities. We believe this would, if enacted, preclude "facilitator agencies" – those agencies who maintain lists of prospective adoptive parents and birth parents, and make "matches" for a fee and without providing any other adoption service – from doing so in this state.
- Section 14 This is a repeal of this section consistent with the changes proposed in Section 11 of this bill.

1/13/2003

Summary of Proposed Changes to NDCC 50-12, Session Version

HOUSE HUMAN SERVICES COMMITTEE

House Bill 1037

January 14, 2003

Good morning Chairman Price and members of the House Human Services Committee. My name is Leanne Johnson and I am employed by Lutheran Social Services of North Dakota and serve as the A.A.S.K. Adoption Director. I am providing this written testimony to support the passage of House Bill 1037 related to the licensure of child placing agencies.

The A.A.S.K. program is a collaborative effort between Lutheran Social Services of North Dakota, The Village Family Service Center, Catholic Family Service and the North Dakota Department of Human Services. Turtle Mountain Child Welfare and Family Services is affiliated with A.A.S.K. This program is responsible for the adoption of children with special needs who are in the custody of the Department of Human Services.

I have had the opportunity to be a part of the informal work group that examined this law with the opportunity to provide input. I support the clarifications, modifications and additions as outlined in this bill and believe that such changes enhance the integrity of the services a licensed child-placing agency can provide.

I would like to highlight the provisions outlined in Section 2 and 3 of this bill. It is important to note that Lutheran Social Services of North Dakota, The Village Family Service Center and Catholic Family Service are all currently licensed child-placing agencies in good standing with the Department and have been for many years. In addition, all three agencies are nationally accredited through the Council on Accreditation, which provides a higher standard not only for adoption services, but also for all

Page 1 of 2

Yolanda Rickford
Operator's Signature

10/2/03
Date

programs within the agency. The Department spends a great deal of time, energy and expense to facilitate the annual review process. Even with the current practice of a "modified" licensure process for agencies in good standing, there is a great deal of time invested in this annual process. Should concerns regarding an agency arise, safeguards and procedures would remain intact to authorize the Department to address any expressed concerns. However, absence such issues, I believe a two-year license period would certainly be appropriate for all licensed child-placing agencies in good standing. I do not know if the dollar cost-savings has been detailed, but I am familiar with the workload issues that Department staff strive to meet each day and am confident in my assertion that the proposed change would greatly assist Department staff while still preserving the intent of North Dakota's licensure law.

It is also noteworthy to highlight Section 4 of this bill. It is the current practice of the A.A.S.K. program to consider any criminal background information available to our adoption staff when making a recommendation in a home study. We believe this is just one of many critical components we take into consideration during the adoptive home assessment process. This recommendation would codify our current practice and I support such a modification.

In closing, I encourage the committee to fully consider this bill and give it a "do pass" recommendation. Thank you for the opportunity to provide information on this important matter. I am available for any questions you may have.

Page 2 of 2

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yalosta Rickford
Operator's Signature

10/2/03
Date

**House Human Services Committee
House Bill Number 1037**

Chairman Price and members of the House Human Services Committee. I would like to offer some additional information to the testimony presented on this bill on Tuesday, January 14.

Regarding section 9 - we are attaching the fee schedules of the currently Licensed Child Placing Agencies as are documented in their licensing file. We did contact each agency to verify that these reflect their current fee structure and they were given opportunity to update as they wished. Additionally, and as noted in previous testimony, each program verified that they are not opposed to the practice of submitting their fee schedules and documented program expenses at the time of annual licensure and support the concept that, as non profit agencies, they should not profit from providing adoption services to birth and adoptive parents.

I must comment regarding the Department's intent in introducing this change. As I have indicated, many of the general complaints that I receive each week from constituents are regarding the high cost of adoption services. Historically, until the 1940's agencies did not charge fees for adoption services, but rather accepted donations from adoptive parents. The introduction of adoption fees in the 1940's was not without controversy. Even today, there is disagreement in the literature about whether charging fees for adoption services constitute "baby buying" and much has been written on this topic. "Adoption and Ethics: the market Forces in Adoption" by Madelyn Freundlich notes that the decreasing numbers of healthy infants available for placement, the growing belief that everything is a commodity that can be packaged, marketed, and sold at a profit, and the ability of an increasing number of affluent young couples who are willing to pay whatever is required to satisfy their desire to

become parents" has accelerated the cost of adoption significantly since the 1960's. The literature indicates that fees for an infant adoption can now run from \$4,000 to \$30,000, with agency adoptions in our state costing an average of \$10,000 or more. Our intent in this bill is not to regulate the fees charged by adoption agencies, but rather to set a tone in this state that child placing should not be a for-profit business and requiring the agencies to justify their fees, minimally by the expenses they incur. The commodity of these agencies is not like other businesses. This service is about the placement of children, and finding the family that can best meet that child's needs. I believe this minimal regulation regarding fees serves to protect children in this process.

Regarding section 13, we are submitting proposed amendments as suggested to provide a numbering structure to this section for ease of understanding.

I have additionally attempted to research the regulation of "facilitator" agencies or individuals across the states. I was not able to find any state that regulates such facilitator agencies or individuals independent of child placing agency regulation. The Director of the National Adoption Information Clearinghouse indicates that there are no standards for practice that she is aware of for this type of agency or individual, developed by states or by the facilitator's themselves. Many states do however, limit child placing or facilitating the placement of a child to licensed agencies. Minnesota, as I have indicated previously, has a very similar statute to the one we have proposed. In speaking with my counterpart in MN, he indicated that when that state passed this type of statute, the few individuals who were doing adoption facilitation independent of a child placing agency, soon formed their own agencies and became licensed, or joined with already established agencies. California mentions facilitators in their adoption statutes and requires that

they register their business, post a bond and follow certain statutorily established requirements. These businesses however are not regulated in any manner and dissatisfied parties recourse would be to initiate a civil suit.

Again, I wish to clarify that the Intent of the Department in introducing the language to this section reflects the following –

- We are defining the current activities of licensed child placing agencies that are operating in our state.
- Facilitators (Individuals or agencies) have carved out a specific activity of child placing and are performing that activity outside of the provisions of this chapter (i.e. NDCC 50-12-03 requires that the applicants are “reputable” and “responsible”, that they are “equipped properly by training and expertise” and that they are safeguarding the “health, morality and general well-being of the children being placed”).
- We are not proposing that facilitators be “forbidden”, but that as they provide this service, they are regulated under this chapter as are other agencies that provide a similar service.

A concern had arisen that we may be introducing a non-enforceable statute in this provision with regards to out of state facilitators. In a discussion with Krista Andrews, she noted there are legal tests applied to out of state businesses that provide a product or service in our state when determining our jurisdiction to prosecute such an agency for violations.

Please contact me if I can provide any further information. I can be reached at 328-4805 and Krista Andrews can be reached at 328-4034.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 5, line 19, after "No" insert "1."

Page 5, line 26, after the period insert "2."

Page 5, line 26, after the third "to" insert ":",

Page 5, line 26, replace the second "place" with "a. Place"

Page 5, line 27, replace "arrange" with "b. Arrange"

Page 5, line 28, replace "facilitate" with "c. Facilitate"

Page 5, line 29, replace "advertise" with "d. Advertise"

Page 5, line 29, after "person" insert ":",

Page 5, line 29, replace "knows" with "(1) Knows"

Page 5, line 30, replace "is" with ":(2) Is"

Page 5, line 30, replace the second ":", with ":",

Page 5, line 30, replace "knows" with "(3) Knows"

Renumber accordingly

Page No. 1

New Horizons Foreign Adoption Services

Fee Agreement

Registration Fee (non-refundable)-----\$200.00

Adoptive Home Study-----\$2000.00
(\$1000.00 is due after the first interview-
\$1000.00 is due after the final interview)

Adoptive Home Study Update (for prior New Horizons clients)
-----\$1200.00

Foster Care Licensure Study (required for some adoptions)
-----\$200.00

There is no fee charged to update clients' home studies if their
initial study is over a year old, and they still have not received
a child.

Post-placement Services (due 6 months after placement of a child)
-----\$700.00

revised-December 19, 1997

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/2/03
Date

FEEES FOR SERVICES AND PAYMENT SCHEDULE

Listed below are the fees required in regard to specific services requested for adoption services. In reviewing the fee schedule, please determine which services are necessary for your adoption. The total amount of these accumulated services would be the total fee of CFS's service for your adoption. The fee for an infant adoption is \$8,000.00. The Services necessary for an infant adoption entail: Adoptive Family Assessment, Placement Services and Post-Placement Follow-up. All other services are dependent upon need and will be charged accordingly.

Application Fee \$ 500
(Paid when the application is returned.)

Adoptive Family Assessment (includes \$500 application fee) \$3,000
Includes office visits, law enforcement clearances, interview sessions, group session, home visit and completion of home study/assessment. (1/2 fee due at onset of assessment and remaining 1/2 due at completion.)

Adoptive Family Assessment Update (includes \$500 application fee) \$2,500
To be completed for a second placement in a former CFS adoptive home.
(1/2 paid at onset of assessment and remaining balance paid at completion.)

Placement Services \$3,500
Placement of a child into an adoptive home. (Paid at the time of placement or within two weeks.)

Post-Placement/Post-Legal Follow-up \$2,500
Includes required post-placement visits and ongoing contact with the agency for support and follow-up post-placement and post-legal. (Paid six months post placement/prior to finalization report being sent to the Department of Human Services.)

Liaison Services \$ 500
Cooperative work between agencies in an agency-to-agency placement. (Paid prior to placement.)

Interstate Compact \$ 500
When a child is placed out-of-state. (Paid prior to activating the Interstate Compact.)

Birth Parent Counseling and Social Histories and other work toward Identified Adoption \$ 75/hr
(Paid prior to the required documents being sent to the court and other designated parties.)

Report to Court for Interlocutory Decree If a family must leave the state prior to adjudication. \$ 75/hr
(Paid prior to the report being sent to the court.)

Relative Adoption \$2,000
Adoption by the grandparent(s), aunt, uncle, or sibling of the child. (Paid at the completion of the Adoptive Family Assessment.)

Revised: 5/2002

ADOPTION - DESCRIPTION OF SERVICES

LDS Family Service, facilitate Infant Adoptions, Non-disclosed Designated Adoptions (NDDA) and Special Needs Adoptions.

Basic Eligibility Requirements

Infant Adoption: Couples with fewer than two children can apply for infant adoption. Basic Requirements are as follows:

1. Be members of The Church of Jesus Christ of Latter-day Saints, sealed to each other in the temple, and have current temple recommends.
2. Be married at least two years and have a stable marital relationship.
3. Be less than 45 years older than the child to be adopted.
4. Be in good physical health with a reasonable life expectancy.
5. Be financially able to care for the child.
6. Be able to clear criminal background and child abuse registry checks as required by government regulations.
7. Be able to provide insurance coverage for adopted children placed with them.

Additional items may be required by government regulations. Couples with more than two children may be considered for a Non-disclosed Designated Adoption or Special Needs Adoption.

Non-disclosed Designated Adoption (NDDA): The process by which birth parents and couples select each other through a third-party who is independent of the agency. It is essential that last names, addresses, phone numbers and other identifying information not be disclosed to birth parents or potential adoptive couples.

If a birth parent learns the adoptive applicant's last name, the placement may not occur through LDS Family Services. If the adoptive applicant's learn the birth parent's last name, permission from Headquarters will be necessary to proceed.

Special Needs Adoption: Children with special needs are over age one, have mental or physical challenges, or have experienced abuse/neglect.

In Non-disclosed Designated Adoption and Special Needs Adoption there are no restrictions based on the number of children already in the home. Basic eligibility requirements and fees apply.

Fees

The minimum fee for an infant adoption is \$4,000. If the gross income exceeds \$40,000 the fee is ten percent of the couple's combined gross annual income as reported on their previous year's tax return, not to exceed \$10,000.

Adoption fees are non-refundable and due as follows:

1. \$400 . . . after the application is accepted.

Christian Family Life Services

A Licensed Child-Placing Agency

203 S. 8th St. Fargo, ND 58103

Phone 701-237-4473 Fax 701-235-1703

EXPLANATION OF FEES AND SERVICES FOR ADOPTIVE FAMILIES (2002)

Families who adopt through CFLS are expected to provide compensation for the cost of services rendered. Adoption fees will be as follows:

Application fee: \$200 non-refundable application processing fee is due with the written application.

Basic Adoption Fee, totaling \$9,500, as follows:

1. \$3,000 home assessment fee (non-refundable) for the adoptive home evaluation and education included in the home study process. The first \$250 of this payment is due prior to the initial group meeting and the remaining \$2,750 is due at the initiation of the individual study meetings.
2. \$2,500 is due when the home study is approved, at which time the couple is placed on a waiting list to be shown to birth parents. This portion of the fee pays for maintaining the home assessment, facilitating meetings between birth and adoptive parents, supporting and networking with adoptive parents, and services to birth parents, which include: decision-making counseling, adoption counseling, referral services, legal assistance in the consent to adoption and termination of parental rights, and post-placement support services. Thirty percent of this fee may be refunded if the couple decides not to continue to pursue adoption through CFLS.
3. The balance of the adoption fee, \$4,000, is due at the time of placement. This portion of the fee pays for services including: placement services, post-placement supervision and reports, documentation and record-keeping, counseling for adoption-related issues, arranging and facilitating meetings between birth and adoptive families, preparation of legal documents, search of the Minnesota Father's Adoption Registry, and the agency's role as long-term liaison between the birth parents and the adoptive parents.

Costs associated with the provision of the above-mentioned services include, but are not limited to: salaries, office equipment and supplies, facility rent, utilities, travel expenses, repairs and maintenance, bookkeeping and accounting, secretarial services, advertising, educational materials, agency and staff licensure, continuing education of staff, insurance, postage, and telephone expenses.

Couples who adopt a child who meets special needs criteria may apply for some adoption expense reimbursement and/or ongoing assistance from the child's home state.

Each prospective adoptive couple must be screened by a licensed professional through completion of the MMPI-2 (Minnesota Multiphasic Personality Inventory 2). The MMPI and any other psychological screening or services which may be required shall be paid for by the adoptive couple. CFLS can provide the name of a local psychologist to administer the MMPI, or the couple may choose their own resource.

Each family that is approved for adoptive placement will be asked to create their own picture profile booklet, with four or five color copies to be made available to the birth mothers who are in the selection process. The estimated cost for such booklets is \$50 to \$75.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Halista Rickford

Date

10/2/03



The Adoption Option

INTERNATIONAL ADOPTION PROGRAM

- \$ 500.00** Registration Fee
Registration initiates the adoption process. This covers the cost of the initial orientation, long distance telephone charges, postage, etc. This fee is non-refundable.
- \$ 750.00** Adoption Cross-Cultural Workshop Fee
This process is required. The non-refundable payment is due prior to attendance at the educational Workshop meeting. The workshop centers around issues related to cultural awareness, etc.
- \$3,000.00** Adoption Assessment Fee
This process explores your desires in parenthood, personal history, strengths as individuals and as a couple, as well as preferences in adoption. Fees are due at the time application materials are completed and returned.
- \$ 150.00** Placement Fee
Payable at the time of formal placement of a child into your home. Networking and/or Interstate Compact services are covered by this fee.
- \$ 1,200.00** Post Placement Support and Supervision Fee
This fee covers support and supervision services provided to your family for the period of six months after a child(ren) joins your family until finalization. Full amount due at the time of formal placement. This fee is due within 30 days of the billing date, payable as follows:
- \$ 400.00** Payable at placement for the first 60 days
 - \$ 400.00** For the second 60 days if termination of parental rights does not occur
 - \$ 400.00** For the third 60 days to finalization.
- \$ 300.00** Per additional post placement reports required past North Dakota finalization of 6 months (if applicable).



The Adoption Option

NORTH DAKOTA INFANT ADOPTION PROGRAM

- \$ 500.00** Registration Fee
Registration places our name onto the North Dakota Infant Waiting List. This covers the cost of the initial orientation, newsletters, postage, etc. This fee is non-refundable.
- \$ 2,200.00**
per couple Adoption Preparation and Education Group Fee
This process is required. The non-refundable payment is due prior to attendance at the educational group meetings. Education centers around issues related to motivation to adopt, birthparent counseling services, grief and loss, openness opportunities, needs of children, cultural awareness, etc.
- \$ 3,000.00** Adoption Assessment Fee
This process explores your desires in parenthood, personal history, strengths as individuals and as a couple, as well as preferences in adoption. Fees are due at the time application materials are completed and returned.
- \$ 4,875.00** Placement Fee
This fee covers birthparent counseling and placement services. Fees are due at the time of formal adoptive placement.
- \$ 1,200.00** Post-Placement Support and Supervision Fee
This fee covers support and supervision services provided to your family for the mandatory period of six months after a child(ren) joins your family until finalization. This fee is due within 30 days of

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/2/03
Date



The Adoption Option

NORTH DAKOTA IDENTIFIED ADOPTION PROGRAM WITH PREGNANCY COUNSELING

\$ 500.00 Registration Fee

Registration initiates the adoption process. This covers the cost of the initial orientation, long distance telephone charges, postage, etc. This fee is non-refundable.

\$3,000.00 Adoption Assessment Fee

This process explores your desires in parenthood, personal history, strengths as individuals and as a couple, as well as preferences in adoption. Fees are due at the time application materials are completed and returned.

\$2,250.00 Placement Fee

This fee covers birthparent counseling and placement services. Fees are due at the time of formal adoptive placement.

\$1,200.00 Post Placement Support and Supervision Fee

This fee covers support and supervision services provided to your family for the period of six months after a child(ren) joins your family until finalization. Full amount due at the time of formal placement. This fee is due within 30 days of the billing date, payable as follows:

- \$ 400.00 Payable at placement for the first 60 days
- \$ 400.00 For the second 60 days if termination of parental rights does not occur
- \$ 400.00 For the third 60 days to finalization.



The Adoption Option

NORTH DAKOTA IDENTIFIED ADOPTION PROGRAM WITH NO PREGNANCY COUNSELING SERVICES

\$ 500.00 Registration Fee

Registration initiates the adoption process. This covers the cost of the initial orientation, long distance telephone charges, postage, etc. This fee is non-refundable.

\$3,000.00 Adoption Assessment Fee

This process explores your desires in parenthood, personal history, strengths as individuals and as a couple, as well as preferences in adoption. Fees are due at the time application materials are completed and returned.

\$ 150.00 Placement Fee

Payable at the time of formal placement of a child into your home. Networking and/or Interstate Compact services are covered by this fee.

\$1,200.00 Post Placement Support and Supervision Fee

This fee covers support and supervision services provided to your family for the period of six months after a child(ren) joins your family until finalization. Full amount due at the time of formal placement. This fee is due within 30 days of the billing date, payable as follows:

- \$ 400.00 Payable at placement for the first 60 days
- \$ 400.00 For the second 60 days if termination of parental rights does not occur
- \$ 400.00 For the third 60 days to finalization.



The Adoption Option

NORTH DAKOTA RELATIVE ADOPTION PROGRAM

- \$ 500.00** Registration Fee
Registration initiates the adoption process. This covers the cost of long distance telephone charges, postage, etc. This fee is non-refundable.
- \$ 3,000.00** Assessment Fee
The pre-adoptive counseling fee is payable prior to the first visit. This amount paid is non-refundable. There is no guarantee of placement of a child.
- \$ 800.00** Placement Fee
This is for the services of birth parent counseling and placement costs. (This fee will be waived if this service is being provided by another licensed child placing agency).
- \$ 1,200.00** Post Placement & Support Fee
This fee covers post placement and support services provided to your family after the child joins your family until finalization. Full amount due at the time of formal placement. This fee is due within 30 days of the billing date, payable as follows:
- | | |
|------------------|---|
| \$ 400.00 | Payable at placement for the first 60 days |
| \$ 400.00 | For the second 60 days if termination of parental rights does not occur |
| \$ 400.00 | For the third 60 days to finalization. |

1.5% monthly or 18% annual rate of interest will be charged on any amount due.



The Adoption Option

INTERSTATE ADOPTION PROGRAM

- \$ 500.00** Registration Fee
Registration initiates the adoption process. This covers the cost of the initial orientation, long distance telephone charges, postage, etc. This fee is non-refundable.
- \$ 750.00** Adoption Cross-Cultural Workshop Fee
This process is required. The non-refundable payment is due prior to attendance at the educational Workshop meeting. The workshop centers around issues related to cultural awareness, etc.
- \$3,000.00** Adoption Assessment Fee
This process explores your desires in parenthood, personal history, strengths as individuals and as a couple, as well as preferences in adoption. Fees are due at the time application materials are completed and returned.
- \$ 150.00** Placement Fee
Payable at the time of formal placement of a child into your home. Networking and/or Interstate Compact services are covered by this fee.
- \$1,200.00** Post Placement Support and Supervision Fee
This fee covers support and supervision services provided to your family for the period of six months after a child(ren) joins your family until finalization. Full amount due at the time of formal placement. This fee is due within 30 days of the billing date, payable as follows:

\$ 400.00 Payable at placement for the first 60 days

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/2/03
Date



The Adoption Option

OUT OF STATE IDENTIFIED ADOPTION PROGRAM

\$ 1,200.00 Initiation of Pregnancy Counseling

This is paid at the time of requested service from The Adoption Option. Fee includes pregnancy counseling services delivered to the birth family.

\$ 1,500.00 Placement Fee

Payable at the time of formal placement of a child into your home. Fee includes contacts with the adoptive family, attorney(s), Guardian ad Litem to child, state of court. It includes birth parent counseling, securing the proper documents for placement and distributing them as required by North Dakota Law. It also includes preparation of interstate compact papers to both states, contacts with those personnel, and adoptive placement of the child.

1.5% monthly or 18% annual rate of interest will be charged on any remaining balance not received within the 30 days of the billing date.

Disclosure of Additional Adoption-Related Expenses:

Legal expenses for birth parent termination of parental rights.

Expenses related to the birth and medical care for the birthmother and child may be requested and are negotiable with the birth family.

Post legal finalization services, such as, postage for exchange of communication, etc., are separate fees for which you will be responsible.

In the unlikely event that a birthparent should petition the court to vacate the order terminating parental rights, you, the adoptive parents, will be responsible for legal fees regarding this action to protect the permanence of the adoption.

We acknowledge that we have read and understand the fees related to our adoption process. The Adoption Option cannot guarantee placement of a child or a time by which a child will be placed. We agree to the provisions as stated above.

Adoptive Applicant

Adoptive Applicant

Address

City

State

Zip Code

Social Worker

Date

F:\PRUSERS\ADOPTION\Adoption\Forms & Handouts\Fees\Fees - Interstate.doc
Rev. 2-13-02

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Valosta Rickford
Operator's Signature

10/2/02
Date

NORTH DAKOTA LONG-TERM CARE OMBUDSMAN PROGRAM

Helen L. Funk, State Long Term Care Ombudsman.— Responsible for providing technical assistance to all Regional Ombudsmen. Responsible for writing yearly proposal for the VISTA Program and State Supervisor of VISTA program. Also provides direct services to residents of Nursing Facilities, Swing Beds, Basic Care Facilities and Assisted Living Facilities in the ten counties included in the West Central Human Service Center Region which includes the counties of: Burleigh, Emmons, Grant, Kidder, McLean, Mercer, Morton, Oliver, Sheridan, and Sioux. One VISTA member assists the State Long Term Care Ombudsman.

Bryan Fredrickson, Regional Ombudsman, —Regions V and VI which includes the counties of Cass, Ransom, Richland, Sargent, Steele, Traill, Barnes, Dickey, Foster, Griggs, LaMoure, Logan, McIntosh, Stutsman, and Wells. This Regional Long Term Care Ombudsman's fulltime position also involves recruitment and training of Volunteer Community Ombudsmen. One VISTA member assists in Regions V and VI.

Kim Locker-Helten—Regional Ombudsman for Regions III and IV, which includes the counties of Benson, Cavalier, Eddy, Ramsey, Rolette, Towner, Grand Forks, Nelson, Pembina, and Waterbury. This Regional Ombudsman position is half time, as Ms. Helten is also Care Coordinator for Region III. One VISTA member assists in Regions III and IV.

Darley Williams—Regional Ombudsman for Regions I and II, which includes the counties of Divide, McKenzie, Williams, Bottineau, Burke, McHenry, Mountrail, Pierce, Renville, and Ward. This Regional Ombudsman is also half time. One VISTA member assists in Regions I and II.

Mark Jesser—Regional Ombudsman for Region VIII, which includes the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger, Slope, and Stark. This Regional Ombudsman is part time, as he is also the Regional Aging Services Program Administrator for the eight counties.

Volunteer Community Ombudsman—Presently there are 70 Volunteer Community Ombudsmen placed in Long-Term Care Facilities throughout the state. Supervision and advanced training of the volunteers becomes the responsibility of each Regional Ombudsman.

HB 1037

50-12-17. Penalty.

1. A person may not place or cause to be placed any child in a family home for adoption without a license to do so from the department of human services except that a parent, upon giving written notice to the department, may place the parent's child in the home of the child's grandparent, uncle, or aunt for adoption by the person receiving the child. The child must be considered abandoned if proceedings for the adoption or guardianship of the child are not initiated by such relative within one year following the date of notice of placement. A person who violates this chapter is guilty of a class C felony.

2. For purposes of this section, "to place or cause to be placed" means to place...

- a. Place child for adoption;
- b. Arrange or provide for short-term foster care for a child pending an adoptive placement;
- c. Facilitate placement of a child by maintaining a list in any form of birth parents or prospective adoptive parents; or
- d. Advertise in any public medium that the person knows of a child who is available for adoption;
 - (2) Is willing to accept a child for adoption; or
 - (3) Knows of prospective adoptive parents of a child.

Prepared by TaLisa Nemec
for the Senate Human Services Committee

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 1, remove lines 16 through 21.

Page 1, line 23, replace "temporary" with "foster", replace "permanent" with "adoptive", and after "care" insert "until an adoption is finalized"

Page 2, line 3, remove "- Adoption placement facilitator"

Page 2, line 4, remove "registration"

Page 2, line 5, remove "The department of human services shall register, on forms prescribed and"

Page 2, remove line 6 and 7

Page 5, line 23, after the first comma insert "sibling", after "aunt" insert ", or the parent's aunt or uncle"

Page 5, line 25, remove ", A"

Page 5, remove line 26

Page 5, line 27, remove "person is a facilitator registered with the department of human services."

Page 5, line 29, after "adoption" insert a semicolon and remove "or to"

Page 5, line 30, after "placement" insert "; facilitate placement of a child by maintaining a list in any form of birth parents or prospective adoptive parents; or advertise in any public medium that the person knows of a child who is available for adoption, is willing to accept a child for adoption, or knows of prospective adoptive parents of a child"

TaLisa Rickford
Operator's Signature

10/2/03
Date

**Senate Human Services Committee
Engrossed House Bill Number 1037**

Chairman Lee and members of the House Human Services Committee. I would like to offer some additional information to the testimony presented on this bill on Wednesday, February 26th.

I have attached an amendment requested by the committee that addresses the concerns of the adoptive parent who was in attendance at the hearing last Wednesday. We have defined that "placement" as it is used throughout the chapter, extends only to the point of adoption finalization. As I indicated on Wednesday, the child-placing agency has no authority to follow a case after the finalization of the adoption.

It is my understanding that the committee is considering a change to the listing of relatives in section 12 of the Engrossed Bill (page 5, line 23). There are additional sections of the code that have similar listings of relatives as it pertains to adoption that would also need to be changed if there is to be consistency across the statute. Sections of the Code that address this issue include, but may not be limited to: NDCC 14-15 (the Revised Uniform Adoption Act), NDCC 14-10-05 (the chapter on Minors) and NDCC 14-13 (the Interstate Child Placement Compact). Please note that it is my understanding that the Interstate Compact may not be unilaterally changed by one state.

If you have any further questions please feel free to contact me at 328-4805.

Submitted by: Julie Hoffman, Administrator, Adoption Services, 3/3/2003

Prepared by the North Dakota
Department of Human Services
02/28/03

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1037

Page 1, line 23, replace "temporary" with "foster", replace "permanent" with "adoptive", remove "," and after "care" insert "until an adoption is finalized."

Renumber accordingly

Page No. 1

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Yolanda Rickford

Date

10/2/03

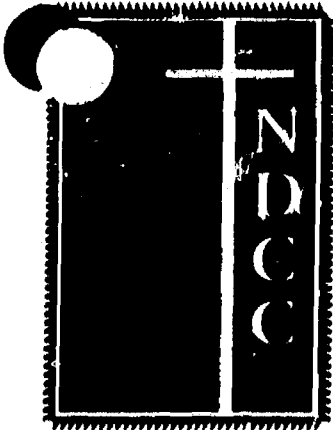
**Attachment to Testimony of
Julie Hoffman, Administrator, Adoption Services
House Bill 1037**

SECTION 13. AMENDMENT. Section 50-12-17 of the North Dakota Century Code is amended and reenacted as follows:

50-12-17. Penalty. No A person may not place or cause to be placed any child in a family home for adoption without a license so to do so from the department of human services except that a parent, upon giving written notice to the department, may place his or her own the parent's child in the home of the child's grandparent, uncle, or aunt for adoption by the person receiving the child. The child must be considered abandoned if proceedings for the adoption or guardianship of the child are not initiated by such relative within one year following the date of notice of placement. ~~Every A~~ person who violates ~~any provision in this chapter~~ is guilty of a class C felony. For purposes of this section, "to place or cause to be placed" means to place a child for adoption; arrange or provide for short-term foster care for a child pending an adoptive placement; facilitate placement of a child by maintaining a list in any form of birth parents or prospective adoptive parents; or advertise in any public medium that the person knows of a child who is available for adoption, is willing to accept a child for adoption, or knows of prospective adoptive parents of a child.

Yolanda Rickford
Operator's Signature

10/2/03
Date



Representing the Diocese of Fargo
and the Diocese of Bismarck

Christopher T. Dodson
Executive Director and
General Counsel

To: Senate Human Services Committee
From: Linda Jaeger, Child Welfare Supervisor for Catholic Family Service
Subject: House Bill 1037 - Child Placing Agencies
Date: February 26, 2003

Chairman Lee and members of the Senate Human Services Committee, my name is Linda Jaeger, and I am the Child Welfare Supervisor for Catholic Family Service. I am here today on behalf of the North Dakota Catholic Conference and Catholic Family Services to support House Bill 1037 relating to licensure of child-placing agencies, with the exception of the sections referring to "facilitators".

For the most part, House Bill 1037 is part of positive and continuous effort to improve the quality of adoption services in North Dakota. Current licensing requirements are good and provide safeguards for children and families. However, the current bill does not address problems related to the activities of adoption facilitators in the state.

Adoption facilitators maintain lists of possible birth parents and prospective adoptive parents and sometimes provide a "matching service" for these persons. These facilitators are not currently licensed by the state and, acting upon the desires and desperation of prospective parents, will sometimes charge extremely high fees for a minimal service.

In the past year, I have worked with two adoptions which involved facilitators. The scope of service provided by the facilitator was limited to providing the families and birth parents with each other's names and identifying information and the name of an adoption agency in the state to assist them with the adoption process. If needed, the facilitator also assured the birth parents that this prospective adoptive couple would provide for her financial needs. Our agency assisted both families in adoptive placement, providing birth parent counseling and appropriate paperwork for their attorney. The facilitator provided no other service, support, or follow-up and charged exorbitant fees to both families for this "name exchange".

Adoption is a very emotional journey. Adoptive couples often go through years of infertility issues and when the possibility of a child placement finally occurs, they are often desperate to do whatever they are told is necessary. They are vulnerable

W. Broadway, Suite 2
Bismarck, ND 58501

(701) 223-2519
1-888-419-1237
FAX # (701) 223-6075

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Rickford
Operator's Signature

10/2/03
Date

Senate Human Services Committee

Page 2

February 26, 2003

and some persons will take advantage of the couple in these circumstances. Birth parents, who are also at a vulnerable time in their life, see adoption placement as a possible answer to the decisions they must make. However, they do not usually get to the core of their decision making until they connect with a licensed child-placing agency with properly trained professionals who will assist and counsel them through this process. Facilitators cannot provide this service. What minimal services are provided for members of the adoption triad are done with no assurance of regulation or accountability.

Facilitator registration in North Dakota will not address the potential abuses by facilitators. Considering that the actions of facilitators raise the question of whether facilitators should even be allowed to operate in North Dakota absent the safeguards provided through licensed child-placing agencies, it seems premature to sanction their activities through registration. Since HB 1037 contains no restrictions on facilitators, but only the blessing of registration, the current bill amounts to an invitation to facilitators to come to North Dakota. Considering the problematic history of facilitation, this seems counterproductive to the goal of making adoption more affordable and simpler. House Bill 1037, as introduced, addressed the question of facilitators and provided some safeguards to prevent abuse.

Neither Catholic Family Service nor any other adoption agency has anything to gain or lose by the practices of adoption facilitators. The birth parents and prospective adopting parents, however, can lose -- and have lost -- precious resources due to the practices of facilitators. When families pay more than is necessary for matching services, the family and the adopted child lose money at a time when it is very much needed.

I would encourage a "do pass" recommendation for House Bill 1037, without the inclusion of the "facilitator" elements. I would be happy to answer any questions you may have at this time. Thank you.

Yalosta Rickford
Operator's signature

10/2/03
Date

1037
1

50-12-13. Appeal from denial or revocation of license.

There shall be an appeal from any decision of the department of human services denying an application for a license to conduct a child-placing agency or revoking a license. Such appeal must be taken in the manner provided in chapter 28-32.

Source: S.L. 1923, ch. 162, § 5; 1925 Supp., § 5099c5; R.C. 1943, § 50-1213; S.L. 1951, ch. 289, § 10; 1957 Supp., § 50-1213.

© 2002 The State of North Dakota and Matthew Bender & Company, Inc., a member of the LexisNexis Group. All rights reserved. Use of this product is subject to the restrictions and terms and conditions of the Matthew Bender Master Agreement.

Leg. Coun.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yalosta Rickford
Operator's Signature

10/2/03
Date

4

First Engrossment : HB 1037
Senate Human Services Committee 2-26-03

Good Morning Chairperson Lee and members of the Senate Human Services Committee. My name is Susan Grundysen. I am a licensed, clinical social worker employed by The Village Family Service Center. Our program, The Adoption Option, is a collaboration between The Village and Lutheran Social Service of ND providing pregnancy counseling, adoption services, and search and disclosure services. Both agencies are licensed child-placing agencies by The ND Department of Human Services. I am here today to provide testimony recommending changes for clarification to HB 1037.

HB 1037, in it's current form is proposing mostly positive changes, except for one. The House Human Services Committee has made changes to this bill relating to defining the services of a "Facilitator". Facilitating services are defined separate from licensed child placing agencies, both of which are to be overseen by the ND Department of Human Services. Yet, this bill does not allow the DHS to regulate facilitating services, nor does it prescribe any standards of practice for facilitators.

The concern over omitting such relevant data is that any person, once registered with DHS, may charge a fee and exchange names between pregnant persons and potential adoptive individuals, deliver no other services, and take no responsibility in any preparation or outcomes. There is a significant danger to the ND public when a "facilitator" from CA or a local physician also acting as a "facilitator" decides they want to begin advertising their services. With no ethical standards in place, their motivation comes into question, altruistic or financially based? There have been many nationwide publicized "horror stories" where the negative outcome for all parties was related to poor ethics by a facilitator. More so, the "facilitator" becomes an extra middle-man. There is no need for this middle-man "facilitator" position. The matching type services between birth families and adoptive families already occurs through the people themselves or the Licensed Child-Placing Agency involved in working with the parties.

Our agency has experienced a couple situations in which poor practice by facilitators resulted in a negative experience for the clientele involved.

One such experience involved a ND birth mother who contacted an out of state facilitator who "matched" her with adoptive parents, the facilitator promising the adoptive parents would be open to communicating after the placement. The Facilitator also told this birth mother she would be responsible for reimbursing the adoptive family expenses for the fees they've encountered so far if the BM changed her mind about placing her child. Although our agency reassured the birth mother this statement was untrue, the birth mother felt intimidated. Once the formal placement occurred, the adoptive parents refused any further contact with the birth mother. The facilitator refused to help the birth mother resolve the situation.

A second experience involved a ND potential adoptive family who paid \$2,000 to a "locator" aka "facilitator" for the name of a birth mother who was pregnant. The potential adoptive family, with the assistance of our agency, connected this birth mother to an agency in her state that could provide counseling and assistance to her in her planning for the baby.

I encourage you to remove the establishment & definition of "Facilitators" within the state of ND. If your constituency fully understood the ethical ramifications of this extra step in the adoption process, this extra fee, I am positive they would oppose such a change.

I want to thank the Committee for their time, and strongly encourage removal of the section defining "facilitator", but support all other sections of HB 1037.

**Senate Human Services Committee
House Bill Number 1037
February 26, 2003**

Chairman Lee and members of the Senate Human Services Committee, my name is Krista Andrews, Attorney for the Legal Services Division for the ND Department of Human Services. I am here to present the testimony of Julie Hoffman, Administrator of Adoption Services for the Department. Ms. Hoffman is unable to be here today, since there are two other adoption related bills being heard in other committees at this time. The Department supports the passage of Engrossed House Bill 1037 related to licensure of child placing agencies, with the exception of the amendment of the House related to "facilitator services".

To assist the Family Law Interim Committee in its study of adoption law in North Dakota, the Department collaborated with representatives of licensed child placement agencies in an informal work group to review adoption law and practice in our state and propose changes to that law. The result was six prefilled bills that are being heard in this session having to do with adoption law. HB 1037 is one of those and deals with the licensure of child placing agencies as found in North Dakota Century Code 50-12.

There are six agencies licensed in North Dakota to provide adoption service. Those agencies are Catholic Family Service, Christian Family Life Service, LDS Family Services, Lutheran Social Services of ND, New Horizon's Foreign Adoption Service, and the Village Family Service Center. This bill would affect these agencies, as well as two agencies licensed to provide foster care under this chapter - Casey Family Programs and P.A.T.H. North Dakota.

Engrossed House Bill 1037 provides for six primary changes to NDCC 50-12. Briefly, those changes are:

1) Sections 1 and 13 would further define child placement activities. This chapter (in section 50-12-17) allows only agencies licensed under this chapter to place a child in a family home for adoption (with limited exceptions for relatives placing their children directly with other relatives). As originally crafted (prior to the House amendment) the changes we proposed to these sections reflected a desire to:

- Define the current and historical activities of child placing as performed by agencies licensed under NDCC 50-12, and
- Require that "facilitator" or "matching" services be performed by agencies licensed under this chapter as a child-placing agency. It is the Department's perspective that "facilitators" have carved out a specific activity of child placing that has traditionally been performed by licensed agencies providing adoption services and are now performing that activity outside of the provisions of this chapter or any standard of practice. Such service providers have been at the heart of some of the most egregious cases nationally and have acted inappropriately in cases affecting ND families.

We believe that the amendment passed by the House, instead carves out facilitator services as a distinct service and not a part of traditional child placing services. It further makes the Department responsible to register these service providers, but gives no standard of practice nor does it provide the department with the ability to regulate these service providers. It, in essence, provides that we validate providers of such services through a registration process, and then authorizes no oversight of such agencies, no standards of practice, and provides no ability to regulate these agencies or to revoke or deny registrations.

The Department is made aware of facilitator service providers when there have been problems related to their involvement in an adoption involving ND residents. Let me describe briefly two very recent situations that have arisen involving facilitator service providers operating in our state.

In the first situation, a ND birth parent desiring to place her child for adoption was matched with an East Coast family through a facilitator service in a third state. The family, who has paid upwards of \$15,000 for this "match" was not fully informed by the facilitator agency of the complications of a federal law that applies to the adoptive placement of this child with a family of a different race. This complication may make an adoptive placement impossible in this situation and has been heartbreaking for those involved. In the second situation, a ND family has accepted a referral of foreign-born children from an agency that is registered in another state to provide facilitator services. It now appears that this agency has overstepped its authority, both in taking custody of these children in another country and in attempting to make a placement of these children into a family home. The steps that will be necessary to correct the problems in this case and allow the children to be placed legally in this home will likely cost the family in both time and money, as well as in emotional anxiety.

In summary, regarding facilitator service provision, the Department requests that this committee reinstate the language of HB 1037 related to child placing activities (section 13) and remove the House amendments related to facilitator services (sections 1, 2 & 13). If the committee does not wish to reinstate the original language, the Department would still request this committee remove the amended language related to facilitator service. The original language of Section 13 is attached for your review.

- 2) Sections 2 and 3 would extend the possible period of licensure for any agency to not more than 2 years. All of the six adoption agencies licensed in North Dakota have been licensed in good standing for more than fifteen years, some for many more than that. Three of the agencies are also nationally accredited through the Council on Accreditation (a higher standard than licensure). With this in mind, the Department has been moving in the last few years to do a modified licensure process in the odd numbered years for those agencies that are both licensed and accredited. Although we continue to license annually as required by the law, we do the full process only on the even numbered years for those agencies. The Department would like the statutory authority to move toward two-year licenses for licensed agencies in good standing.
- 3) Section 4 would require the agencies to consider any criminal background information available to them when making a recommendation in a home study. NDCC 50-12-03.2 details a process of obtaining criminal history information from the ND Bureau of Criminal Investigation and the Federal Bureau of Investigation. The agency however, may have criminal history information obtained from other sources and we believe all available information should be considered when making a home study recommendation.
- 4) Many of the sections (6,7 & 8) of this bill add language that would make the requirements of the chapter equally applicable to agencies licensed for temporary (foster) care and those that are licensed for permanent care (adoption). We also propose to change the language to reflect the more current terminology of foster care and adoption.

5) Section 10 and 13 reflect the Department's effort to streamline the language regarding denial and revocation by collapsing two sections of the statute, NDCC 50-12-12 and NDCC 50-12-13, and referencing NDCC 28-32, the Administrative Agencies Practices Act. Additionally, section 9 would allow for revocation if the licensee violates any of the provisions of the chapter.

6) Section 12 attempts to address the issue of children who are brought into this state for the purposes of guardianship without appropriate provision being made for their health and safety. This change would require that persons bringing a child into the state for the purposes of guardianship would furnish the Department with written notice, as they do now in the case of foster care or adoption. This would not pertain to relatives bringing or sending a child into ND for guardianship with another relative or to guardianships adjudicated in our state.

The Department was very involved in the discussion and drafting of this bill and supports a "do pass" recommendation from this committee for the bulk of this bill. I would be happy to attempt to answer any questions you might have at this time. Ms. Hoffman has also indicated that she would be available at the request of the committee to answer questions or provide additional information. She can be reached at 328-4805.