

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

4028

2007 SENATE JUDICIARY

SCR 4028

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4028

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 28, 2007

Recorder Job Number: 4115

Committee Clerk Signature

Mona L. Solberg

Minutes: Directing the Legislative Council to study the feasibility and desirability of establishing paternity registry.

Senator David Nething, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following hearing:

Testimony in Favor of the Resolution:

Sen. Hacker, Dist. #42 Introduced the resolution at the request of a citizen from Grand Forks, who will be speaking to you after me. He spoke to the one sidedness of the adoption process and referred to a past study. Went into detail on what the resolution is about. Sen. Hacker stated the process of adoption being so difficult, people will never go through it again.

Bob Eckerdt, Grand Forks resident (meter 4:15) Gave his testimony – Att. #1 of his personal situation.

Sen. Olafson reviewed (meter 17:07) how the registry would effect the process.

Testimony Against the Resolution:

None

Testimony Neutral to the Resolution:

Julie Hoffmann, ND DHS (meter 17:40) submitted additional testimony from **Susan Grundysen**, Social Worker with The Village Family Service Center – Att. #2

Do to the fact that the schedule was made to hear the bill after the floor deadline the committee, after speaking highly about the bill had to send it to the floor with out recommendation

Carrier: Sen. Olafson

Senator David Nething, Chairman closed the hearing.

REPORT OF STANDING COMMITTEE (410)
February 28, 2007 10:12 a.m.

Module No: SR-38-4088
Carrier: Olafson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4028: Judiciary Committee (Sen. Nething, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4028 was placed on the Eleventh order on the calendar.

2007 HOUSE HUMAN SERVICES

SCR 4028

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4028

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 19, 2007

Recorder Job Number: 5265 & 5267

Committee Clerk Signature

Judy Dehock

Minutes:

Chairman Price: We will open the hearing on SCR 4028.

Senator Nick Hacker, District 42, Grand Forks: This resolution is a possibility of looking at a paternity registry for ND. The reason the resolution is before you, a constituent request for a adoption process. A biological, father after many month of the child in adoption process, asks for his child back. There is a time line of adoption. There is about 10 days when you adopt a child that the Mother can take her child back. This has nothing to do with those 10 days. This has been a study in the past, but not as defined as this resolution is put together.

Bobby Eckerdt, of Grand Forks: See attached testimony. This is not about taking rights away. It is about time lines. If we would have moved a few miles across the border this would have been settled in 24 hours.

Susan Grundysen, with Village Family Service Center: See attached testimony.

Rep. Conrad: Could you explain the paternity registry.

Ms Grundysen: It allows any man who has been sexually intimate with a woman to basically file his name to a registry. So if they are going to make adoption plans for the child we can check that registry.

Chairman Price: Anyone else in favor, anyone in opposition? Hearing none we will close the hearing on SCR 4028

Chairman Price: Take out SCR 4028, and we will take action on the bill.

Representative Conrad: I make a motion for a do pass consent to calendar, seconded

Representative Potter. The verbal vote was unanimous with 11 yeas, 0 nays, and 1 absent.

Representative Hatlestad will carry the bill to the floor.

Date: 3/19
Roll Call Vote #:

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SCP 4028 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Also Pass Consent to Calendar

Motion Made By Rep. Conrad Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman			Kari L Conrad		
Vonnie Pietsch – Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglem					
Robin Weisz					

Total (Yes) 11 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 1

Floor Assignment Rep. Hatlestad

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

REPORT OF STANDING COMMITTEE (410)
March 19, 2007 12:29 p.m.

Module No: HR-51-5639
Carrier: Hatlestad
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SCR 4028: Human Services Committee (Rep. Price, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4028 was placed on the Tenth order on the calendar.

2007 TESTIMONY

SCR 4028

*same
to Home*

AH #1 2-28-07

Testimony - Bobby Eckerdt
Page 1

Mr. Chairman and members of the committee my name is Bobby Eckerdt I reside in Grand Forks and I'm here to speak in favor of the concurrent resolution before you.

It is imperative that we in the state of North Dakota have a clear timeline in place to protect adoptive parents like my wife and I. We, like other adoptive parents followed all the rules, yet faced the prospect that our child could be taken away months or years after the adoption is final. This is the current state of affairs, we ask that you change it so that what happened to my wife and I will not happen to others.

Our story begins in 2005...after years of working with medical professionals we arrived at an age where it was evident, in order to start a family, we needed to turn to adoption. I've always feared adoption because of the risk that someone could come and take our son or daughter away from us. That is exactly what nearly happened.

In June of 2005 my wife and I were introduced to a potential birth mother whom we accepted. There were several meetings with the doctor, the family, and the supposed birth father. Provision was made for the well-being of the birth mother for the 8 months of her pregnancy (we even spent time in the hospital with the birth family). Our precious Brody was born on September 12, 2005. Ten days following the birth, the birth mother signed the waiver of parental rights in district court in Fargo, September 2005. This was all done in suit with proper adoption protocol and in accordance with current state law.

In March, 2006, after ^{9 1/2}nine months of expectation, waiting, growth and adjustment with our son, Brody, we received a letter from an individual, who was

incarcerated, claiming that we had custody of his son and demanding that we surrender him. Brody had been a part of our family for nearly 7 months.

I immediately called my attorney, explained the rigorous process for adoption that we had correctly complied with and was informed that there is no law in the state of North Dakota to protect us from this. I then ordered a fast track DNA test to conclude if this man was telling the truth...he was. The mother had lied about the identity of the birth father.

Upon telling my story to a friend, I found out that he had an avenue to this man in prison...a truly amazing blessing. He had counseled with this man through his work with the school system over many years. My friend and I went to the jail and visited this man for several hours. He agreed to sign the waiver of parental rights release form...but he didn't. We made a second trip to visit him. Again, for several hours we talked. When I asked why he hadn't been involved in the birth mother's life at all or why he hadn't come forward earlier he was unable to give me an answer. If he had come forward within a month prior to or just after Brody's birth, it would not have caused the turmoil it has.

I am not interested in taking away anyone's rights, however, we followed all the rules and procedure for this adoption and Brody was now is a part of us... a bond that should not be broken. This is why there needs to be a clear timeline to establish custody...no child should be taken away months or especially years after an adoption is final. Presently this is possible under current state law. There are only 13 states that have laws in place to protect adoptions that are final. North Dakota is not one of them. If we lived just a one mile East, in Minnesota, this inconceivable emotional and financial burden would not have been ours.

On October 23, 2006, we had a preliminary hearing, because the birth father had failed to request the state to provide legal counsel, the hearing was rescheduled. Finally, on December 22, the judge ruled in our favor...the reason being that this man was considered unable to parent. If his circumstances had been different...if he had not been unable to parent...there would have been no recourse in the law to protect the child from removal from his adoptive parent's home...even though we had followed all the rules. We are not talking about foster care situations, but adoptive parents...committed men and women like my wife and me. We are devoted to raising our adopted son as our own...I cannot imagine anyone taking Brody from me now...he is such a part of our lives.

We cannot let this type of thing happen in our state...there must be a clear timeline and a law to protect adoptive parents and their children once the adoption is legally finalized. No adoptive parents, who have followed proper procedure, should live with the fear that their child could be taken from them months or even years after the adoption is final.

Mr. Chairman, members of the committee, thank you for your time, this concludes my statement. I am more than willing to answer any questions.

Same
to House

AH #2

2-28-07

SENATE CONCURRENT RESOLUTION 4028

Good morning Mr. Chairman and members of the Judiciary Committee. My name is Susan Grundysen. I am a licensed certified social worker employed by The Village Family Service Center. Our program, The Adoption Option, is a collaboration between The Village Family Service Center and Lutheran Social Service of ND, providing pregnancy counseling, an array of adoption services, and search and disclosure services. Both agencies are non-profit, licensed child-placing agencies in the state of ND. I am submitting this written testimony today in support of SCR 4028.

A Paternity Registry carefully developed through study, research, and collaboration offers the following benefits:

1) Protects a child's right to a secure and stable adoption by requiring a biological father to assert his rights or allow his rights to be terminated in a timely manner.

2) Creates an opportunity for an unmarried man who has been sexually intimate with a woman to have a voice, and take responsibility to protect his paternal rights. He no longer needs to rely on a biological mother to name him before asserting his parental rights.

3) Offers a *best practice* solution to any potential delay of a permanent placement for a child due to uncertainty of the identity of a biological father, and

difficulty in obtaining a consent for an adoption from a biological father who is absent, unknown, and/or unvested in the welfare of his biological child.

4) A Paternity Registry does NOT relieve a biological mother from the obligation to name any and all potential fathers of a child she wishes to release for adoption. NOR does it relieve a licensed child placing agency from it's obligation to attempt to notify any and all possible fathers listed by the biological mother. It may protect her confidentiality by eliminating the effort of publication in the newspaper for an unknown/unnamed biological father.

A plan developed with the best interests of the child, ready to be implemented upon birth, is a best practice method to serving all parties to an adoption. I urge you to support the Legislative Council study of this issue in order to hopefully achieve legislation that ultimately protects children, and provides an opportunity for involvement to those biological fathers interested in having a voice.

Please contact me with any questions or comments. Thank you.

1800-627-8220