

2017 HOUSE HUMAN SERVICES

HB 1206

2017 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

1206
1/16/2017
26978

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the; investigation and report by a child-placing agency and definition of relative

Minutes:

1.

Chairman Weisz: called the committee to order.

Chairman Weisz: opened the hearing on HB # 1206

Representative McWilliams: I am Representative McWilliams from District 20
I am here to presented HB 1206

This bill came out o the adoption that my wife and I had when my first cousin and his girlfriend got pregnant and asked us to be the adoptive parents. During that process we had to go through, of course, the entire adoption process just like anyone else. We had to go through the giant reports needed for the adoption agency. Which meant there was a stack of paperwork and cost us \$3000 - \$4000 worth of reports. It became a joke. The adoption agency doesn't know your favorite ice cream and your underwear color they probably missed something. So what we did with this bill in legislative council we opened up the opportunity for interfamily adoptions. One of the first things we did in section 1 line 11 we changed it from 9 months to 6 months. This relates to minors who are living in a household that they must live with the family for 9 months in order to waive the adoption agencies reports. We moved that down from 9 months to 6 months to expedite that process for the families and make it a little bit easier. The other thing that we did when we went to the definition section we expanded the definition of relative. Somehow we included father and mother and we didn't think that a father or mother would be adopting their own child, so there is an amendment coming for that to include cousin to clarify the definitions a little bit. The meat and potatoes of this bill is in 14-15.1-04. What we have done if you look on line 17 the letter b. This report from the adoption agency is \$3000 - \$4000, because as it is written it is very loose, so the adoption agencies can look at this and go through every nook and cranny. What we did is for interfamily adoptions we have allowed for the family to provide credible character witness statements to attest to all of the elements of the adoption agency would otherwise report on. That is the conclusion of my testimony.

Chairman Weisz: Thank you for your testimony. Are there any questions from the committee?

Vice Chairman Rohr: I know that you mentioned that there would be an amendment on this father mother issue, but I know cases. What about the step mother and step father?

Representative McWilliams: That is included in the amendment as well.

Chairman Weisz: Under sub section 2 and b where you talk about your 3 character statements from 3 adult witnesses You have 6 things that these witnesses are supposed to attest to all of those? How are going to necessarily know their ability to provide food, clothing, shelter. I assume that each witness has to be able to attest to all 6 items, not just one witness 2 and the next on 2 more or whatever. Is that correct?

Representative McWilliams: That is correct. There intentions here is to be able to show a relationship. If there is a relative that is not really in relationship cannot be one to attest to the character of that person. The intent here is to establish a relationship instead of simply having a random relative that you don't know a whole lot about. It is to be able to establish those close ties. If you can't establish those ties for the character witnesses, you need to go back to adoption process with the agency.

Chairman Weisz: Further questions from the committee?

Representative Skroch: You are talking about eliminating mother and father. If the father and mother were not married would you ever see a situation in which the father might want to adopt his child. Say for example that the birth certificate does not identify him as the father so then you would want the mother and father included as relatives.

Representative McWilliams: I think that is a question better directed to Miss Sherry. It is my understanding is that it would not go through the adoptive process at that time, but I would certainly defer to someone who knows a lot more than me.

Chairman Weisz: Is there further testimony in support of B 1206?

Chairman Weisz: any further testimony for HB 1206

Julie Hoffman, Administrator of Adoption Services for the ND Dept. of Human Services
(Attachment 1)
14:39

Chairman Weisz: you are removing the language on line 27, so you are just saying the criminal history record.

J. Hoffman: Right. How that would read at line 26 #2
15:01

Addressed the question brought forth by Representative Skroch previously. If the parent that was not on the birth certificate could establish parentage with paternity test and therefore would not have to adopt.

Chairman Weisz: removing the language from line 26 #2

J. Hoffman: Criminal history record would be pulled. This makes the language the same as other language in the part of the adoption code.

Chairman Weisz: Do you have any concern with the creditable witnesses. I mean what a credible witness character statement is?

J. Hoffman: I would guess that the agency would draft a form for the agency's use for when to send out to these credible character witnesses and as Representative McWilliams has indicated, if they could not provide creditable references in a certain amount of time they would then have to go back to the adoptive parent and ask for additional names. If they ultimately couldn't provide them, I assume that they would deny the applicant's application and provide that information to the court. We would likely have to establish some kind of a wheel that would give some time frames to this. It could give the agency some guidelines to how many they survey and how long do you do this before you obtain these credible references.

Chairman Weisz: So then would the child placing agency have to make a determination then of the sufficiency of the ability to identify the parent's home environment so that they have to then make a decision?

J. Hoffman: No the agency would only collect information and provide it to the court. They would not be making an independent assessment and determination.

Chairman Weisz: Ok. Questions?

Representative P. Anderson: Has there been any discussion about adding niece and nephew to the definition of a family member?

J Hoffman: No, we did not have that discussion. This would mean you are suggesting the niece and nephew of the child to be adopted.

Representative P. Anderson: You have Aunt and Uncle in here and I had a baby at 40 and my niece and nephew would have been a better alternative for adoption than my older brother. Just a thought.

Chairman Weisz: Further questions from the committee?

Representative Devlin: Where else in state law where we would allow judgment or declarations by people very close to the people involved to essentially be the final say with no oversight. You know what I mean? Nobody is going to go in there and say yes they really do have a good home. I question if some of the relatives that I am very close to would know the specifics to many of these questions and would probably just say, " yes he would be a great parent". The way you are talking, you get this back and if it sounds good, you are never going to look into it to say whether it is true or not. Is that correct?

J. Hoffman: That is how I understand this bill is being provided. Currently, the adoption agency request references from individuals close to the applicant. They would not be nearly so complete as this is laying out. They would be general requests to the person giving the reference about their character and their ability to raise a child and any experiences they might have had with regard to parenting. Those references are part of the larger assessment that the agency completes regarding the adoptive family. They are certainly not as complete as this. I see this scheme as putting that burden about making that judgement about whether these credible character witnesses statements are credible on the court. It is giving that information to the court and telling the judge that they need to make that decision.

Chairman Weisz: Further questions from the committee? Seeing none. Thank you.
Anyone else here in support of HB 1206?
Is there anyone here in opposition to HB 1206?

Seeing none, we will close the hearing on HB 1206

Any opposition?

Closed

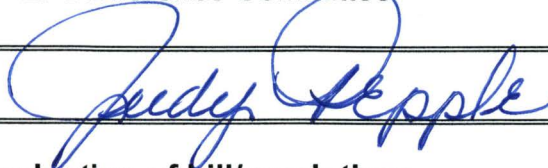
2017 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

HB 1206
1/18/2017
27182

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the investigation and report by a child-placing agency and the definition of relative.

Minutes:

Chairman Weisz: called the committee to order.

Representative McWilliams: I move that we adopt the amendments as recommended by the department.

Representative Schneider: Seconded the motion.

Chairman Weisz: Discussion on the amendments?

There was basically some clean up language. Any discussion? Seeing none. We will take a voice vote.

All those in favor of the amendments say I.

Voice vote taken and the motion carried.

Chairman Weisz: Are there any further amendments on HB 1206?

Representative Porter: I guess I would feel more comfortable if this is the route we are going that we would remove the overstrike on page 1 line 11 and move back to the 9 months so that it is a little bit longer relationship that is established. Rather than shortening that and then changing the rest of the guidelines in the other sections.

Representative Porter: I would move that we further amend and remove the overstrike on page 1 line 11.

Representative Skroch: I would second that.

Chairman Weisz: Ok we have a motion and a second. Is there discussion? The current bill moved it to 6 months and this amendment takes it back to 9. Any discussion?

Representative McWilliams: Ms. Julie Hoffman felt that 6 months was fine and supported that, but I think moving it back gives the state a little more time.

Chairman Weisz: Any further discussion?

Seeing none.

The amendment would change it from 6 months back to 9 months which is the current law. If there is not further discussion, all those in favor of the amendment say I.

Voice vote taken on the amendment to change 6 months back to 9 months.

Motion carried.

Chairman Weisz: Are there any further amendments to HB 1206?

Representative Devlin: I don't have an amendment, but I still have some concerns on the potential liability for whoever is making this statement. I don't know if there is some protection elsewhere in law, I have no idea. I certainly could testify that my brother was of sound mind and body and would be the most wonderful person in the world, but if it comes out a little later that he was not of sound body or whatever, I just want to know if there is any liability in this. I just don't know what the protections are.

Representative McWilliams: This would still be under the umbrella of the adoption agency and the adoption agency still makes the recommendation to the court. If character witnesses cannot be found, it would be up to the adoption agency to do the investigation.

Representative Devlin: I understand that. My issue is that if the statement made by the character witness is relied on by the adoption agency and recommends to the court that this is the way we should go and it is proven later that the character witness statement is completely false. Is there any liability to the person that made that, or is there liability somewhere else? It is such a judgmental thing that I just don't know exactly what is going to come out of it. I what you are trying to do, but I am just trying to understand the potential liability.

Representative McWilliams: Currently when you go through the adoption process you need 5 character witnesses. There are not as complete as these, but that is all part of the adoption process. There is no way of knowing if they are credible either. At some point we have to trust one another.

Vice Chairman Rohr: So previous law said only 3 were required, so which of these 6 stipulations were not part of that?

Representative McWilliams: All of them. These are all added on.

Vice Chairman Rohr: It just said 3 were required, but it didn't say what the criteria would be.

Representative McWilliams: Correct.

Representative Seibel: Representative McWilliams, the 6 different categories given that must be in the statement. Did you come up with those with the child-placing agency?

Representative McWilliams: These 6 requirements are taken from line 17 page 2. What that does is just put that back on the family instead of on the agency. All we did was take out that string of things and itemize each one of those so that when the adoption agency provides a character witness statement there will be separate questions in regard to each of those things.

Chairman Weisz: So, Representative McWilliams, to break it down it is the credible witness that is certifying the fitness of that parent. So the child-placing agency doesn't have to do all of the work. They just accept the statements from the witnesses in place of what the child-placing agency is supposed to find out. Does that condense it?

Representative McWilliams: Yes.

Chairman Weisz: That is what you have. Love it or hate it. I certainly would reduce cost, but I don't know whether it would speed it up or not. Further discussion?

Representative Seibel: I would like to make a motion for a do pass as amended.

Chairman Weisz: We do have a motion for a do pass as amended on HB 1206.

Representative Skroch: I second it.

Chairman Weisz: Discussion on the bill?
Is there further discussion of HB 1206 as amended?

Roll call vote taken for a do pass as amended on HB 1206.

Roll call taken Yes 12 No 2
Motion carried.

Volunteer to carry it? Representative McWilliams, it is usually better if you don't carry your own bill, because then you can get up and defend it on the floor. Just as a general rule. You can if you want to though.

Representative Skroch: Yes, I will carry it.

1/19/17 DA
January 19, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1206

Page 1, line 1, replace "5" with "13"

Page 1, line 1, replace "14-15-11" with "14-15-01"

Page 1, replace lines 5 through 14 with:

"SECTION 1. AMENDMENT. Subsection 13 of section 14-15-01 of the North Dakota Century Code is amended and reenacted as follows:

13. "Relative" means any individual having the following relationship to the minor by marriage, blood, or adoption: brother, sister, stepbrother, stepsister, first cousin, uncle, aunt, or grandparent."

Page 2, line 5, replace "half-brother, half-sister" with "stepbrother, stepsister"

Page 2, line 6, remove "father, mother."

Page 2, line 26, after "report" insert "of a child-placing agency"

Page 2, line 27, replace "The" with "An assessment and recommendation of the"

Page 2, line 27, remove "and any household"

Page 2, line 28, remove "member"

Re-number accordingly

Date: 1-18-17
 Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1206

House Human Services Committee

Subcommittee

Amendment LC# or Description: 17.0566.02001

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Rep. McWilliams Seconded By Rep. Schneider

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------|-----|----|------------------|-----|----|
| Chairman Weisz | | | Rep. P. Anderson | | |
| Vice Chairman Rohr | | | Rep. Schneider | | |
| Rep. B. Anderson | | | | | |
| Rep. D. Anderson | | | | | |
| Rep. Damschen | | | | | |
| Rep. Devlin | | | | | |
| Rep. Kiefert | | | | | |
| Rep. McWilliams | | | | | |
| Rep. Porter | | | | | |
| Rep. Seibel | | | | | |
| Rep. Skroch | | | | | |
| Rep. Westlind | | | | | |

Vote taken
Vote motion carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 1-18-17
Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1206

House Human Services Committee

Subcommittee

Amendment LC# or Description: 17.0566.02001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
Other Actions: Reconsider

Motion Made By Rep. Porter Seconded By Rep. Skroch

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------|-----|----|------------------|-----|----|
| Chairman Weisz | | | Rep. P. Anderson | | |
| Vice Chairman Rohr | | | Rep. Schneider | | |
| Rep. B. Anderson | | | | | |
| Rep. D. Anderson | | | | | |
| Rep. Damschen | | | | | |
| Rep. Devlin | | | | | |
| Rep. Kiefert | | | | | |
| Rep. McWilliams | | | | | |
| Rep. Porter | | | | | |
| Rep. Seibel | | | | | |
| Rep. Skroch | | | | | |
| Rep. Westlind | | | | | |

voice vote motion carried

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

To change the time from 6 months back to 9 months which was there originally.

Date: 1-18-17
 Roll Call Vote #: 3

**2017 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1206**

House Human Services Committee

Subcommittee

Amendment LC# or Description: 17.0566.02001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider

Motion Made By Rep. Seibel Seconded By Rep. Skrock

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------|-----|----|------------------|-----|----|
| Chairman Weisz | | ✓ | Rep. P. Anderson | ✓ | |
| Vice Chairman Rohr | ✓ | | Rep. Schneider | ✓ | |
| Rep. B. Anderson | ✓ | | | | |
| Rep. D. Anderson | ✓ | | | | |
| Rep. Damschen | ✓ | | | | |
| Rep. Devlin | | ✓ | | | |
| Rep. Kiefert | ✓ | | | | |
| Rep. McWilliams | ✓ | | | | |
| Rep. Porter | ✓ | | | | |
| Rep. Seibel | ✓ | | | | |
| Rep. Skrock | ✓ | | | | |
| Rep. Westlind | ✓ | | | | |
| | | | | | |
| | | | | | |

Total (Yes) 12 No 2

Absent _____

Floor Assignment Rep. Skrock

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

REPORT OF STANDING COMMITTEE

HB 1206: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "5" with "13"

Page 1, line 1, replace "14-15-11" with "14-15-01"

Page 1, replace lines 5 through 14 with:

"SECTION 1. AMENDMENT. Subsection 13 of section 14-15-01 of the North Dakota Century Code is amended and reenacted as follows:

13. "Relative" means any individual having the following relationship to the minor by marriage, blood, or adoption: brother, sister, stepbrother, stepsister, first cousin, uncle, aunt, or grandparent."

Page 2, line 5, replace "half-brother, half-sister" with "stepbrother, stepsister"

Page 2, line 6, remove "father, mother."

Page 2, line 26, after "report" insert "of a child-placing agency"

Page 2, line 27, replace "The" with "An assessment and recommendation of the"

Page 2, line 27, remove "and any household"

Page 2, line 28, remove "member"

Renumber accordingly

2017 SENATE HUMAN SERVICES

HB 1206

2017 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

HB 1206
3/8/2017
Job Number 28865

- Subcommittee
 Conference Committee

Committee Clerk Signature

Carie Winings for Maura Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to the investigation and report by a child-placing agency and the definition of relative.

Minutes:

4 attachments

Chair J. Lee: Brought the hearing to order, all members were present.

Representative Aaron McWilliams, District 20: See Attachment #1 for testimony to introduce and in support of the bill.

(4:05) Chair J. Lee: There was an amendment in the House, correct?

Representative McWilliams: There was an amendment, originally the bill included a time reduction. A child has to live with a family member, from 9 months down to 90 days, that was amended out. We also had to do a little bit of clean up language. Further amendments would make sure background checks that we are requesting is going to any adult living in the home of the adopted child. We want to make sure that in this set of reporting requirements that they have the same reporting requirements for the background checks as previously provided for in law.

Chair J. Lee: Part of the amendment overstruck the need to have a report on any household member. Can you tell us why you would have done that? (Page 2, Line 22) (It was determined that someone else in the room would address the question.)

Senator Piepkorn: In your testimony you mentioned when you adopted your daughter, could you address that?

Representative McWilliams: We adopted my 1st cousin's child. He asked us to be the parents. We had to go through the whole adoption process just like anyone else and it was very expensive. The reporting requirements that they needed far exceeded what we felt was really necessary for someone who already knew us and had already chosen us as the adoptive parents. That is the reason for this bill because we ended up paying a lot of money for reports that we did not feel were necessary.

Senator Anderson: How is it different if the child has no parents?

Representative McWilliams: Perhaps I do not understand the situation you are describing. Could you elaborate?

Senator Anderson: If there is a child whose parents are killed in a fire, and now one of the relatives is going to adopt that child. How do you answer the question?

Representative McWilliams: I think for situations like that the alternative reporting requirements would not be applicable in the situation. It would simply revert back to what is already in the uniform adoption act. I think in that case you would be looking at the will for the family to see if there was someone appointed as a guardian. Ms. Hoffman may be able to speak better to that. If the reporting requirements are not met, we can simply revert back to the standard reporting and assessment from the adoption agency. If the family can't get the character witness statements in line or submitted in time.

Chair J. Lee: If you can't fast track it will revert to the original longer process.

Julie Hoffman, Administrator, Adoption Services, Department of Human Services: See Attachments #2, and #3 for testimony in favor of the bill.

(13:40) Chair J. Lee: Could you answer the question about having no parents and another one with a mother having substance abuse issues that loses parental rights?

Julie Hoffman: This wouldn't apply to those situations, because you wouldn't have a voluntary adoption going on. In those cases, if there was a will that established guardianship for the child, the child would then go to that. If not, generally those children are placed into the custody of the county and foster care and then we would move forward in that way. This wouldn't apply to situations under which a child is being adopted where an agency has custody of that child. Those agencies would require the full assessment of the adoptive family's situation even if they are a relative. You asked a question about the other adults living in the home and that had been in the original bill. We had asked in our amendments to strike that. Thinking that it would be covered under other statutes that we have that govern criminal background checks. The legislative council felt that it had to be directed to someone. They left in the identified adoptive parent, which is fine, except that would not allow for other adults living in the home. We don't want a criminal background check for minors in the home but we do want other adults in the home. This is consistent with how we are currently doing criminal background checks for all adoptions.

V-Chair Larsen: Is there a statistic of people who don't go through this process. I think of relatives, and we raised my sister in law's kid for a long time. We have a nephew that we raised till he was 20, but we did not go through the process to adopt. I know to adopt you can write them off on taxes etc. Is there a statistic of families like mine?

Julie Hoffman: We don't have data on that. It is kind of like "what you don't know, you don't know". We are not sure what those numbers would be. Anecdotally, I talk to those people all the time. It was common in our past, somebody just stepped in and just raised the child. (Gave an example of an adoption 18:10-19:00) People just kind of step in and don't do legal work. This bill would make it easier for certain relatives in certain situations to be able to adopt their relative children.

V-Chair Larsen: We had them listed as beneficiary etc. The legal paperwork is really what we did not go through.

Chair J. Lee: There is kinship care available in the foster care system as well in which a child who has been removed from the parental home can be cared for by family members.

(20:35) Sarah McWilliams, adoptive parent: See Attachment #4 for testimony in favor of the bill.

(23:45) Chair J. Lee: No opposition or neutral testimony was present. Closed the public hearing on HB 1206.

V-Chair Larsen: Moved to Adopt Amendment (Attachment #3).

Senator Heckaman: Seconded.

A Roll Call Vote Was Taken.

Motion Carried: 7-0-0.

V-Chair Larsen: Moved a Do Pass As Amended.

Senator Heckaman: Seconded.

A Roll Call Vote Was Taken.

Motion Carried: 7-0-0.

Senator Anderson will carry the bill.

17.0566.03001
Title.04000

Adopted by the Senate Human Services
Committee

March 8, 2017

E7
3-8-17
p. 1 of 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 2, line 25, after "parent" insert "and any adult living in the home of the adoptive parent"

Renumber accordingly

Date: 3/8 2017

Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1206

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: after "parent" insert "and any adult living in the home of adoptive parent."

- Recommendation:
- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Sen. Larsen Seconded By Sen. Heckaman

| Senators | Yes | No | Senators | Yes | No |
|----------------------------------|-----|----|--------------------------|-----|----|
| Senator Judy Lee (Chairman) | X | | Senator Joan Heckaman | X | |
| Senator Oley Larsen (Vice-Chair) | X | | Senator Merrill Piepkorn | X | |
| Senator Howard C. Anderson, Jr. | X | | | | |
| Senator David A. Clemens | X | | | | |
| Senator Curt Kreun | X | | | | |
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Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Date: 3/8 2017

Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 1206

Senate Human Services Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider _____

Motion Made By Sen. Larsen Seconded By Sen. Heckaman

| Senators | Yes | No | Senators | Yes | No |
|----------------------------------|-----|----|--------------------------|-----|----|
| Senator Judy Lee (Chairman) | X | | Senator Joan Heckaman | X | |
| Senator Oley Larsen (Vice-Chair) | X | | Senator Merrill Piepkorn | X | |
| Senator Howard C. Anderson, Jr. | X | | | | |
| Senator David A. Clemens | X | | | | |
| Senator Curt Kreun | X | | | | |
| | | | | | |
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| | | | | | |

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Anderson

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

REPORT OF STANDING COMMITTEE

HB 1206, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1206 was placed on the Sixth order on the calendar.

Page 2, line 25, after "parent" insert "and any adult living in the home of the adoptive parent"

Renumber accordingly

2017 TESTIMONY

HB 1206

#1
HB 1206
1-16-17

**House Bill 1206 – Department of Human Services
House Human Services Committee
Representative Weisz, Chairman
January 16, 2017**

Chairman Weisz, and members of the House Human Services Committee, I am Julie Hoffman, Administrator of Adoption Services for the Department of Human Services (Department). I am here today to provide testimony regarding House Bill 1206.

As introduced, House Bill 1206 would seek to streamline the process of adoption for certain relatives adopting a related child. The Department supports the intent of this Bill, but has some recommendations regarding specific provisions. I have had discussions with the primary sponsor of this Bill, Representative McWilliams to discuss the Department's recommendations. Attached to my testimony are proposed amendments which would address the Department's recommended changes.

Currently, NDCC 14-15-11 allows the court to waive an investigation, or more commonly called an adoption assessment or home study, for relatives adopting a child who has lived in their home for at least nine months and if there have been no allegations of abuse or neglect against the petitioner or any member of the household. If the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report that is required in the statute. House Bill 1206 would amend this provision by lessening the time the child would have had to reside with the petitioner to six months. The Department is in agreement with this provision.

Section 2 of House Bill 1206, page 2, lines 5 and 6 would add a definition of "relative" to NDCC 14-15.1, Child Relinquishment to Identified Adoptive Parents. The Bill's definition is not consistent with the definition of "relative" in NDCC 14-15, the Uniform Adoption Code and the statute that works hand in hand with NDCC 14-15.1. The Department would request that these two definitions be consistent. In that vein, we suggest changing half-brother and sister to step-brother and sister, and eliminating father and mother from the definition. The Department believes that half siblings would be included in the definition of brother and sister. The Department doesn't believe a mother or father would be adopting their own child. The Department is also offering an amendment to NDCC 14-15-01 that would make its definition of relative consistent with the definition being added to NDCC 14-15.1 by adding first cousin.

Section 3 on page 2 and 3, lines 26 and following to the end of the Bill would create a new protocol for licensed child placing agencies that are providing a report to the court for an adoption of a related child, when it is required by NDCC 14-15.1. The Department's proposed amendments would clarify that:

- the report is one being provided by a licensed child placing agency,
- the criminal history record is a complete criminal history, investigation in compliance with federal requirements_as is currently being done for adoptive parents, and
- such criminal history investigations are for the relative identified adoptive parent and any adults living in the home.

The Department concurs with the remainder of House Bill 1206.

I would be happy to answer any questions you might have.

HB 1206
#1
3/8

HB1206

Madam Chair and committee members I'm Representative Aaron McWilliams from district 20. District 20 covers most of the area between Fargo and Grand Forks. This is my very first bill as a new legislator and with that my first time before this committee. This bill addresses the reporting requirements that an adoption agency request for interfamily adoptions. This purpose of this bill is to streamline the process, save families \$3,000 - \$4,000 and expand the definition of relative to include first cousin.

Currently all adoptions, whether it's identified, unidentified or interfamily, go through the same expensive and time consuming process as required under (The Uniform Adoption Act). The report that adoption agencies require includes an in-depth home study which include many hours of interviews, and expensive test.

This bill introduces a new subsection of reporting requirements in section 3 subsection 2 if the adoptive parents are relatives of one of the birth parents. In sections 1 and 2 of the bill you'll find the definition of relative and see the addition of first cousin.

Currently every adoption is subject to the reporting requirements set forth in Section 3, b which outlines the elements of report. Because of the broad language in the century code the adoption agencies essentially write a report on every possibly aspect of your life, and generally do a fantastic job. It became a joke when my wife and I adopted my daughter that if they didn't know our favorite flavor of ice-cream and the color of our underwear then they probably missed something. While this in-depth reporting is good and necessary for the birth parents it's not needed when it's family.

Currently adoption agencies require character witness statements but do not outline what the statements must include. This bill allows the character witness statements to take the place of the adoption assessment while outlining what elements are needed that would have otherwise come from the adoption assessment.

When drafting this bill I consulted with several adoption agencies from across the country and the director of adoptions for the state to find a happy medium between child safety and family autonomy.

The adoptive parents still have to go through the same background checks, still have to use an adoption agency, and are still relying on the recommendations of the adoption agency to the courts.

As a finale note to this bill you may be interested to know that adoption agencies in both North Carolina and Florida have already taken this bill to their legislators for consideration.

With that, I hope we can lower some cost for some families and I'm happy to answer any questions.

HB 1206
#2
3/8
Pg. 1

**Engrossed House Bill 1206 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
March 8, 2017**

Chairman Lee, and members of the Senate Human Services Committee, I am Julie Hoffman, Administrator of Adoption Services for the Department of Human Services (Department). I am here today to provide testimony regarding Engrossed House Bill 1206.

Engrossed House Bill 1206 seeks to streamline the process of adoption for certain relatives adopting a related child. The Department supports the intent of this Bill. Recommendations made by the Department in the House Committee have been incorporated into the Engrossed Bill with one minor exception, for which I offer an amendment today. I have had discussions with the primary sponsor of this Bill, Representative McWilliams to discuss the Department’s recommendations.

Section 1 of Engrossed House Bill 1206, page 2, lines 7 through 9 would make the definition of “relative” in NDCC 14-15, the Uniform Adoption Code, consistent with the definition of relative in Section 2 of this Bill (page 2, lines 1 and 2).

Section 3 of Engrossed House Bill 1206 would create a new protocol for licensed child placing agencies that are providing a report to the court for an adoption of a related child, when it is required by NDCC Chapter 14-15.1. The Department’s proposed amendment would add other adults living in the adoptive family home to the requirements for criminal background check on page 2, line 25. This is consistent with our practice in all other types of adoption.

1206
#2
3/8
Pg. 2

The Department concurs with the remainder of Engrossed House Bill 1206.

I would be happy to answer any questions you might have.

HB 1206
#3
3/8

Proposed Amendments to Engrossed House Bill No. 1206

Page 2, line 25, after "parent" insert "and any adult living in the home of the adoptive parent"

Renumber accordingly

Madam Chair and committee members, my name is Sara McWilliams and I'm from Hillsboro. Three years ago my husband, Aaron and I adopted our little girl, Elizabeth, who was born to Aaron's first cousin Josh and his then fiancée. Aaron and Josh have a great relationship dating back to when they were kids and when Josh and Amy decided they weren't in a position in life to take care of their soon to be born daughter, they asked us to adopt. By the time they made their decision, there were five short months to get everything necessary for the adoption to take place before her due date. Mind you, the home study alone is supposed to take place over the course of three months. We found ourselves in the position of scrambling to acquire the paperwork and money to make it all happen and while I'm grateful for the work, dedication and patience of our adoption social workers that made it all fall into place, I felt then, and feel now that the current requirements for interfamily adoption boarder on the ridiculous.

Many of the lines of questioning had little or nothing to do with our fitness as parents, but were on our personal philosophies, goals, and personal interests. We had to take a personality test, a parenting test, and what I remember as being some kind of social test that we had to take twice, once from our perspective and once from our spouses and have them compared to see how well we knew the other. Maybe all that is interesting for prospective birth mothers looking at a profile, but that's unnecessary when you realized that we were already known to the birth parents and had been specially chosen by them. So much so that they put our last name and the name we chose for her on the birth certificate.

By the time it was all done, we were exhausted emotionally and financially by what felt like the never ending scrutiny and expense. We had finished with a few weeks to spare but then realized that the adoption agency on the other side had a list for us too. We traveled down two weeks ahead of the due date to resolve any extra issues, paid even more fees, and finally were allowed to adopt Elizabeth.

Even then, they weren't done with us and we still had three more "home visits" to get through. I'm not really upset by that, and they went very smoothly, but after all the invasiveness before, it was just adding insult to injury.

This bill that is being presented leaves in place all of the very reasonable safeguards to make sure that a child is placed in a stable, safe and responsible home. The character witness statements would give the reassurance of a loving home that they try to quantify with the current cumbersome home study. The streamlining would ease the pressure of finding 12 to 15 thousand dollars in the relatively short period of time that you have when the adoption is occurring within family. It's too late to help me and my family, but please don't make another family go through what we did. Adoption is not easy on the heart even in the best of times, but this law would go a long way in easing just a little of the burden.