2025 HOUSE JUDICIARY

HB 1034

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1034
1/15/2025

A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the reestablishment of parental rights and responsibilities

10:00 a.m. Representative Karls opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Discussion Topics:

- Reinstatement of adopted children
- Maturity of foster children
- Reestablishment process and safeguards
- Transition plan requirements
- Legal guardianships

10:01 a.m. Representative Lawrence Klemin, North Dakota Representative for District 47, introduced the bill.

10:02 a.m. Austin Gunderson, Attorney for the Legislative Council, testified neutrally.

10:14 a.m. Julie Hoffman, Adoption Administrator with Children and Family Services Section under the Department of Health and Human Services, testified in favor and provided testimony #28978.

10:41 a.m. Travis Finck, Executive Director for the North Dakota Commission on Legal Counsel for Indigents, testified in favor and provided testimony #29119.

11:07 a.m. Desiree Sorenson, Director for the Mountrail McKenzie Human Service Zone, testified in favor and provided testimony #29124.

11:26 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

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Testimony
House Bill No. 1034
House Judiciary Committee
Representative Lawrence Klemin, Chairman
January 15, 2025

Chairman Klemin and members of the House Judiciary Committee, my name is Julie Hoffman, Adoption Administrator with Children and Family Services Section under the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1034, which was introduced at the request of the Juvenile Justice Interim Committee. This bill addresses potential reinstatement of parental rights.

This bill was drafted and introduced as a result of an interim study commissioned by the 68th Legislative Assembly, in 2023 House Bill No. 1091 (section 20) tasking the Department, with the assistance from other stakeholders, including the North Dakota Supreme Court, Human Service Zone directors, and the ND Association of Counties, to review the option of reinstating parental rights that have been terminated by the court. The study resolution directed a report on the process of this study to legislative management by August 1, 2024.

The workgroup, facilitated by Children and Family Services section, met January through March 2024 and included those individuals listed in the attachment at the end of this testimony. The group met every other week during this period. The group reviewed information from the National Conference of State Legislatures on Reinstatement of Parental Rights, which summarized all state legislation to that point on this matter. At that time, 22 states had such a statute. The group looked at data related to termination of parental rights. We discussed cases where such a statute would have been applicable and helpful, and determined to

move forward to draft legislation that would meet North Dakota's need. We looked further into the statutes of five states (Minnesota, Texas, Washington, Maine and Nevada) to compare and contrast the content of these statutes. The group appointed three members to draft proposed legislation, making recommendations of the main points for inclusion.

The main points of this proposed legislation include:

- Petition may be brought by a party from the original termination of parental rights (TPR) proceeding.
- 12 months since the final order for TPR.
- The child has not been adopted or there is not a written adoption placement agreement.
- The court shall consider the child's age, maturity, and ability to express a preference and may consider the child's preference regarding the reestablishment of parental rights.
- A prima facie review of the Petition will occur upon the filing of a petition for reestablishment of parental rights.
- The court may dismiss the petition if it finds that the petition has not established a case justifying reinstatement and will set a hearing date for an evidentiary hearing if the petition does not establish a prima facie case.
- Counsel will be appointed for the child regardless of income. Counsel for birth parents subject to indigency.
- The court may order a trial home visit to create a transition plan.
- The burden of proof for the petitioner is "clear and convincing" evidence.
- A petition for the reestablishment is not allowed if the subject of the petition has previously had parental rights terminated based on a finding in a legal proceeding of either sexual abuse or other has a

conviction for intentional conduct that resulted in the substantial bodily injury or death of a minor.

- If the court denies a petition under this chapter after a hearing, the court may issue a written order barring the filing of subsequent petitions by the genetic parent.

As of January 1, 2025, there were 119 children in foster care who have a termination of parental rights where the termination order was granted more than one year ago. Of those, twenty-three children are in an adoptive placement and an additional six have had their adoptions finalized (as of January 7, 2025). For the remaining 90 cases, it is unknown how many birth parents might have remediated circumstances that would allow for a filing a petition for their parental rights to be reinstated. We anticipate the number of cases that will come before the court for reinstatement to be a small number each year.

The Department supports the passage of House Bill No. 1034 as we believe that although this option will not be used frequently, it could benefit children who have been in care for whom we have not been able to effectuate permanency, and their birth parents have become a viable option for permanency.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you

Reinstatement of Parental Rights Workgroup Information:

- **Group meeting times**: January 2024 through March 2024
- **Cadence**: Twice per month until report out
- **Reporting Responsibility**: to the Legislative Council in May 2024
- **Team Membership**:
    - Judge Jay Knudson, District Court Judge, Northeast Central Judicial District
    - Heather Traynor, Court Improvement Program
    - Travis Finck, Indigent Defense
    - Karen Kringle, Director, Unit 2, Juvenile Court
    - Ashley Leis, Executive Director, States Attorney Association
    - Aaron Webb, Legal Advisory Unit, HHS
    - Rebecca Jund, Cass County States Attorney
    - Lisa Piche/ Leah Honeyman, FSS Supervisor, CFS/HHS
    - Rhonda Allery, Director, Mountain Lakes HSZ
    - Chelsea Flory, Director, Burleigh County HSZ
    - Kristen Hasbargen, Director of Zone Operations, HHS
    - Cory Pedersen, Director, CFS/HHS
    - Dean Sturn, Permanency Administrator, CFS/HHS, Co-Facilitator
    - Julie Hoffman, Adoptions Administrator, CFS/HHS, Co-Facilitator

Testimony in Support of HB 1034
69th Legislative Assembly
House Judiciary Committee
January 15, 2025
Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of House Bill 1034.

The Commission provides representation to indigent parents in termination of parental rights cases in courts in our great state. We were proud to work on this bill with all of those listed in Julie's testimony, and proudly request a do pass recommendation. This bill is the result of an interim study and allows North Dakotans who have had their constitutional rights to parent their children terminated, to have those rights reinstated. The scope of when this extraordinary form of relief is limited in scope and narrowly tailored. Further, this will not create a huge influx of cases as we included a requirement to have a prima facie showing before a full petition would be heard in Court.

For the reasons states herein, the Commission supports HB 1034 and respectfully requests a do pass recommendation.

Respectfully Submitted:

Travis W. Finck
Executive Director, NDCLCI

Testimony Prepared for the
The North Dakota House Judiciary Committee
House Bill 1034 Related to the Reestablishment of Parental Rights and Responsibilities
January 15, 2025
By: Desiree Sorenson, Mountrail McKenzie Human Service Zone Director

Chair Klemin, and members of the North Dakota House Judiciary Committee, my name is Desiree Sorenson. I am the Director for the Mountrail McKenzie Human Service Zone, which includes the counties of Mountrail and McKenzie. In addition, I serve as the Vice Chair of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in support of House Bill 1034 relating to the reestablishment of parental rights and responsibilities.

Human Service Zones are mandated to provide child welfare services, including child protection services, foster care, and in home case management as well as receiving CHINS (Child in Need of Services) referrals and administer economic assistance programs for the state of North Dakota.

Consistent with NDCC 50-01.1-06 and NDCC 27-20, Human Service Zone Directors are given legal care, custody, and control over children in the public foster care system when a child's parental rights have been terminated by the court. Child Welfare Workers in the zones work diligently with adoption agencies and family members to plan for permanency options (such as adoption or legal guardianship) for children. However, for a variety of reasons at times permanency for a child cannot be achieved, leaving the child to linger in the state's foster care system. HHS invited other stakeholders, including the North Dakota Supreme Court, Human Service Zone Directors, and the ND Association of Counties to discuss this topic. Currently in North Dakota there are (12) children whose parents have had their parental rights terminated, have not been adopted, and have not been in a permanent home for 12 months or more.

HB 1034 would offer an alternative to providing permanence for children. While utilization of the provisions detailed in HB 1034 would happen under specialized and likely infrequent instances, it does offer to be a valuable tool in serving North Dakota youth and their families. Based on these reasons, I support HB 1034.

Thank you for your consideration. I stand for questions from the committee.

2025 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Room JW327B, State Capitol

HB 1034
1/22/2025

A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the reestablishment of parental rights and responsibilities.

9:17 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, McLeod, Olson, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representative Satrom

Discussion Topics:

- Current parental rights laws
- Process of recovering parental rights

9:24 a.m. Representative Vetter moved a Do Pass.

9:24 a.m. Representative Schneider seconded the motion.

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	Y
Representative SuAnn Olson	Y
Representative Bernie Satrom	A
Representative Mary Schneider	Y
Representative Bill Tveit	Y
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

9:25 a.m. Motion passed 13-0-1

Representative Henderson will carry the bill.

9:26 a.m. Chairman Klemin closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1034 (25.0273.01000)

Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1034 was placed on the Eleventh order on the calendar.

2025 SENATE JUDICIARY

HB 1034

2025 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

HB 1034
2/18/2025

Relating to the reestablishment of parental rights and responsibilities.

3:11 p.m. Chair Larson opened the hearing.

Members present:
Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

Discussion Topics:

- Re-establishment of parental rights
- Legislative background and process
- Stakeholder involvement
- Child welfare and permanency

3:11 p.m. Julie Hoffman, NDHHS of NDHHS, submitted testimony in favor #37749.

3:19 a.m. Travis Finck, Executive Director of ND Commission on Legal Counsel for Indigents, testified in favor and submitted testimony #37935.

3:29 p.m. Kimberly K. Jacobson, Director of Agassiz Valley Human Service Zone, submitted testimony in favor #37765.

3:34 p.m. Chair Larson closed the hearing.

3:34 p.m. Senator Myrdal moved a Do Pass.

3:34 p.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Casteneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

3:35 p.m. Senator Myrdal will carry the bill.

Additional written testimony:

Elizabeth A. Muralt, Policy Advocacy Intern of NASW- North Dakota Chapter, submitted testimony in favor #37997.

Kara Gloe, Mental Health Therapist & Former Foster Parent, submitted testimony in in favor #37887.

3:36 p.m. Chair Larson closed the hearing.

Kendra McCann, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1034 (25.0273.01000)

Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1034 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

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Testimony
House Bill No. 1034
Senate Judiciary Committee
Senator Diane Larson, Chairman
February 18, 2025

Chairman Larson and members of the Senate Judiciary Committee, my name is Julie Hoffman, Adoption Administrator with Children and Family Services Section in the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1034, which was introduced at the request of the Juvenile Justice Interim Committee. This bill addresses potential reinstatement of parental rights.

This bill was drafted and introduced as a result of an interim study commissioned by the 68th Legislative Assembly, in 2023 House Bill No. 1091 (section 20) tasking the Department, with assistance from other stakeholders, including the North Dakota Supreme Court, Human Service Zone directors, and the ND Association of Counties, to review the option of reinstating parental rights that have been terminated by the court. The study resolution directed a report on the process of this study to legislative management by August 1, 2024.

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move forward to draft legislation that would meet North Dakota's need. We looked further into the statutes of five states (Minnesota, Texas, Washington, Maine and Nevada) to compare and contrast the content of these statutes. The group appointed three members to draft proposed legislation, making recommendations of the main points for inclusion.

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The Department supports the passage of House Bill No. 1034 as we believe that although this option will not be used frequently, it could benefit children for whom we have not been able to effectuate permanency, and their birth parents have become a viable option for permanency.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you

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    - Dean Sturn, Permanency Administrator, CFS/HHS, Co-Facilitator
    - Julie Hoffman, Adoptions Administrator, CFS/HHS, Co-Facilitator

Testimony Prepared for the **Senate Judiciary Committee**
February 18, 2025
Kim Jacobson, Agassiz Valley Human Service Zone Director

HB 1034: Related to the Reestablishment of Parental Rights & Responsibilities

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Chair Larson, and members of the Senate Judiciary Committee, my name is Kim Jacobson. I serve as the Director of Agassiz Valley Human Service Zone, which includes the counties of Traill and Steele, and as President of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in support of House Bill 1034, relating to the re-establishment of parental rights and responsibilities.

Human Service Zones provide critical services for North Dakota communities. We administer economic assistance programs and take referrals for Children In Need of Services (or CHINS). We also manage child welfare services, including child protection, foster care, and in-home case management.

When a child is in public custody, human service zone directors are the legal custodian (NDCC 50-01.1-06 and NDCC 27-20). If a child cannot be reunited with their parent, and termination of parental rights is ordered, child welfare case managers collaborate with adoption agencies and family members to plan for alternative permanency options, such as adoption or legal guardianship. The zone director continues as the legal custodian of a child until an approved form of permanency is achieved.

However, for a variety of reasons, permanency for a child cannot always be achieved. When this occurs, children linger in the state's foster care system with no family connections and no permanent home. Today, this impacts (12) children in North Dakota. Each of these children has experienced the loss of relationship with their parents, because parental rights have been terminated. They have not been adopted, and they have not lived in a permanent home for twelve or more months.

The North Dakota Department of Health and Human Services invited stakeholders to strategize solutions for these children, including the North Dakota Supreme Court, human service zone directors, and the North Dakota Association of Counties. HB 1034 is a result of our collective work. This bill recognizes that sometimes family circumstances change. It acknowledges that a parent whose rights were terminated may make significant improvements, such as regaining the ability to provide safe care and a stable home for their child.

The option to reestablish parental rights offers an alternative to permanency for children, especially for those who linger in care. We anticipate that utilization of the provisions detailed in HB 1034 will occur infrequently. However, in those rare and specialized circumstances, it offers a valuable tool to better serve children and families in North Dakota. I therefore urge your support of HB 1034.

Thank you for your consideration. I stand for questions from the committee.

February 17, 2025

Do Pass HB 1034

Dear Chairman Larson and Members of the Senate Judiciary Department,

Here's the thing we do not talk about enough, the biological bond of families is incomprehensibly strong, and we do not fully understand its implications. Kids can be removed from dangerous homes and never stop missing and yearning for their families. We saw it with every child we fostered and have heard it over and over from every case worker with whom we have ever worked. The foster care system, while well intentioned, is fundamentally broken, often doing more harm than good. As a state, we have made early intervention at maintaining the family of origin a bigger priority in recent years. It is logical then to recognize the possibility of redemption and the mending of a bond once believed broken beyond repair.

There are children in our foster care system that are suffering needlessly, while longing for their biological families. Simultaneously, there are biological parents, who have done the work to turn their lives around, living with soul deep agony, that could be given the opportunity to raise kids and healing wounds only they can heal.

My name is Kara Gloe, LCSW. I am a clinically licensed social worker practicing in North Dakota and a former foster parent. It is at this unique junction of experiences that I provide this testimony.

In 2006 my spouse and I became foster parents. Our first placement was siblings, a two-year-old boy and a three-year-old girl. They lived with us for approximately six months before reuniting with their biological mother. During that time, we fell madly in love with them and were both overjoyed for them given the opportunity to reunite with their biological family and devastated by their loss.

For years, we remained in contact with both them and their biological mother, offering as much support as we could. After a few years, while we were living in another country, their biological mother reached out and informed us that our daughter had been sexually abused by her biological mom's boyfriend. Their biological mom was appropriately distraught, hurt, and angry that someone she trusted and allowed into her home had hurt her daughter in such a way. After that, we lost track of her and them entirely, despite regular attempts to find them.

Ten years after the kids left our home, I was notified by a friend that our sweet children were available for adoption. Things had changed drastically in our lives. We had two biological children of our own, but in that moment, I realized there was a part of me that had held out hope that we would be reunited with them. After discussing it with my spouse, we contacted their social worker, explained who we are to the kids, and began getting to know them once again. Our then 13-year-old daughter had been in 14 different foster homes and 10 different schools. Our son's time in foster care was much similar with a few placements in residential foster agencies mixed in. Needless to say, they had experienced untold trauma in the foster care system.

After about six months, we completed our home study and finalized our application to once again become their foster parents with the intention of adopting them. I remember our first family dinner. I felt as though pieces of my heart I did not realize were gone, snapped into place.

We also re-established a relationship with their biological mother, who was sober, had worked a steady job for several years, was living with her partner, and helping raise his son. The kids had not seen their mom in years, but their yearning for her never diminished. We eased the kids into having a relationship with their mom, by first allowing them monitored contact. As she continued to demonstrate appropriate behavior, we allowed them more open access to one another. Additionally, now that the roles were reversed, she did her best to support us. We talked frequently. She provided much needed context for understanding their behaviors. She visited. She dolled out tough love, had difficult conversations, and never missed an opportunity to tell them how much she loved and missed them and how sorry she was.

Despite their mom's support and our diligent efforts to do everything we could, the years of trauma experienced in the foster care system and the multitudes of broke promises, rendered us ultimately unable to continue being their foster parents, to say nothing of adopting them. They needed more support than any untrained professional could give them. They were not healing , and our entire family was suffering. We made the absolutely devastating decision to no longer be their foster parents. This agonizing failure was why I went to graduate school to become a therapist.

When they returned to foster care, they were split up, despite their case worker's promise they would not be. Over the next few years, until they aged out of the system, they were once again placed in several different homes, never together. Our daughter was once again put in a therapeutic foster care facility. Both kids ran away from their placements several times, always being eventually found and brought back into care by their biological mother.

There is no doubt in my mind that our kids would have been much better off with their biological mother, years before they were ever put on that AdoptUs.org site. However, her rights had been terminated, so the years of therapy and work she had done to turn her life around would never have been enough to consider her as an appropriate caregiver for our children.

If we believe in rehabilitation for others, why not for biological parents who can demonstrate that they have changed? I know it would have meant a world of difference for my kids. **For them, I ask you vote DO PASS on HB 1034**

Sincerely,
Kara Gloe, LCSW

HB 1034
69th Legislative Assembly
Senate Judiciary Committee
February 18, 2025
Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Senate Judiciary Committee, my name is Travis Finck and I am the Executive Director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of House Bill 1034.

The Commission provides representation to indigent parents in termination of parental rights cases in courts in our great state. We were proud to work on this bill with all of those listed in Julie's testimony, and proudly request a do pass recommendation. This bill is the result of an interim study and allows North Dakotans who have had their constitutional rights to parent their children terminated, to have those rights reinstated. The scope of when this extraordinary form of relief is limited in scope and narrowly tailored. Further, this will not create a huge influx of cases as we included a requirement to have a prima facie showing before a full petition would be heard in Court.

For the reasons states herein, the Commission supports HB 1034 and respectfully requests a do pass recommendation.

Respectfully Submitted:

Travis W. Finck
Executive Director, NDCLCI

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NASW
National Association of Social Workers
NORTH DAKOTA CHAPTER

Testimony on HB 1034
North Dakota Chapter of the National Association of Social Workers
February 17, 2025
Senate Judiciary Committee

Chair Larson and members of the Senate Judiciary Committee,

The North Dakota Chapter of the National Association of Social Workers (NASW-ND) supports HB 1034 which provides biological parents a pathway to regain parental rights. Promoting family preservation and reunification, this bill aligns with social work values by recognizing personal growth and supporting best practices in the child welfare system.

Currently, biological parents lack the ability to regain parental rights once they are lost. The loss of reunification not only affects the biological parents' well- being but also the well-being of the child, ultimately contributing to the number of individuals within the child welfare system and negatively impacted by it. The Family First Prevention Act demonstrated the success of family preservation strategies, and HB1034 builds on this foundation, helping keep children out of the foster care system while empowering parents to demonstrate meaningful change through personal development.

I spent 14 years in the child welfare system in North Dakota from the age of 5 until 19. I experienced 7 placements, including a group home facility (because there weren't enough foster homes in the area) and a failed adoption placement. Each move caused disruption and some caused trauma; multiple studies have shown the myriad negative impacts from changing placements within the foster care system, from diminished mental health and academic performance to drug and alcohol addiction, increased incarceration rates and ultimately contributing to significant less chances at outcomes of success for individuals who experience multiple placements within their time in care. I vividly recall listening to a talk at a national conference that I attended during college about the impacts of multiple placements on children. tears rolling down my face as I reflected on the 7 placements I had within my time spent in care. The outcomes for individuals with backgrounds like mine typically end in drug/alcohol addiction, the criminal justice system, poverty and lack of employment, teenage pregnancies and a lot of times death.

That statistic and its reality affects so many people–but it does not define them. Because in reality, if it did, statistically I shouldn't be writing you this testimony. I often reflect on how my life - and my mother's - could have been different if she had been given another chance. My mother's loss of parental rights initiated strong feelings of guilt, loss of hope, diagnosis of depression and ultimately changed the entire trajectory of her life. There were so many profound impacts from the loss of parental rights on our relationship that we deal with to this day. Losing parental rights should not mean losing hope for reunification. People are capable of growth and HB 1034 recognizes that change is possible and attainable. As individuals we shouldn't be defined by our biggest mistakes. Instead, we should empower, support and encourage individuals in using their experiences and adversities as lessons and an opportunity for change and growth.

NASW-ND supports legislative efforts that promote social justice, dignity and personal growth. We urge the members of this committee to vote DO PASS on HB 1034, as it removes systemic barriers, promotes family preservation, and upholds the belief that individuals are not defined by their past but have the capacity to change.

Respectfully,

Elizabeth Muralt
NASW-ND Policy Advocacy Intern
North Dakota Chapter of the National Association of Social Workers