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10/15/03
Date

2003 SENATE JUDICIARY

SB 2035

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2035

Senate Judiciary Committee

☐ Conference Committee

Hearing Date: January 15, 2003

Tape Number	Side A	Side B	Meter #
2	X		13.5
Committee Clerk Signature <i>Maria L. Salley</i>			

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Sen. Traynor requested meeting starts with testimony on the bill.

Testimony neutral to SB 2035:

This bill is to expedite adoptions. It was put together by the Family Law committee

Jennifer Clark- Testimony is a walk through of bill. (meter 13.5) Discussion of legality of using a Drivers License number on a form.

-Senator Thomas L. Trenbeath (meter 30.0) asked if Section 14 was a "mirror" of another statute under the termination of parental rights. Jennifer responded yes. What if the father is from another state (35.6) and how does it address fraud committed by the mother to the father? (meter 32)

Senator Dennis Bercier asked how this would affect a juvenile. Jennifer's response was that they are not addressed

Page 2

Senate Judiciary Committee

Bill/Resolution Number 2035

Hearing Date January 15, 2003

Senator Dick Dever - I thought this was a volunteer not a mandatory registration, what

happened? Julie Hoffman - Administrator of Adoption Services, Attachment and testimony.

Testimony in support of SB 2035

Sen Linda Christianson - Vice Chair on the interim committee on Family Law. I am in support of this bill.

Susan Grundyson - Attachment and testimony. Concealing is provided to the father on every occasion just as in a woman's/family's case answered Sen. Traynor question but not all facilities had this available.. Discussion on the father's notifications.

Julie Hoffman - Attachment We are all Social Workers.

Senator Carolyn Nelson asked how many children have been adopted in the state of ND? (meter 8.6) 197 and this includes "step" parent adoptions.

Leann Johnson - Lutheran Social Services Attachment (meter 5.1)

Testimony in opposition of SB 2035:

Sherry Mills Moor - SBANS, Attorney. Sited many concerns and potential abuse of this bill (meter 16.9) Where would the burden of proof lie if a father failed to register? Potential abuse of system; promiscuous woman or if a group of males thought it humorous to all register. If a person is already married and/or divorcing would it be used to prove moral character. What if the mother keeps the child and then gives the child up. Three days was not enough time for a man to make a decision-he can not even get an appointment with an attorney in that time. How about the time it takes to do paternity tests?

We already have laws that exist that are good!

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Senate Judiciary Committee

Bill/Resolution Number 2035

Hearing Date January 15, 2003

Senator John T. Traynor, Chairman closed the hearing pending further discussions between
Family Law Committee and Ms. Sheri Mills More.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2035

Senate Judiciary Committee

☐ Conference Committee

Hearing Date: January 20, 2003

Tape Number	Side A	Side B	Meter #
4	X		0.0-1.2
Committee Clerk Signature			

Minutes: **Senator John T. Traynor, Chairman**, called the meeting to order. Sen. Traynor requested meeting starts with committee work on the bill:

The following is a memo written from Julie Hoffman, Administrator of Adoption Services for the Department of Human Services. Julie indicates that they would like to Do Not Pass. They will discuss with an adoption specialist to attempt to develop a proposal that would improve the laws.

Senator Stanley W. Lyson, Vice Chairman moved a **DO NOT PASS**. Seconded by

Senator Thomas L. Trenbeath

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Carrier: Senator John T. Traynor, Chairman

FISCAL NOTE
Requested by Legislative Council
12/16/2002

Bill/Resolution No.: SB 2035

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						
Expenditures			\$1,000		\$1,000	
Appropriations						

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

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

SB 2035 establishes a paternity registry. The Health Department will collect the necessary data and maintain the registry. The registry will be used to protect the rights of fathers who affirmatively assume responsibility for children and expedite adoptions of children whose biological fathers are unwilling to assume responsibility for their children. Data collected will be made available to interested parties identified in Section 4, part 3 of the bill.

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.

Expenses are for development, printing and distribution of the registry form and come from general funds. The fiscal impact is very minor so costs will be absorbed in our current budget.

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:	Kathy J. Albin	Agency:	Health
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Phone Number: 328-4542

Date Prepared: 12/30/2002

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Date: January 20, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2035

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO NOT PASS

Motion Made By Senator Stanley W. Lyson, Vice Chairman Seconded By Senator Thomas L. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) Six (6) No Zero (0)

Absent Zero (0)

Floor Assignment Senator John T. Traynor, Chairman

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

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10/15/03
Date

REPORT OF STANDING COMMITTEE (410)
January 21, 2003 12:15 p.m.

Module No: SR-11-0831
Carrier: Traynor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2035: Judiciary Committee (Sen. Traynor, Chairman) recommends DO NOT PASS
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2035 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-11-0831

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2003 TESTIMONY

SB 2035

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1/15

Senate Judiciary Committee

Senate Bill 2035

January 15, 2003

Chairman Traynor and members of the Senate Judiciary Committee, my name is Julie Hoffman, Administrator of Adoption Services for the Department of Human Services. I am here today to present testimony regarding Senate Bill 2035. The Department has a neutral stance to the passage of this bill for a proposed new statute for a Paternity Registry in North Dakota.

This bill is a result of the Family Law Committee's Interim study of adoption law in North Dakota. An informal work group of adoption professionals collaborated with the Department on a review of adoption law in order to provide information to the Family Law Committee. Some supported the concept of a Paternity Registry for our state. There was concern about birth fathers that, due to their unwillingness to cooperate with the birth mother's plan for adoption, but who are not able to parent themselves, frustrate the placement plan. This has, in a few cases, forced an unprepared birth mother to parent her child. It was agreed that best practice is to deal with birth fathers directly, involving them in the plan and obtaining medical/ social information from them for the benefit of their child. There was a concern that the availability of a registry may eventually result in a practice of not attempting to contact birth fathers, even when they were available. Since this was an area of interest for this informal work group, it was presented to the Family Law Interim Committee. The Committee directed the Department to draft this legislation. The Department and our informal work group proposed a statute for a paternity registry that we believe could be most workable in light of current adoption practice in our state. We believe it would benefit some cases where a birth mother wants to place a child for adoption and does not have the

cooperation of the birth father. We also believe it would protect the parental rights of some birth fathers where the birth mother of their child is not involving them in a plan for adoption. Approximately 21 states have statutes authorizing the establishment of a Paternity Registry.

The purposes of a Paternity Registry are 1) In the case of a birth father who has an interest in a child he may have fathered, a registry could protect his potential parental rights to that child, 2) a registry puts the burden on the birth father to establish his interest in a child he may have fathered, 3) a registry may allow a birth mother to proceed with an adoption plan when the birth father is not cooperative in the planning process, but who is unwilling to take parental responsibility, and 4) a registry could make a birth counselor's job more workable when she has trouble locating an alleged birth father.

A Paternity Registry would not 1) remove the requirement to terminate the parental rights of a biological or legal parent, 2) relieve the mother of the obligation to identify a known birth father of her child, or 3) remove the responsibility of the agency who is doing the adoption work to obtain information from a known birth father.

We developed this proposal, believing that the Division of Vital Records in the Department of Health would most naturally administer a Paternity Registry. I have had discussions with Bev Wittman, Registrar at the Division of Vital Records, Department of Health. She has had opportunity to review the Paternity Registry bill. She is here today, and has indicated to me that her department would not oppose the legislation. She did note that the responsibilities her office would acquire through this bill are consistent with current functions of the office. She did not believe there would be great additional expense in carrying out this responsibility. A fiscal note from her Division is attached to the bill.

The process that is laid out in this bill for a birth father that wishes to protect his parental rights to a child is as follows:

- 1) The alleged birth father would register his intent to assert his right to establish paternity of a child at any time during the pregnancy and up to three working days after the birth of the child. He would be able to access information and forms regarding the registry from a variety of locations as detailed in section 4. He would register specific information with the division including his name, address and driver's license number, the name of the mother of the child and if known her address, and the name and additional information regarding the child, if the child has been born and if the information is known. On this form, the registrant would state that he might have fathered the child he identifies or impregnated the woman he identifies. He will be required to acknowledge that he understands that the registration does not initiate an action to establish paternity but the information disclosed on the registration form may be used in such an action. He can submit the registration in person, by fax, mail or delivery and may do so any time during a pregnancy, even if he is not made specifically aware of a pregnancy, but in any event, no later than three days after the child's birth.
- 2) The birth mother will be notified when a man claiming to be the father of her child has registered with the paternity registry, if her address has been provided to the division.
- 3) When a child is the subject of a petition to terminate parental rights, the agency, attorney or court will make a request of the registry to determine whether a putative father is registered in relation to that child. The Division of Vital Records will provide a certification as to the results of a search of the registry. The division will furnish the search certification to the requestor within three business days.

- 4) Notice of a proceeding to terminate parental rights would be given to any man registered in relation to the child who is the subject of such a hearing.
- 5) The search certification would be presented in court during the termination of parental rights hearing. A certificate must be filed with the court before entry of any final order of termination of parental rights.
- 6) Registration alone, however, will not protect that individual's parental rights to a child. If the putative father, who has received notice of a hearing pursuant to his registration, wishes to claim parental interest in a child who is the subject of a termination of parental rights hearing, he would need to appear in court and demonstrate that he has made reasonable efforts to establish a substantial relationship with the child. If he does not appear, or is not able to prove to the court that he has established and maintained a substantial relationship with the child, the court may terminate his parental rights. The proposed statute does specifically define how he might demonstrate such efforts.

Additionally, the proposed statute provides direction as to what information is maintained in the registry (section 6) and to whom the information may be disclosed (section 9). The statute provides that, in addition to those parties involved in the termination of parental rights action, the Department of Human Services and a regional child support enforcement unit will have access to the information on the registry (section 9). It further provides that a registrant may change or revoke his registration (section 11) and that upon order of a court, the division may remove the registrant's name from the registry (section 12). It provides recourse for the birth mother who disputes that a registrant has fathered her child (section 10). It also provides that the division of vital records may charge a fee for providing a certification of a registry search, but may not charge a fee to the registrant (section 13).

This statute was crafted with much thought and effort on the part of the work group involved. Some of them are available to speak to you today to provide additional information. I would be happy to attempt to answer any questions of the committee at this time.

YIS

SB 2035 Judiciary Committee
January 15, 2003

Good Morning Chairperson Traynor and members of the Judiciary Committee.
My name is Susan Grundysen. I am a licensed clinical social worker employed by The Village Family Service Center as the Program Director for The Adoption Option, 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 in support of SB 2035.

I would like to share with you the vision of why this bill has been proposed and sits before you. When individuals are facing the choices of how to deal with an unintended pregnancy, there are many, many factors that influence how decisions are made. These decisions are being made around the premise of what is in the best interest of the baby. We strongly believe that a Paternity Registry is empowering to fathers in ND. Sometimes men are not informed of the pregnancy, or falsely informed of the pregnancy's outcome. A registry would allow a potential father the right to take action to declare his interest in the baby that may be born for his relationship. He would have the entire gestation of the child plus several days. We want any and all potential fathers to come forward, take part in the planning for their child, share their history if they are in favor of an adoption plan, or share their intent to parent if they believe that is the best choice for the baby.

We can not control how men or women respond to the news they are going to be a parent. We can support fathers and mothers in appropriate planning for their child, working together to see that their baby is afforded the opportunity for a permanent placement upon discharge from the hospital.

p.1

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A paternity registry supports moral personal responsibility. In the current state of SB 2035, it also allows a baby to have the potential for permanence upon discharge for the hospital. As licensed child-placing agencies we would continue to diligently work to locate and discuss these planning issues with potential fathers. The Paternity Registry provides a safe guard for fathers, while also looking out for the best interest of the child.

Thank you Chairperson Traynor and members of the Judiciary Committee. I strongly encourage your vote in support of the current state of SB 2035. I will be available if there are any questions. Thank you.

p.2

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10/15/03
Date

Julie Hoffman
Y15

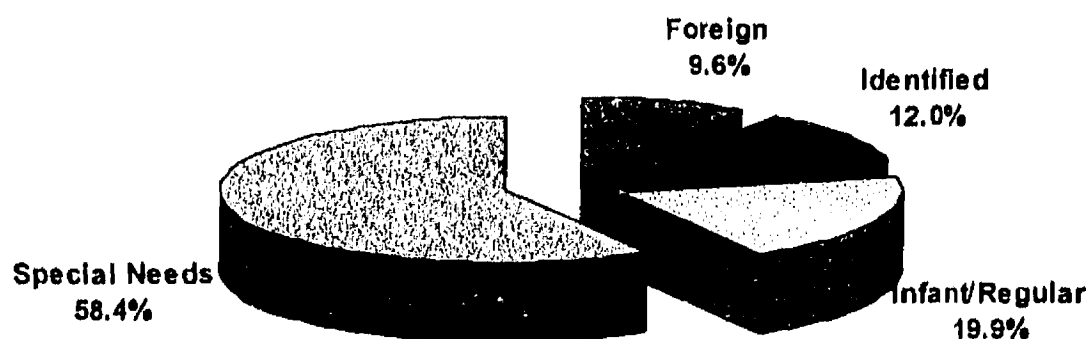
Children and Family Services
Adoptions

Type of Adoption

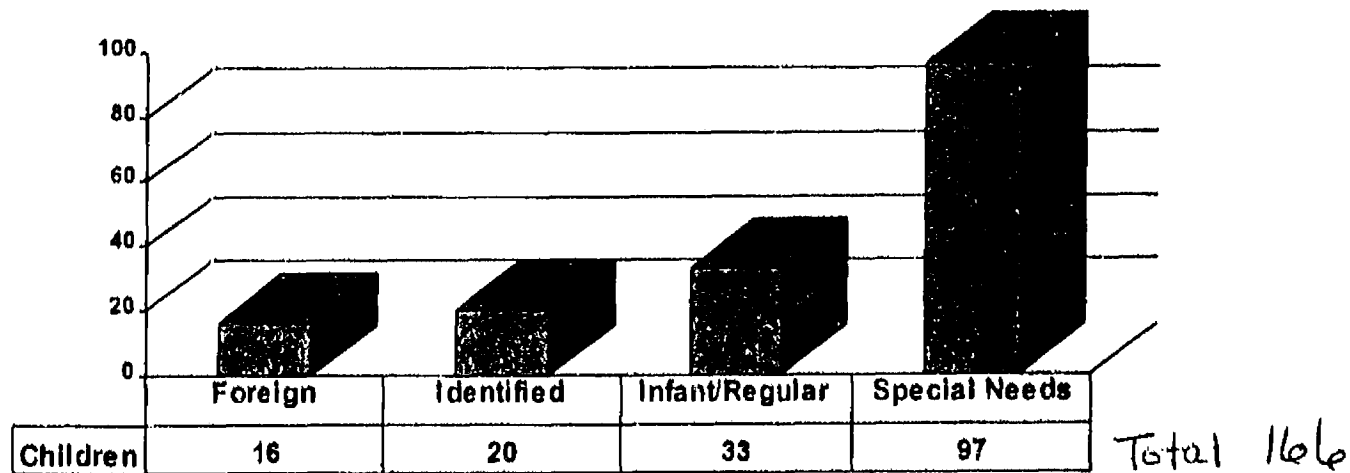
Statewide Agency Adoptions

7/1/2001 to 6/30/2002

Finalized Adoptions by Type



Finalized Adoptions by Type



Plus Step-Parent - 197

Wednesday, January 15, 2003

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10/15/03

Christian Family Life Services

A Licensed Child-Placing Agency

203 S. 8th St. Fargo, ND 58103
Phone 701-237-4473 Fax 701-235-1703

Y15
2035

January 14, 2003

From Ann Dahl, Administrator, Christian Family Life Services in Fargo, North Dakota:

Christian Family Life Services, a North Dakota licensed adoption agency, supports legislation establishing a Paternity Registry in the state of North Dakota (SB 2035). Our agency is also licensed in Minnesota, which has such a registry, and we feel it has merit. However, we feel strongly that if we are to have a paternity registry in North Dakota, it is imperative that the number of days during which a birth father can register be limited to the nine month pregnancy period and up to three working days after the birth of the child, as is in the proposed legislation. Any extension of that time would have the effect of delaying our court hearings on all of our infant placements, including those in which we have the birth father's full cooperation.

There are many benefits of having a registry, which I believe has now been adopted in at least 21 states. The benefits that our agency sees with a paternity registry are:

1. A registry can protect the rights of a birth father who does have a loving interest in a child he may have fathered. It can prevent his rights from being violated by a birth mother who might lie to him about a pregnancy, a birth, or the paternity of a child. A registry could have prevented disrupted adoptions in several nationally known cases in which the birth mother was dishonest either about the identity of a birth father or about the survival of a child. In these cases, the remedy of the court was to return the child to the birth parent whose rights were allegedly violated. In one case, a four year old child was taken from his adoptive family of four years and sent to live with a birth father he had never met.
2. A registry puts the burden on the birth father to establish his interest in a child he may have fathered. Too many times, a birth father who has shown no interest whatsoever in a birth mother or in the child she carries has refused to cooperate with an adoption plan, forcing a birth mother who knows adoption is in the best interest of the child to parent that child against her will. Seldom does such a birth father gain custody of the child. Often he does not even seek it. He just

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Date

wants to block the adoption. Under current laws, he has the ability to do this, even if he has no intention of contributing to the child's financial support or of having a relationship with the child.

3. A registry may protect a birth mother and her child from a physically or emotionally abusive birth father. There are some birth fathers who use intimidation or abuse to maintain control over a birth mother and her children. If he is not due notice of an adoption proceeding, the registry could be used without notifying him.

4. A registry would be the best way to deal with the termination of the parental rights of a rapist. A birth mother who is a victim of rape should not have to be re-traumatized by dealing with her rapist or legitimizing his fatherhood.

Christian Family Life Services urges the passage of the Paternity Registry, Senate Bill 2035.

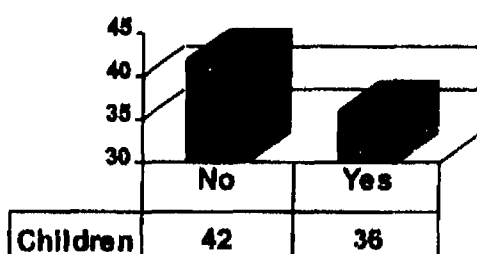
Children and Family Services **Adoptions**

Special Needs Criteria

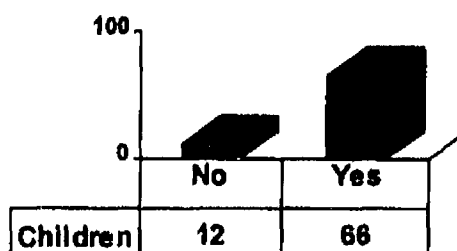
Statewide Agency Adoptions

7/1/2001 to 6/30/2002

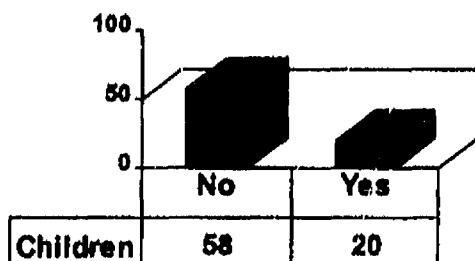
Five Years of Age or Over



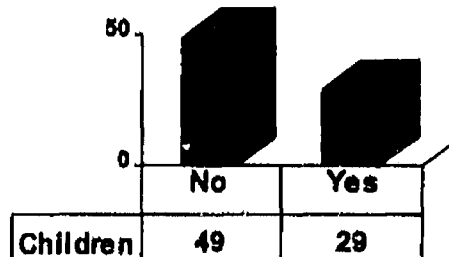
Disability



Racial/Original Background



Sibling Group



Friday, January 17, 2003

Page 1

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**Finalized Adoptions – Turtle Mountain Tribe
Calendar 1995 through Calendar 2002**

Please note that the numbers stated only include adoptions of children with special needs as reported to the Department of Human Services. There may be adoptions of children by the Tribe that are not reported to the Department.

Calendar 1994	4 children
Calendar 1995	1 child
Calendar 1996	1 child
Calendar 1997- 1999	0 children
Calendar 2000	13 children
Calendar 2001	3 children
Calendar 2002	0 children

1/17/2003

Created by jmhoffman from CCWIPS

1/20

Senate Judiciary Committee
Senate Bill Number 2035

Chairman Traynor and members of the Judiciary Committee, pursuant to the direction of the committee, I met this morning, Friday January 17, 2003 with Sherry Mills Moore to discuss this bill. After thoughtful discussion we decided that I would request the committee vote down SB 2035 on its merits. We have agreed that in the next two years, Ms. Mills Moore will work with adoption professionals to attempt to develop a proposal that will both meet the needs of adoption professionals, as well as address the concerns she detailed.

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