

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1036

Introduced by

Legislative Council

(Family Law Committee)

1 A BILL for an Act to amend and reenact subsections 1 and 4 of section 14-15.1-03 and
2 sections 14-15.1-04, 14-15.1-06, and 14-15.1-07 of the North Dakota Century Code, relating to
3 child relinquishment to identified adoptive parents.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsections 1 and 4 of section 14-15.1-03 of the North
6 Dakota Century Code are amended and reenacted as follows:

- 7 1. The court shall set a time and place for a hearing on the petition for
8 relinquishment. A guardian ad litem must be appointed for the child at least seven
9 days prior to the hearing. The hearing may not be held sooner than forty-eight
10 hours after the child's birth or the signing of all necessary consents to adoption,
11 whichever is later. If a ~~preplacement~~ report of a child-placing agency is filed with
12 the petition pursuant to section 14-15.1-04, the court may enter a temporary order
13 placing the child with the identified adoptive parent pending the hearing.
- 14 4. If the court approves the petition and determines, based upon the ~~preplacement~~
15 ~~study~~ report of the child-placing agency and other evidence presented at the
16 hearing, that placement with the identified adoptive parent is in the best interests of
17 the child, the court shall ~~order that the child be placed with the identified adoptive~~
18 ~~parent pending adoption. The identified adoptive parent is financially responsible~~
19 ~~for the support of the child until further order of the court. The court shall also~~
20 ~~enter an order terminating the relationship of the birth parent and the child;~~
21 a. Enter an order terminating the relationship of the birth parent and the child;
22 b. Order that the child be placed with the identified adoptive parent pending
23 adoption;
24 c. Order supervision by a child-placing agency until the adoption is finalized;

1 d. Order the identified adoptive parent financially responsible for the support of
2 the child until further order of the court; and

3 e. Make a finding regarding the reasonableness of expenses reported under
4 section 14-15.1-05.

5 **SECTION 2. AMENDMENT.** Section 14-15.1-04 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-15.1-04. Report of child-placing agency.** ~~Prior to~~ Before a hearing under this
8 chapter, the ~~preplacement adoptive home study~~ report of a child-placing agency must be filed
9 with the court. The child-placing agency shall serve a copy of the report upon the birth parent,
10 the identified adoptive parent, the guardian ad litem, and the department at least seven days
11 ~~prior to~~ before the hearing. The report must include the following:

12 1. A recommendation as to whether the home of the identified adoptive parent is a
13 suitable home for the placement of the child.

14 2. ~~An~~ A preplacement adoption assessment ~~of~~ indicating how the identified adoptive
15 parent's emotional maturity, finances, health, relationships, criminal history record,
16 and any other relevant factors may affect the identified adoptive parent's ability to
17 accept, care for, and provide the child with an adequate environment in which to
18 mature.

19 3. The medical and social history of the birth parent, including an assessment
20 regarding the birth parent's understanding and acceptance of the ~~proceedings~~
21 action.

22 4. If the child has been born ~~prior to~~ before the filing of the report, a medical and
23 developmental history of the child.

24 **SECTION 3. AMENDMENT.** Section 14-15.1-06 of the North Dakota Century Code is
25 amended and reenacted as follows:

26 **14-15.1-06. Fees and charges.** Reasonable fees may be charged for professional
27 services ~~relating to the petition for relinquishment, placement of the child, and other~~
28 ~~pre-adoption services, medical care or services, prenatal costs, foster care, or other reasonable~~
29 ~~items of cost or expense if reflected in a report of agreements and disbursements filed under~~
30 ~~this chapter and approved by the court~~ and living expenses if reflected in a report of
31 agreements and disbursements filed under this chapter and approved by the court. The fees

1 may not be contingent upon placement of the child for adoption, consent to adoption, or
2 cooperation in the completion of adoption. "Reasonable fees" may include:

- 3 1. Preplacement counseling, adoption assessment, placement of the child, foster
4 care, or other preadoption services, which must be paid directly to the provider of
5 the services;
- 6 2. Legal fees relating to the petition for relinquishment or adoption, which must be
7 paid directly to the provider of the services;
- 8 3. Medical expenses relating to prenatal care and the birth of the child, which are not
9 already covered by health insurance;
- 10 4. Expenses for transportation, meals, and lodging incurred for placement of the child
11 or in order to receive counseling, legal, or medical services related to the
12 pregnancy, birth, or placement; and
- 13 5. Living expenses of the birth mother which are needed to maintain an adequate
14 standard of living, which the birth mother is unable to otherwise maintain because
15 of loss of income or other support resulting from pregnancy. Payments may cover
16 expenses incurred during the pregnancy related incapacity but not for a period
17 longer than six weeks following the delivery unless the court determines within the
18 six-week period that the birth mother is unable to be employed due to physical
19 limitations relating to the birth of the child. Living expenses do not include
20 expenses for lost wages, gifts, educational expenses, vacations, or other similar
21 expenses of a birth mother.

22 **SECTION 4. AMENDMENT.** Section 14-15.1-07 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **14-15.1-07. Adoption petition - Time limit for filing.**

- 25 1. Within ~~ninety~~ one hundred eighty days after entry of an order for relinquishment
26 under this chapter, the identified adoptive parent shall file a petition for adoption
27 under chapter 14-15 or the statutes of the adopting parent's state of residence. A
28 copy of the petition to adopt must be filed with the department. Reports relating to
29 postplacement supervision must be filed with the court hearing the adoption. The
30 resulting decree of adoption, if so ordered by the court, must be filed with the
31 department.

- 1 2. If no petition for adoption is filed within ~~ninety~~ one hundred eighty days, the
2 department shall notify the court. The court shall then set a hearing to determine
3 whether the child's placement should be changed.