

SENATE BILL NO. 2321

Introduced by

Senator Hogan

Representatives Dobervich, O'Brien, Schreiber-Beck

1 A BILL for an Act to create and enact a new section to chapter 14-15 of the North Dakota
2 Century Code, relating to open adoption.

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

4 **SECTION 1.** A new section to chapter 14-15 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Postadoption communication or contact agreements.**

7 1. For purposes of this section, unless context requires otherwise, "birth relative"

8 includes parent, stepparent, grandparent, brother, sister, uncle, or aunt, whether by
9 blood, adoption, or marriage, of a minor child who is being adopted.

10 2. An adoptive parent and a birth relative may enter an agreement regarding
11 postadoption communication or contact between a minor adoptee, adoptive parent,
12 and a birth relative.

13 3. An agreement under this section is legally enforceable if the terms of the agreement
14 are contained in a written court order. A court may enter an order under this section
15 before a decree of adoption is granted.

16 4. Failure to comply with an order under this section is not grounds for:

17 a. Setting aside an adoption decree; or

18 b. Revocation of consent to adoption.

19 5. An order entered under this section may be enforced by filing a petition or motion with
20 the court which includes a certified copy of the order and an affidavit that the parties
21 have mediated or attempted to mediate the dispute.

22 6. The court may not modify an order under this section unless the court finds the
23 modification is necessary to serve the best interests of the minor adoptee and:

24 a. The modification is agreed to by the parties to the agreement; or

- 1 b. Exceptional circumstances have arisen since the agreed order was entered
- 2 which justify modification of the order.