

Introduced by

Human Services Committee

(At the request of the Department of Health and Human Services)

1 A BILL for an Act to amend and reenact ~~subsection~~subsections 2 and 3 of section 14-15-11 and
2 section 27-20.3-24 of the North Dakota Century Code, relating to a licensed child-placing
3 agency investigation and adoptive child placement priority; and to provide a contingent effective
4 date.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 14-15-11 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 2. An investigation must be made by a licensed child-placing agency to inquire into the
9 conditions and antecedents of a minor sought to be adopted and of the petitioner for
10 the purpose of ascertaining whether the adoptive home is a suitable home for the
11 minor and whether the proposed adoption is in the best interest of the minor. The
12 licensed child-placing agency shall obtain and consider the foster care assessment of
13 an applicant who is also a licensed, certified, or approved family foster home for
14 children in the manner prescribed by the department. An adoptive home is suitable if,
15 in the manner prescribed by the department, the petitioner is licensed or approved
16 under section 50-11-01 to furnish foster care for children.

17 **SECTION 2. AMENDMENT.** Subsection 3 of section 14-15-11 of the North Dakota Century
18 Code is amended and reenacted as follows:

19 3. A written report of the investigation, which may include the petitioner's foster care
20 assessment to demonstrate the suitability of the adoptive home, must be filed with the
21 court by the investigator before the petition is heard.

22 **SECTION 3. AMENDMENT.** Section 27-20.3-24 of the North Dakota Century Code is
23 amended and reenacted as follows:

1 **27-20.3-24. Disposition upon termination of parental rights.**

2 1. If, upon entering an order terminating the parental rights of a parent, there is no parent
3 having parental rights, the court shall:

4 a. Commit the child to the custody of the human service zone director or a licensed
5 child-placing agency willing to accept custody for the purpose of placing the child
6 for adoption or, in the absence of such an agreement, in a foster home;

7 b. Appoint a fit and willing relative or other appropriate individual as the child's legal
8 guardian; or

9 c. Establish some other planned permanent living arrangement.

10 2. The custodian has the rights of a legal custodian and authority to consent to the child's
11 adoption, marriage, enlistment in the armed forces of the United States, and surgical
12 and other medical treatment.

13 3. If the child is not placed for adoption within twelve months after the date of the order
14 and a legal guardianship or other planned permanent living arrangement for the child
15 has not been established by a court of competent jurisdiction, the child must be
16 returned to the court issuing the original termination order for entry of further orders for
17 the care, custody, and control of the child.

18 4. Unless sections 27-20.2-15 and 27-20.3-19 or the federal Indian Child Welfare Act of
19 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent search, a fit
20 and willing relative interested in adoption is not located, upon termination of parental
21 rights, a human service zone director or licensed child-placing agency that places a
22 child for adoption under subdivision a of subsection 1, shall give adoptive placement
23 priority to a foster care provider interested in adopting the child, if the foster care
24 provider provided foster care to the child:

25 a. For six months or longer leading up to the termination of parental rights;

26 b. Since the child's birth or since the child was less than one year old; or

27 c. With the intention of adopting the child.

28 **SECTION 4. AMENDMENT.** Section 27-20.3-24 of the North Dakota Century Code is
29 amended and reenacted as follows:

27-20.3-24. Disposition upon termination of parental rights.

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
 - a. Commit the child to the custody of the human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence of such an agreement, in a foster home;
 - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
 - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.
4. Unless sections 27-20.2-15, 27-20.3-19, 27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3, 27-20.3-19.4, and 27-20.3-19.5 or the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 et seq.] applies, and if after conducting a diligent search, a fit and willing relative interested in adoption is not located, upon termination of parental rights, a human service zone director or licensed child-placing agency that places a child for adoption under subdivision a of subsection 1, shall give adoptive placement priority to a foster care provider interested in adopting the child, if the foster care provider provided foster care to the child:
 - a. For six months or longer leading up to the termination of parental rights;
 - b. Since the child's birth or since the child was less than one year old; or
 - c. With the intention of adopting the child.

SECTION 5. CONTINGENT EFFECTIVE DATE. Section 4 of this Act becomes effective at the time provided in House Bill No. 1536 if sections 27-20.3-19.1, 27-20.3-19.2, 27-20.3-19.3,

Sixty-eighth
Legislative Assembly

- 1 27-20.3-19.4, and 27-20.3-19.5 as created by House Bill No. 1536 are approved by the
- 2 sixty-eighth legislative assembly.