25.1093.01000

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1556

Introduced by

Representatives Stemen, Beltz, Hagert, O'Brien, Ostlie, Dockter, Nelson

Senators Lee, Roers, Davison

1   A BILL for an Act to create and enact a new subsection to section 14-15-19 of the North Dakota

2   Century Code, relating to relinquishment of parental rights of adoptive parents.

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

4   **SECTION 1.** A new subsection to section 14-15-19 of the North Dakota Century Code is

5   created and enacted as follows:

6   Notwithstanding any other provision in this section, an adoptive parent may petition

7   the court to relinquish parental rights of an adopted child if extreme circumstances

8   exist.

9   a.   For purposes of this subsection, "extreme circumstances" means the:

10   (1)   Adopted child has been diagnosed with a severe mental health condition or

11   behavioral health disorder by a licensed child psychologist or psychiatrist;

12   (2)   Adopted child has committed an act of a violent or sexual nature against

13   another family member living in the household which if committed by an

14   adult would be considered a crime under the laws of this state; and

15   (3)   Adoptive parent is unable to provide proper control of the adopted child and

16   is in imminent fear for the safety of a family member living in the same

17   household as the adopted child.

18   b.   If the court finds credible evidence that extreme circumstances exist, there is a

19   rebuttable presumption the adoptive parent's petition to relinquish parental rights

20   of an adopted child must be granted. This presumption may be overcome only by

21   clear and convincing evidence that proper safeguards can be implemented to

22   ensure the safety of each family member living in the household with the adopted

23   child.

24   c.   The burden of proof is on the petitioner to show extreme circumstances exist.

1   d.   A petition brought under this subsection must identify the department as a

2   respondent.