

Introduced by

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

Senators Lee, Roers, Davison

1 ABILL 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.

Sixty-ninth
Legislative Assembly

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