



Reinstatement of Parental Rights Study Findings & Recommendations

Reinstatement of Parental Rights Study Charter

SECTION 20. STUDY – REPORT TO LEGISLATIVE MANAGEMENT – REINSTATEMENT OF PARENTAL RIGHTS.

- ✓ During the 2023-24 interim, the department, with assistance from other stakeholders including the North Dakota supreme court, human service zone directors, and the North Dakota association of counties, to review the option of reinstating parental rights that have been terminated by a court. Before August 1, 2024, the department shall report progress to the legislative management.

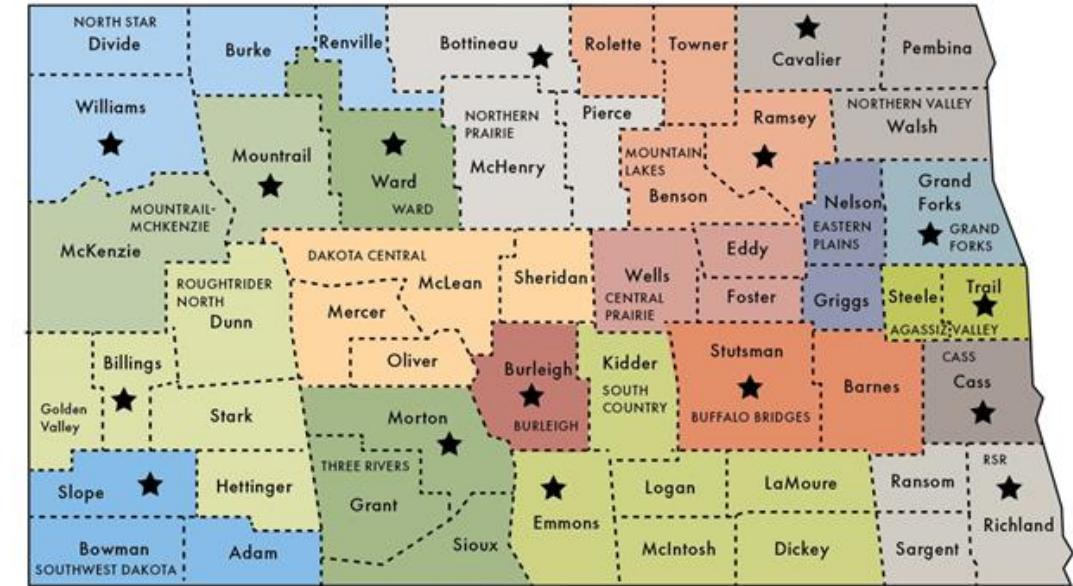


Reinstatement of Parental Rights Study

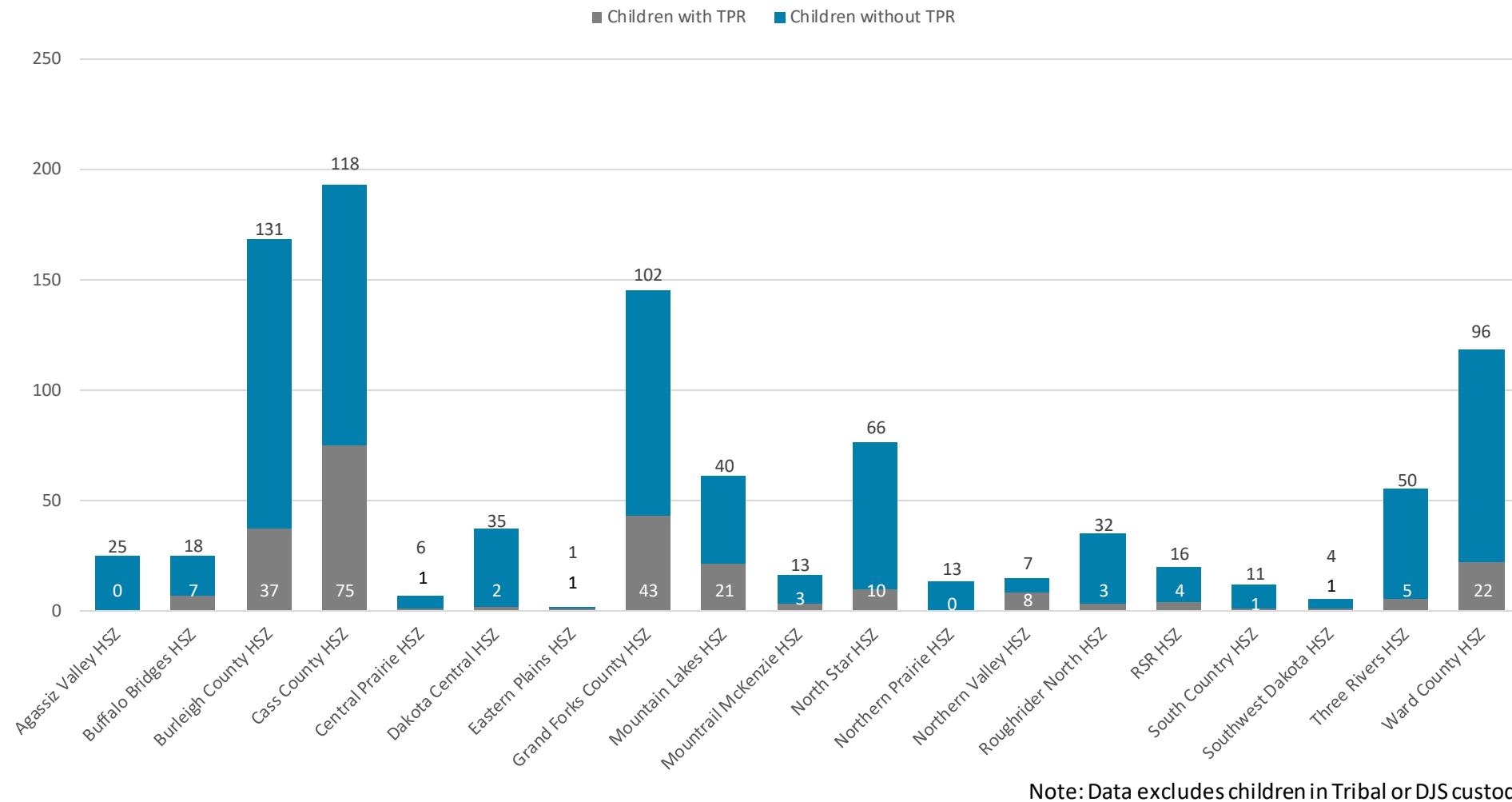
Committee Meetings & Members

Met twice per month for three months (6 meetings)

- Judge Jay Knudson, District Court Judge, Northeast Central Judicial District
- Heather Traynor, Court Improvement Program
- Travis Finck, Indigent Defense
- Karen Kringle, Director, Unit 2, Juvenile Court
- Ashley Leis, Executive Director, States Attorney Association
- Aaron Webb, Legal Advisory Unit, HHS
- Rebecca Jund, Cass County States Attorney
- Lisa Piche/ Leah Honeyman, FSS Supervisor, CFS/HHS
- Rhonda Allery, Director, Mountain Lakes HSZ
- Chelsea Flory, Director, Burleigh County HSZ
- Kristen Hasbargen, Director of Zone Operations, HHS
- Cory Pedersen, Director, CFS/HHS
- Dean Sturn, Permanency Administrator, CFS/HHS, Co-Facilitator
- Julie Hoffman, Adoptions Administrator, CFS/HHS, Co-Facilitator



Termination of parental rights cases = 24% of children in Human Service Zone custody



Of the **1,028** kids in foster care on May 31, 2024, 244 (24%) had no legal connection to their biological parents due to Termination of Parental Rights (TPR).

Reinstatement of Parental Rights Study

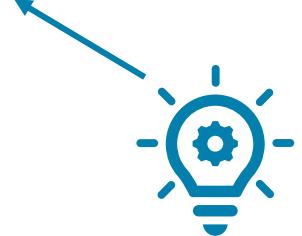
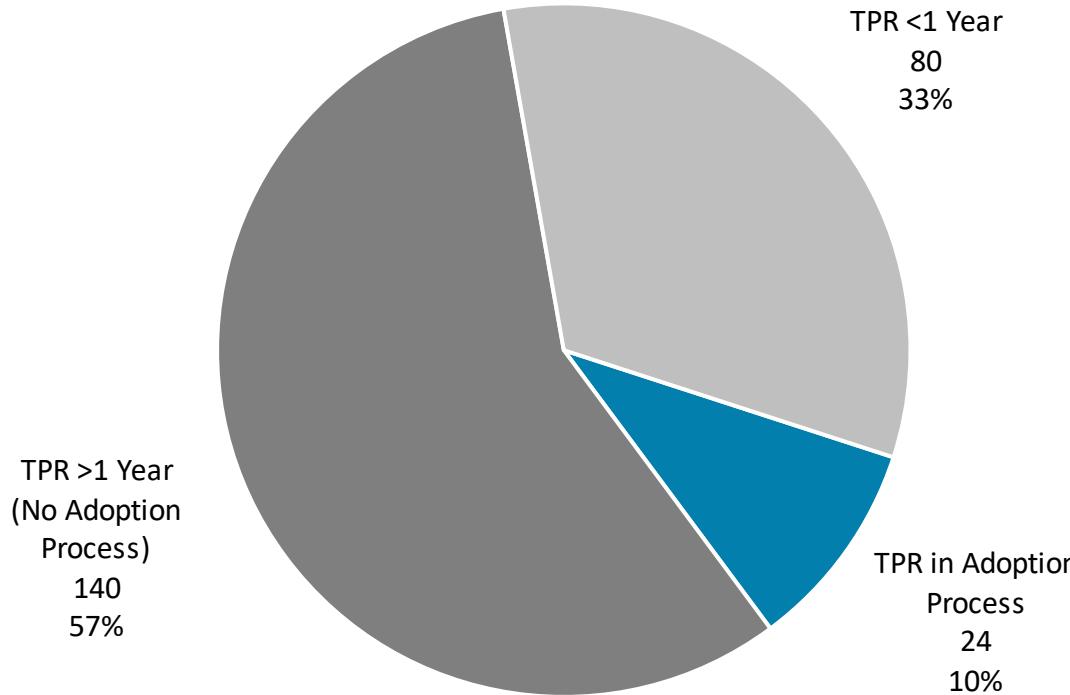
Data Review (as of May 31, 2024)

244

Total number of children in
Human Service Zone custody
with a TPR
as of May 31, 2024

33%

80 of the 244 children in
Human Service Zone custody
would potentially be eligible for
the Court to consider
reinstating their parent's rights
under the proposed framework



These **80** children
represent **8%** of
the **1,028** kids in
foster care (HSZ
custody)

Study Committee Process & Strategy

- Reviewed a document published by the National Conference of State Legislatures on Reinstatement of Parental Rights which summarized all states legislation on this topic (22 currently).
- Reviewed data related to termination of parental rights and length of stay in foster care without permanency.
- Discussed cases where such a statute would have been helpful and applicable in North Dakota cases.
- Determined initially that the group did indeed feel a reinstatement of parental rights statute was warranted, and recommended we move forward to draft such a statute.



Study Committee Process & Strategy

- Review other state statutes
 - Reviewed five state's statutes (Minnesota, Texas, Washington, Maine and Nevada) related to reinstatement of parental rights
 - Completed a review and plotted the relevant points on a comparison chart.
- Identify Recommendations
 - Identified recommendations for ND statute
 - Appointed three members (Aaron Webb, Ashley Leis and Travis Finck) to draft legislation
- Review and Approve draft legislation for Interim Committee consideration



Key Elements of Study Recommendation

1. Petition may be brought by a party from the original termination of parental rights proceeding.
2. 12 months since the final order for TPR.
3. The child has not been adopted or there is not a written adoption placement agreement in effect.
4. The court shall consider the child's age, maturity, and ability to express a preference and may consider the child's preference regarding the reestablishment of parental rights.
5. A *prima facie* review of the Petition will occur upon the filing of a petition for reestablishment of parental rights.
6. The court may dismiss the petition if it finds that the petition has not established a case justifying reinstatement or will set a hearing date for an evidentiary hearing if the petition does establish a *prima facie* case.

Key Elements of Study Recommendation

7. Counsel will be appointed for the child regardless of income.
8. Counsel for birth parents subject to household income.
9. The court may order a trial home visit to create a transition plan.
10. The burden of proof for the petitioner is “clear and convincing” evidence.
11. A petition for the reestablishment is not allowed if the subject of the petition has previously had parental rights terminated based on a finding in a legal proceeding of either sexual abuse or has a conviction for intentional conduct that resulted in the substantial bodily injury or death of a minor.
12. If the court denies a petition under this chapter after a hearing, the court may issue a written order barring the filing of subsequent petitions by the genetic parent.

Reinstatement of Parental Rights Study Next Steps

June 2024

- Present information to the Legislative Interim Committee
- Present draft legislation prepared by Study Committee



CFS Contact information

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