

2025 HOUSE HUMAN SERVICES

HB 1120

2025 HOUSE STANDING COMMITTEE MINUTES

HUMAN SERVICES COMMITTEE PIONEER ROOM, STATE CAPITOL

HB 1120
1/13/2025

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| The revised uniform adoption act and child-placing agencies |
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3:00 p.m. Chairman M. Ruby called the meeting to order.

Members present: Chairman M. Ruby, Vice Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Support for adoption agencies
- Cleanup and clarity in language
- Reasonable expenses
- Revocation of a license
- Conflict of interest
- Suggested amendment - living expenses

3:02 p.m. Kelsey Bless, Licensing Unit Administrator, Health and Human Services, testified in support of, and submitted testimony #28518, #28775.

3:20 p.m. Desiree Sorenson, Director for Mountrail McKenzie Human Service Zone, testified in support of and provided testimony in support #28539.

3:21 p.m. Christopher Dodson, North Dakota Catholic Conference, testified in support.

3:24 p.m. Kelsey Bless testified in favor.

3:25 p.m. Chairman Ruby closed the hearing.

3:25 p.m. Vice Chairman Frelich moved to adopt amendment LC #25.8086.01001.

3:25 p.m. Representative Bolinske seconded the motion.

| Representatives | Vote |
|-------------------------------|------|
| Representative Matthew Ruby | Y |
| Representative Kathy Frelich | Y |
| Representative Karen Anderson | Y |

| | |
|-----------------------------------|---|
| Representative Mike Beltz | Y |
| Representative Macy Bolinske | Y |
| Representative Jayme Davis | Y |
| Representative Gretchen Dobervich | Y |
| Representative Cleyton Fegley | Y |
| Representative Jared Hendrix | Y |
| Representative Dawson Holle | Y |
| Representative Dwight Kiefert | Y |
| Representative Nico Rios | Y |
| Representative Karen Rohr | Y |

3:26 p.m. Motion passed 13-0-0.

3:27 p.m. Representative Dobervich moved a Do Pass as Amended.

3:27 p.m. Representative Anderson seconded the motion.

| Representatives | Vote |
|-----------------------------------|-------------|
| Representative Matthew Ruby | Y |
| Representative Kathy Frelich | Y |
| Representative Karen Anderson | Y |
| Representative Mike Beltz | Y |
| Representative Macy Bolinske | Y |
| Representative Jayme Davis | Y |
| Representative Gretchen Dobervich | Y |
| Representative Cleyton Fegley | Y |
| Representative Jared Hendrix | Y |
| Representative Dawson Holle | Y |
| Representative Dwight Kiefert | Y |
| Representative Nico Rios | Y |
| Representative Karen Rohr | Y |

3:30 p.m. Motion passed 13-0-0.

3:30 p.m. Representative Dobervich will carry the bill.

3:30 p.m. Chairman Ruby closed the meeting.

Jackson Toman, Committee Clerk

January 13, 2025

1/13/25
1 of 8

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1120

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 sections 14-15-09, 14-15-11, 50-12-09, 50-12-10, and
2 50-12-17 of the North Dakota Century Code, relating to the revised uniform adoption act and
3 child-placing agencies; to repeal sections 50-12-02.1 and 50-12-11 of the North Dakota Century
4 Code, relating to out-of-state child-placing agencies and revocation of license; and to provide a
5 penalty.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **SECTION 1. AMENDMENT.** Section 14-15-09 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **14-15-09. Petition for adoption.**

- 10 1. A petition for adoption must be signed and verified by the petitioner, filed with the clerk
11 of the court, and state:
- 12 a. The date and place of birth of the individual to be adopted, if known.
 - 13 b. The name to be used for the individual to be adopted.
 - 14 c. The date petitioner acquired custody or date of placement of the minor and the
15 name of the individual placing the minor.
 - 16 d. The full name, age, place, and duration of residence of the petitioner.
 - 17 e. The marital status of the petitioner, including the date and place of marriage, if
18 married.
 - 19 f. That the petitioner has facilities and resources, including those available under a
20 subsidy agreement, suitable to provide for the nurture and care of the minor to be

1 adopted, and that it is the desire of the petitioner to establish the relationship of
2 parent and child with the individual to be adopted.

3 g. A description and estimate of value of any property of the individual to be
4 adopted.

5 h. The name of any individual whose consent to the adoption is required, but who
6 has not consented, and facts or circumstances which excuse the lack of the
7 individual's consent normally required to the adoption.

8 i. The department as respondent.

9 j. The human service zone as respondent if the minor to be adopted is in the
10 custody of the human service zone.

11 ~~k. That the petitioner's expenses were reasonable as verified by the court.~~

12 ~~Reasonable fees may be charged for professional services and living expenses if~~
13 ~~reflected in a report of agreements and disbursements filed under this chapter~~
14 ~~and approved by the court. The fees may not be contingent upon placement of~~
15 ~~the child for adoption, consent to adoption, or cooperation in the completion of~~
16 ~~adoption. Reasonable fees may include:~~

17 ~~(1) Preplacement counseling, adoption assessment, placement of the child,~~
18 ~~foster care, or other preadoption services, which must be paid directly to the~~
19 ~~provider of the services;~~

20 ~~(2) Legal fees relating to the petition for relinquishment or adoption, that must~~
21 ~~be paid directly to the provider of the services;~~

22 ~~(3) Medical expenses relating to prenatal care and the birth of the child, that are~~
23 ~~not already covered by health insurance;~~

24 ~~(4) Expenses for transportation, meals, and lodging incurred for placement of~~
25 ~~the child or in order to receive counseling, legal, or medical services related~~
26 ~~to the pregnancy, birth, or placement; and~~

27 ~~(5) Living expenses of the birth mother which are needed to maintain an~~
28 ~~adequate standard of living, which the birth mother is unable to otherwise~~
29 ~~maintain because of loss of income or other support resulting from the~~
30 ~~pregnancy.~~

- 1 (a) ~~The payments may cover expenses incurred during the~~
2 ~~pregnancy-related incapacity but not for a period longer than six~~
3 ~~weeks following the delivery, unless the court determines within the~~
4 ~~six-week period that the birth mother is unable to be employed due to~~
5 ~~physical limitations relating to the birth of the child.~~
6 (b) ~~Living expenses do not include expenses for lost wages, gifts,~~
7 ~~educational expenses, vacations, or other similar expenses of a birth~~
8 ~~mother.~~

- 9 2. A certified copy of the birth certificate or verification of birth record of the individual to
10 be adopted, if available, and the required consents and relinquishments must be filed
11 with the clerk.
12 3. Any individual filing a petition shall pay to the clerk of court a filing fee as prescribed in
13 subsection 1 of section 27-05.2-03.

14 **SECTION 2. AMENDMENT.** Section 14-15-11 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **14-15-11. Notice of petition - Investigation and hearing.**

- 17 1. a. After the filing of a petition to adopt a minor, the court shall fix a time and place
18 for hearing the petition. At least twenty days before the date of hearing, notice of
19 the filing of the petition and of the time and place of hearing must be given by the
20 petitioner to the department and if the minor to be adopted is in the custody of the
21 human service zone to the human service zone; any agency or individual whose
22 consent to the adoption is required by this chapter but who has not consented; an
23 individual whose consent is dispensed with upon any ground mentioned in
24 subdivisions a, b, f, h, i, and j of subsection 1 of section 14-15-06 but who has not
25 consented; any appropriate Indian tribe; and any individual identified by the court
26 as a biological parent or a possible biological parent of the minor, upon making
27 inquiry to the extent necessary and appropriate, as in proceedings under section
28 27-20.3-22, unless the individual has relinquished parental rights or the
29 individual's parental rights have been previously terminated by a court. The
30 notice to the department and if the minor to be adopted is in the custody of the

1 human service zone to the human service zone must be accompanied by a copy
2 of the petition.

3 b. Notice of the filing of a petition to adopt an adult must be given by the petitioner
4 at least twenty days before the date of the hearing to each living parent of the
5 adult to be adopted.

6 2. An investigation must be made by a licensed child-placing agency or by the
7 department when a child-placing agency has a conflict of interest to inquire into the
8 conditions and antecedents of a minor sought to be adopted and of the petitioner for
9 the purpose of ascertaining whether:

10 a. The proposed adoption is in the best interest of the minor; and

11 b. The adoptive home is suitable for the minor. The licensed child-placing agency
12 shall obtain and consider the foster care assessment of an applicant who is also
13 a licensed, ~~certified~~, or approved family foster home for children in the manner
14 prescribed by the department. An adoptive home is presumed suitable if, in the
15 manner prescribed by the department, the petitioner is continuously licensed,
16 ~~certified~~, or approved as a family foster home for children under chapter 50-11 to
17 furnish foster care for children ~~for more than one year~~ without a correction order,
18 fiscal sanction, or license revocation proceeding, unless the custodial agency
19 reasonably believes the use of the foster care assessment or the licensed,
20 ~~certified~~, or approved family foster home for children is not in the best interest of
21 the minor.

22 3. A written report of the investigation must be filed with the court by the investigator
23 before the petition is heard.

24 4. The report of the investigation must contain:

25 a. A review of the child's history;

26 b. A preplacement adoption assessment of the petitioner, including a criminal
27 history record investigation of the petitioner;

28 c. A postplacement evaluation of the placement with a recommendation as to the
29 granting of the petition for adoption;

- 1 d. The petitioner's foster care assessment to demonstrate the presumed suitability
2 of the adoptive home if a foster care assessment was considered in the
3 investigation under subsection 2 of this section; and
- 4 e. Any other information the court requires regarding the petitioner or the minor.
- 5 5. An investigation and report is not required in cases in which a stepparent is the
6 petitioner or the individual to be adopted is an adult. The department and human
7 service zone, when required to consent to the adoption, may give consent without
8 making the investigation. If the petitioner is a court-appointed legal guardian or a
9 relative other than a stepparent of the minor, the minor has lived with the petitioner for
10 at least nine months, no allegations of abuse or neglect have been filed against the
11 petitioner or any member of the petitioner's household, and the court is satisfied that
12 the proposed adoptive home is appropriate for the minor, the court may waive the
13 investigation and report required under this section.
- 14 6. The department and human service zone, when required to consent to the adoption,
15 may request the licensed child-placing agency to conduct further investigation and to
16 make a written report thereof as a supplemental report to the court.
- 17 7. After the filing of a petition to adopt an adult, the court by order shall direct that a copy
18 of the petition and a notice of the time and place of the hearing be given to any
19 individual whose consent to the adoption is required but who has not consented and to
20 each living parent of the adult to be adopted. The court may order an appropriate
21 investigation to assist it in determining whether the adoption is in the best interest of
22 the individuals involved.
- 23 8. Notice must be given in the manner appropriate under the North Dakota Rules of Civil
24 Procedure for the service of process in a civil action in this state or in any manner the
25 court by order directs. Proof of the giving of the notice must be filed with the court
26 before the petition is heard.

27 **SECTION 3. AMENDMENT.** Section 50-12-09 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **50-12-09. Compensation for child placing.**

- 30 1. A child-placing agency in making an adoptive placement may be
31 ~~reimbursed~~compensated by the adoptive couple~~family~~ for the cost of making the

1 ~~adoptive study of the home and the supervision and evaluation of any placement~~
2 ~~which may be made prior to the legal adoption. No couple may be deprived of~~
3 ~~receiving a child for adoption on the basis of inability to pay any portion of such~~
4 ~~expense.~~ reasonable fees.

5 2. Child-placing agency compensation only may be received for services provided to the
6 adoptive family if reflected in a financial agreement. An itemized receipt of reasonable
7 fees paid by the child-placing agency must be provided to the adoptive family.

8 3. The fees may not be contingent upon placement of the child for adoption, consent to
9 adoption, or cooperation in the completion of adoption.

10 4. Reasonable fees may include:

11 a. Facilitation fees charged and completed by the child-placing agency including the
12 cost of preplacement birth parent counseling, adoption home study assessment,
13 placement costs for children not in public custody, utilizing a foster care
14 placement prior to finalization, placement supervision, or other preadoption
15 services offered by the child-placing agency;

16 b. Legal fees relating to the petition for relinquishment or adoption on behalf of the
17 birth parent;

18 c. Medical expenses relating to prenatal care and the birth of the child, which are
19 not already covered by the birth mother's health insurance or other public
20 assistance programs;

21 d. Expenses incurred by the birth parent for transportation, meals, and lodging in
22 order to receive counseling, legal, or medical services related to the pregnancy,
23 birth, or placement of the child; and

24 e. Living expenses of the birth mother which are needed to maintain an adequate
25 standard of living, not already covered by public assistance programs.

26 (1) The payments may cover expenses incurred during the ~~pregnancy and~~
27 ~~delivery of the child, not to exceed the date of delivery~~ pregnancy-related
28 incapacity and for up to six weeks following the delivery.

29 (2) Living expenses do not include lost wages, gifts, educational expenses,
30 vacations, or other similar expenses of a birth mother.

SECTION 4. AMENDMENT. Section 50-12-10 of the North Dakota Century Code is amended and reenacted as follows:

50-12-10. Revocation of license - Grounds.

The department of health and human services may revoke the license of any child-placing agency upon a proper showing of any of the following:

1. The licensee has violated any ~~requirements~~requirement under this chapter.
2. The license was issued upon a fraudulent or untrue ~~representations~~representation.
3. The licensee has violated any ~~of the rules and regulations~~rule or regulation of the department.
4. The licensee has ~~been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as a licensee, or the department determines, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1~~made a false or misleading report to the department.

SECTION 5. AMENDMENT. Section 50-12-17 of the North Dakota Century Code is amended and reenacted as follows:

50-12-17. Licensure requirement - Registration requirement - Penalty.

1. A person may not place or cause to be placed any child in a family home for adoption without a license to do so from the department of health and human services ~~except that a.~~
2. Adoption services may be provided by the department when a conflict of interest with a child-placing agency exists and another child-placing agency is unable to provide the service.
3. A parent, upon giving written notice to the department, may place the parent's child in the home of the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian for adoption by the person receiving the child. The child must be considered abandoned if proceedings for the adoption or guardianship of the child are not initiated by such relative within one year following the date of notice of placement.
4. A person who willfully violates this chapter is guilty of a class C felony.
5. For purposes of this section, "~~to place or cause to be placed~~" means to place;

- 1 a. Place a child for adoption; arrange
- 2 b. Arrange or provide for short-term foster care for a child pending an adoptive
- 3 placement; ~~facilitate~~
- 4 c. Facilitate placement of a child by maintaining a list in any form of birth parents or
- 5 prospective adoptive parents; or advertise
- 6 d. Advertise in any public medium that the person knows of a child who is available
- 7 for adoption or is willing to accept a child for adoption or that the person knows of
- 8 prospective adoptive parents of a child.

9 **SECTION 6. REPEAL.** Sections 50-12-02.1 and 50-12-11 of the North Dakota Century
10 Code are repealed.

**REPORT OF STANDING COMMITTEE
HB 1120**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **AMENDMENTS** ([25.8086.01001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.



Testimony
House Bill No. 1120
House Human Service Committee
Representative Matthew Ruby, Chairman
January 13, 2025

Chairman Ruby, and members of the House Human Services Committee, I am Kelsey Bless, Licensing Unit Administrator with Children and Family Services under the Department of Health and Human Services (Department). I appear before you in support of House Bill No.1120, which was introduced at the request of the Department.

Today, the Department licenses four Child Placing Agencies; three are specific to the placement of a child for the purposes of adoption and one is licensed to assist with the placement of children in foster care into treatment homes. The proposed changes will support the efforts of our adoption Licensed Child Placing Agencies and provide clarity in the Century Code, which governs our administrative code. The Department offered this bill as it will offer consistency for all parties involved in the adoption process, including prospective adoptive parents, birth families, custodial agencies and our Licensed Child Placing Agency partners.

Section 1:

The proposed changes in Section 1 of this Bill amend section 14-15-09 of the North Dakota Century Code regarding a petition for adoption. Page 2, lines 7 through 31 and Page 3, lines 1 through 3 remove language related to petitioner expenses and places the language into North Dakota Century Code 50-12-09, noted in Section 3 of this bill. The transition will remove

duplication regarding compensation parameters for licensed child placing agencies and adoptive families.

Section 2:

The proposed changes in Section 2 of this Bill amend section 14-15-11 of the North Dakota Century Code regarding the notice of petition related to an investigation and hearing. Page 4, lines 1 through 2 add reference to the Department as an approved source to complete an adoption investigation when a conflict of interest is present for a child placing agency and no other North Dakota child placing agency can complete the adoption investigation.

Lines 8 through 11 remove reference to certified foster care providers. The addition of certified foster care providers occurred during the 2023 legislative session. The removal is proposed as a certified foster care provider is only permitted to care for a child for 30 days or less, which is different than a licensed foster care provider who can care for a child for any length of time determined by the custodial agency. In addition, line 12 removes reference to continuous licensure for more than one year. The length of time in which a foster care provider maintains a license is valuable, but the timeframe noted in law could present a barrier for the families licensed less than one year and selected by the custodial agency as the adoptive family.

Section 3:

The proposed changes in Section 3 of this Bill amend section 50-12-09, compensation for child placing. The additions to this section were noted previously in Section 1 of the Bill. The proposed change removes duplication and offers clarity regarding compensation when placing a child

for adoption. Page 5, lines 24 through 31 and page 6, lines 1 through 22 reorganize references to reasonable fees and clarify that a financial agreement must be in place detailing what reasonable fees may be charged to an adoptive family when asked to support costs related to the child's birth mother or parents who are placing the child for adoption. You will see reference to a "birth mother" versus a "birth parent".

Reimbursement will naturally be higher for a birth mother's expenses due to the medical and delivery expenses of the infant, over the costs associated with therapeutic services, which may be requested by either birth parent.

Section 4:

The proposed changes in Section 4 of this Bill amend section 50-12-10 of the North Dakota Century Code regarding the revocation of a license.

Page 6, lines 28 through 30 correct clerical errors previously in law. Page 7, lines 1 through 5 remove reference to the revocation of a child placing agency license if the licensee, typically the executive director, was found guilty of an offense that would prohibit them from working in the agency. This historical reference was an oversight as the Department would not find it reasonable to revoke an agency license based on one employee's actions, instead it is proposed to replace it with language originally located in section 50-12-11 of North Dakota Century Code which we are requesting to be repealed. In efforts to remove any confusion, it is requested we combine false or misleading reports made to the Department as grounds for revocation of the child placing agency license in section 50-12-10.

Section 5:

The proposed changes in Section 5 of this Bill amend section 50-12-17 of the North Dakota Century Code regarding agency licensing requirements and registration. Page 7, lines 9 through 15 clarify a person may not place or cause a child to be placed for adoption without a license from the Department. In addition, newly added reference is made regarding adoption services and the investigation being completed by the Department, reflecting the change made in Section 2 of this bill in North Dakota Century Code 14-15-11 related to conflict-of-interest cases. Line 22 through 28 offer clarity regarding the intention to place a child for adoption.

Section 6:

The proposed changes in Section 6 of this Bill repeal section 50-12-02.1 regarding out of state licensing requirements. If an out of state agency was interested in opening a child placing agency in North Dakota, the agency would follow the licensing standards in chapter 50-12 and further defined in North Dakota Administrative Code 75-03-36-05.

The proposed changes also repeal section 50-12-11 of the North Dakota Century Code regarding revocation of a license for false reporting as the detail was previously located in an isolated section, however was added to section 50-12-10 as the new number four (noted in Section 4 above).

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.

Children and Family Services, Adoption Services

Adoption of children from foster care

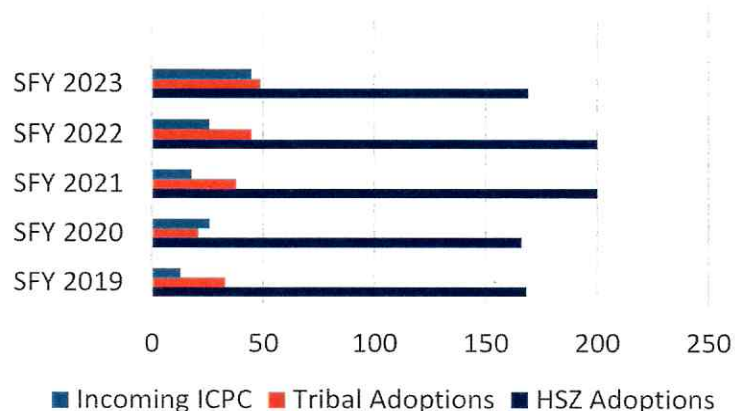
North Dakota services children in foster care whose case plan is adoption and the families who will adopt these children through the AASK program, a contracted program with Catholic Charities ND (CCND). CCND has an MOU with the All About U Adoptions to supplement the program serving non-traditional families and to provide additional services to those geographical areas with the longest wait for services. The AASK program, by their contract, serves children in the custody of Human Service Zones and out of state custody children being adopted in North Dakota. At the request of a ND Tribal Nation, the AASK program will also serve children in tribal custody who have an adoption plan and those families who are identified to adopt the child.

Waiting Children – Children in public agency custody with a TPR and Goal of Adoption

The number of children with a termination of parental rights has fallen over the three years as indicated below, as has the number of those children with a primary goal of adoption. The number of adoptions however has continued to steadily climb.

It should be noted that of the children for whom there is a TPR and who have a goal of adoption, most will be placed for adoption with a relative and/or their caregiving foster care provider. A small percentage each year are placed with newly recruited families. At any given time, there are usually between 20 and 30 children whom the adoption program is recruiting a new family to provide permanency.

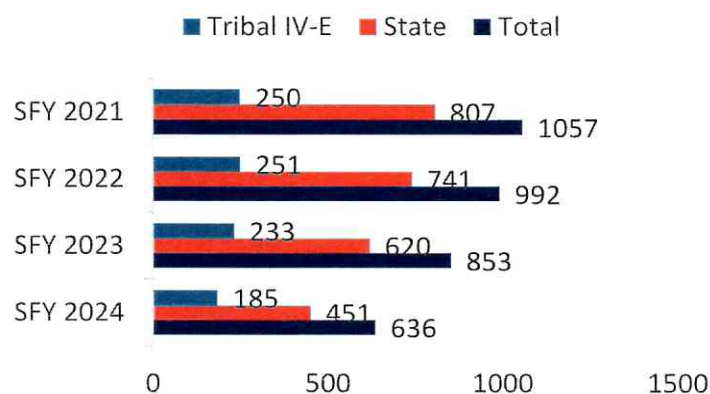
Public Agency Adoption Finalizations



This chart shows the number of adoptions completed by the AASK program for state fiscal years 20189 through 2023, those of children in state, tribal and out of state agency custody.

Data Provided by AASK in 2023 Agency Report

Children in Foster Care with TPR and Goal of Adoption



This chart shows the overall decrease of the number of children in foster care with a TPR and goal of adoption.

Data from COGNOS report: TPR/Goal of adoption

Adoption assistance

Adoption assistance (subsidy) is designed to provide adoptive families of any economic level with needed social services, and medical and financial support to care for children considered difficult to place. Adoption assistance can take the form of a monthly payment (subsidy) to meet the special and ordinary needs of the child, Medical Assistance as a backup to the adoptive family's private health insurance, and reimbursement for non-recurring adoption expenses (up to \$2000/child). Adoption assistance payments are negotiated for children who are adopted from the public agency, who are determined to be "special need" for the purposes of adoption assistance. These payments are negotiated through the Children and Family Services Foster Care Sub Adopt Unit (CFSFCSA Unit).

Other types of adoption

CFS is involved in other types of adoption to varying degrees, including by providing technical assistance to licensed child placing agency and attorneys, responding to legal documents filed in all types of adoption, tracking documentation for private agency and other adoptions and the permanent retention of adoption documents.

Additionally, CFS coordinates adoption search/ disclosure services. Other types of adoption include:

- Private infant adoptions,
- Identified relinquishment and adoption as specified in NDCC 14-15.1,
- Private relative adoptions,
- Stepparent adoptions and
- International adoptions.

Post adoption services

The staff of the ND Post Adopt Network can support families by answering questions, advocating for the family, and connecting families with a strong network of people who understand the unique circumstances that come with parenting a child through adoption. Services provided through the Network include:

- Post Finalization Welcome
- Outreach to Families
- Inquiry/Service Request Calls
- Short Term Services
- Information and Referral
- Educational Opportunities
- Support Groups
- Parent-to-Parent Mentorship
- Planned Activities
- Camps/Retreats
- Respite Grants
- Assessment
- Supportive Services

Over the last fiscal year (July 1, 2023-June 30, 2024), the North Dakota Post Adopt Network was busy providing many services across the state:

- Served over 630 families
- Hosted over 90 groups and events with 2,543 participants! These events and groups included:
 - Camp Experiences (Camp Connect and Winter Retreat)
 - Mom's Retreat
 - Dad's Retreat
 - Monthly Events (Parents' Night Out, Kids' Night Out, and Family Night)
 - Recruitment/Awareness Events
 - Parent Support Groups
- Hosted Post Adoption trainings with 86 professionals in attendance
 - Provided 7 parental educational trainings on various topics

Children and Family Services Section

600 East Boulevard Avenue, Dept. 325 ~ Bismarck, ND 58505-0250
Phone: (701) 328-2316 Fax: (701) 328-3538 Email: hscfs@nd.gov

Testimony Prepared for the
House Human Services Committee

January 13, 2025

By: Desiree Sorenson, Mountrail McKenzie Human Service Zone Director

**RE: HB1120 Relating to out-of-state child placing agencies and
revocation of license; and to provide a penalty.**

Chair Ruby, and members of the House Human Services Committee, my name is Desiree Sorenson. I am the Director for the Mountrail McKenzie Human Service Zone, which includes the counties of Mountrail and McKenzie. In addition, I serve as Vice-Chair of the North Dakota Human Service Zone Director Association. I also served as a member of the Adoption Redesign team. I am here today to provide testimony in support of House Bill 1120.

Through the adoption redesign process, the Department, human service zones, and key partners gathered to design significant improvements to the adoption process. The adoption redesign process was nimble and was able to be started and implemented since the time the legislature last met. During that time, forms, policies and procedures were all updated. This bill is intended to update North Dakota Century Code language to provide consistency amongst policy, practice, and law. We support the suggested changes and additions presented in HB1120.

Thank you for consideration of my testimony regarding House Bill 1120. I stand for questions from the committee.

2025 SENATE HUMAN SERVICES

HB 1120

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1120
2/12/2025

Relating to out-of-state child-placing agencies and revocation of license; and to provide a penalty.

9:00 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Conflict cases
- Certified foster care providers
- Adoption approval process

9:01 a.m. Kelsey Bless, Licensing Unit Administrator with Department of Health and Human Services, testified in favor and submitted testimony #36576.

9:15 a.m. Senator Hogan moved Do Pass.

9:15 a.m. Senator Roers seconded the motion.

| Senators | Vote |
|-----------------------------|------|
| Senator Judy Lee | Y |
| Senator Kent Weston | Y |
| Senator David A. Clemens | Y |
| Senator Kathy Hogan | Y |
| Senator Kristin Roers | Y |
| Senator Desiree Van Oosting | Y |

Motion passed 6-0-0.

Senator Hogan will carry the bill.

9:16 a.m. Chairman Lee closed the bill.

Andrew Ficek, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1120 ([25.8086.02000](#))**

Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1120 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

Testimony
House Bill No. 1120
Senate Human Service Committee
Senator Judy Lee, Chairman
February 12, 2025

Chair Lee, and members of the Senate Human Services Committee, I am Kelsey Bless, Licensing Unit Administrator with Children and Family Services under the Department of Health and Human Services (Department). I appear before you in support of House Bill No. 1120, which was introduced at the request of the Department.

Today, the Department licenses four Child Placing Agencies; three are specific to the placement of a child for the purposes of adoption and one is licensed to assist with the placement of children in foster care into treatment homes. The proposed changes will support the efforts of our adoption Licensed Child Placing Agencies and provide clarity in the Century Code, which governs our administrative code. The Department offered this bill as it will offer consistency for all parties involved in the adoption process, including prospective adoptive parents, birth families, custodial agencies and our Licensed Child Placing Agency partners.

Section 1:

The proposed changes in Section 1 of this Bill amend section 14-15-09 of the North Dakota Century Code regarding a petition for adoption. Page 2, lines 9 through 31 and Page 3, lines 1 through 5 remove language related to petitioner expenses and places the language into North Dakota Century Code 50-12-09, noted in Section 3 of this bill. The transition will remove duplication regarding compensation parameters for licensed child placing agencies and adoptive families.

Section 2:

The proposed changes in Section 2 of this Bill amend section 14-15-11 of the North Dakota Century Code regarding the notice of petition related to an investigation and hearing. Page 4, lines 4 and 5 add reference to the Department as an approved source to complete an adoption investigation when a conflict of interest is present for a child placing agency and no other North Dakota child placing agency can complete the adoption investigation.

Lines 11 through 14 remove reference to certified foster care providers. The addition of certified foster care providers occurred during the 2023 legislative session. The removal is proposed as a certified foster care provider is only permitted to care for a child for 30 days or less, which is different than a licensed foster care provider who can care for a child for any length of time determined by the custodial agency. In addition, line 15 removes reference to continuous licensure for more than one year. The length of time in which a foster care provider maintains a license is valuable, but the timeframe noted in law could present a barrier for the families licensed less than one year and selected by the custodial agency as the adoptive family.

Section 3:

The proposed changes in Section 3 of this Bill amend section 50-12-09, compensation for child placing. The additions to this section were noted previously in Section 1 of the Bill. The proposed change removes duplication and offers clarity regarding compensation when placing a child for adoption. Page 5, lines 26 through 31 and page 6, lines 1 through 25 reorganize references to reasonable fees and clarify that a financial agreement must be in place detailing what reasonable fees may be charged to an adoptive family when asked to support costs related to the

child's birth mother or parents who are placing the child for adoption. You will see reference to a "birth mother" versus a "birth parent".

Reimbursement will naturally be higher for a birth mother due to the medical and delivery expenses of the infant, over the costs associated with therapeutic services, which may be requested by either birth parent. Page 6, lines 22 through 23 highlights an amendment made in this section. The Department was in agreement to the amendment recognizing the need to allow for six weeks post-delivery in efforts to cover expenses for a birth mother beyond the day of delivery. This six week period would allow for inclusion of costs associated with an extended hospital stay or charges resulting from medical complications experienced during the delivery of the infant.

Section 4:

The proposed changes in Section 4 of this Bill amend section 50-12-10 of the North Dakota Century Code regarding the revocation of a license. Page 6, line 31 and page 7, line 1 correct clerical errors previously in law. Page 7, lines 4 through 8 remove reference to the revocation of a child placing agency license if the licensee, typically the executive director, was found guilty of an offense that would prohibit them from working in the agency. This historical reference was an oversight as the Department would not find it reasonable to revoke an agency license based on one employee's actions, instead it is proposed to replace it with language originally located in section 50-12-11 of North Dakota Century Code which we are requesting to be repealed. In efforts to remove any confusion, it is requested we combine false or misleading reports made to the Department as grounds for revocation of the child placing agency license in section 50-12-10.

Section 5:

The proposed changes in Section 5 of this Bill amend section 50-12-17 of the North Dakota Century Code regarding agency licensing requirements and registration. Page 7, lines 12 through 17 clarify a person may not place or cause a child to be placed for adoption without a license from the Department. In addition, newly added reference is made regarding adoption services and the investigation being completed by the Department, reflecting the change made in Section 2 of this bill in North Dakota Century Code 14-15-11 related to conflict-of-interest cases. Line 25 through 30 and page 8, line 1 offer clarity regarding the intention to place a child for adoption.

Section 6:

The proposed changes in Section 6 of this Bill repeal section 50-12-02.1 regarding out of state licensing requirements. If an out of state agency was interested in opening a child placing agency in North Dakota, the agency would follow the licensing standards in chapter 50-12 and further defined in North Dakota Administrative Code 75-03-36-05.

The proposed changes also repeal section 50-12-11 of the North Dakota Century Code regarding revocation of a license for false reporting as the detail was previously located in an isolated section, however, was added to section 50-12-10 as the new number four (noted in Section 4 above).

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.