

**2025 SENATE JUDICIARY**

**SB 2284**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

SB 2284  
2/4/2025

Relating to disclosure of information in adoption proceedings and access to birth records.
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9:32 a.m. Chair Larson opened the meeting.

Members present: Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

### Discussion Topics:

- Adult adoptee access
- National movement
- Genealogy discoveries
- Vital Records amendment
- Civil Rights
- Birth parent anonymity
- Current law
- Adoption
- Proposed amendment
- Disclosure law

9:32 p.m. Senator Hogan introduced the bill and submitted testimony in favor #33686.

9:37 a.m. Marley E. Greiner, Executive Chair of Bastard Nation the Adoptee Rights Organization, testified in favor and submitted testimony #33379.

9:44 a.m. David A. Tamisiea, Executive Director of ND Catholic Conference, testified in opposition and submitted testimony #34083.

9:49 a.m. Kris Haycraft, Director of Pregnancy, Parenting and Adoption Services, testified in opposition and submitted testimony #34086.

10:00 a.m. Darin J. Meschke, State Registrar of Health and Human Services, testified as neutral and submitted testimony #33847.

10:09 a.m. Kris Haycraft, Director of Pregnancy, Parenting and Adoption Services, testified in opposition.

10:12 a.m. Julie Hoffman, NDHHS, testified as neutral and submitted testimony #34208.

10:18 a.m. Jean Nasers, Christian Adoption Services, testified as neutral and submitted testimony #34242.

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10:23 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*



## **Bastard Nation: the Adoptee Rights Organization**

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Submitted Testimony

SB2284

Adoptee Access to Original Birth Certificates

North Dakota Senate Judiciary Committee

February 4, 2025

Marley E. Greiner, Executive Chair

### **DO PASS**

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Bastard Nation: the Adoptee Rights Organization is the largest adoptee civil rights organization in the United States. We support only full unrestricted access for all adopted persons to their original birth certificates (OBC) and related documents.

We support passage of SB2284 as written.

#### **Current Law v SB2284**

Current North Dakota law severely limits adopted people from obtaining their OBCs and other adoption information. It is, overall, the most difficult law in the country. There is no specific law that provides North Dakota-born adoptees from receiving their OBCs. Court orders pertaining to state and private adoptions are available, but only through a complex, confusing, and exacting procedure involving adoption agencies and birthparents who must give consent for release of identity. A court order can be granted **“only if the petitioner demonstrates that disclosure will not result in any substantial harm to the individual about whom identifying information is sought.”** How that requirement is proven is not explained.

These legal procedures are archaic, humiliating, time-consuming, infantilizing, in the extreme, and rarely successful. They can also be expensive. The current law promotes the pernicious idea that adopted people are dangerous—so dangerous-- that they cannot be trusted with their own birth certificates and personal information about themselves less they harm others. The Not Adopted, of course, are not mandated to withstand bureaucratic scrutiny to receive their birth certificates.

SB2284 does away with this very limited current legal process and the nasty portrait the state paints of its adoptees, and restores the right of all North Dakota-born adopted people to obtain their OBCs upon request at the age of 18 with no restrictions or conditions. The adoptee would simply fill out a form and submit it directly to the appropriate department for a nominal fee.

### **Privacy and The Balance of Rights**

SB2084 is not about search and reunion, though search and reunion can happen. The bill is about civil rights of North Dakotans.

We often hear the term “balance of rights” in the OBC debate. That can be a legitimate debate in cases where an actual conflict of rights among parties exists. In the case of OBC rights, however, the only rights involved are those of thousands of adopted North Dakotans who have been legally banned from obtaining the genuine unaltered record of their birth and other information about themselves.

There is no “balance of rights” here.

Rights and interests are unequal. A few birthparents—and in a broader sense, third parties with no standing, may argue a “right” to birthparent anonymity, but courts have found there is no such right. These parties might have an “interest” (or think they do), but “rights” trump “interests.” The Adopted and the Not Adopted have an absolute right to obtain the official state record of their own birth and no third party—parent or not—has the “right” to bar that access. **Critically, parental rights were voluntarily relinquished years ago or were terminated by a court, so if there was even such a parental “right” it would not exist in the case of adoption.**

### **Adoption Privacy Overview**

“Privacy” “confidentiality,” and “anonymity” are not synonymous either legally or linguistically. Adoption “anonymity” is a myth perpetuated by special interests that for decades have profited off economic distress and society-induced shame and family crisis. In many cases, adoption is a permanent solution to a temporary problem that has not only individual but generational consequences.

There is no evidence in any state that records were sealed to “protect” the reputation or “privacy” of biological parents who relinquished children for adoption. On the contrary, records were sealed to cover coercive child acquisition practices by adoption agencies, black and gray market baby dealers, exploitative assembly line maternity homes, and other corrupt systems. Numerous historical and legal

researchers and writers have shown that OBCs were never intended to be sealed in perpetuity from individual adoptees as adults. At “best” sealed OBCs were billed as a way to protect the reputations of “bastard children” (not adults) and to protect adoptive families from birthparent and stranger interference.

These documents were first sealed from the public, then the parties to the adoption, and eventually to adopted people themselves—who strangely enough, are not considered “parties to the adoption.” What was once an outlier practice has now been normalized through a mix of myth and “tradition” and treated like “the way it’s always been.”

Courts, however, have ruled that adoption anonymity does not exist. (*Doe v Sundquist, et. al.*, 943 F. Supp. 886, 893-94 (M.D. Tenn. 1996) and *Does v. State of Oregon*, 164 Or. App. 543, 993 P.2d 833, 834 (1999).

Laws change constantly, and the state, lawyers, social workers, and others were never in a position to promise anonymity in adoption. In the over 70 years of the adoptee equality battle, not one document has been submitted anywhere that promises or guarantees sealed records and an anonymity “right” to birthparents. Identifying information about surrendering parents often appears in court documents given to adoptive parents who can at any point give that information to the adopted person. (In some states adoptive parents, at the time of the adoption order, can petition the court to keep the record open.) The names of surrendering parents are published in legal ads. Courts can open “sealed records” for “good cause” without birthparent consent or even knowledge. **Critically, the OBC is sealed at the time of adoption finalization, not surrender. If a child is not adopted, the record is never sealed. If a child is adopted, but the adoption is overturned or disrupted, the OBC is unsealed. The OBCs of persons with established relationships with biological parents as in stepparent and foster adoptions are also sealed.**

The American Academy of Adoption and Assisted Reproduction Attorneys agrees with this assessment. In a major about-face, in 2018 it passed a monumental resolution in support of adoptees’ right to full access to our OBCs, court, and agency records.

## **Privacy and Technology**

Today, inexpensive and accessible DNA testing services, and a large network of volunteer “search angels” that locate adoptee government-hidden information, histories, and biological families, have made the traditional “privacy” argument obsolete. The minuscule number of birthparents or professionals who believe that restricted OBC/records access or no access equals adoption anonymity are greatly mistaken. Nearly all successful searches are done without the OBC and other court documents.

## Conclusion

OBC access is not about search and reunion. Many adopted people are not interested in pursuing a search. Instead, access is about obtaining our state-generated and held document of our births and related information, something the Not Adopted don't even think about. There are many laws that protect minors that drop off the books once minors reach the age of majority. The state may argue that records are sealed to protect "the best interest of the child" but this bill is about adults who voluntarily seek out their records and documents and don't need or want state interference and protection. There is no state interest therefore in keeping original birth certificates sealed from adult adoptees to whom they pertain. Moreover, the state does not have a right or duty to mediate and oversee the personal relationships of adults. The debate on the release of OBCs to its adopted citizens is small v big government issue. Small government should win this one.

Adopted people in 15 states have unrestricted access to their OBCs including your neighbors South Dakota and Minnesota. Not one single negative report about unsealing has been published. Access has been normalized. Adoptees are treated just like the Not Adopted and like the Not Adopted no one denies that they have a right to those records and information.

Please vote DO PASS on SB2284. It's the right thing to do. Thank you.

*Bastard Nation is dedicated to the recognition of the full human and civil rights of adult adoptees. Toward that end, we advocate the opening to adoptees, upon request at age of majority, of those government documents which pertain to the adopter's historical, genetic, and legal identity, including the unaltered original birth certificate and adoption decree. Bastard Nation asserts that it is the right of people everywhere to have their official original birth records unaltered and free from falsification, and that the adoptive status of any person should not prohibit him or her from choosing to exercise that right. We have reclaimed the badge of bastardy placed on us by those who would attempt to shame us; we see nothing shameful in having been born out of wedlock or in being adopted. Bastard Nation does not support mandated mutual consent registries or intermediary systems in place of unconditional open records, nor any other system that is less than access on demand to the adult adoptee, without condition, and without qualification.*

**Testimony  
SB 2284  
Senate Judiciary Committee  
February 4, 2025**

Chairman Larson, for the record, my name is Kathy Hogan, and I represent District 21 which is central Fargo and a portion of West Fargo.

Last summer a friend of mine requested that I consider introducing a bill regarding the ability of adults who had been adopted getting access to the name/names on their birth records. This started a bit of a journey because this is not an issue, that I had worked with previously. As I researched the topic, I discovered that this is a national initiative that is being considered or adopted in many states. Here is the link to that information <https://www.usbirthcertificates.com/articles/states-with-open-adoption-records>

Randomly, I have had three friends in the last six months, share their family stories about how births of children, some 50 years ago, were being discovered through *Ancestry.com* or *23andMe* genealogy which is a new issue for both families and for the law.

Finally, we will have testimony from a group in Boston that tracks this issue that I just learned of when I received their testimony.

Madam Chair, Vital Records does have a minor proposed amendment that they will share with you and that I support. Thank you for considering this issue and I am more than willing to answer any questions.





Health & Human Services

**Testimony**  
**Senate Bill No. 2284**  
**Senate Judiciary Committee**  
**Senator Diane Larson, Chairman**  
February 4, 2025

Chairman Larson, and members of the Senate Judiciary Committee, I am Darin Meschke, the State Registrar with the Department of Health and Human Services (Department). I appear before you in a neutral capacity to recommend an amendment to Senate Bill No. 2284. The Department has no objections to the bill in its current form; however, we would ask for a minor amendment be made to the bill as an additional exception dealing with sealed records related to paternity and legitimation. The department has discussed this amendment with the bill sponsor, Sen. Kathy Hogan, and she was welcoming of the department's new language.

After a record is sealed by an acknowledgement of paternity or by legitimizing the marriage of the parents, there are times when those parents or other authorized representatives of the adopted child need those original documents as evidence of a legal process which modified the original birth record. An example of this is when they are updating the child's social security number with the Social Security Administration. Social Security requires the parents or other authorized representative of the minor to provide documentation regarding the name change and the parents do not have anything except the original documentation our office has on file regarding the sealed legitimation. Other examples may include U.S. passports, which may require the same documentation.

So, instead of requiring parents to get a court order to obtain these necessary documents, the Department would suggest adding an additional exception as this routinely happens.

This concludes my testimony regarding the Department's amendment, and I'd be happy to stand for any questions.

**PROPOSED AMENDMENTS TO**

**SENATE BILL NO. 2284**

Introduced by

Senators Hogan, Weber, Van Oosting

Representatives Dobervich, McLeod, S. Olson

1 A BILL for an Act to amend and reenact sections 14-15-16 and 23-02.1-18 of the North Dakota  
2 Century Code, relating to disclosure of information in adoption proceedings and access to birth  
3 records.

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

5 **SECTION 1. AMENDMENT.** Section 14-15-16 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **14-15-16. Hearings and records in adoption proceedings - Confidential nature -**  
8 **Disclosure of identifying and nonidentifying information - Retroactive operation.**

9 1. The provisions of this section supersede any other law regarding public hearings and  
10 records.

11 2. For purposes of this section:-

12 a. ~~"Genetic, "~~"genetic parent" includes a man presumed or adjudicated to be the  
13 adopted individual's father under chapter 14-20 and an alleged father when so  
14 indicated in the files of the child-placing agency or the department, but only if  
15 there exists in those files information that corroborates the allegation of paternity,  
16 including the existence of communications between the alleged father and the  
17 child-placing agency, or between the alleged father and the genetic mother or  
18 members of her family, or such other corroborative information as may be  
19 permitted by rules adopted by the department.

20 b. ~~"Notify" means to make a personal and confidential contact with the individual to~~  
21 ~~whom a disclosure of identifying information has been requested. The personal~~  
22 ~~and confidential contact must be made by an employee or agent of the~~  
23 ~~child-placing agency that processed the adoption or by some other licensed~~  
24 ~~child-placing agency designated by the individual initiating the search.~~

- 1        3. ~~All hearings~~A hearing held in ~~actions~~an action under this chapter must be held in  
2        closed court without admittance of any individual other than an essential ~~officers~~officer  
3        of the court, ~~the parties~~a party, ~~their witnesses~~a witness, counsel, individualsan  
4        individual who ~~have~~has not previously consented to the adoption but ~~are~~is required to  
5        consent, ~~the parents~~a parent of an adult to be adopted, and ~~representatives of the~~  
6        ~~agencies~~an agency representative present to perform ~~their~~ official duties. Upon a  
7        showing of good cause by the petitioner, the court may prohibit ~~the parents~~a parent of  
8        an adult to be adopted from attending the adoption hearings and proceedings. A  
9        parent of an adult to be adopted who is prohibited by the court from attending the  
10       proceedings may submit relevant testimony or information regarding the petition to the  
11       court in writing.
- 12       4. All papers; records; and identifying and nonidentifying information relating to an  
13       adopted individual, birth siblings, birth parents, or adoptive parents, whether part of the  
14       permanent record of the court or of a file in the department or in an agency are  
15       confidential and may be disclosed only in accordance with this section. Papers,  
16       records, and information directly pertaining to the adoption must be kept permanently  
17       by the department and agency.
- 18       5. Nonidentifying information, if known, concerning undisclosed genetic parents must be  
19       ~~furnished~~provided at a reasonable fee to:
- 20       a. ~~The adoptive parents~~An adoptive parent at the time of adoptive placement or  
21       upon ~~their~~ written request;
- 22       b. An adopted adult upon written request; or
- 23       c. A birth parent upon written request.
- 24       6. The clerk of the appropriate district court, upon request and payment of the proper fee,  
25       shall ~~furnish~~provide a certified copy of the decree of adoption to the ~~adoptive parents,~~  
26       ~~the,~~
- 27       a. Adoptive parent or guardian of an adopted minor child, ~~or an adopted adult,~~  
28       provided the decree does not disclose the identity of the genetic parents or the  
29       name of the adopted individual before the adoption action; and

1            b. Adopted adult, including disclosure of the identity of the genetic parents and the  
2            name of the adopted adult before the adoption action if such identifying  
3            information is included in the decree of adoption.

4            7. Before the child reaches adulthood, at the discretion of the child-placing agency, and  
5            with due regard for confidentiality, exchanges of identifying or nonidentifying  
6            information may take place between the genetic parents, adoptive parents, and  
7            adopted child.

8            a. Disclosure of a party's identifying information may not occur unless the party  
9            consents to disclosure.

10           b. If one parent objects, the identifying information disclosed by the agency may  
11           only relate to the consenting parent or parents.

12           8. An adopted individual who is eighteen years of age or older may request the  
13           department to initiate the disclosure of information identifying the adopted individual's  
14           genetic parents or to initiate the disclosure of nonidentifying information not on file with  
15           the department or a child-placing agency.

16           9. An adopted individual who is eighteen years of age or older may request the  
17           department to initiate the disclosure of information identifying the adopted individual's  
18           adult genetic sibling.

19           10. A genetic parent of an adopted individual, after that individual has reached twenty-one  
20           years of age, may request the department to initiate the disclosure of information  
21           identifying that individual or to initiate the disclosure of nonidentifying information not  
22           on file with the department or a child-placing agency.

23           11. An adult genetic sibling of an adopted individual, after that individual has reached  
24           twenty-one years of age, may request the department to initiate disclosure of  
25           information identifying that individual.

26           12. An adult child of a deceased adopted individual may request the department to initiate  
27           the disclosure of information identifying the adopted individual's genetic parents or to  
28           initiate the disclosure of nonidentifying information not on file with the department or  
29           child-placing agency.

30           13. An adult child of an adopted individual who is still living may not request the  
31           department to initiate disclosure of information identifying the adopted individual's

1 genetic parents or to initiate the disclosure of nonidentifying information not on file with  
2 the department or child-placing agency.

3 14. The department shall, within ~~five working~~seven days ~~of~~after receipt of a request under  
4 subsection 8, 9, 10, 11, 12, or 13, notify in writing a child-placing agency having  
5 access to the requested information. If the department's records do not identify any  
6 child-placing agency having access to the requested information, the department,  
7 within ~~five working~~seven days after receipt of ~~the~~a request, shall so notify the  
8 requester in writing. The requester may designate a child-placing agency from a list of  
9 such agencies ~~furnished~~provided by the department, ask the department to designate  
10 an agency, or terminate the request.

11 15. Within ninety days after receiving notice of a request made under subsection 8, 9, 10,  
12 11, 12, or 13, the child-placing agency shall ~~make~~:

13 a. Make complete and reasonable efforts to notify the individual or individuals with  
14 respect to which a disclosure of identifying information has been requested. The  
15 child-placing agency must certifysecure and compile the requested information;

16 b. Certify the results of its efforts to the department ~~within one hundred twenty days~~  
17 ~~after receipt of the request; and~~

18 c. If applicable, include in the certification a statement of whether an adopted  
19 individual or a genetic sibling knows the identity of a living mutual genetic parent  
20 in accordance with subsection 17.

21 16. The child-placing agency may charge a reasonable fee to the requester for the cost of  
22 making a search pursuant to ~~the~~a request. ~~All communications under this subsection~~  
23 ~~are confidential.~~ If the search is not completed within ninety days, additional time may  
24 be requested. Approval of this request must be given by the individual requesting the  
25 search.

26 ~~16. The personal and confidential contact must be evidenced by an affidavit of notification~~  
27 ~~executed by the individual who notified each genetic parent, adopted individual, or~~  
28 ~~genetic sibling and certifying that each genetic parent, adopted individual, or genetic~~  
29 ~~sibling contacted was given the following information:~~

30 ~~a. The nature of the identifying information to which the agency has access.~~

31 ~~b. The nature of any nonidentifying information requested.~~

- 1           c.    ~~The date of the request of the adopted individual, genetic parent, or genetic~~  
2               ~~sibling.~~
- 3           d.    ~~The right of the genetic parent, adopted individual, or genetic sibling to file,~~  
4               ~~authorize disclosure or refuse to authorize disclosure.~~
- 5           e.    ~~The effect of a failure of the genetic parent, adopted individual, or genetic sibling~~  
6               ~~to either authorize disclosure or refuse to authorize disclosure.~~
- 7    17.   ~~An adopted individual, genetic parent, or genetic sibling, with respect to whom a~~  
8       ~~disclosure of identifying information has been requested, may authorize disclosure,~~  
9       ~~refuse to authorize disclosure, or take no action. If no action is taken in response to a~~  
10       ~~request, the child-placing agency must treat that as a refusal to authorize disclosure,~~  
11       ~~except that it does not preclude disclosure after the individual's death.~~
- 12   18.   ~~If the child-placing agency has been able to locate only one genetic parent who~~  
13       ~~authorizes disclosure and the other genetic parent cannot be located, the identifying~~  
14       ~~information must be disclosed to the adopted individual. The information disclosed by~~  
15       ~~the agency may relate only to the consenting parent.~~
- 16   19.   ~~If the child-placing agency has located both genetic parents and only one genetic~~  
17       ~~parent authorizes disclosure, the child-placing agency may not disclose identifying~~  
18       ~~information regarding the consenting parties unless there is a court order authorizing~~  
19       ~~the disclosure. Upon application to the court by the child-placing agency, the court~~  
20       ~~shall issue an order authorizing disclosure of information identifying the consenting~~  
21       ~~parties. The order must include any conditions the court determines sufficient to~~  
22       ~~reasonably ensure the continued nondisclosure of information identifying the objecting~~  
23       ~~genetic parent. Conditions placed on the disclosure may include a sworn statement by~~  
24       ~~the consenting genetic parent to refrain from disclosing to the adopted individual any~~  
25       ~~information identifying the objecting genetic parent.~~
- 26   20.   ~~The certification of the child-placing agency to the department must include:~~
  - 27       a.   ~~A statement of whether it has been able to notify the individual about whom a~~  
28           ~~disclosure of identifying information was requested and whether a notification~~  
29           ~~was precluded by the death of the individual.~~
  - 30       b.   ~~If a genetic sibling was to be notified at the request of an adopted individual, or if~~  
31           ~~an adopted individual was to be notified at the request of a genetic sibling, a~~

1                   statement of whether either individual knows the identity of any mutual genetic  
2                   parent.

3           e.       Assurances that:

4                   (1)   No disclosure of identifying information has been made with respect to any  
5                   adopted individual, genetic parent, or genetic sibling who has not authorized  
6                   the disclosure in writing unless the child-placing agency has verified that the  
7                   individual has died leaving no unrevoked written refusal to authorize  
8                   disclosure.

9                   (2)   Any disclosure of identifying information that might lawfully be made under  
10                  this section was made within ten days after the date of receipt of written  
11                  authorization or the date on which the agency verified that the individual had  
12                  died.

13          d.       Copies of any written authorization of disclosure or refusal to authorize  
14                  disclosure.

15          e.       A statement that the individual about whom disclosure of identifying information  
16                  was requested has neither authorized nor refused to authorize disclosure at the  
17                  time of the certification.

18          f.       The date of each notification.

19          g.       A copy of each affidavit of notification.

20    ~~24.17.~~   The child-placing agency, acting on the request of an adopted individual to disclose  
21                  identifying information about a genetic sibling, or acting on the request of a genetic  
22                  sibling to disclose identifying information about an adopted individual, must determine  
23                  if either individual knows the identity of a living mutual genetic parent. If either  
24                  individual knows the identity of a living mutual genetic parent, ~~no disclosure may be~~  
25                  ~~made unless that parent is first notified, in the manner provided for in subsection 13.~~  
26                  ~~The identifying information released may only relate to the consenting parties that~~  
27                  information must be disclosed in accordance with subsection 15.

28    ~~22.18.~~   Upon application to the department by an adult adopted individual or the parent or  
29                  guardian of a minor adopted child, the department may investigate or cause to be  
30                  investigated facts necessary to determine the adopted individual's eligibility for  
31                  enrollment as a member of an Indian tribe.



1           a. The department may inquire of any individual or agency, including a licensed  
2           child-placing agency in North Dakota, to assist in the investigation.

3           ~~b. All identifying information obtained by the department shall remain confidential.~~

4           ~~c.~~ e. The bureau of Indian affairs or an Indian tribe may be provided sufficient  
5           information obtained from the investigation to determine the eligibility of the  
6           adopted individual for enrollment in an Indian tribe. Before the department's  
7           release of information to the bureau of Indian affairs or an Indian tribe, the  
8           department shall request written assurance from the bureau of Indian affairs or  
9           an Indian tribe that the information provided will remain confidential and will not  
10          be furnished to any unauthorized individual or agency.

11          ~~d.c.~~ The procedure used in contacting the genetic parents of the adopted child must  
12          be a personal and confidential contact. Any necessary contact must be made by  
13          an employee or agent of a licensed child-placing agency or the department. The  
14          information requested of the genetic parents must be limited to that information  
15          necessary to make a determination of the adopted individual's eligibility for  
16          enrollment in an Indian tribe.

17          ~~e.d.~~ The department or agency may charge a reasonable fee.

18    ~~23.19.~~ An individual may not be required to disclose the name or identity of either an adoptive  
19          parent or an adopted individual except:

- 20          a. In accordance with this section;  
21          b. As authorized in writing by the adoptive parent or the adopted individual; or  
22          c. Upon order of the court entered in a proceeding brought under subsection ~~24~~20.

23    ~~24.20.~~ An adopted individual, a genetic parent, a genetic sibling, or a guardian of any of those  
24          individuals may petition the district court for an order directing the disclosure of  
25          identifying information.

26          a. The petitioner shall state that efforts to secure the requested disclosure have  
27          been made under this section or are ~~forbidden~~prohibited under this section, that  
28          the petitioner has a significant need for the disclosure, and the nature of that  
29          need.

30          b. The petition ~~shall~~must name the department and any child-placing agency that  
31          has received a request under subsection 8, 9, 10, 11, 12, or 13 as respondents.

- 1           c. The respondents must ~~furnish~~provide, to the court, for in camera review, copies  
2           of such records as the respondents may possess that contain requested  
3           identifying information.
- 4           d. The court may determine if individuals about whom the disclosure of identifying  
5           information is requested must be ~~furnished~~provided notice of the proceeding and  
6           may require ~~that~~ the respondents give notice to those individuals. If those  
7           ~~persons~~individuals participate in the proceeding ~~they~~the individuals must be  
8           ~~permitted~~allowed to do so in a manner, to be determined by the court, which  
9           avoids disclosure of identifying information except when disclosure is ordered by  
10          the court.
- 11          e. The court may order disclosure only if the petitioner demonstrates that disclosure  
12          will not result in any substantial harm to the individual about whom identifying  
13          information is sought. The court may not order the disclosure of identifying  
14          information concerning any individual who objects to that disclosure.
- 15   ~~25-21.~~ The provisions of this section governing the release of identifying and nonidentifying  
16          adoptive information apply to ~~adoptions~~an adoption completed before and after July 1,  
17          1979.
- 18   ~~26-22.~~ Any child-placing agency discharging in good faith its responsibilities under this  
19          section is immune from ~~any~~ liability, civil or criminal, that otherwise might result.
- 20   ~~27-23.~~ The department shall ~~make such reasonable~~adopt rules ~~as are necessary~~ to carry out  
21          the purposes of this section.

22          **SECTION 2. AMENDMENT.** Section 23-02.1-18 of the North Dakota Century Code is  
23          amended and reenacted as follows:

24          **23-02.1-18. New birth records following adoption, legitimation, and paternity**  
25          **determination.**

- 26          1. The state registrar shall establish a new birth record for ~~a person~~an individual born in  
27          this state when the registrar receives the following:
- 28                  a. An adoption report as provided in section 23-02.1-17 or a certified copy of the  
29                  decree of adoption together with the information necessary to identify the original  
30                  birth record and to establish a new birth record; except that a new birth record

1                   may not be established if so requested by the court decreeing the adoption, the  
2                   adoptive parents, or the adoptive person.

3           b.    A request that a new record be established and such evidence as required by  
4                   rules and regulations proving that ~~such person~~ individual has been legitimated or  
5                   that a court of competent jurisdiction has determined the paternity of such  
6                   ~~person~~ individual.

7           2.   For a ~~person~~ an individual born in a foreign country whose adoptive parents are  
8                   residents of the state of North Dakota at the time of the adoption, the state registrar  
9                   shall prepare a new birth record:

10          a.   In the case of a foreign-born ~~person~~ individual adopted in North Dakota, upon  
11                   presentation of a report of adoption as required by section 23-02.1-17.

12          b.   In the case of a foreign-born ~~person~~ individual adopted outside the state of North  
13                   Dakota or outside the United States, or in the state of North Dakota prior to  
14                   July 1, 1979, upon presentation of a certified copy of the adoption decree, and:

15                  (1)   A certified copy of the birth record of the adopted ~~person~~ individual; or

16                  (2)   An affidavit of an adoptive parent setting forth the true or probable date and  
17                          place of birth and parentage of the adopted ~~person~~ individual.

18           Any certification of a birth record issued under this subsection must be in the same  
19           form as other certifications of birth records issued in this state except that it must state  
20           that it does not purport to be evidence of United States citizenship.

21          3.   When a new birth record is established, the actual place and date of birth must be  
22                   shown. The new birth record must be substituted for the original birth record:

23          a.   Thereafter, the original birth record and the evidence of adoption, paternity, or  
24                   legitimation is not subject to inspection except upon ~~order~~:

25                  (1)   Request of the adopted individual who is eighteen years of age or older, the  
26                          state registrar shall provide to the adopted individual a copy of the  
27                          individual's original birth record and any evidence of adoption previously  
28                          filed with the state registrar; ~~or~~

29                  (2)   ~~Order of a court of competent jurisdiction or as provided by rules and~~  
30                          regulations. Request of an authorized representative for a minor child's original

birth record and any evidence of changes to that record from paternity or  
legitimation previously filed with the state registrar; or

~~(2)~~(3) Order of a court of competent jurisdiction or as provided by rules ~~and~~  
~~regulations.~~

b. Upon receipt of a notice of annulment of adoption, the original birth record must  
be restored to its place in the files and the new birth record and evidence is not  
subject to inspection except upon ~~order~~:

(1) Request of the adopted individual who is eighteen years of age or older, the  
state registrar shall provide to the adopted individual a copy of the new birth  
record and any evidence of adoption previously filed with the state registrar;  
or

(2) Order of a court of competent jurisdiction.

4. If no birth record is on file for the ~~person~~individual for whom a new birth record is to be  
established under this section, an original birth record must be filed with the state  
registrar in accordance with the appropriate rules ~~and regulations promulgated~~adopted  
by the department of health and human services. The new record is also to be  
prepared on the standard forms in use at the time of the adoption, legitimation, or  
paternity determination.

5. When a new birth record is established by the state registrar, all copies of the original  
birth record in the custody of any custodian of permanent local records in the state  
must be sealed from inspection or forwarded to the state registrar, as the registrar  
directs.



*Representing the Diocese of Fargo  
and the Diocese of Bismarck*

**To:** Senate Judiciary Committee  
**From:** David Tamisiea, Executive Director  
**Date:** February 4, 2025  
**Re:** SB 2284 — Disclosure of Adoption Proceedings and Birth Records

The North Dakota Catholic Conference opposes Senate Bill 2284 which would require the disclosure of adoption proceedings and birth records.

This is an issue that can generate strong emotional feelings. On one side, we have adult adoptees who understandably wish to know something about their birth parents and genetic heritage. On the other side, we have birth parents who, often for very personal reasons, desired to have a closed adoption and their identity kept confidential. For obvious reasons, their voices are not here to testify on this issue, so it is for us to speak for them.

Catholic Charities North Dakota has been facilitating adoptions in the state since 1923. The Catholic Church has been involved in facilitating adoptions for even longer. Catholic Charities North Dakota is also the repository of adoption records for Lutheran Social Services since they stopped doing adoptions in 2020, and the repository of adoption records for the Village Family Services since they stopped doing adoptions in 2023. The Catholic Church comes at this issue from experience, and our experience tells us that forcing the disclosure of identifying birth records without the birth parents' consent is a bad idea.

Most adoptions today are open. That is the preferred method. There are times, however, when a birth mother wishes - or perhaps needs - confidentiality. It can make a difference as to whether she chooses adoption for her child or abortion. To be frank, so long as abortion is legal, and so long as confidentiality could make the difference between choosing adoption or abortion, our laws should protect those birth records from disclosure.

This is also a matter of honoring the promises made to the birth parents during the adoption process. In a closed adoption, birth parents were guaranteed strict confidentiality. They did not consent to have the adoption proceedings, birth records, or identifying information disclosed or opened to others at a later time. It would be wrong now for the state to disregard their wishes for a closed adoption and break the promises made to them to keep the records sealed.

We respectfully ask for a **Do Not Pass** recommendation on Senate Bill 2284.

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*Representing the Diocese of Fargo  
and the Diocese of Bismarck*

**To:** Senate Education Committee  
**From:** Kris Haycraft, Catholic Charities North Dakota  
**Subject:** Senate Bill 2284 - Adoption Disclosure Changes  
**Date:** February 4, 2025

Chairman Larson and members of the Senate Judiciary Committee, I am Kris Haycraft, Director of the Pregnancy, Parenting, and Adoption Services Program at Catholic Charities North Dakota.

SB 2284 would drastically change the landscape of adoption in the state of North Dakota. I am testifying in opposition to these changes. I want to explain the complexities of adoption after finalization, to bring to light the consequences related to the proposed changes, and to bring a voice to those who may not be able to stand in front of you today to share their own stories.

This is a simplified version of how search and disclosure currently works within NDCC 14-15-16.

#### Who can search

- A birth parent (after the adopted child reaches the age of 21)
- An adopted adult (after they have reached the age of 18)
- A birth sibling that shares a biological parent (after the adopted adult reaches the age of 18)
- The adult child of a deceased adopted adult

The search process currently works like this:

1. The person searching completes the two NDDHHS forms (SFN 1992 and SFN 940). At Catholic Charities North Dakota (CCND) we also have them complete a questionnaire that explores their expectations, feelings, and supports related to this adoption search. The forms, along with an administrative fee, are mailed to CCND.
2. Once the documentation is received at CCND, a non-identifying letter is written summarizing the non-identifying information from the file at the time of the adoption. Non-identifying information may include:
  - Date and place of the adopted adult's birth
  - Age of the birth parents and a description of their general physical appearance
  - Race, ethnicity, religion, and medical history of the birth parents
  - Type of termination of parental rights

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- Facts and circumstances relating to the adoptive placementAge and sex of children of the birth parents at the time of the adoption
  - Education levels of the birth parents and their occupations, interests, and skills
  - Any supplemental information about the medical or social conditions of members of the birth family provided since the adoption was complete.
3. After the non-identifying letter is written to the person searching, a social worker specializing in adoption calls the searcher to prepare them for all possible outcomes of the search process, to process their expectations, and to help identify personal supports for them as this can be a very emotional journey. Resources are provided to help each member of the adoption triad “put on the hat” of the other person. I often ask people how long they have thought about searching before they actually called CCND to initiate the process. Many times it’s been on their mind for several years. I then remind them that when I make contact with the person they are looking for, it may just be the start of their time to process how reconnecting with their birth relative might affect their lives. Many times searchers will tell me that they don’t have an expectation about who the person they are looking for is, but after some more discussion, they typically do. They imagine them looking like them, they imagine them having a certain type of personality, etc. Identifying these things and processing them increases the likelihood of a lasting relationship in the future.
  4. After this original call to the searcher --- We start searching. The only information the agency has is what was available at the time of the adoption. It would seem that with technology, this might be simple. Often it is not. We first have to find out their current name (as many birth mothers have married since the time of the adoption) and then we need to find a phone number or address where we can reach out to them. Once we have possible contact information, we are very very very careful as we reach out. We ask that they verify who they are and that they either made an adoption plan in the past or are an adopted adult. As you can imagine, securing this information has become increasingly difficult as people are more and more distrusting with the increase of scam calls. It often takes several letters and phone calls before the person understands that the confidential topic that we are hoping to address has to do with an adoption plan from the past.
  5. After we confirm that they are who we are looking for, we let them know who is looking for them and their rights in the search process. They have the right to disclose information or not to disclose identifying information. They have the option of having direct contact or for all contact to go through the agency. The agency sends them two forms to complete that verifies they know their rights and identifies what, if any, information they would like to share. Once those forms are turned into the agency, the social worker works together with both parties to facilitate communication in a way that feels most comfortable for both parties. If the person does not wish to engage further in the search and

disclosure process, the agency gives them a chance to share any non-identifying information such as updated medical information.

6. The agency helps to facilitate communication for as long as needed, often hearing from those involved several years after they were first connected to let us know how their relationship is progressing.

Here is how the proposed legislation would change the search process:

Adopted adults at the age of 18 could ask for and receive their original birth certificate (currently sealed within state law) and their adoption decrees (even if their birth parent's names were on the document). Licensed child placing agencies would be required to share the identifying information of **adopted adults** and **birth parents** without the consent of the person whose information is being released.

As a licensed child-placing agency, we represent each of the members of the adoption triad: birth parents, adoptive parents, and the adoptee. I anticipate that the voice of the adopted adult who desires access to their original birth certificate will be well represented in this hearing, but I want to be the voice of others who would also be affected by this change.

**Birth parents and adopted adults lose all rights to consent to the release of their identifying information and to confidentiality within the proposed changes.** There is no informed consent.

Birth parents who assumed that the confidential nature of the adoption process would be honored, will now have their information shared without their knowledge or consent.

Adopted adults will also have their information shared without their knowledge or consent. Please keep in mind that some adults were adopted from birth-parent situations where it may be a safety concern for their birth family to have their identifying information.

Adoption Search and Disclosure Statistics from Catholic Charities (one year also represents the addition of The Village and LSS's Searches)

- How many in the last 5 years – 56 identifying searches, 16 non-identifying searches
- Who searched – Adopted Adult (43) Sibling (6) Adult Child of a Deceased AA (3) Birth Parent (4)
- Outcomes – 16 did not authorize contact – 22 did authorize contact – 11 had passed away

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

Thank you.





Health & Human Services

**Testimony**  
**Senate Bill No. 2284**  
**Senate Judiciary Committee**  
**Senator Diane Larson, Chairman**  
February 4, 2025

Chairman Larson and members of the Senate Judiciary Committee, I am Julie Hoffman, Adoptions Manager with the Children and Family Services Section in the Department of Health and Human Services (Department). I appear before you neither to support nor oppose Senate Bill 2284, but to provide information and reaction to the bill.

The Department oversees adoption search and disclosure services and also speaks with individuals involved in the adoption process regarding adoption search/disclosure statute, rule, policy, and practice. Adoption search services are provided by licensed child placement agencies (LCPA's) in our state. For the purposes of Adoption Search, Catholic Charities North Dakota holds the repository of adoption records resulting from adoption services that have been provided by multiple agencies. The LCPAs are governed by North Dakota Century Code section 14-15-16 and North Dakota Administrative Code chapters 75-03-13 and 75-03-36.

Search services provided by LCPA's are based on the following principles:

- Agencies actively search for individuals being sought (as compared to a passive registry),
- Personal and confidential contact is made with persons being sought,
- The individual has a right to consent to the release of identifying information about themselves, and
- The individual has the ability to refuse to authorize disclosure of identifying information about themselves.

The search statute contemplates many scenarios, but certainly not all scenarios. There are often questions about how certain circumstances are to be addressed. There are many individuals' rights to balance in the adoption search process as it relates to openness and confidentiality of adoption information. In light of DNA science and its impacts on adoption search disclosure, as well as now having primarily one agency responsible for the bulk of adoption search, changes to the current statute could simplify the process. The Department has discussed this with our current ND LCPA's. They had contemplated requesting changes to this statute or making recommendations for the adoption of a passive search registry but determined more time was needed to make an informed recommendation.

After a review of this bill, the Department would offer the following overarching comments. This bill:

- Removes the definition of notify and the requirement of personal and confidential contact with those whose identifying information is being sought and requirement for notification (page 1, lines 20 through 24 and page 4 line 26 through page 6 line 19);
- Removes the requirement for confidentiality in the search process (page 4, line 22 and 23 and page 7 line 3);
- Removes the ability of those whose identifying information is being sought to either authorize disclosure of identifying information about themselves, or refuse to authorize disclosure of identifying information about themselves;
- Does not provide an avenue for individuals who do not wish for their identifying information to be released;

- Allows adopted individuals to have unlimited access to their original birth certificate after the age of 18 (page 9, lines 25-28);
- Does not include provisions to set apart older adoptions where individuals were originally promised confidentiality.

This bill would move our state from one of a conservative approach to the disclosure of personal information to one of openness, without consideration for adoptions which have already occurred where individuals were promised confidentiality.

If there is interest in doing so, the Department is open to working with the Bill sponsor and the Committee to draft amendment language that would address some of these concerns and offer alternatives for consideration.

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



**Testimony of Jean Nasers**  
**Administrator of Christian Adoption Services**  
**Before the North Dakota Senate Judiciary Committee on SB 2284**  
**Neutral**

**February 3, 2025**

Thank you, Chairman Larson, and members of the Senate Judiciary Committee for providing the opportunity to submit written testimony neither for nor against Senate Bill 2284. I am the administrator for Christian Adoption Services, one of three current adoption agencies in North Dakota. Currently, I personally conduct the adoption searches for our agency. I approach this issue with a deep appreciation for the diverse perspectives and experiences involved, recognizing the legitimate interests of adoptees seeking information about their origins as well as the birth families who once relied upon confidentiality.

The core of this debate revolves around the fundamental need for identity and connection compared with the right to privacy. Adoptees often have a profound yearning to understand their biological heritage, medical history, and personal narrative. The ability to access original birth records can offer a sense of wholeness, allowing for informed medical decisions and personal fulfillment. Conversely, birth families who relinquished children under the assumption of anonymity may have deep personal reasons for maintaining their confidentiality. The state has an obligation to respect both groups' compelling interests in a world where personal information is so widely accessible.

I believe this change addresses some key flaws in our current laws surrounding adoption searches; however, I do believe some provisions should be made to create safety from those who cannot be here to represent themselves in this matter (whether that be for confidentiality reasons or not). To strike a balanced and equitable approach, I recommend the following provisions be incorporated into SB 2284:

1. **Establishment of a Search Registry:** A voluntary search registry should be created and maintained by the state's vital records office. This registry would allow adoptees, birth parents, and biological siblings to register their willingness for contact or maintain their preference for continued confidentiality. Such a mechanism would ensure that those seeking reunification can do so without forcing disclosure upon those who wish to remain private.
2. **Public Awareness & Government Funding for Outreach:** If this bill is enacted, it is crucial to provide adequate government funding to ensure that all residents, particularly those directly affected, are made aware of the changes. This should include a statewide mailing campaign to inform both adoptees and birth families of their rights under the revised law. Transparent communication is essential to maintaining trust and preventing unintended breaches of privacy.
3. **Involvement of Licensed Adoption Agencies in Searches:** When an adoptee obtains their original birth records and seeks further connection, a licensed adoption agency should serve as a mediator in the search process. Our agencies have experience in conducting sensitive outreach while ensuring emotional preparedness for all parties involved. Utilizing professional services can help navigate complex reunions and provide necessary counseling when needed.

It is vital that legislation balances the past commitments made to birth families with the evolving rights of adoptees and the ever-changing impact of modern technology. By incorporating a structured registry, public outreach, and professional mediation, North Dakota can ensure that both perspectives are respected while fostering opportunities for those who wish to reconnect.

Thank you for your time and consideration. I urge the committee to support a version of SB 2284 that acknowledges both the rights of adoptees and the expectations of birth families, ensuring a fair and compassionate path forward.

Sincerely,

*Jean M. Nasers*  
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# 2025 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

SB 2284  
2/4/2025

Relating to disclosure of information in adoption proceedings and access to birth records.
--

10:53 a.m. Chair Larson opened the hearing.

Members present: Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

## Discussion Topics:

- Committee action
- Children's rights

10:53 a.m. Senator Myrdal moved a Do Not Pass.

10:53 a.m. Senator Castaneda seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	Y
Senator Jose L. Castaneda	Y
Senator Claire Cory	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 7-0-0.

11:01 a.m. Senator Myrdal will carry the bill.

11:01 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**SB 2284 ([25.0297.01000](#))**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.