

2023 SENATE HUMAN SERVICES

SB 2327

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2327
1/25/2023

To provide for a legislative management study relating parentage and adoption policies.

9:32 AM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

Discussion Topics:

- Birth mother, father, child privacy
- Vital records
- Uniform parentage act

9:32 AM **Senator David Clemens** introduced SB 2327. #16693

9:43 AM **Cory Pederson, Director Children and Family Services, Section Department of Health and Human Services**, verbal comments neutral.

9:47 AM **Christopher Dodson, Executive Director, General Counsel, North Dakota Catholic Charities Conference** verbal comments neutral.

9:54 AM **Jim Flemming, Child Support Director, North Dakota Department of Health and Human Services** verbal comments in neutral.

Additional written testimony:

Mark Jorritsma, Executive Director, North Dakota Family Alliance Legislative Action in favor. #16541

Jean Nasers, Interim Director, Christian Adoption Services in favor. #16585

10:01 AM **Madam Chair Lee** closed the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2327
2/1/2023

Relating to the requirements to petition for adoption and relinquishment of parental rights; and to provide a penalty.
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11:34 AM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present.

Discussion Topics:

- Recommend study
- Data storage
- Uniform parentage act

Senator Hogan to consider more research information.

11:45 AM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2327
2/1/2023

Relating to the requirements to petition for adoption and relinquishment of parental rights; and to provide a penalty.
--

2:03 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** are present.

Discussion Topics:

- Recommend study
- Uniform parentage act

Senator Clemens discussed the prepared amendment and asked Lindsey to distribute.

Lindsey Pouliot, Legislative Intern, distributed the proposed amendment. #18599

Senator Hogan moves to adopt the amendment. #16693

Senator Clemens seconded the motion.

Senator Hogan withdraws motion.

Senator Clemens withdraws second.

Senator Hogan moved to adopt amendment. (LC 23.0414.02001)

Senator Clemens seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

The motion passed 6-0-0.

Senator Hogan moves **DO PASS** as **AMENDED**.

Senator Weston seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion Passes 6-0-0.

Senator Roers will carry the SB 2327

Note: this action was reconsidered 2/1/2023 2:42 PM

2:11 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

SB 2327
2/1/2023

Relating to the requirements to petition for adoption and relinquishment of parental rights; and to provide a penalty.
--

2:42 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, Hogan** were present.

Discussion Topics:

- Committee action

Senator K. Roers moves to reconsider action on SB 2327. **Senator Hogan** seconded. Voice vote. Motion carried.

Senator K. Roers moves to further amend and remove the word 'Registered'. (LC 23.0414.02001). **Senator Hogan** seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator Hogan moved DO PASS as Amended. **Senator Weston** seconded.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 6-0-0.

Senator K. Roers will carry SB 2327

2:50 PM **Madam Chair Lee** closed the meeting.

Patricia Lahr, Committee Clerk

February 1, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2327

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding parentage and adoption policies."

AG
2-1-23
(1-1)

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - REVIEW OF PARENTAGE AND ADOPTION POLICY. During the 2023-24 interim, the legislative management shall consider studying, with the assistance of the department of health and human services and the North Dakota commission on uniform state laws, the parentage and adoption practices currently in statute.

1. The study must include:
 - a. Current policies on determining and notifying a biological parent of parentage or a hearing on a petition for adoption;
 - b. The current practices of collection and storage of personal information of parents;
 - c. Best practices for protecting the privacy of individuals involved in the adoption process, including those regarding the adequate storage of personal data, methods of notifying a parent of parentage or of a hearing on a petition for adoption, and collecting and keeping correct contact and personal information from involved individuals;
 - d. The feasibility and desirability of adopting certain language from the 2017 Uniform Parentage Act, particularly those relating to more modern practices with the handling of personal data and the means of notification;
 - e. Any information relevant to the adoption process and its modernization which the department of health and human services may deem important;
 - f. The financial costs associated with the establishment and maintenance of a parentage registry within the state; and
 - g. Any barriers to establishment or maintenance of a parentage registry.
2. The legislative management may seek the assistance of the North Dakota commission on uniform state laws in the development of recommended policies and procedures.
3. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2327: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding parentage and adoption policies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - REVIEW OF PARENTAGE AND ADOPTION POLICY. During the 2023-24 interim, the legislative management shall consider studying, with the assistance of the department of health and human services and the North Dakota commission on uniform state laws, the parentage and adoption practices currently in statute.

1. The study must include:
 - a. Current policies on determining and notifying a biological parent of parentage or a hearing on a petition for adoption;
 - b. The current practices of collection and storage of personal information of parents;
 - c. Best practices for protecting the privacy of individuals involved in the adoption process, including those regarding the adequate storage of personal data, methods of notifying a parent of parentage or of a hearing on a petition for adoption, and collecting and keeping correct contact and personal information from involved individuals;
 - d. The feasibility and desirability of adopting certain language from the 2017 Uniform Parentage Act, particularly those relating to more modern practices with the handling of personal data and the means of notification;
 - e. Any information relevant to the adoption process and its modernization which the department of health and human services may deem important;
 - f. The financial costs associated with the establishment and maintenance of a parentage registry within the state; and
 - g. Any barriers to establishment or maintenance of a parentage registry.
2. The legislative management may seek the assistance of the North Dakota commission on uniform state laws in the development of recommended policies and procedures.
3. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

2023 HOUSE HUMAN SERVICES

SB 2327

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2327
3/6/2023

A BILL for an Act to provide for a legislative management study regarding parentage and adoption policies.
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Chairman Weisz called the meeting to order at 3:48 PM.

Chairman Robin Weisz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Vice Chairman Matthew Ruby and Jayme Davis not present.

Discussion Topics:

- Biological parent notification

Sen. Clemens introduced SB 2327 with supportive testimony (#22245).

Christopher Dodson, Executive Director of the North Dakota Catholic Conference, spoke in support.

Additional written testimony:

Mark Jorritsma, Executive Director of North Dakota Family Alliance Legislative Action, supportive testimony (#22089).

Chairman Weisz adjourned the meeting at 3:51 PM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

SB 2327
3/6/2023

A BILL for an Act to provide for a legislative management study regarding parentage and adoption policies.

Chairman Weisz called the meeting to order at 4:21 PM.

Chairman Robin Weisz, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Vice Chairman Matthew Ruby and Jayme Davis not present.

Discussion Topics:

- Committee Work

Chairman Weisz called for a discussion on SB 2327.

Rep. Beltz moved a do pass on SB 2327.

Seconded by Rep. Prichard.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	AB
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	AB
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 12-0-2.

Carried by Rep. Prichard.

Chairman Weisz adjourned the meeting at 4:23 PM.
Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2327, as engrossed: Human Services Committee (Rep. Weisz, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed SB 2327 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2327



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony Supporting Senate Bill 2327

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 25, 2023

Dear Chairman Lee and honorable members of the Senate Human Services Committee. My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of Senate Bill 2327 and respectfully request that you render a "DO PASS" on this bill, with suggestions.

The idea behind this fathers' adoption registry is a way for adoption agencies to determine the difference between fathers who are indifferent in supporting their child and fathers who want to support their child but are unaware that the mother plans to put the child up for adoption. The registry essentially protects unaware fathers from the legal presumption that they don't care by giving them a chance to claim responsibility for the child. Once a father is on the registry list, he will be given notice if the mother tries to put their child up for adoption. Dozens of states already have used father adoption registries for years with great success, so it is a proven approach.

Interestingly, having a fathers' adoption registry also has implications for abortions. In speaking with crisis pregnancy leaders here in ND, I was told that some women choose abortion (sometimes performed in other states), once learning that the agency needs to exhaust all avenues to locate the birth father to terminate his rights. The registry is an efficient and proven way to do that. The burden falls back on the biological father to be proactive and put his name on the registry if he knows or suspects that a women may be carrying his child.

North Dakota Family Alliance Legislative Action supports the concept of a fathers' adoption registry for our state. That said, this bill is very complex and we would need more time to do in-depth analysis to determine if the proposed registry described in SB 2327 would accomplish all necessary program goals.

For the aforementioned reasons, North Dakota Family Alliance Legislative Action does support the intent of this bill, but would recommend that goals be established for the program and then compared to SB 2327 to ensure it achieves those goals. With that, North Dakota Family Alliance Legislative Action asks for a “DO PASS” recommendation on Senate Bill 2327 from this committee, with the previously noted suggestions.

Feel free to contact me if you have any questions regarding my testimony. Thank you.



**Testimony of Jean Nasers
Interim Director of Christian Adoption Services**

Before the North Dakota Senate Committee on Human Services on SB 2327

**SUPPORT
January 25, 2023**

Thank you, Ms. Chairperson, and members of the Committee for providing the opportunity to submit written testimony in support of Senate Bill 2327. My name is Jean Nasers, and I am the interim director for Christian Adoption Services.

I met with a young woman who wanted to learn more about the adoption process. She was about eight weeks along at that time. I explained the adoption process that must be followed in ND regarding the birth father and what would be required. She was parenting two other children and had put a lot of effort into concealing her pregnancy because of the effect it would have on her work, reputation, and other children. She explained that the birth father was not aware of the pregnancy. She was not sure how he would respond because he had been unfaithful to his longtime girlfriend when she and him had been intimate. We met consistently for about six weeks before she asked me to have the initial conversation with the birth father about the pregnancy. I called the birth father, introduced myself, and explained my role. I told him that he had been indicated as the father of the child. He was in shock and asked to take time to think over things. I respectfully verbalized understanding and agreement to his request. A few weeks passed and I reached out to him again over the phone. After I identified who I was he immediately interrupted me and stated, "I am not sure what baby you are talking about, but it is not mine!" and hung up. I tried to contact him a few times after that but was unable to connect with him any further. After months of in-depth research, I was unable to obtain an address for the birth father in order to further encourage his involvement or serve him notice of the hearing. I worked with this expectant mom through her entire pregnancy. About four weeks before baby was born, I told the expectant mom that we would have to publish her details, birth father's name, and the information regarding the termination of parental rights in the newspaper. At first, she seemed okay with this but over time it made her vary uneasy because it would be a record that anyone could see connecting her and the birth father publicly. After carefully working on an adoption plan for seven months, this woman decided not to move forward with her plans because she had no option for protecting her privacy or the privacy of her child or the birth father.

SB 2327 proposes updating and replacing the requirement for publication for an unknown birth father. It does not remove the current requirement for reasonable effort to be put in to contact a known birth father to make him aware of proceedings and/or to serve him notice of the termination of parental rights hearing. That being said, there are four main reasons why establishing a birth father's registry is essential. First, in today's age of technology and consumer media, publishing in a newspaper is not a realistic or reasonable way to expect a birth father to become aware of adoption proceedings. A registry will protect the rights of a birth father by offering him a neutral, consistent, up to date service where he can go to be informed and involved in his child's life and/or the adoption process. Second, a registry will remove the obligation from the birth mother to inform or track down a birth father. This is especially helpful and important in cases of inmate partner violence, domestic violence, assault, rape, incest, sex trafficking, and/or drugs or alcohol involvement. Third, a registry will protect the privacy of the birth mother, the birth father, and the child. Fourth, a registry will help professionals working with a birth mother in an adoption proceeding to request information through an established, reliable, private state registry rather than a third-party vendor.

Please support Senate Bill 2327 so we can appropriately protect birth father's rights and the privacy of the birth mother, child, and birth father. Thank you for the opportunity to submit written testimony.

Sincerely,

Jean M Nasers
Jean M Nasers

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West Fargo, ND 58078
701.237.4473

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Bismarck, ND
58501
701.354.3992

JANUARY 25, 2023

HUMAN SERVICES COMMITTEE

SB 2327

SUBMITTED BY:

SEN DAVID CLEMENS

DIST 16

I AM HERE TO INTRODUCE SB 2327 THAT WOULD CREATE A FATHER'S ADOPTION REGISTRY RELATING TO PETITION FOR ADOPTION AND RELINQUISHMENT OF PARENTAL RIGHTS.

2327 proposes updating and replacing the requirement for publication for an unknown birth father in adoption proceedings. It does not remove the current requirement for reasonable effort to be put in to contact a known birth father to make him aware of the proceedings and/or to serve him notice of the termination of parental rights hearing. In today's age of technology and consumer media, publishing in a newspaper is not a realistic or reasonable way to expect a birth father to become aware of adoption proceedings. A registry will protect the rights of a birth father by offering him a neutral, consistent, up to date service where he can go to be informed and involved in his child's life and/or the adoption process. In addition to this, a registry will remove the obligation from the birth mother to inform or track down a birth father and will protect the privacy of the birth mother, the birth father, and the child.

RESPECTFULLY SUBMITTED,

SEN CLEMENS

SB 2327

SECTION 1. LEGISLATIVE MANAGEMENT STUDY – REVIEW OF PARENTAGE AND ADOPTION POLICY.

1. During the 2023-24 interim, the legislative management shall study, with the assistance of the department of health and human services and the North Dakota commission on uniform state laws, the parentage and adoption practices currently in statute. The study must include the following information:
 - a. Current policies on determining and notifying a biological parent of parentage or a hearing on a petition for adoption;
 - b. The current practices of collection and storage of personal information of registered parents;
 - c. Best practices for protecting the privacy of individuals involved in the adoption process, including those regarding the adequate storage of personal data, methods of notifying a parent of parentage or of a hearing on a petition for adoption, and collecting and keeping correct contact and personal information from involved individuals;
 - d. The feasibility and desirability of adopting certain language from the 2017 changes Uniform Parentage Act, particularly those relating to more modern practices with the handling of personal data and the means of notification;
 - e. Any information relevant to the adoption process and its modernization that the department of health and human services may deem important;
 - f. The financial costs associated with the establishment and maintenance of a parentage registry within the state; and
 - g. Any barriers to establishment or maintenance of a parentage registry.
2. The legislative management may seek the assistance of the North Dakota commission on uniform state laws in the development of recommended policies and procedures.

3. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony Supporting Senate Bill 2327

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
March 6, 2023

Dear Chairman Weisz and honorable members of the House Human Services Committee,

Our organization, North Dakota Family Alliance Legislative Action, is submitting this testimony in support of Senate Bill 2327 and respectfully requests that you render a "DO PASS" on this bill.

The testimony we provided on this bill when it was before the Senate Human Services Committee had two elements. First, we stated that our organization strongly supports the concept of creating a fathers' adoption registry for North Dakota. Second, we noted that the bill itself was very complex and that given time constraints, we were unable to fully analyze it and determine if the proposed registry described in SB 2327 would accomplish all necessary program goals.

While we would like to have an adoption registry in place sooner as opposed to later, considering the benefits that would likely result, we believe that requesting a study by Legislative Management on this issue is an appropriate way to proceed. For this reason, North Dakota Family Alliance Legislative Action respectfully requests that you render a "DO PASS" on SB 2327, as amended by the Senate Human Services Committee.

Please note that we have provided our original testimony submitted to the Senate Human Services Committee, below. Aside from the aforementioned conclusions, it goes into detail why our organization fully supports the concept of a registry. Thank you for the opportunity to testify on this bill and please don't hesitate to contact us with any questions.

Sincerely,

Mark Jorritsma
Executive Director



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony Supporting Senate Bill 2327

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
January 25, 2023

Dear Chairman Lee and honorable members of the Senate Human Services Committee. My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of Senate Bill 2327 and respectfully request that you render a “DO PASS” on this bill, with suggestions.

The idea behind this fathers’ adoption registry is a way for adoption agencies to determine the difference between fathers who are indifferent in supporting their child and fathers who want to support their child but are unaware that the mother plans to put the child up for adoption. The registry essentially protects unaware fathers from the legal presumption that they don’t care by giving them a chance to claim responsibility for the child. Once a father is on the registry list, he will be given notice if the mother tries to put their child up for adoption. Dozens of states already have used father adoption registries for years with great success, so it is a proven approach.

Interestingly, having a fathers’ adoption registry also has implications for abortions. In speaking with crisis pregnancy leaders here in ND, I was told that some women choose abortion (sometimes performed in other states), once learning that the agency needs to exhaust all avenues to locate the birth father to terminate his rights. The registry is an efficient and proven way to do that. The burden falls back on the biological father to be proactive and put his name on the registry if he knows or suspects that a women may be carrying his child.

North Dakota Family Alliance Legislative Action supports the concept of a fathers' adoption registry for our state. That said, this bill is very complex and we would need more time to do in-depth analysis to determine if the proposed registry described in SB 2327 would accomplish all necessary program goals.

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For the aforementioned reasons, North Dakota Family Alliance Legislative Action does support the intent of this bill, but would recommend that goals be established for the program and then compared to SB 2327 to ensure it achieves those goals. With that, North Dakota Family Alliance Legislative Action asks for a “DO PASS” recommendation on Senate Bill 2327 from this committee, with the previously noted suggestions.

Feel free to contact me if you have any questions regarding my testimony. Thank you.

MARCH 6, 2023

HOUSE HUMAN SERVICES COMMITTEE

SB 2327

SUBMITTED BY SEN DAVID CLEMENS

DISTRICT 16

I AM DAVID CLEMENS AND REPRESENT DISTRICT 16 IN THE SENATE. I AM HERE TO INTRODUCE SB 2327.

SB 2327 IS A REQUEST FOR A STUDY RELATED TO THE NOTIFYING OF A BIOLOGICAL PARENT ON A PETITION FOR ADOPTION. THE STUDY WOULD ALSO DETERMINE BEST PRACTICES FOR STORING PERSONAL INFORMATION OF PARENTS, PROTECTING THE PRIVACY OF INDIVIDUALS INVOLVED WITH THE ADOPTION, USE OF LANGUAGE FROM THE 2017 UNIFORM PARENTAGE ACT, INFORMATION RELEVANT TO THE ADOPTION PROCESS AND COSTS ASSOCIATED WITH THE ESTABLISHMENT AND MAINTENANCE OF A PARENTAGE REGISTRY.

IT HAS BECOME INCREASINGLY DIFFICULT AND TIME CONSUMING TO SOMETIMES LOCATE THE PARENT OF A CHILD THAT IS BEING CONSIDERED FOR ADOPTION AND TO OBTAIN THE PROPER CUSTODY FOR THE CHILD.

I HEREBY ASK FOR YOUR SUPPORT OF A DO PASS RECOMMENDATION.

SINCERELY,

SEN DAVID CLEMENS