

**Testimony**  
**SCR 4028– Department of Human Services**  
**Judicial Process Interim Committee**  
**September 19, 2007**

Representative Meyer and members of the Judicial Process Interim Committee, I am Julie Hoffman, Administrator of Adoption Services for the ND Department of Human Services. I am here today to provide testimony regarding Senate Concurrent Resolution 4028, a study of the feasibility and desirability of establishing a paternity registry.

North Dakota has considered a paternity registry statute in the past. In the 2001 Legislative Session, SCR 4014 was passed to study adoption laws in our state. The Interim Family Law Committee did study this broad issue and as a result, a number of bills were presented to the Legislature in 2003. Senate Bill 2035 was an act to provide for a paternity registry. It was developed by an informal working group of child placing agency staff and supervisors in consultation with the Department, at the request of the Interim Family Law Committee. This bill was heard in the Senate Judiciary committee and was voted out a "do not pass".

When a birth mother is seeking to make an adoption plan for her child, the child-placing agency makes every effort to contact the putative father and involve him in the planning. Even when a birth father is unavailable or is not cooperative, the birth mother and agency may proceed with the adoption planning and a hearing to terminate parental rights. If the birth father is known, he is given notice of the hearing, either personally or by publication. If he does not appear at the hearing, his rights may be terminated by default. Difficulty in

this process may occur when the birth mother is either not aware of or is not truthful with the agency as to the identify of the birth father.

The effect of a paternity registry is that notice of an action to terminate his parental rights is provided to a registered father. A paternity registry may protect the rights of a birth father who has an interest in a child he has fathered who may be placed for adoption without his knowledge. A registry puts the burden on the birth father to establish his interest in a child he may have fathered. A registry may allow a birth mother to proceed with an adoption plan when the birth father is not cooperative in the planning process, but who is unwilling to take parental responsibility. A paternity registry may also assist a birth parent/adoption counselor in locating an alleged father who has registered his interest in a child he may have fathered. A paternity registry would not relieve a birth mother of an obligation to identify a known father of her child, or of the agency to contact a known birth father to obtain his cooperation and social/medical history information for the benefit of the child and the prospective adoptive family.

As of October 2004, a publication of the Child Welfare Information Gateway "The Rights of Presumed (Putative) Fathers: Summary of State Laws" indicates that there are 23 states which have statutes authorizing the establishment of putative father registries. In our geographical region, Iowa, Minnesota, Montana and Nebraska all have paternity registry statutes.

Thank you for this opportunity to provide information regarding the establishment of a paternity registry. I'd be happy to answer any questions that you might have.