

Testimony
Senate Bill 2159 – Department of Human Services
Senate Human Services
Senator Lee, Chairman
January 21, 2013

Chairman Lee, members of the Senate Human Services Committee, I am Julie Hoffman, Administrator of Adoption Services for the Department of Human Services. I am here today to provide you information regarding Senate Bill 2159.

SB 2159 would allow a prospective adoptive family to finalize an adoption of a child placed into their home for adoption, where the child dies prior to the finalization hearing, and if the court finds that a proper and legitimate reason exists for granting the final decree.

Interestingly, a case with similar circumstances did happen in North Dakota in 2004. A child was born with serious and life threatening congenital infirmities in the fall of 2003 to birth parents who eventually decided to terminate their parental rights. The child was placed into the custody of DHS and subsequently formally placed for adoption with a family identified by the child placing agency. Although the child was “placed” with the family for the purposes of adoption, the child was never able to actually be present in their home as the child’s condition required hospitalization. A petition to adopt was filed, asking the court to issue an interlocutory decree of adoption (upon the date when the six month residency requirement had been fulfilled) and that gave the adoptive family specific authority to authorize the child’s medical treatment. That petition was granted, but before the interlocutory period was fulfilled, the child died. The family then petitioned the court to issue the final decree

pursuant to the interlocutory decree, despite the fact that the child had died. The court issued a final decree in the matter in August of 2004.

The Department does not oppose the proposed change to NDCC 50-12 and further appreciates that the change allows the court to grant such a petition only after the child has been placed for adoption pursuant to this section. This will prevent an individual from adopting a deceased child where prior to the death there was not an intention to adopt.

Thank you for your time today. I would be happy to answer any questions the committee may have at this time.