

**Judiciary Committee**  
**Tuesday, October 10, 2017**  
**Adoption Process**

Chairman Hogue and members of the Judiciary Committee, good morning. I am Julie Hoffman, Administrator of Adoption Services for the Department of Human Services. I'm here today to provide information to the committee in its study of the adoption process of this state and to answer any questions you might have about adoption issues in general.

Adoption is the legal establishment of a parent-child relationship through a court process. A child must be legally free to be adopted, either because their birth parents voluntarily relinquished their parental rights, or because an agency has sought an involuntary termination of parental rights because the birth parent is not able or willing to assume parental responsibility and care for the child. Those adopted may be infants, children from foreign countries, children from foster care that may have special needs, step children, and may even be adults.

Those who adopt may be married or single, they may own their own home, or may rent the home they live in, they may or may not be related biologically to the child they adopt. They may have cared for the child being adopted in foster care or as a guardian or they may be adopting a child that they have not previously known.

**Types of adoption** in our state include:

- Infant adoptions, either regular agency adoptions or identified placements that are facilitated under NDCC 14-15.1,
- International or intercountry adoptions,
- Special needs adoptions (or generally adoptions of children from foster care),

- Stepparent adoptions, and
- Relative adoptions.

I have attached to my testimony today a [breakdown of agency adoptions](#) in North Dakota for SFY 2017 by adoption type.

Licensed child placing agencies are involved in most types of adoptions, with the exception of those adoptions by stepparents and relatives as specified in NDCC 14-15-11. Recently, the Legislature authorized a more limited agency involvement for relatives who are adopting related children under the Identified Relinquishment Statute through HB 1206. The new structure will apply to only those relative children being relinquished under this statute and who do not meet the exceptions in NDCC 14-15-1(5) wherein the court can waive the investigation (home study) requirements for certain children being adopted by relative caregivers.

**Process:**

There are several steps a family must complete for any type of adoption through an agency. In addition to the basic procedures described below, other procedures may be necessary, depending upon the type of adoption, interstate issues, an adoptive parent's particular needs and those of the child and the birth parents.

1. The family will research and carefully consider the type of adoption that will work for them.

Information resources such as the local public library or the Internet can provide families direction and assistance in considering the emotional and social implications of each type of adoption. Individuals should evaluate their ability to tolerate risk. Because adoption laws in the state where prospective adoptive parents live govern their options, it is essential that individuals know what types of placements are

allowed. Individuals pursuing an adoption across state lines must comply with the laws in both states before a child can join their family, and comply with the Interstate Compact on the Placement of Children (ICPC).

2. Choose an agency.

In North Dakota, all adoption services, by statute, are provided by child placing agencies that are licensed under NDCC 50-12 and NDAC 75-03-36. Private agencies facilitate the adoption of infants and foreign-born children. They also facilitate "public agency adoptions" (or the adoption of children from the foster care system). Adoption services include child preparation and assessment, adoptive family recruitment, adoption preparation and assessment, adoption placement, post-placement supervision, adoption finalization services and post-adoption services.

In North Dakota, adoption services for children in foster care and the families who adopt them are provided under contract with Catholic Charities ND, in collaboration with PATH ND. The contract agency, through the AASK (Adults Adopting Special Kids) program, provides all adoption services for the foster child and family, including child preparation and assessment, family preparation and assessment, adoptive parent training, family recruitment, placement, post placement follow-up and post-adoption services. The agency provides these services under contract with the Department. Contracts have been in place since 2005 with Catholic Charities ND to provide this service.

3. Understand the fees involved in adoption.

- Fees charged by private adoption agencies in our state range from \$7,000 to \$20,000 or more for domestic adoptions.

- Intercountry adoption fees in total may run between \$20,000 and \$50,000 or more, depending on the specific country the family is adopting from, travel and escort fees, foreign agency and attorney fees, passport and visa fees, etc.
  - Adoption services provided through the AASK program in North Dakota (for the adoption of children from the foster care system) are available for a modest fee, because the adoption services being provided are funded through a contract with the state.
  - Families have obtained financial assistance to meet the cost of the adoption process through employer-provided adoption benefits, tax credits and loans or grants to offset adoption expenses.
  - Additionally, children being adopted from foster care and who are determined, prior to adoption finalization, to have special needs (pursuant to state statute) are eligible for adoption assistance in the form of a monthly subsidy, Medicaid as a backup to the family's private health insurance and reimbursement of up to \$2,000 of nonrecurring expenses related to adoption. These subsidies are funded by federal and state dollars.
4. Complete the adoption agency's application and paperwork process.  
When prospective adoptive parents contact an agency, they may be invited to an orientation where they will learn about the agency's procedures and available children and can obtain application forms. The family will need to complete the required forms and gather documentation necessary to begin the home study process.
  5. Complete the adoption assessment process.  
The "home study" or the "adoption assessment" is an evaluation (required by state law) of prospective adoptive families and of the

physical and emotional environment into which a child would be placed. It is also a preparation for adoptive parenthood. It consists of a series of interviews with a social worker. During this process, families will, with the social worker's assistance, consider all aspects of adoptive parenthood and identify the type of child they wish to adopt. This process has three purposes: to educate and prepare the adoptive family for adoption, to gather information about the prospective parents that will help a social worker match the family with a child whose needs they can meet, and to evaluate the fitness of the adoptive family.

Specific adoption assessment requirements and processes can vary from agency-to-agency, state-to-state, and (in the case of intercountry adoption) by the child's country of origin.

The elements of an adoption assessment include training, interviews with the adopting parents and any children or other adults in the home, home visits, health and income statements, criminal background checks, autobiographical statements and references.

The assessment, while varying from agency-to-agency, is constructed to meet the requirements of the NCAC 75-03-36-31.

Agencies generally use a group approach for the educational part of this adoption preparation process because it creates a built-in support group among families. Infant adoption programs in North Dakota generally provide training to their families with a specific curriculum developed to meet the needs of their families.

The AASK program works with public child welfare agencies in providing training for its families through the Foster/Adopt PRIDE (Parents Resource for Information, Development and Education) Program. This is a 27-hour training curriculum that addresses the needs of children placed through the foster care system and parenting

issues related to caring for them. Additionally, the AASK adoption assessment is designed to assess families on five competencies central to the PRIDE training, in addition to the general issues that are addressed in an adoption study as outlined in NDAC.

The timeframe for the completion of an adoption assessment can vary between three to six months. The timeframe is highly dependent upon the family's completion of required paperwork, the agency's work load, the time frame for the return of criminal background checks, and in the case of families adopting children from foster care, the timeframes developed as part of the child's plan with the child's planning team. Additionally, there may be wait times to begin the training and assessment process for public agency adoptions due to the resource limitations of our program.

As a result of HB 1206, relative families adopting a child that is being relinquished under NDCC 14-15.1, Child Relinquishment to Identified Adoptive Parents, will now allow for more limited involvement of the child placing agency. The report that the agency will provide the court will include only:

- an assessment and recommendation of the criminal history record of the identified adoptive parent and any adult living in the home,
- written credible character statements from three adult witnesses, and
- the medical and social history of the birth parent, including an assessment regarding the birth parent's understanding and acceptance of the action.

6. Families must be prepared to wait.

Adopting a child generally involves waiting. Adopting a healthy infant may take at least one year after the home study is completed, and

could take two to five years. It is difficult to estimate the waiting period because birth parents are involved in selecting the family they wish to parent their child. Intercountry adoptions may take over a year, but the wait and the process will be somewhat more predictable. Applicants who want to adopt a child from foster care can review photo listings to learn more about waiting children and to look for children who might be right for their family, if they do not already have a child that they have been identified to adopt (such as a relative or foster parent who is adopting). For any type of adoption, even after a child is found, prospective parents may have to wait weeks or months while final arrangements are made.

#### 7. Placement and finalization.

In our state, statute requires that a child live with the adoptive family for at least six months before the adoption can be finalized in court. Some intercountry adoptions are completed before the child leaves his or her country of origin. Until the adoption is finalized, the agency will provide supportive services. The social worker must visit to ensure that the child is well cared for and to write up the required court reports. After this period, the agency submits a written recommendation to the court, and parents and their attorney can then file with the court to complete the adoption.

For intercountry adoptions, finalization of the adoption depends on the type of visa the child has, and laws in the family's state. The adoption procedure is just one of a series of legal processes required for intercountry adoption. Families must also fulfill the U.S. Immigration and Naturalization Service requirements. North Dakota allows families who have finally adopted their children in another country to apply to a North Dakota court for a validation of their foreign decree (NDCC 14-15-17 and NDCC 14-15-18).

Pertinent statute and administrative rule related to adoption are NDCC 50-12, NDCC 14-15, NDCC 14-15.1, NDCC 50-28, NDCC 50-09-02.2, NDAC 75-03-13 and NDAC 75-03-36.

This concludes my prepared testimony. I would be happy to answer any questions you might have.