# Sixty-fourth Legislative Assembly of North Dakota
# In Regular Session Commencing Tuesday, January 6, 2015

SENATE BILL NO. 2063
(Judiciary Committee)
(At the request of the Department of Human Services)

AN ACT to amend and reenact section 27-20-45 of the North Dakota Century Code, relating to the department of human services receiving a copy of the termination of parental rights petition and summons.

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

**SECTION 1. AMENDMENT.** Section 27-20-45 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-45. Proceeding for termination of parental rights.**

1. The petition must comply with section 27-20-21 and state clearly that an order for termination of parental rights is requested and that the effect will be as stated in section 27-20-46.

2. If both of the natural parents of the child are not named in the petition either as petitioner or as respondent, the court shall cause inquiry to be made of the petitioner and other appropriate persons in an effort to identify an unnamed parent. The inquiry must include, to the extent necessary and appropriate, all of the following:

   a. Whether any man is presumed to be the father of the child under chapter 14-20.

   b. Whether the natural mother of the child was cohabiting with a man at the time of conception or birth of the child.

   c. Whether the natural mother of the child has received from any man support payments or promises of support with respect to the child or in connection with her pregnancy.

   d. Whether any person has formally or informally acknowledged or declared that person's possible parentage of the child.

   e. Whether any person claims any right to custody of the child.

3. The court shall add as respondent to the petition and cause to be served with a summons any person identified by the court as an unnamed parent, unless the person has relinquished parental rights, or parental rights have been previously terminated by a court.

4. If the court, after inquiry, is unable to identify an unnamed parent and no person has appeared in the proceeding claiming to be an unnamed parent of the child or to have any right of custody of the child, the court shall enter an order terminating all parental rights of the unnamed parent with reference to the child and the parent and child relationship.

5. If a petition for termination of parental rights is made by a parent of the child under this section or if a parent consents to termination of parental rights under section 27-20-44, that parent is entitled under section 27-20-26 to legal counsel during all stages of a proceeding to terminate the parent and child relationship.

6. Subject to the disposition of an appeal, upon the expiration of thirty days after an order terminating parental rights is issued under this section, the order cannot be questioned by any person, including the petitioner, in any manner, or upon any ground, including fraud,

misrepresentation, failure to give any required notice, or lack of jurisdiction of the parties or of the subject matter, unless the person retained custody of the child.

7. At least ten days before the petition is heard, the clerk of district court or juvenile court shall provide a copy of the petition and summons, if any, to the department of human services.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2063.

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| Senate Vote: | Yeas 45 | Nays 0 | Absent 2 |
| House Vote: | Yeas 85 | Nays 0 | Absent 9 |

Secretary of the Senate

Received by the Governor at 8:45 A.M. on March 12, 2015.

Approved at 1:45 P.M. on March 12, 2015.

Governor

Filed in this office this 12th day of March, 2015,

at 4:25 o'clock P M.

Secretary of State