

**Written Testimony of Samantha Ballesteros Benson
before the Human Services House Committee
in support of HB 1347
January 27, 2021**

Good Morning Mr. Chair and representatives. My name is Samantha Ballesteros Benson and I live in Burleigh County with my husband and two small children. I am here before the Human Services House Committee today to pledge my full support for House Bill 1347.

On March 25th, 2019, one of our worst nightmares came to fruition. My husband picked up our then 1 ½ year old daughter from her unlicensed daycare provider. The provider immediately informed my husband that a toy had fallen on top of my daughter and that she sustained some slight bruising on her head. Unable to observe the full extent of our daughter's injuries due to poor lighting in the basement, it wasn't until he took her outside that he was finally able to see the severity of my daughter's injuries. The extensive bruising ran the entire length of her temple, from one side of her head to the other. Additionally, she had significant bruising on the top and inside of her ear to include an infant earring missing from her ear; which is significant because the particular type of earrings she was wearing lock into place and require concentrated force to remove them. A task that an infant child would not be capable of. She also sustained a small laceration on her cheek.

Concerned for our daughter's wellbeing, we immediately took her to the emergency room of a Bismarck area hospital. Following required reporter protocols already in place, the physician contacted the Bismarck Police Department and an officer was dispatched to us in order to file a report. Fearing further injuries, the physician immediately ordered x-rays for our daughter. Thankfully, she did not sustain any internal injuries. Given the severity and extent of our daughter's injuries, both the attending physician and police officer agreed that our daughter's injuries were inconsistent with a toy falling on her. Upon their recommendation, a report was filed with Social Services.

The following day, we met with a detective with the Bismarck Police Department who was assigned to our case. Although the detective agreed that my daughter's injuries were inconsistent with our provider's story, she informed us that because the provider was unlicensed; she was not legally required to cooperate with Social Services. The detective obtained a search warrant and told me she was going to coordinate with Social Services for a day and time to execute the search warrant and interview our provider. The detective thought we would have a better chance of cooperation between our provider and Social Services if authorities were present.

An entire month later, the search warrant was finally executed. The toy that allegedly fell on top of my daughter had conveniently been "thrown out" by our provider. She showed the detective a picture of this toy instead. In the absence of any evidence, our case was eventually closed by the Bismarck Police Department. During that time, our former provider continued to operate her unlicensed daycare and has since faced absolutely no consequences or repercussions from her actions.

Several months later, I received a message from another mother who took her son to the exact same daycare provider. She described similar bruising on her son and also filed a report with Social Services. Once again, the case was closed and the unlicensed provider continued to operate without any oversight. To the best of my knowledge, our provider no longer offers daycare services, however, she can still choose to re-open and operate as normal at any time. The thought that this could happen to another innocent child terrifies me beyond belief.

Mr. Chair and representatives, I am here today to implore you to look deep within your hearts and work to pass HB-1347 for the future safety of every child entering a childcare setting. Our local dining establishments must adhere to state and federal regulations and inspections. These laws function as oversight to ensure customer safety and wellbeing. Why then do we continue to allow our most vulnerable and defenseless citizens to go without any protections for their safety and wellbeing? Had our provider been registered with the state, our case may have turned out very differently and we could have possibly even prevented future abuse in that setting. I urge you to strongly consider voting "Yes" on HB-1347 for our children's futures.