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Human Services Committee

Senate Bill 2112 - March 18, 2025

Testimony of Veronica Zietz, P&A Executive Director

Greetings Chairman Ruby and members of the Human Services Committee. My name is Veronica Zietz and I'm the Executive Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A opposes Senate Bill 2112, which seeks to expand services to individuals who do not have developmental disabilities and are, therefore, not eligible for services at the Life Skills Transition Center (LSTC). Additionally, the bill expands LSTC services to non-eligible nonresidents.

North Dakota's Constitution Article IX, Section 12 (8) details "...there shall be located at or near the city of Grafton, in the county of Walsh, a facility for individuals with developmental disabilities." This language is very clear that the facility's purpose is to serve individuals with developmental disabilities (DD).

It would not be in the best interest of North Dakotans with DD to allow the LSTC to serve individuals without developmental disabilities or individuals who are nonresidents when there is an acute lack of services for residents with DD. If LSTC is at capacity serving individuals without developmental disabilities or nonresidents; a resident with developmental disabilities would be denied placement and services at LSTC.

Families and DD providers are often left waiting for support services even in crisis situations. LSTC is to be the "safety net" and placement of last resort for people with developmental disabilities, but that is not always a reality. Families and DD providers are often told there is no bed available and the LSTC is only for short-term placements. Serving nonresidents and individuals who do not meet the criteria for developmental disabilities will create new barriers for residents with developmental disabilities seeking to access LSTC services. There are already not enough services in ND for crisis intervention and stabilization; this bill will exacerbate the problem.

During the ARC vs ND class action lawsuit, individuals without developmental disabilities resided at the Grafton State School (LSTC). This included individuals with mental and behavioral health needs, physical needs without any other disability, medical needs without any other disability, and other inappropriately placed individuals. Now, under state statute, the purpose of the life skills and transition center is to serve as a specialty care and support resource for eligible individuals with developmental disabilities who are experiencing a crisis or who would benefit from stabilization, and to work together with the parent, guardian, or legal custodian and care teams to identify opportunities for each individual served to live in a family home or community setting of their choice when possible. LSTC is to be a facility for individuals with developmental disabilities and not a catch-all for individuals who are not being provided services appropriate to meet their specific disabilities and needs.

Adults and youth with primary diagnoses of mental and behavioral health, including trauma, PTSD, self-harm, sexualized and criminalized behavior, and violence, both as victim and perpetrator, will need medical care and treatment for their psychiatric needs. These diagnoses require onsite expertise in psychiatric care and psychiatric treatment teams, which LSTC does not have. In a recent attempt to have an individual with DD and behavioral health needs admitted for a short-term stay at LSTC for stabilization, the team was informed that “LSTC is a residential service and not a psychiatric center.”

Programming and services for individuals with mental and behavioral health stabilization require different skills, training, and qualifications than what LSTC’s staff have. Those individuals also cannot be served at LSTC due to their psychiatric diagnoses and needs. More appropriate placement for psychiatric treatment already exists in North Dakota. For youth that need in-patient services, there are six Psychiatric Residential Treatment Facilities (PRTF) in our state that offer services to include the use of child psychiatrists and psychologists, counselors, trauma-based care, and specialized treatment services. In addition, North Dakota also has a Qualified Residential Treatment Programs (QRTP) offering services to youth with a focus on trauma-based services. For adults with psychiatric treatment needs the state hospital or private acute psychiatric providers are better options than the LSTC.

Of further note, existing law outlined in the bill language reads as if the superintendent has the supreme right to hospitalize residents, control temporary and permanent discharge, determine when a resident can have visitors, and when they can communicate with parents, guardians, or legal custodians. Of major concern is also that there is no language for how a resident who is their own legal decision-maker would be discharged if they wish to leave LSTC. This bill appears to maintain the superintendent’s all-encompassing decision-making power and control over residents and their legal decision-makers, which brings into question possible violations of constitutional and civil rights.

There is no question that ND needs a service delivery system that meets the needs of individuals who do not have developmental disabilities including children and youth. The needs of individuals

without DD are different than the needs of individuals with DD. Individuals without DD have needs that are vast and varied with circumstances such as social maladjustment, mental and behavioral health, violent criminal behavior, and sexualized behaviors.

Nationwide, it is rare to find a facility that serves both populations in the same facility due to the safety risks for individuals with developmental disabilities. People with developmental disabilities are vulnerable to becoming victims of violent crimes, physical and sexual abuse, neglect, and exploitation at much higher rates than their peers without developmental disabilities. People with DD may also be victimized and harmed because they are less able to protect themselves, less likely to tell someone who can help them, and may lack sufficient communication and/or language skills needed to seek help. These two groups have very different needs when it comes to therapeutic services and safe living environments; these cannot be provided in the same environment. This bill is not the answer to the mental health crisis in North Dakota.

This bill undermines the rights of people with developmental disabilities and seeks to serve two different populations placing both groups at risk of being harmed and harming. P&A is opposed to this Bill for these reasons.

Thank you for your time and consideration.

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