

Testimony
Senate Bill 2086 - Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 6, 2021

Chairman Lee, and members of the Senate Human Services Committee, I am Sara Stolt, Chief Operating Officer with the Department of Human Services (Department). I want to thank you for the opportunity to appear before you to support Senate Bill 2086, which was introduced on behalf of the Department. This has been an eventful year with the launch of Human Services Zones, the hiring of Zone Directors, development of zone plans and many redesign projects for programs delivered in the zones. This Bill relates to the human service zones and the provision of human services.

Section 1

The proposed changes in Section 1 of this Bill amend section 11-16-01 of the North Dakota Century Code regarding duties of the state's attorney. Page 3, line 5 updates a statutory reference regarding a chapter that was added during the 2019 legislative session regarding guardianship of a child. Page 3, lines 21 and 22 changes were made by legislative council.

Section 2

The proposed changes in Section 2 of this Bill amend section 11-16-06 of the North Dakota Century Code regarding failure of state's attorney to perform duties. Page 3, lines 30 and 31 changes were made by legislative council.

Section 3

The proposed changes in Section 3 of this Bill amend section 11-23-01 of the North Dakota Century Code regarding officers required to furnish commissioners with departmental budget. The proposed change on Page 4, line 26 is made to replace "a

formula” with “an amount” to clarify the Department’s process regarding the human service zone payments.

Section 4

The proposed changes in Section 4 of this Bill amend section 14-09-06.3 of the North Dakota Century Code regarding the costs of child custody investigations and reports. Page 6, line 6 replaces “human service zone” with “county”. During 2019 Senate Bill 2124, “county” was mistakenly replaced with “human service zone”. The human service zones have informed the Department that this expense was not part of the social services budget in the past.

Section 5

The proposed changes in Section 5 of this Bill amend section 14-09-06.4 of the North Dakota Century Code regarding guardian ad litem or investigator fees. Page 6, lines 22 through 24 replaces “human service zone” with “county”. During 2019 Senate Bill No. 2124, “county” was mistakenly replaced with “human service zone”. The human service zones have informed the Department that this expense was not part of the social services budget in the past.

Sections 6 and 7

The proposed changes in Sections 6 and 7 of this Bill amend sections 14-15-09 and 14-15-11 of the North Dakota Century Code regarding notice of adoptions to human service zones. Page 7, lines 20 through 22; page 8, line 31; page 9, lines 1, 9, and 10 update the notice requirement to apply to the human service zone only if the minor to be adopted is in the custody of the human service zone. The Department will continue to be named as a respondent on all adoption petitions. This is to clarify a change made in 2019 Senate Bill No. 2124 that required the human service zones to be given notice of all adoptions, whether or not they had custody of the child. As a result of this legislative change, human service zones are now receiving notice of private adoption matters, including infants privately adopted, those children adopted internationally and stepparent adoptions. These are not children for whom the zone has any custodial

responsibility, nor may they have any information about that child. The Department is requesting this change so that human service zones only be given notice when they are the custodian of the youth to be adopted.

Section 8

The proposed changes in Section 8 of this Bill amend section 50-01.1-04 of the North Dakota Century Code regarding carrying over human service zone human service funds. Page 11, lines 26 and 27 insert a statutory citation regarding how the funds can be carried over. Page 11, line 28 removes “formula” and “payment” to clarify the Department’s process regarding recalculating and adjusting the human service zone payments.

Section 9

The proposed changes in Section 9 of this Bill on page 12, line 23, amend section 50-01.1-08 of the North Dakota Century Code to remove “formula” to clarify the Department’s process regarding recalculating and adjustment the human service zone payments.

Section 10

The proposed changes in Section 10 of this Bill on page 12, line 31, and page 13, lines 2 and 3, amend section 50-01.2-05 of the North Dakota Century Code regarding the Department’s ability to conduct estate recovery proceedings regarding general assistance claims. 2019 Senate Bill No. 2124 provided the Department with a full-time equivalent position to assist the human service zones on their estate recovery collections and the required change to this section was overlooked during the 2019 legislative session.

Section 11

The proposed change in Section 11, page 13, line 8, of this Bill amend section 50-06-05.8 of the North Dakota Century Code to remove “formula” to clarify the Department’s process regarding the human service zone payments.

Section 12

The proposed changes in Section 12 of this Bill amend section 50-12-08 of the North Dakota Century Code. Chapter 50-12 is the regulatory statute for child placement agencies in North Dakota and section 50-12-08 has historically given the Department authority to intervene when a child has been placed for adoption in an unsuitable home. Consistent with the changes made by 2019 Senate Bill No. 2124, wherein the human service zone is the custodian for children in foster care whose parental rights are terminated, the changes to this section on page 13, lines 20 through 27 would clarify that the human service zone would be the responsible entity if a child was found to have been placed for adoption in an unsuitable home, would allow the human service zone to make arrangements for the care and support of the child.

Sections 13 and 14

The proposed changes in Sections 13 and 14 of this Bill amend sections 50-33-01 and 50-33-02 of the North Dakota Century Code regarding child care assistance. Page 14, line 28 removes the definition of “county agency”; page 15, lines 1 through 3 adds the definition of “human service zone”; page 15, line 31 and page 16, lines 1 through 13, replaces “county agency” with “human service zones” based on the changes made in 2019 Senate Bill No. 2124. These changes will keep language consistent with the provision of human services.

Section 15

The proposed changes in Section 15 of this Bill amend section 50-35-02 of the North Dakota Century Code regarding state-paid human services. Page 16, line 26 removes “formula” to clarify the Department’s process regarding human service zone payments. Page 17, lines 1 through 11, updates existing language that required a study of the potential for human service zones to opt into state employment. The proposed language now states that the Department, along with the North Dakota Association of Counties and human service zone directors, shall provide information to county commissioners outlining the process for human service zones to opt in to state

employment, and makes any transition contingent on the approval from the sixty-eighth legislative assembly.

Section 16

The proposed changes in Section 16 of this Bill amend section 50-35-03 of the North Dakota Century Code regarding human service zone payments. Page 17, lines 14 through 29, removes “formula” and adds “estimated” to clarify the Department’s process regarding human service zone payments, removes outdated dates, and changes the date from June second to July first regarding when the human service zones will receive notice of the estimated amounts of that zone’s payments. Page 18, lines 1 through 3 adds authority to allow the Department to subtract from a human service zone’s payment any amount including in the human service zone human services fund, and removes “formula”.

Section 17

The proposed changes in Section 17 of this Bill amend section 50-35-04 of the North Dakota Century Code regarding calculation of human service zone payments. Page 18, lines 7 and 8 removes “formula” to clarify the Department’s process regarding human service zone payments. Page 18, lines 18 through 22 removes outdated language and inserts language permitting the Department to limit future salary increases for human service zone team members to an amount equal to the salary increase provided by the legislative assembly for state employees. Page 19, lines 1 through 8 removes “formula” to clarify the Department’s process regarding human service zone payments, removes “biannually” to allow the Department to recalculate and adjust a human service zone’s payment more frequently, and add “decreased” to allow for the human service zone’s spending authority to be decreased to reflect the human service zone payment. Page 19, lines 10 through 13 removes and replaces outdated language.

Section 18

The proposed changes in Section 18 of this Bill amend section 50-35-05 of the North Dakota Century Code regarding the human service zone human services fund. Page

19, line 25, removes “formula” to clarify the Department’s process regarding human service zone payments, and also removes “the county’s cost allocation of indirect costs” to reflect that the human service zone human services fund cannot be used to fund a county’s cost allocation of indirect costs. Page 20, line 5 adds language establishing that carry-over of the human service zone human services fund cannot be used to fund a county’s cost allocation of indirect costs.

Section 19

The proposed changes in Section 19 of this Bill amend section 50-35-06 of the North Dakota Century Code regarding human service zone human services fund transfers. Page 20, lines 16 and 17 adds language setting forth that the Department may reduce the human services zone’s payments as directed by subsection 5 of section 50-35-03 (Page 18, lines 1 and 2).

Section 20

The proposed change in Section 20 of this Bill amends section 50-35-07 of the North Dakota Century Code regarding the human service finance fund. Page 20, line 24 removes “formula” payment to clarify the Department’s process regarding human service zone payments.

SECTION 21

The proposed change in Section 21 is to repeal Chapter 50-11.2 of the North Dakota Century Code regarding foster care parent grievance. Human service zone directors in partnership with the Department discussed the intent of the grievance procedures and found the formal grievance process to be a duplication of the already established method for managing internal agency complaints or grievances.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.