

Testimony Prepared for the
House Human Services Committee
March 2023
By: Chelsea Flory

RE: SB 2260: Relating to parental rights, parental involvement in education and to consent to medical treatment

Chairman, and Members of the Committee. My name is Chelsea Flory, Director of Burleigh County Human Service Zone and a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in opposition of SB 2260.

Directors of the Human Service Zones serve as the legal custodian for children who are removed from their parents and/or legal care givers. Foster children are often the most vulnerable children from your communities who have been identified as victims of child abuse and neglect. As such, custodial agencies, like human service zones, are legally responsible to ensure health and safety needs of these children are met and in essence perform the decisions making of a parent. There are concerns with this bill both in magnitude of influence and potential unintended consequences that may arise.

Custodial agencies such as the human service zones are legally responsible for the medical, mental health, educational and placements needs of foster youth. In addition, human service zones determine placement and upon termination of parental right, the Human Service Zone Directors render adoptive placement decisions. Human Service Zones are mandated by federal and state law, policies and best practices to engage parents in their children's lives and involve them in the decision-making process, and this is supported with child and family team

meets and regular family visits. Parents and/or legal caregivers are encouraged to engage in school meetings regarding enrollment and any academic or behavioral needs planning, to ensure the best interest of the child who is in foster care. Parents and/or legal caregivers are respected and valued members of the team who help direct the upbringing of foster children, as well as advocate for cultural and religious beliefs. However, there are times when parents and/or legal care givers do not engage, are not able to be located or of capacity to make those decision, specifically in emergency situations. This bill could potentially create delays in decision making which could impact service delivery to foster children entrusted into our care, who may be in a critical position.

I have additional concerns regarding the definition of parent. As many of you are aware, family structures and dynamics can vary from one home to another. This bill could create great conflict if one parent would approve of something and the other didn't. Which parent's decision would be more valuable during opposing viewpoints? Could the other opt to sue the government agency if his/her viewpoint was not supported? Furthermore, many children are being raised under an informal family agreement with alternative kin or fictive kin, such as a grandparent. This may be a short-term or long-term informal caregiving arrangement. What type of rights or decisions would be honored by these caregivers to support health, education and/or safety needs?

In addition, this bill repeatedly mentions legal action against government agencies. In fields such as education and child welfare we experience high rates of employee burnout, resulting in turnover and ultimately hard to fill positions. The threats of legal action, for acting in good faith, create unnecessary fear and stress to the workforce. Furthermore, as individuals

have rights to sue entities and/or individuals already, is it necessary to stress legal action in this proposed law?

As a custodial agent we value and respect parental rights, however, our primary focus is to the welfare and safety of the children from your communities. In addition to foster care, human service zones are required, by state law, to provide child protective services (CPS). In child protective services, we are mandated by law to assess the safety of children and investigate reports child abuse and neglect, often in partnership with law enforcement. Even with the revisions made to this bill, it still creates issues regarding our legal responsibility to perform Child Protective Service investigations. When a mandated reporter, such as a school official, makes a report of suspected abuse and neglect, human service zones CPS teams are launched into a fast, fact-finding safety assessment process. During the assessment stage, initial contact is made with the victim to determine immediate safety, collateral information is gathered and additional interviews are completed, including contact with the parent(s). During this phase of the CPS investigation, child safety is paramount. Pre-mature release of suspected child abuse and neglect information to the parent by other individuals can interfere with the assessment and put child safety at significant risk. To be clear, while human service zones are legally obligated to provide child protective services, this does not happen under a court-order. This bill could present as a barrier for human services zones to perform mandated CPS services, designed to assess and address child safety.

I would respectfully request that you give a do not pass on this bill because of concerns for any potential conflicts in decision-making authority and adverse impact of children. Thank you for considering my testimony relating to this bill and I stand for any questions.