

Testimony
Senate Bill No. 2341
House Human Services Committee
Representative Weisz, Chairman
March 6, 2023

Chairman Weisz, and members of the House Human Services Committee, I am Cory Pedersen, Director of the Children and Family Services Section with the Department of Health and Human Services (Department). I appear before you today to provide information regarding Engrossed Senate Bill 2341.

The department spoke with the Senate Human Services committee and highlighted identified data discrepancies resulting in the request for this bill to be considered as a study. There are North Dakota providers interested in working with victims of sex trafficking, but there are inconsistencies which require the Department to question the need for another level of foster care in NDCC 50-11. The discussion of the study was considered and added as an amendment. However, the amendment did not remove the level of care addition to NDCC 50-11. As the director of Children and Family Services, my section of the Department will be responsible for the licensing of a new level of foster care. I greatly support the idea of a study to better understand the population and need. I do not support adding the level of care and maintaining the study as the two processes occurring in tandem will offer unintended barriers. A study would give all the stakeholders and providers time to make an informed decision for children in North Dakota and build up an entire continuum of care for victims; including prevention and community resources.

The 2018 Federal regulation, Family First Prevention Services Act (P.L. 115-123) prohibits the inappropriate use of long-term residential care for

children. During the 2019 legislative assembly, the Department requested to remove group home licensure, as group homes were accepting children and maintaining placements for months, many times years. Group homes no longer meet federal standards, so North Dakota requested to add qualified residential treatment programs (QRTP) as a level of foster care in NDCC 50-11. At the time of implementation, the Department chose not to add a residential setting specific to sex trafficking victims into NDCC 50-11. The rationale behind this decision was specific to maintaining this population of at-risk youth in a specialized family setting, which was already offered by a Licensed Child Placing Agency (LCPA), Youthworks. Youthworks identifies themselves as an agency who will recruit and retain HOST Homes to serve this population. At the time, Youthworks had 10 licensed foster homes and most recently their agency has three licensed HOST Homes to care for youth at risk of being trafficked: only serving one child in foster care since July 2021. The HOST Home model is something the Department greatly supports and hopes to see grow in the next biennium. Increased placement options in a family setting will greatly support the Department's initiative to ensure services are provided closer to home. I am pleased to share; the Department has made significant efforts to reduce long-term residential stays and promote placement in family settings. Today, 96% of children in ND foster care are living in family settings and served in our local communities with access to services and the opportunity to be close to parents, family, friends, and school.

The Department licenses and works closely with two qualified residential treatment programs, who offer a range of trauma informed treatment to meet the needs of children within federally determined placement maximums. Since October 2019, 86% of those identified as having "suspicion of being trafficked" were approved and received treatment in a

ND QRTP. I want to credit the current QRTP's who are already doing this work. We should be looking at the child's needs first and identifying ways to keep them in the lowest level of care possible, while considering data and research, which tells states that children do best and should be with parents or relatives whenever possible.

The Department was approached by Home on the Range about adding this residential level of care as a foster care placement option in NDCC 50-11. At that time, Children and Family Services requested data from various entities including Youthworks, Home on the Range, ND Juvenile Court, Human Trafficking Task Force, and child welfare. The sex trafficking data specific to youth in North Dakota is not consistent. For instance, North Dakota Child Welfare data since July 2021, indicates from custodial case managers that only three youth were confirmed as a victim of sex trafficking upon entry into foster care. North Dakota Juvenile Court data has flagged 27 youth who are either confirmed or suspected of being sex trafficked since 2020. Youthworks stated they served over 200 youth from 2019-2021, however, they have no separation of data regarding confirmed, suspected, or at-risk youth. The Human Trafficking Task Force reports 152 minors who are either confirmed or suspected of sex trafficking since 2015. The Human Trafficking Task Force data does include victims located in North Dakota who may be residents of another state.

The Department contacted five other states to discuss the sex trafficking level of foster care. South Dakota, Montana, and Ohio do not have this resource. Indiana has one sex trafficking treatment center they are phasing out; stating they want to specialize with family providers and not congregate this population of at-risk youth. Kansas has this level of care with a placement maximum of six months. North Dakota is a national leader in the

reduction of long-term residential placement. We continue to get calls from around the country asking for technical assistance regarding the ND QRTP process. Currently we have children from other states in our QRTP level of care and are seen as a leader in this work.

In summary, there is limited research to show this level of foster care is needed in North Dakota. There are varied tracking mechanisms and definitions used across North Dakota agencies regarding suspected vs. confirmed victims compared to those "at risk". If the new level of foster care is added to NDCC 50-11, the Department will be required to implement administrative rules for one provider. Administrative rules will be created and require placement maximums and initial and ongoing third-party assessment, like our current QRTP standards we have today., however would be added costs to the budget.

This concludes my testimony, and I would be happy to answer any questions you may have.