

Testimony
Senate Bill 2341
Senate Human Services Committee
Senator Lee , Chairman
February 13, 2023

Chairman Lee, and members of the Senate 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 to provide information on Senate Bill 2341.

Federal regulation, P.L. 115-123, known as the Family First Prevention Services Act, was passed by Congress in 2018. The law includes evidence-based prevention services to keep children and families together, with strong emphasis on the placement of children in family settings. This federal law prohibits the inappropriate use of long-term residential care. Family First regulations specify approved placements for children in foster care to receive federal reimbursement. Title IV-E foster care placements include a high-quality residential care setting to provide supportive services to children who have been found to be or are at risk of becoming sex trafficking victims.

During the 2019 legislative assembly, the Department requested to add many of the federal allowances and remove group care from our century code. The legislature replaced group care with qualified residential treatment programs (QRTP) and supervised independent living (SIL) levels of foster care placement (as per Title IV-E).

At that time, the state chose to not request implementation of a residential setting specific to sex trafficking victims. The rationale behind this decision

was based on the state's commitment to assuring that these children would be placed in specialized family settings, which are offered statewide by Youthworks, a Licensed Child Placing Agency (LCPA).

Youthworks identifies themselves as an agency that recruits and retains host homes to serve trafficked children. In 2019, Youthworks had 10 licensed foster homes serving this unique population; most recently their agency has three licensed HOST Homes to care for children who are at risk of or have been a victim of sex trafficking.

Today, the Department licenses and works closely with QRTP's as a critical element of the state's continuum of care for children. Each QRTP offers a range of different treatment modalities as they are required to be trauma informed and meet the child's specific clinical needs within federally determined placement maximums. QRTP's are designed to address serious clinical needs of children who require 24/7 access to clinical and nursing staff.

In December 2020, the Department received feedback from Home on the Range, a private agency which serves as a licensed QRTP in North Dakota. Based on these conversations the Department implemented the Commercial Sexual Exploitation of Children (CSEC) module as part of the state's overall QRTP assessment practice. Since that time, 550 QRTP assessments involving 276 unique children have been completed, with 148 assessments (involving 76 unique children) identified as having a suspicion of the child having been sex trafficked. 86% of those identified as having suspicion were approved for QRTP treatment.

The Department was approached by Home on the Range about adding the new residential level of care that is proposed in Senate Bill 2341 to North Dakota Century Code 50-11 as a foster care placement option. The Department requested data from various entities including Youthworks, Home on the Range, ND Juvenile Court, ND Human Trafficking Task Force, as well as state child welfare data.

Availability of data on sex trafficking specific to children is not consistent between sources. For instance, North Dakota Child Welfare data since July 1, 2021, indicates from custodial case managers that only three children were confirmed as a victim of sex trafficking upon entry into foster care. North Dakota Juvenile Court data has flagged 27 children who are either confirmed or suspected of being sex trafficked since 2020. Youthworks stated they served over 200 children from 2019-2021, however, they have no separation of data regarding confirmed, suspected or at-risk children. Youthworks Host Homes are designed specifically for this population of children and their agency reports only one child in North Dakota foster care has been served since July 2021. The Human Trafficking Task Force reports 152 minors who are either confirmed or suspected of having been victims 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.

In summary, there are varied definitions across agencies regarding suspected vs. confirmed victims compared to those at risk. In addition, there are varied tracking mechanisms, which has resulted in lack of clarity regarding the need for a level of foster care designed specifically to offer residential treatment to victims of sex trafficking. If the level of foster care is added to North Dakota Century Code chapter 50-11, the Department will still

implement placement maximums, assessment and admission criteria, while requiring discharge planning in the least restrictive family setting in local communities, consistent with overall child welfare practice.

Over the last several years the state has made significant efforts to reduce long-term residential stays for children engaged with the child welfare system. I am pleased to share that today, 96% of children in ND foster care are living in family settings and served in our local communities.

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