January 18, 2023

Dear Chair Larson and Members of the Senate Judiciary Committee:

My name is Rev. Karen Van Fossan. I am an ordained minister and licensed professional counselor, serving as a pastoral counselor in the state of North Dakota. I am here today to testify in opposition to Senate Bill 2199. **I ask that you give this bill a Do Not Pass recommendation.**

A few years ago, I was adopted by a young mother and her beautiful transgender child. Having been rejected by their family of origin, they asked me to become their mom and grandma. Due to a fundamental misunderstanding about what it means to be transgender, their family had become unable to love them. As painful as this breach has been for my chosen daughter and grandchild, I believe the real losers in this scenario are the family members who don't get to experience the Halloween costumes, the spontaneous dances, and the joyful utterances (like "I love you, Grandma!") that I now enjoy as a matter of course. I do indeed love my transgender grandchild from the deepest place in my soul.

Still, my grandbaby is just one of the reasons I strongly oppose SB 2199.

This bill would significantly impact my ability as a helping professional to serve transgender people. According to the Code of Ethics of the American Counseling Association (ACA), the fundamental principles of ethical counseling include autonomy (fostering the right to control the direction of one's life), nonmaleficence (avoiding actions that cause harm), beneficence (working for the good of the individual), and justice (fostering fairness and equality).

In fact, according to a recent position statement, the ACA says this about gender identity and ethical counselor conduct:

"Gender is the product of a complicated interaction of chromosomes, anatomy, hormones, and culture that begins before birth. Most people's gender identity is consistent with the gender they were labeled at birth. Individuals who identify as transgender have a persistent and consistent experience of their gender being different from their sex assigned at birth. The stress brought on by stigma and the pressure to be gender-conforming with an individual's assigned sex is known to cause minority stress and significantly affect health and wellbeing, even in the face of the resiliency and the strengths of transgender individuals. Counselors know and understand the critical importance of living consistently with one's gender identity, which may or may not include physical or social gender transition."

I would like to repeat a portion of that last statement: "Counselors know and understand the critical importance of living consistently with one's gender identity."

In other words, **the expectations of this bill are in direct conflict with the expectations of my professional code of conduct**.

If a transgender person were to approach me for pastoral counseling services, and if they participated in a publicly-funded Employee Assistance Program, this bill would bar me – fine me, in fact – for providing exactly the kind of care that my professional standards require me to provide.

What's more, this bill would force counselors out of practice in North Dakota, widening the

already significant gap between our state's behavioral health care needs and the numbers of service providers available to meet those needs.

In short, **this bill would bar me from doing my job or – because of the $1,500 fine per incident – would entirely run me out of business.** If I were to go out of business, I'd have a much harder time affording Halloween treats and the like for my beloved transgender grandchild.

For all of these reasons, I urge you to vote Do Not Pass on SB 2199. Thank you for your time and consideration. I would be glad to respond to any questions.

Sincerely,
Rev. Karen Van Fossan, M.Div., LPC