

Testimony Prepared for the
Senate Judiciary Committee
January, 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 I am here today to provide testimony in opposition of Senate Bill 2260 in its current form.

Human Service Zones, the Division of Juvenile Services and Tribal child welfare agencies serve as legal custodians to children when the care/custody/control of those children is removed from their parents or legal caregivers. As such, there are occasions when many of the decisions referenced in this proposed bill lie within the role of the agency serving as legal custodian. However, it is unclear from the wording in this bill if the decision-making responsibilities of agencies serving as legal custodians would be impeded upon.

When children are in the care/custody/control of a Human Service Zone Director, the agency is mandated by federal and state law, policy and best practice to engage parents in their children's life and involve parents in decisions on their child's behalf. Frequent communication with the child's case manager, participation in routine Child and Family Team Meetings, all lend opportunities for parents to aide in decision-making for their child, even while the child is in public custody. There are times when surgical or emergency medical care is needed for youth in public custody, to which medical providers request and require the consent

of the legal custodian. The requirement to locate and obtain written consent of a parent during said emergency may place risk to the child's life when an immediate action is needed. Additionally, when youth are in public custody, educational needs of the child also fall under the responsibility of the Human Service Zone Director. As mentioned above, involvement of parents is always encouraged by the custodial agency and welcomed by the school.

Regarding parental rights and responsibilities, page 2, line 22: Be notified promptly if an employee of the state, a political subdivision, a governmental entity, or other institution suspects abuse, neglect, or a criminal offense has been committed against the child. There are times that parents are the subject of the alleged abuse and neglect, and law enforcement investigation may hinder the notification of the suspected abuse and neglect to said subject/parent.

I would respectfully request that additional clarification be provided to address potential conflicts in decision-making authority, before proceeding further with this bill. Thank you for considering my testimony relating to this bill. I stand for any questions the committee may have.