

Testimony Prepared for the
House Education Committee
January 13, 2025
By: Lynn Flieth, RSR Human Service Zone Director

RE: HB 1095: Relating to Child Protective Services Liaisons in School Districts

Chair Heinert, and members of the House Education Committee, my name is Lynn Flieth. I am the Director for the RSR Human Service Zone, which includes the counties of Ransom, Sargent and Richland. In addition, I am a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in opposition to HB 1095.

North Dakota enacted child protection laws in response to the federal Child Abuse and Prevention Treatment Act (CAPTA) of 1974. CAPTA requires states to establish procedures for receiving and responding to allegations of abuse or neglect and ensuring child safety. North Dakota's response was the enactment of NDCC Chapter 50-25.1. This chapter mandates Human Service Zones to provide child protective services (CPS); all services are authorized by Century Code and guided by Administrative Rules and HHS policy.

As a state supervised, locally administered system, there is a team of dedicated professionals, at both the human service zone and NDHHS levels that work together to deliver, supervise, and oversee child protective services. The attachment, "Who Does What in Child Welfare?" provides a high-level overview of duties and responsibilities and the starred items specially reflect the CPS team.

Since 2020, when Human Service Zones were formally launched, several redesign projects have occurred within social services programs; these redesigns have transformed how programs, including the child welfare programs, are delivered in North Dakota. Part of the CPS

redesign resulted in two significant changes that have likely complicated historical practices and relationships with community partners: 1) creating a centralized CPS Intake Unit and 2) streamlining decision-making by no longer utilizing multi-disciplinary community Child Protection Teams.

Despite these changes, Human Service Zones and HHS partners continue to hold community partners in high regard and value the relationship with, and functions and roles within each partner system. Educators and schools are critical community support partners. We believe HB 1095 may be intended to strengthen relationship and communications between CPS and schools. However, the bill language, when read literally, presents a very different set of outcomes that will almost certainly lead to several unintended but ultimately harmful consequences. Please allow me to explain.

Page 1, lines 7-8 acknowledge that “child protective services” means an “authorized agent” or the “department” as already defined in NDCC Chapter 50, which grants the statutory authority for, and guides provision of, child welfare services in North Dakota. The proposed child protective services liaison, or educators and other school district personnel are not included in the definitions of “child protective services,” “authorized agent” or “department,” nor are they under the employment authority of human service zone or HHS.

Page 1, lines 9-12 allow for a school district to designate or hire an individual(s) to serve as a child protective services liaison. This bill does not have a fiscal note or appropriation. A concern is where will funding come from to comply with this proposed law? What would the qualifications include to be a CPS liaison? For larger school districts, there could literally be hundreds of child protection cases in a school year for a CPS Liaison.

Page 1, line 14 calls for the school CPS liaison to be the “primary point of contact” for CPS. This is concerning as it appears that authority to complete child protection work transfers

to the school versus the official Child Protection system. This may cause conflict, confusion of roles and communication problems for both professionals and families.

Page 1, line 15 directs the school liaison to be the school spokesperson for CPS. This is also concerning. Child Protection workers must gather first-hand information by interviewing relevant parties or collateral contacts as they complete the assessment. This is a fact-finding process. Spokespersons do not have a first-hand account of facts and this could cause complicated and inaccurate information gathering, leading to erroneous findings of suspected child abuse/neglect.

Page 1, line 16 calls for the school liaison to “assist” with the CPS investigation. This is of high concern on multiple levels. CPS assessments already are subject to a team approach of trained and dedicated professionals. School professionals are experts in education. CPS professionals are experts in child safety. The term “assisting” is broad and undefined. There are concerns “assisting” with the investigation (known as assessment) may cause legal, conflict of interest, and confidentiality concerns. In what manner will a Liaison “assist?” Will they conduct other interviews? Under current statute, a CPS Liaison does not have legal authority for this activity. Does “assist” include in making a determination as to whether or not child abuse/neglect has occurred? This is the role of the Department of Health and Human Services, who ultimately must oversee and facilitate the appeals process for Confirmed findings. Should a Child Protection Assessment result in a removal of a child and subsequent court involvement, the CPS Assessment Worker is provided legal representation by the local State’s Attorney. What would the role of a CPS Liaison be in a court-involved case and who would serve as their legal representative?

Also, reports received are suspected reports of child abuse and neglect. Families and children have rights to privacy and confidentiality related to CPS activities. Opening up communication, may cause families and children undue harm. This same concern applies to

page 1, lines 17-20. Parental and child rights, specifically privacy rights, may be infringed upon by implementing this bill as presented.

Page 1, lines 21-23 and continuing to page 2, lines 1-2 call for a school reporting process. This again could pose confidentiality concerns. The audience/purpose of such report is unclear. This process does not include Zone/NDHHS input or comments. This may pose counter-productive to systems strengthening and relations.

Lastly, page 2, lines 4-12 would require child protective services to provide training to school liaisons. The general content for the training is outlined and again appears to create role confusion. There would be a cost related to providing training to every school district and every school liaison in North Dakota as defined in the bill draft. As noted earlier, CPS work involves specialized training; the training is provided when employment with the host Zone commences. The training process is lengthy and intense. Safety decisions and abuse/neglect determinations are guided by HHS policy and follow specific processes within the Human Service Zones. There are frequent policy changes that Zone team members must be informed about. How much of this information needs to be relayed to the liaisons? How frequently? How will CPS workers manage this additional load on top of their case assignments? How will this impact Zones that have vacancies and need to reach out to other Zones for assistance? School liaisons are not employed by the Human Service Zones. Much of the information outlined in the bill is provided through the annually required mandated reporter training. Lines 9-11 can be achieved by calling the local zone and asking for a meeting or in-service. There would be a cost related to providing training to every school district and every school liaison in North Dakota as defined in the bill draft. Yet, there is no fiscal note or appropriation for this item.

I would like to reiterate that it would appear that the intent behind HB 1095 may be to have Human Service Zones and School Districts move toward collaborative work in meeting the needs of North Dakota's children. The Human Service Zone Directors would agree that

moving forward and rebuilding relationships and partnerships are keys to child safety and success, however HB 1095 positions these two entities in opposition vs. collaboration. Because Child Protection Service activities transcend any single entity, and rely upon a community response, the original intent of this bill may be more comprehensively and appropriately addressed in a coordinated effort through a statewide approach, perhaps through the Children's Cabinet. It would be beneficial to be inclusive of other service providers, law enforcement and the legal community along with the Child Protection system and schools to enhance understanding, strengthen systems, and to optimally support children and their families.

Thank you for consideration of my testimony regarding House Bill 1095. I stand for questions from the committee.

Who Does What in Child Welfare?

ROLES IN NORTH DAKOTA'S HUMAN SERVICE SYSTEM

HUMAN SERVICE ZONES (HSZ) TEAM MEMBERS



Child Protection Services (CPS) Workers: Provide protective services for children under age 18, including child protection assessments in response to reports of suspected child abuse or neglect and follow-up services to families.



CPS Central Intake Unit: (Statewide HSZ team) Is the intake point for reports of suspected child abuse or neglect. Collects facts and provides details to CPS workers at the local HSZ level.



Child Welfare/CPS Supervisor: Supervise and support child welfare staff in HSZs.

Foster Care Case Manager: Manages case and is main point of contact for child, parents and foster care provider. *Child is not in the home.*

Child Welfare Case Manager: (Also called Family/In-Home/ Wrap-around/Family Preservation Case Manager) Focuses on internal family stability, parental capacities, and identifying needed supports and services. *Child is in the home.*

Family Support/Parent Aide: (Also called Human Service Aide /Transportation Aide) Assist parents in building parental capacities and skills to maintain

or reunify child with family. Not located in all HSZs. Some only provide transportation to support child and family connections and visits. ■

ND HEALTH AND HUMAN SERVICES (HHS) TEAM

Foster Care Licensing Specialist:

Recruits, supports, guides and assesses foster parents through the licensing and renewal process. Works in the HHS Children and Family Services (CFS) Licensing Unit.



Field Service Specialist:

Monitors fidelity and quality of work related to the Safety Framework child welfare practice model and ND policy, in addition to providing technical assistance to the foster care, child protection and in-home case management units within the Human Service Zones and Division of Juvenile Services (DJS). Is employed by HHS – CFS. ■

Other Non-Child Welfare Support to Families

Children in Need of Services (CHINS): HSZ team connects families and children (whose behaviors include truancy, disobeying parents, running away and/ or using tobacco products) to local services. hhs.nd.gov/cfs

OTHER INFORMATION

- ☆ **OUT OF HOME PLACEMENT:**
- Legal authority to remove a child is authorized by Juvenile Court or Law Enforcement and affirmed by the Courts.
 - Deprivation matters are brought forth by the HSZ CPS workers to the removing authorities.
 - Out-of-home placements could occur with relatives, kinship care, foster homes, therapeutic foster homes, or QRTP/PRTFs.

CUSTODIAL AGENCY:

In ND, foster children are placed under the public custody of three public agencies:

- **Human Service Zones:** ND's 19 Human Service Zones that represent 53 counties serve the greatest volume of foster children in ND's foster care system.
- **Division of Juvenile Services**
- **Tribal Social Services:** North Dakota has a formal State-Tribal Title IV-E agreement with four Tribal Nations: Standing Rock Sioux Tribe, Spirit Lake Nation, Turtle Mountain Band of Chippewa and MHA Nation.

GUARDIAN AD LITEM:

Appointed by the court to advocate for the best interests of a child in a juvenile court proceeding.