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Human Services Committee
Senate Bill 2112 - January 13, 2025
Testimony of Veronica Zietz , P&A Executive Director

Greetings Madam Chair Lee and members of the Human Services Committee. My name is Veronica Zietz and I'm the Executive Director at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A opposes Senate Bill 2112, which seeks to expand services to individuals who do not have developmental disabilities and are therefore not eligible for services at the Life Skills Transition Center (LSTC). Additionally, the bill expands LSTC services to nonresidents. The ND Constitution Article IX, Section 12 (8) details "...there shall be located at or near the city of Grafton, in the county of Walsh, a facility for individuals with developmental disabilities." This language is very clear that the facility's purposes is to serve individuals with developmental disabilities (DD).

There are not enough services in ND for crisis intervention and stabilization for individuals who meet the criteria for developmental disability services. It would not be in the best interest of North Dakotans with DD to allow the LSTC to serve individuals without developmental disabilities or individuals who are nonresidents when there is an acute lack of services for residents with DD. If LSTC is at capacity serving individuals without developmental disabilities or nonresidents; a resident with developmental disabilities would be denied placement and services at LSTC.

Nonresidential services available to individuals who meet the criteria for the DD are lacking. Families and DD providers are often left waiting for support services even in crisis situations. LSTC is to be the "safety net" and placement of last resort for people with developmental disabilities, but that is not always a reality. Families and DD providers are often told there is no bed available as LSTC is over capacity and the LSTC is only for short-term placements. Serving nonresidents and individuals that do not meet the criteria for developmental disabilities will create new barriers for residents with developmental disabilities seeking to access LSTC services.

During the ARC vs ND class action lawsuit, individuals without developmental disabilities, resided at

the Grafton State School (LSTC). This included individuals with mental and behavioral health needs, physical needs without any other disability, medical needs without any other disability, and other inappropriately placed individuals. Now, under state statute the purpose of the life skills and transition center is to serve as a specialty care and support resource for eligible individuals with developmental disabilities who are experiencing crisis or who would benefit from stabilization, and to work together with parent, guardian, or legal custodian and care teams to identify opportunities for each individual served to live in a family home or community setting of their choice when possible. LSTC is to be a facility for individuals with developmental disabilities and not a catch all for individuals who are not being provided services appropriate to meet their specific disabilities and needs.

While much of this bill language is existing, the language reads as if the superintendent has the supreme right to hospitalize residents, control temporary and permanent discharge, determine when a resident can have visitors, and when they can communicate with parents, guardians, or legal custodians. Of major concern is also that there is no language for how a resident who is their own legal decision maker would be discharged if they wish to leave LSTC. This bill appears to maintain the superintendent's all-encompassing decision-making power and control over residents and their legal decision-makers, which brings into question possible violations of constitutional and civil rights.

There is no question that ND needs a service delivery system that meets the needs of individuals who do not have developmental disabilities including children and youth. The needs of individuals without DD are different than the needs of individuals with DD. Individuals without DD have needs that are vast and varied with circumstance such as social maladjustment, mental and behavioral health, violent criminal behavior, and sexualized behaviors. Nationwide, it is rare to find a facility that serves both populations in the same facility due to the safety risks for individuals with developmental disabilities. People with developmental disabilities are vulnerable to becoming victims of violent crimes, physical and sexual abuse, neglect, and exploitation at much higher rates than their peers without developmental disabilities. People with DD may also be victimized and harmed because they are less able to protect themselves, less likely to tell someone who can help them, and may lack sufficient communication and/or language skills needed to seek help. These two groups have very different needs when it comes to therapeutic services and safe living environments; these cannot be provided in the same environment.

This bill seems to remove the rights of people with developmental disabilities and seeks to serve two different populations placing both groups at risk of being harmed and harming. P&A is opposed to this Bill for these reasons.

Thank you for your time and consideration.

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