

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1385

2001 HOUSE HUMAN SERVICES

HB 1385

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1385

House Human Services Committee

Conference Committee

Hearing Date January 31, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		2770 to end
Tape 1		X	0 to 1330
Tape 3	X		95 to 1080
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on HB 1385.

Rep. Delzer: Presented Bill. (See written testimony.) The amendment I am presenting would make it so that the department could not place a child without consent unless there was a court hearing first. I ask for your favorable consideration.

Rep. Weisz: I see you have added language regarding the courts.

Rep. Delzer: With this amendment, if there ever was a situation where there was a conflict, it would be up to the parent's discretion to go to the courts.

Carlotta McCleary: Regional Parent Coordinator, N.D. Federation of Families for Childrens Mental Health. (See written testimony.) Families would like to see juvenile courts out of the

process as long as the department and the parents agree to what is in the best interest of the child.

We ask that you support HB 1385.

Rep. Cleary: Do you agree with the amendments?

Carlotta McCleary: I certainly would agree that if there is a conflict between the families and the department, then the court option would be the thing to do.

JoAnne Hoesel: Administrator for Children's Mental Health Programs for the Department of Human Services. (See support of HB 1385 in written testimony.) The department supports this bill because it provides an option to access treatment without court involvement.

Chairman Price: Would you like to make comments on the proposed amendments?

Jo Anne Hoesel: The department would not enter into this process without the consent of a parent.

Carol Dipple: Parent of Obsessive Compulsive Child. My son was traumatized enough without having to go in front of a judge.

Mary Ann Kirchmeier: (See support of HB 1385 in written testimony.) We have a child who has an emotional disorder. I believe this bill is another step in making it a little easier to get help for the children and their families, and one less item the courts have to deal with.

Debra Jendro: I am here to day in Support of HB 1385. I am a parent of an emotionally disturbed child.

Gln Ohmsted: As a parent, I am in support of HB 1385.

Linda Lund: Parent of Polar Disorder Child. I am supportive of this bill. Please remove the language that orders a parent to go before a judge in order to obtain treatment for their child. Leave that decision to the parent.

Chairman Price: If we don't amend this bill, can the spouse keep the child out of treatment?

Jo Anne Hoesel: We've never had that situation. We would negotiate if that did happen.

Rep. Sandvig: What happens with the child support.

Jo Anne Hoesel: Not an issue that is dealt with, with this option.

Chairman Price: Close hearing on HB 1385.

COMMITTEE WORK:

CHAIRMAN PRICE: 1385. What would you like to do?

REP. WEISZ: I would like to make a motion to move the amendments presented by Rep. Delzer.

REP. SANDVIG: Second.

CHAIRMAN PRICE: Discussion.

REP. WEILER: If they are trying to take the courts out of the system, why are we putting this back in?

CHAIRMAN PRICE: I think the only time it would be used is if you had disagreeing parents.

REP. WEILER: How about if there is a disagreement between the parent and the department?

CHAIRMAN PRICE: The department tells us they will never do it unless the parents want it.

REP. WEISZ: Adding this language back in does not bring the courts back in. It keeps them as a viable option.

REP. WEILER: Is there a possibility there that by having that option with the courts there it would cause more of a problem between the two parents that might disagree. If option isn't there, maybe they will work it out.

REP. WEISZ: Some custody cases get extremely ugly.

REP. CLEARY: I am worried there will be a conflict of the custodial parent who sees the child all of the time and realizes there is a problem, and then the non-custodial parent who very seldom sees the child will say "oh, no" - will this help to put this amendment in?

CHAIRMAN PRICE: Hopefully, the parent would consider the child. We can't legislate for every case, but this would give them flexibility.

REP. WEISZ: This leaves options for custodial parent to get the child in the center if there is a dispute. Court can work for both sides of the issues.

REP. NIEMEIER: I was concerned about the court being amended back in, and all of the families seem to testify without knowledge of the amendment. After this was explained to the people they seem to accept that as being okay.

CHAIRMAN PRICE: This would only be if the family wished to go to court. All in favor of the amendment signify by saying Aye - 14 YES.

REP. GALVIN: I move a DO PASS as amended.

REP. SANDVIG: Second.

CHAIRMAN PRICE: Discussion.

REP. SANDVIG: There was only one concern I had and that was the parent that had a child on Medicaid and they go into a residential treatment center - they pay child support for that child? Those are the ones to get out of the child support.

CHAIRMAN PRICE: The child support is still there. Any other comments. The clerk will take the roll on a **DO PASS as amended**.

14 YES 0 NO 0 ABSENT CARRIED BY REP. SANDVIG

FISCAL NOTE
 Requested by Legislative Council
 02/02/2001

Bill/Resolution No.:

Amendment to: HB 1385

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

There would be no fiscal impact for the Department of Human Services as this bill does not change eligibility for this program. The bill would only move from a two-fold approval process to an approval process involving only the Department of Human Services.

It is anticipated that the situations covered by this amendment will be minimal. Since 1995, in the history of this program, there have been no situations arise that would be covered by the amendment.

To date in the current biennium, 29 children have been receiving treatment services through this program so it is felt that the judicial impact would be minimal due to the low number of children using the process.

In addition, it is felt that it would be a very low number of children that would potentially need to access the court, based on the amendment scenario.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Human Services
Phone Number:	328-2397	Date Prepared:	02/05/2001

FISCAL NOTE
 Requested by Legislative Council
 01/23/2001

Bill/Resolution No.: HB 1385

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

There would be no fiscal impact for the Department of Human Services as this bill does not change eligibility for this program. The bill would only move from a two-fold approval process to an approval process involving only the Department of Human Services.

To date in the current biennium, 29 children have been receiving treatment services through this program so it is felt that the judicial impact would be minimal due to the low number of children using the process.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Human Services
Phone Number:	328-2397	Date Prepared:	01/29/2001

VR
2/1/01

HOUSE AMENDMENTS TO HB 1385

HOUSE HS

02-01-01

Page 1, line 8, remove the overstrike over "H" and insert immediately thereafter "the department proposes to place" and remove the overstrike over "a child"

Page 1, line 9, remove the overstrike over "~~in an out-of-home treatment program established under this section,~~" and insert immediately thereafter "without the consent of the child's parent or legal guardian," and remove the overstrike over "the juvenile court"

Page 1, line 10, remove the overstrike over "~~must make a judicial determination as to whether the~~" and insert immediately thereafter "proposed" and remove the overstrike over "placement is in the best interests of the"

Page 1, line 11, remove the overstrike over "child."

Renumber accordingly

Date: 1-31-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1385

House Human Services Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS as amended

Motion Made By Rep. Galvin Seconded By Rep. Sandvig

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier	✓	
Rep. Pat Galvin	✓		Rep. Sally Sandvig	✓	
Rep. Frank Klein	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 14 No _____

Absent _____

Floor Assignment Rep. Sandvig

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1385: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "H" and Insert Immediately thereafter "the department proposes to place" and remove the overstrike over "a child"

Page 1, line 9, remove the overstrike over "~~in an out of home treatment program established under this section,~~" and Insert Immediately thereafter "without the consent of the child's parent or legal guardian," and remove the overstrike over "~~the juvenile court~~"

Page 1, line 10, remove the overstrike over "~~must make a judicial determination as to whether the~~" and Insert Immediately thereafter "proposed" and remove the overstrike over "~~placement is in the best interests of the~~"

Page 1, line 11, remove the overstrike over "child."

Renumber accordingly

2001 SENATE HUMAN SERVICES

HB 1385

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1385

Senate Human Services Committee

Conference Committee

Hearing Date February 28, 2001

Tape Number	Side A	Side B	Meter #
2	X		11
March 21, 2001 1	X		11.6
Committee Clerk Signature <i>Paul Klodjichuk</i>			

Minutes:

The hearing was opened on HB 1385.

JEFF DELZER, sponsor of the bill, introduced it. (Written testimony). The general gist is that is everyone agrees, the court system is out. If they cannot agree, it must go to court.

CARLOTTA McCLEARY, ND Federation of Families for Children's Mental Health, supports bill. SENATOR MATHERN: If a family has relinquished rights, do they have access again with this bill? MS. McCLEARY: I don't believe they would have the rights; I will defer to MS.

KAREN ROMIG LARSON: This voluntary procedure of parents was for the sole purpose of treatment. If the child has been found unruly, delinquent, or other evidences of depravation that continues to play out in the courts. GREG WALLACE: If they relinquish parental rights, that means they have given up your parental rights and you no longer have any rights to the child and that action goes through the court. If the court has taken legal custody of the child through depravation, unruly, or delinquency, parents are still involved in medical decisions. The purpose

of this law is so that parents will not have to give up parental rights, including legal custody.

Before this the parents would come to court because the psychiatrist had called us and said this child needs treatment. Because of peanut reasons they had to be declared deprived and give up parental rights.

KAREN ROMIG LARSON, Director of Division of Mental Health and Substance Abuse Services, Dept. Of Human Services, supports bill with written testimony. SENATOR

MATHERN: Can we take this one step further and take out 'out of home treatment'? MS.

LARSON: The law 'out of home treatment' can apply to out of state or home treatment. The most desirable is to provide wraparound services to the child as close to home as possible. The intent of the law was basically focused on the custody relinquishment in order for the child to be placed in treatment or hospital settings. SENATOR FISCHER: Prior to 1997 there was a pilot in 11 most populous counties in the state for Medicaid eligible children and then in 1997 we expanded that to the entire state, but we didn't do the whole state because of the large fiscal note attached to it? MS. LARSON: In 1995 the pilot was applied to 3 regions that were the partnership project region - Fargo, Minot, Bismarck. 1997 it was expanded to the whole state and we took the best pieces of that partnership project and began to implement them in the other regions of the state.

GREG WALLACE, Assistant State Court Administrator for Trial Courts, with the ND Supreme Court, supports bill. (Written testimony). Suggested amendments will take it back to the original bill, which was correct. The engrossed bill creates a new category.

Seniors from Harvey were welcomed to the committee.

SHIRLEY REIMER read written testimony from CAROL DIPPLE, who supports bill.

MARY ANN KIRSCHMEIER, District 30, supports bill. (Written testimony)

Page 3

Senate Human Services Committee

Bill/Resolution Number HB 1385

Hearing Date February 28, 2001

JOANNE HAZEL provided information on out of pocket costs for parents with treatment and what has happened with out of home placement since 1997. (Printed material).

The hearing was closed on HB 1385.

March 21, 2001, Tape 1, Side A, Meter 11.6.

Discussion resumed on HB 1385. Agreement to take back to original bill. SENATOR KILZER moved amendments (Greg Wallace). SENATOR ERBELE seconded the motion. Discussion. Voice vote carried. SENATOR KILZER moved a DO PASS AS AMENDED. SENATOR ERBELE seconded the motion. Roll call vote carried 6-0-0. SENATOR KILZER will carry.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1385

Page 1, line 8, overstrike "If" and remove "the"

Page 1, line 9, remove "~~department proposes to place~~", overstrike "a child", and overstrike "in an out-of-home treatment program"

Page 1, line 10, overstrike "established under this section,", remove "without the consent of the ~~child's parent or legal guardian,~~", and overstrike "the"

Page 1, line 11, overstrike "juvenile court must make a judicial determination as to whether the", remove "~~proposed~~", and overstrike "placement is in"

Page 1, line 12, overstrike "the best interests of the child."

Renumber accordingly

Date: 3/21/01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1385

Senate HUMAN SERVICES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number Greg Wallace Amendment

Action Taken Do pass as amended

Motion Made By Sen Kilzer Seconded By Sen Erbele

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathem	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Kilzer

If the vote is on an amendment, briefly indicate intent:

Greg Wallace Amendments

REPORT OF STANDING COMMITTEE

HB 1385, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1385 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "If" and remove "the"

Page 1, line 9, remove "~~department proposes to place~~", overstrike "a child", and overstrike "in an out-of-home treatment program"

Page 1, line 10, overstrike "established under this section,", remove "without the consent of the ~~child's parent or legal guardian,~~", and overstrike "the"

Page 1, line 11, overstrike "juvenile court must make a judicial determination as to whether the", remove "~~proposed~~", and overstrike "placement is in"

Page 1, line 12, overstrike "the best interests of the child."

Renumber accordingly

2001 HOUSE HUMAN SERVICES

CONFERENCE COMMITTEE

HB 1385

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1385 CC

House Human Services Committee

Conference Committee

Hearing Date April 2, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		0 to 2180
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

Chairman Weisz, Rep. Galvin, Rep. Sandvig, Chairman Kilzer, Senator Lee, Senator Polovitz

Chairman Weisz: Will someone from the Senate side explain the rationale for the changes?

Senator Lee: I think we were told that what we did was going to accomplish what we hoped it would. We wanted it to be true that there wouldn't have to be a judicial involvement if the family agreed. The people who testified, that had legal background, said that what we did was the right thing to do in order to make sure that happened. We all want the same thing.

Chairman Weisz: I would agree that we want the voluntary - that you don't have to lose custody to be able to put these children.....The concern that came up on the House side was there was some question having to do where you have a custodial, non-custodial parent and a disagreement - it was a feeling in our committee that when kind of a disagreement would arise, it would have to go to court to make judicial determination. The language that is still in there that we are all

after is "the department may not require parental or legal guardian to transfer custody in order to have the child placed". That is what we're really after.

Chairman Kilzer: I don't follow this at all. This is existing law, isn't it? On line 11 the department may not require a parent or legal guardian to transfer legal custody? I thought we did that two years ago.

Chairman Weisz: The new law says "if the department proposes to place" - that is new law. We're adding that language. We added "that without the consent of the child's parent or legal guardian". We added that to say that the court makes a judicial determination only if the department would propose to place without the consent of the child's parent or legal guardian.

Chairman Kilzer: So this whole bill was whether there was complete agreement between the department and the parent that they wouldn't have to go through this court proceeding.

Chairman Weisz: But that is still in there because it says the department may not require a parent or legal guardian to transfer legal custody in order to have the child placed in treatment. This only applies if it says without the consent. If both parents consent.....

Chairman Kilzer: But what you just quoted is already existing law.

Chairman Weisz: No, "without the consent" is not in there. That is what we added on the House version.

Chairman Kilzer: Our testimony before our committee was that it is getting all mixed up between voluntary and involuntary placement. When you add in the words "without the consent of", that is an involuntary commitment.

Chairman Weisz: And that is what we were making clear.

Chairman Kilzer: And that is not the focus of the bill.

Chairman Weisz: And that is why we wanted that in there to make it clear is when both parents are giving consent, that we take it out of the juvenile court. Current law says "if a child is placed in an out-of-home treatment program, court must make the determination". We turned it around and said "only without the consent of the child's parent or legal guardian would the court make the judicial determination".

Chairman Kilzer: You're talking about involuntary.....

Chairman Weisz: That is what the whole law is, in reality, because it says "the court must make a judicial determination" - under current law. The question is who gets consent. If the department does it with one parent's consent, what legal recourse does the other parent have? Everybody has got to be on board if you're going to avoid the court.

Chairman Kilzer: Here is the problem, right here. It is dated February 27, 2001, and it comes from Greg Wallace - the 4th paragraph. It is the 4th paragraph I'm concerned about it.

Chairman Weisz: I understand what he is saying. The issue is what is considered voluntary placement. If the custodial parent says it is okay, is that a voluntary placement?

Chairman Kilzer: It says parent. Whoever qualifies as the parent whether it be custodial or non-custodial.

Chairman Weisz: That is the problem we had. We didn't feel you could take the non-custodial parent out of there without his or her consent they would have no right to stop a voluntary placement.

Senator Lee: If we include the amendment that Mr. Wallace provided, so that we don't create a surge. If we clarify that both parents would have to agree to the placement, otherwise if only one parent agrees and one disagrees, that there would have to be a juvenile court determination.

Chairman Weisz: That is our concern. We don't want to make a lower standard.

Senator Lee: We felt pretty strongly in our committee about not establishing lower standard.

Chairman Weisz: We didn't have that letter in front of us. I would agree with that. We don't want to lower standard, but we want it clear that voluntary placement has to have approval by both custodial and non-custodial parent. That would work for us.

Chairman Kilzer: So if we go back to the original bill, and on line 11 where it says "the department may not require a parent or legal guardian to transfer legal custody" - is that what we're talking about?

Chairman Weisz: I think that language is fine.

Senator Lee: Wouldn't we want to say that the House would accede to the Senate amendments and further amend, and then the intern can do the verbiage, but what we want to say that "in the event the divorced parent that both the custodial and non-custodial parent would have to agree otherwise the juvenile court would make the determination". That is the direction I think we want to go.

Chairman Weisz: I assume that 50-06-06.13 is in the voluntary placement section.

Chairman Kilzer: No, it is just the treatment services for children with serious emotional problems.

Chairman Weisz: This doesn't say anything about voluntary or involuntary.

Senator Lee: Except that in Mr. Wallace's letter he says that "50-06-06.13 was put in place to allow parents to voluntarily place".....so that is what that section is.

Chairman Weisz: It says "the court must make the judicial determination of whether the placement is in the best interest of the child".

Senator Lee: That means that they cannot require them to be found unruly or deprived - so that is what that says.

Senator Polovitz: Suppose both parents say "we want the child to go" and the department says "no" - what happens then? Does than then go into court?

Chairman Weisz: If they don't qualify, I assume the parents can appeal. There is an appeal process. This is a service we provide, so they have to qualify to apply.

Senator Lee: If I wanted to place a parent in a long term care facility, and he or she didn't qualify, we could put him in a private pay facility but we wouldn't be able to get government assistance to put him in that facility if he didn't meet the criteria. It would be the same kind of thing here because there is some state money involved here. A parent can't say "I can't handle it, I'm going to send the kid off" - they would have to pay for it.

Chairman Weisz: When the sole reason for the placement is the need to obtain services for the child's emotional, behavioral problems..... When it is agreed to by both parents involved or guardian. We could just have it written up to say something like when agreed to by both parents, or whatever.

Chairman Kilzer: Could we ask our intern to review it with Greg Wallace?

Chairman Weisz: That would be fine. We will run it through Legislative Council and have them look at it.

Senator Lee: I move that the House Accede to the Senate Amendments and Further Amend to add clarification about the permission being granted by both parents in the event the child's parents are divorced.

Chairman Kilzer: Second.

Chairman Weisz: Is there any further discussion?

Senator Polovitz: You have both parents, but they could be divorced. Why do you have to have divorced in there.

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House Human Services Committee
Bill/Resolution Number HB 1385
Hearing Date April 2, 2001

Senator Lee: Both parents have to agree regardless.

Senator Kilzer: They are going to have to use the terms custodial and non-custodial, because they probably were never married.

Chairman Weisz: The key is to have the language that says "anybody who has a legal responsibility to that child" has to agree. We had a motion and a second so let's call the roll.

HOUSE ACCEDES TO SENATE AMENDMENTS AND ADOPTS FURTHER

AMENDMENTS

MOTIONED BY SENATOR LEE

SECOND BY SENATOR KILZER

6 YES 0 NO

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1385 CC (b)

House Human Services Committee

Conference Committee

Hearing Date April 11, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		0 to 2360
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

Chairman Weisz, Rep. Galvin, Rep. Sandvig, Chairman Kilzer, Senator Lee, Senator Polovitz

Chairman Weisz: We will call the conference committee to order for HB 1385. Rep. Price asked me if there was a situation where the parents didn't agree, would we lose the ability to have a voluntary placement? I called Greg Wallace and he said that is a possibility that by having a disagreement between the parents, it would then throw us back to the old way which negates what we were after to start with. The language you have in front of you has been drawn up by Greg and Jim - it makes it clear that the only thing the court is going to decide, if the parent can put the child in a voluntary placement. That is why we killed the report on our side and brought it back.

Senator Polovitz: Basically what this says then, is that the juvenile court will have the right to make the decision if there is a disagreement.

Chairman Weisz: If there is a disagreement, the court will make a decision if the parent that's requesting the voluntary placement, you might say, can do that. This isn't making the decision on the placement itself. They are not getting in the middle of the whole process, they are just kidding into the decision of which parent is right on whether this kid should be placed.

Senator Lee: So they wouldn't be going through giving up custody.

Chairman Weisz: Right. I was real comfortable. That took care of the House concerns that we did with having both parents involved, and I think it still meets the intent of the bill that we want to be able to put them in voluntary placement. They shouldn't have to lose custody. Those are the amendments.

Senator Lee: I move that the House accede to the Senate amendments and further amend.

Senator Polovitz: Second.

Chairman Weisz: Any further discussion on the amendments?

Senator Kilzer: Does this take care of the concern of Greg Wallace's letter dated February 27?

Chairman Weisz: This amendment came from him. It was written by him and he was very comfortable.

Senator Kilzer: But he makes a statement here. He says in lines 8 to 12 of the bill "if the parents do not consent to the placement, the department may ask the court for a judicial determination that a proposed placement is in the best interest of the child." This appears to be a much lower standard than current law.

Chairman Weisz: Where the House put the language in on lines 8 to 12 - that was ahead of the voluntary placement language, and so that was why his concern then would be involuntary placement. That language is gone now because you guys took it out. He has added this language to the bottom which is now specifically only talking about the voluntary placement. That is why

it is added at the bottom, because it talks about the department may not require the parents to transfer legal custody - it is in with that.

Rep. Sandvig: I talked to Carlotta, and she thought it sounded okay as long as they weren't going to have to go to court to give up the child.

Rep. Weisz: Right. Any other discussion?

Chairman Kilzer: We've gone full circle on this. We started out with no mention at all of involuntary and disagreement and all of that in the bill. The original bill we saw was just when there is an agreement, then they don't need to go to court. The House brought in all of this amendment which appears on line 10. That is what is causing all of the trouble now.

Rep. Weisz: But the House had real concerns and the House won't agree with legislation as is if we aren't protecting the rights of all of the parents.

Senator Lee: I think this is a demonstration of why we have two Houses, and the fact that when one House reads it and you see it one way, it makes perfect sense to us and we move it across the hall and somebody sees something new and we say well we need to think about this part. Our goal is to make sure that there is a clear understanding about the fact that families do not have to go through this difficult process of giving up custody of their children in order to have placement in the event that they both agree that that is the case and in this case they still don't have to as long as there is judicial ruling if there is a disagreement.

Chairman Weisz: I will definitely concur.

Senator Kilzer: The idea of parents giving up custody was never an issue, because it is in existing law and that part was not changed at all. The only thing of issue is about when the Human Services Department defines there is need for treatment of serious emotional disorders,

and then you are either dealing with voluntary or involuntary parental involvement. In my mind, that is the only issue here.

Senator Lee: Senator Kilzer, do you have an objection to the amendments?

Chairman Kilzer: No, I don't have an objection to the amendments but I still have that concern that Greg Wallace stated about lowering the level from deprived to judicial determination. That still haunts me a little bit.

Senator Lee: I don't see these amendments as setting up another category. There are two categories, voluntary and involuntary. Involuntary now has to have a judicial determination. Voluntary does not except if there is disagreement between the parents - then the court could be asked to decide whether or not it can be considered voluntary. That is different than the court deciding it is going to be involuntary.

Rep. Weisz: The House in no way ever intended to lower standards for involuntary placement. I realize this is in existing law but, again, the only reason this came before us was because it is still an issue of having to give up legal custody.

Senator Lee: I think we should focus on what the amendment is and whether or not - I don't think it is in conflict with the rest of the bill. I think that we're just continuing an assurance to parents that there is not going to be a requirement to go through the court proceeding of having to relinquish custody.

Rep. Sandvig: When I carried by bill, I went through all of the testimony. It is not the fact their going to have to relinquish custody, it is the fact that they would have to go to court. So the relinquishing of custody is already covered in current law.

Senator Lee: **I move that the House Accede to the Senate Amendments and Further Amend as follows on 02-03.**

Page 5
House Human Services Committee
Bill/Resolution Number HB 1385
Hearing Date April 11, 2001

Senator Polovitz: Second.

Chairman Welsz: All those in favor say Aye.

6 YES, 0 NO, 0 ABSENT

VK
4/2/01

HOUSE AMENDMENTS TO ENGROSSED HB 1385 HOUSE HS 4-3-01

That the Senate recede from its amendments as printed on page 1099 of the House Journal and pages 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1385 be amended as follows:

Page 1, line 8, overstrike "If" and remove "the"

Page 1, line 9, remove "department proposes to place", overstrike "a child", and overstrike "in an out-of-home treatment program"

Page 1, line 10, overstrike "established under this section.", remove "without the consent of the child's parent or legal guardian", and overstrike "the"

Page 1, line 11, overstrike "juvenile court must make a judicial determination as to whether the", remove "proposed", and overstrike "placement is in"

Page 1, line 12, overstrike "the best interests of the child. The" and insert immediately thereafter "If both parents or the legal guardian agrees to the voluntary placement, the"

Renumber accordingly

Date: 4-2-01
Roll Call Vote # 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1385

House _____ Committee _____

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken House Accede to Senate Amendments & Adopt Further Amendments

Motion Made By Senator Lee Seconded By Senator Kelzner

Representatives	Yes	No	SENATORS	Yes	No
<u>Chairman Weis</u>	<u>✓</u>		<u>Chairman Kelzner</u>	<u>✓</u>	
<u>Rep. Galvin</u>	<u>✓</u>		<u>Senator Lee</u>	<u>✓</u>	
<u>Rep. Sandvig</u>	<u>✓</u>		<u>Senator Polovitz</u>	<u>✓</u>	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

REPORT OF CONFERENCE COMMITTEE

HB 1385, as engrossed: Your conference committee (Sens. Kilzer, Lee, Polovitz and Reps. Weisz, Galvin, Sandvig) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1099 and place HB 1385 on the Seventh order.

That the Senate recede from its amendments as printed on page 1099 of the House Journal and pages 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1385 be amended as follows:

Page 1, line 8, overstrike "If" and remove "the"

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Page 1, line 12, overstrike "the best interests of the child. The" and insert immediately thereafter "If both parents or the legal guardian agrees to the voluntary placement, the"

Ennumber accordingly

Engrossed HB 1385 was placed on the Seventh order of business on the calendar.

2001 TESTIMONY

HB 1385

TESTIMONY BEFORE THE HOUSE HUMAN SERVICE COMMITTEE
REGARDING HB 1385
JANUARY 31, 2001

Chairwoman Price and members of the Committee,

My name is Carlotta McCleary, I am a regional parent coordinator for the North Dakota Federation Of Families For Children's Mental Health. I am also the parent of a child who has been at risk of out of home placement on several occasions.

I am here to testify in support of House Bill No. 1385. Before I go into the specifics of this bill, I'd like to present a brief historical perspective. Prior to 1995, parents had to relinquish custody of their children with a serious mental disorder in order to access out of home treatment services. In 1995, a law was passed that enabled parents to access out of home treatment without relinquishing custody of their child. Families needed to reside in the three regions of the Partnerships. Those three regions were Region II (Minot), Region V (Fargo) and Region VII (Bismarck). The juvenile court made a judicial determination as to whether the placement was in the best interest of the child. In 1997, the law was broadened to include the entire state. However, a child needed to be medical-eligible. The juvenile courts made a judicial determination as to whether the placement is in the best interest of the child.

Currently, families are requesting non relinquishment of parental custody or voluntary placement when accessing an out of home treatment program for their child with a serious emotional disorder. The department now has a process in place to help determine the appropriateness of the voluntary placement. Children are being placed in the out of home treatment programs prior to the juvenile courts making the judicial determination as to the best interest of the child. In some cases, juvenile courts are making the determination after the child has been in treatment for a few months. It is important to note the department is trying to look after the best interest of the child by getting the child's treatment started. Many of these children and families can not wait for these services to begin. Also, there hasn't been any differences between the department and the courts determination.

Families would like to see juvenile courts out of this process as long as the department and the parents agree to what is in the best interest of the child. Court can be a very stressful experience for children and families. Placing a child in out of home treatment is stressful enough on families without adding more. Families can also experience additional financial burden related to this court process if they choose to have legal representation.

Families would like to have out of home treatment viewed as a medical treatment. How many medical treatments do you have to go into court for to access? Currently, under the insurance mandates families with insurance can access out of home treatment without relinquishing custody. In this case, there is no court

involvement.

Non relinquishment of parental custody is a very important issue for families. One day we hope to have it available to all children and families who are needing to access out of home treatment services to meet their emotional or behavioral needs.

Today we ask you to support House Bill No.1385. It will help ease some of the trauma families go through when accessing services for their children.

Thank you for your time.

Carlotta McCleary
Federation Of Families
PO Box 3061
Bismarck, ND 58502
(701) 222-3310

House Bill 1385
Human Services Committee
Clara Sue Price, Chair

Madam Chair Price, and members of the committee, my name is JoAnne Hoesel and I serve as the administrator for children's mental health programs for the Department of Human Services. I am here to provide testimony in support of House Bill 1385, relating to treatment services for children with serious emotional disturbances. I will speak specifically to the program the Department of Human Services has in place relating to this bill.

The Voluntary Placement program is designed to provide parents an option to seek out of home treatment services for children who have emotional or behavioral issues without relinquishing custody to a custodial agency such as county social services. This program is available when the sole reason for the out of home placement is the need to obtain treatment services. Currently, there is a two-fold approval process where the Division of Mental Health & Substance Abuse screens for appropriateness for the program and if approved, enters into an agreement with the parent or legal custodian. The court then issues a judicial determination on whether it is in the child's best interest to use this option.

The Department supports this bill as it provides an option to access treatment without court involvement. As in situations where a child has Blue Cross/Blue Shield or other 3rd party coverage, the courts are not asked to intervene. Treatment issues do not need to involve the court system. The Department of Human Services has been able to screen for appropriateness within this program and supports the change to a single approval process.

I will be happy to answer any questions you have regarding my testimony.

Mr. Chairman and Members of the Committee.

For the record my name is Mary Ann Kirchmeier, I live in District 30. I am here to support House Bill 1385.

We have a child who has an emotional disorder and speech/language delay. Our child needed to be placed in a out of home treatment facility and that was very difficult for us. We were told we had to relinquish custody because you can not afford the cost for treatment, which was very hard to believe. Then we heard about the Senate Bill 2044 and we would not have to relinquish custody that made out of home care a little easier. But we still had to go to court and that was very emotionally draining on all of us. It was a very hard on my son who was already depressed and scared of having to go and live in a place away from his home not knowing when or if he would ever be able to come home. Then when he found out we had to go to court, his fears became even bigger, he couldn't understand any of it and was sure they where going to take him away from his home forever.

These children are having enough trouble with their behaviors and trying to deal with their anxieties, we don't need to put them through more trauma and their families don't need any more either. It is very hard to make the decision to put your child in a treatment facility and when having to go to court and go through all that it really makes it more difficult. I understand that we have to protect our children and see that they are getting the best care, but I believe through the support systems in the community that can happen and going to court is not necessary.

If there are disagreements along the way and can not be resolved with the help of the support systems, then maybe the courts need to get involved. But until then, let's give the families and our outside support systems a chance to work on the child's needs and their families before we put them through one more system.

I know that in our case, there was no need to go to court. We were already working with the Human Service center and other support systems to get things in place at the treatment center and at home, so our son could come back home soon with help he needed to be in the community and be a productive citizen.

At this time, I can say my son is attending High School and has a part time job. He is doing alright. We still have our good days and bad, but through understanding and support he is dealing with situations better.

By the House Bill 1385, I believe this is another step in making it a little easier to get help for the children and their families, and one less item for the courts to have to deal with.

We have done some really good things to support our children and their families, lets continue to move on and I ask you to please support House Bill 1385.

Thank you, if you have any questions I will try and answer them.

Mary Ann Kirchmeier
2535 Kimberly Ave
Bismarck ND 58501
701-258-1843



KEITHE E. NELSON
STATE COURT ADMINISTRATOR

State of North Dakota
OFFICE OF STATE COURT ADMINISTRATOR

February 27, 2001

SUPREME COURT
Judicial Wing, 1st Floor
600 E Boulevard Ave Dept 180
BISMARCK, ND 58505-0530
(701) 328-4216
(FAX) 701-328-4480

TO: Members of the Senate Human Services Committee

FROM: Greg Wallace

SUBJECT: House Bill 1385

I am Greg Wallace, Assistant State Court Administrator for Trial Courts, with the North Dakota Supreme Court. I carry the juvenile court portfolio for the judicial system.

We are in support of the original intent of House Bill 1385. As introduced, the bill would empower parents to make decisions relating to the treatment services for emotionally disturbed children, without court intervention.

It is important to remember that N.D.C.C. §50-06-06.13 was put in place to allow parents to voluntarily place children in treatment programs without having to have them found "unruly" or "deprived". Under current law, if the department (or other persons) believes that a child is in need of treatment and the parents are unwilling to provide that treatment, the department may file a petition asking the court to find that the child is deprived and in need of treatment. Those findings must be made by clear and convincing evidence. Procedures and caselaw have been established to bring these cases forward.

The amendments to House Bill 1385 made by the House appear to create a new route to bring these cases forward. In lines 8-12 of the bill, if the parents do not consent to the placement, the department may ask the court for judicial determination that a proposed placement is in the best interest of the child. This appears to be a much lower standard than current law. It appears to eliminate the need to make a finding that the child is deprived in order to make placement against the wishes of the parents.

At best, the amendments confuse voluntary placements with involuntary placements. I ask that the Committee adopt the attached amendments to clarify that N.D.C.C. §50-06-06.13 applies only to voluntary placements and that court intervention is not necessary in such cases.

GW/cs
Attachment

Henry Wallace

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1385

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Page 1, line 12, overstrike "the best interests of the child."

Renumber accordingly

Testimony
HB 1385
Senate Human Services Committee
Senator Judy Lee, Chairman
February 28, 2001

Chairman Lee, and members of the committee, my name is Karen Romig Larson and I am Director of the Division of Mental Health and Substance Abuse Services in the Department of Human Services. I am here to provide testimony in support of House Bill 1385, relating to treatment services for children with serious emotional disturbances. I will speak specifically to the program the Department of Human Services has in place relating to this bill.

The Voluntary Placement program is designed to provide parents an option to seek out of home treatment services for children who have emotional or behavioral issues without relinquishing custody to a custodial agency such as county social services. This program is available when the sole reason for the out of home placement is the need to obtain treatment services. Currently, there is a two-fold approval process where the Division of Mental Health & Substance Abuse screens for appropriateness for the program and if approved, enters into an agreement with the parent or legal custodian. The court then issues a judicial determination on whether it is in the child's best interest to use this option.

The Department supports this bill as it provides an option to access treatment without court involvement. As in situations where a child has Blue Cross/Blue Shield or other 3rd party coverage, the courts are not asked to intervene. Treatment issues do not need to involve the court system. The Department of Human Services has been able to screen for appropriateness within this program and supports the change to a single approval process.

Thank you for the opportunity to testify. I will attempt to answer any questions you may have.

Testimony before Senate Human Service Committee
Regarding House Bill 1385
February 28, 2001

Chairwoman Lee and members of the Committee,

My name is Carlotta McCleary, I am a regional parent coordinator for the North Dakota Federation Of Families For Children's Mental Health. I am also the parent of a child who has been at risk of out of home placement on several occasions.

I am here to testify in support of House Bill No. 1385. Before I go into the specifics of this bill, I'd like to present a brief historical perspective. Prior to 1995, parents had to relinquish custody of their children with a serious mental disorder in order to access out of home treatment services. In 1995, a law was passed that enabled parents to access out of home treatment without relinquishing custody of their child. Families needed to reside in the three regions of the Partnerships. Those three regions were Region II (Minot), Region V (Fargo) and Region VII (Bismarck). The juvenile court made a judicial determination as to whether the placement was in the best interest of the child. In 1997, the law was broadened to include the entire state. However, a child needed to be Medicaid-eligible. The juvenile courts made a judicial determination as to whether the placement is in the best interest of the child.

Currently, families are requesting non-relinquishment of parental custody or voluntary placement when accessing an out of home treatment program for their child with a serious emotional disorder. The department now has a process in place to help determine the appropriateness of the voluntary placement. Children are being placed in the out of home treatment programs prior to the juvenile courts making the judicial determination as to the best interest of the child. In some cases, juvenile courts are making the determination after the child has been in treatment for a few months. It is important to note the department is trying to look after the best interest of the child by getting the child's treatment started. Many of these children and families can not wait for these services to begin. Also, there haven't been any differences between the department and the courts determination.

Families would like to see juvenile courts out of this process as long as the department and the parents agree to what is in the best interest of the child. Court can be a very stressful experience for children and families. Placing a child in out of home treatment is stressful enough on families without adding more. Families can also experience additional financial burden related to this court process if they choose to have legal representation.

Families would like to have out of home treatment viewed as a medical treatment. How many medical treatments do you have to go into court for to access? Currently, under the insurance mandates families with insurance can access out of home treatment without relinquishing custody. In this case, there is no court involvement.

Non-relinquishment of parental custody is a very important issue for families. One day we hope to have it available to all children and families who are needing to access out of home treatment services to meet their emotional or behavioral needs.

Today we ask you to support House Bill No. 1385. It will ease some of the trauma families go through when accessing services for their children.

Thank you for your time.

Carlotta McCleary
Federation of Families
PO Box 3061
Bismarck, ND 58502
(701) 222-3310

**Interim Report of Cost and Service Use Study of Severely Emotionally
Disturbed Children in North Dakota: Parents Cost Study**

By Larry Burd, Ph.D., 701-780-2477; e-mail: laburd@medicine.nodak.edu

These costs are excess costs in terms of time and money for this group of children. These costs are in excess of the time and money parents spend on other children. Thus these costs are due to efforts to treat the child with emotional and behavior problems. All costs (time and money) are unreimbursed from any source and represent the parental (family) contribution to the effort to treat these problems.

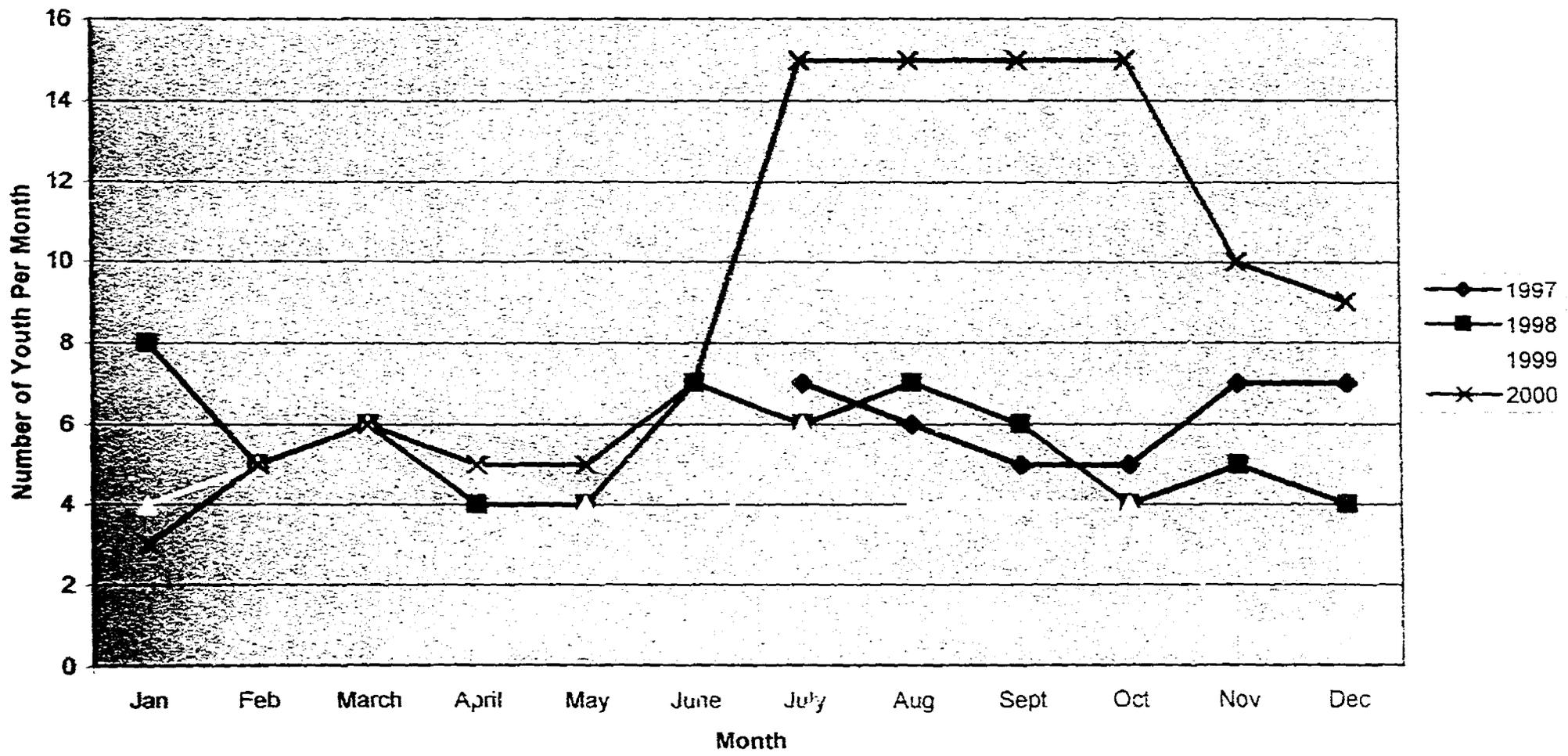
<u>Impact on Parental Employment</u>		
% now work only part time	20%	
% had to quit work	22%	
% with different job	16%	
	<u>Per Day</u>	<u>Per Year</u>
Loss of income	\$14.67	\$5,354.55
Vacation time cost	\$1.50	\$547.50
Sick leave cost	\$1.00	\$365.00
Missed work cost	\$1.65	\$602.25
Gain of income (one parent)	\$.86	\$313.90

<u>Time Spent</u>	<u>Per Day</u>	<u>Per Year</u>
Travel	40 minutes	243 hours
Meetings	40 minutes	243 hours
Loss of sleep	50 minutes	304 hours
	Total lost time	<u>790 hours</u>

<u>Unreimbursed Costs to Family</u>		
	<u>Per Day</u>	<u>Per Year</u>
Miles traveled	16.7 miles	6,905.5
Travel cost (parents cost estimate)	\$2.80	\$1,022.00
Other transportation cost	0	0
Purchases	\$8.78	\$3,204.70
Co-pay or other medical costs	\$3.72	\$1,357.80
Repairs	\$8.42	\$3,073.30
Extra help	\$3.60	\$1,314.00
Other costs	\$2.53	\$923.45
Extra telephone costs	\$.60	\$219.00

Total annual cost per child \$17,983.55

North Dakota Department of Human Services
House Bill 1385
2001-2003 BIENNIUM
Voluntary Placement Utilization History
July 1997 - December 2000



2/28/01

Good Morning Madam Chair Lee and members of the committee. My name is Carol Dipple and I am from District 44 in Fargo. I am here in support of the amendment and re-enactment of HB 1385.

I have a son, Christopher, who is 13 years old. He was diagnosed at the age of seven with Tourette's Syndrome, cyclothymia, and OCD. With the help of medication, support services, and some tough love, Christopher remained at home and in his home school. And despite the fact that many social service agencies, when petitioned for help, suggested that we institutionalize him or relinquish custody so the state would pay for his care - my husband and I stood firm that the best place for our seven year old son was at home.

As difficult as it was to maintain Christopher and his two younger brothers, who eventually developed the same disorders, at home, we finally reached a point of relative calm and stability. We exited the Partnerships Project and no longer had need of case aids in the home.

But then a year ago my mother developed cancer. Christopher was devastated. His OCD, which had been pretty much in the background for the past two years, became a devastating focal point of our family's life. Christopher had rituals for everything - tapping and counting, not stepping on lines, "evening up", and standing on one foot to talk and the other to listen. At school, he couldn't touch papers to write, if he saw a picture and the number of people or objects weren't "even" he became distraught. The block tiles in the school hallway took so much time and effort to step in between the lines that he was continually late for class. He couldn't sit in a desk because there was a bar on one side and not on the other. If Christopher was touched, he would have to "even up" by touching the opposite side in the same place with the same amount of pressure. If any of these things were interrupted or he was unable to achieve a balance he would rage.

We finally had to hospitalize Christopher last January due to the severity of these symptoms, to adjust his medications and to initiate an OCP (obsessive compulsive program). After two weeks in the hospital, Christopher's symptoms were less pervasive and he was discharged home.

The OCP needed to continue at home and school under the guidance of Christopher's regular psychologist. But try as we might his symptoms slowly came back. In June, we as a team felt that Christopher needed residential treatment - to keep my other children and the community safe from his rages and to have Christopher in a highly structured environment to better implement the OCP.

Now I want you to try and imagine being this thirteen year old boy. Crying and begging your parents to take you home. Because here, at this strange place, far away from home and family, surrounded by strangers, tormented by other troubled youth, you are forced to stop all the things that give you relief from this terrible high anxiety you feel every waking moment. Not knowing if you will ever go home again. Not knowing if you will live through another day. Not knowing if you want to live through another minute.

Now imagine you are the parents of this young boy. Remember praying to God to give you this child. Remember all the struggles and the joys of this child that have brought you both to this point. And listen to him crying and begging to come home. Listen to his fears. Listen to the torments he endures. Then tell him you love him. Tell him he must stay. Then walk away. Go to your car as he screams for you to take him with you. And as you sit in the car unable to drive because your body is being racked with sobs, think- is this not a little piece of hell on Earth?

Next you must force yourself to petition the court in order to receive voluntary placement funding so you won't go even deeper into that never ending pit of debt. When, several weeks later, quite unexpectedly, a police officer arrives at your door and serves you with a court summons stating that you and your son must appear in court in three days. The summons reads your name verses your sons name and some unknown person listed as a guardian ad litem. When you appear in court, you sit at one table and your son sits at the other table with his guardian ad litem. An adversarial tension fills the air as you are alienated from your child. All this so that a judge can review in a few minutes what you as parents and several of your child's physicians have, over several months, already determined is in the best interest of your child.

Please support the amendments proposed to HB 1385. Do not have other parents and their children go through this needless and emotionally devastating experience that I just walked you through.

Thank you for your time, if you have any questions for me I would be happy to address them.

Carol Dipple
2705 Elm St N
Fargo, ND 58102
701-234-0977
dipplej@wwdb.org



NORTH DAKOTA HOUSE OF REPRESENTATIVES



Representative Jeff Delzer
District 8
2919 Fifth Street NW
Underwood, ND 58576-9603

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

COMMITTEES:
Appropriations

Madame Chairman and members of the committee, for the record my name is Jeff Delzer, state Representative from district 8, which is parts of Mclean and Burleigh counties. Hb1385 is a bill to address the situation of when the department and a parent agree on out of home treatment for a child with serious emotional disorder. As far as I know, currently when the department and the parents agree on the treatment and proceed, then within 180 days they must appear before a juvenile court for a determination. The information that I have received is that this has basically becomes a rubber stamp situation which adds detrimental emotional stress to the child and family, as well as adding time to the department and the court system.

I have visited with some parents, and the department and I believe they will both testify and should have more detailed information to share. Committee members I believe this is a good piece of legislation and ask your favorable consideration.



NORTH DAKOTA HOUSE OF REPRESENTATIVES



Representative Jeff Delzer
District 8
2919 Fifth Street NW
Underwood, ND 58576-9603

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360

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I have visited with some parents, and the department and I believe they will both testify and should have more detailed information to share.

There is also a set of possible amendments for your consideration. The amendments would make it so the department could not place a child without consent unless there is a court hearing first. It may well be that that is not necessary, but it is here for your consideration.

Committee members I believe this is a good piece of legislation and ask your favorable consideration.