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ROLL NUMBER

DESCRIPTION

40008

2007 SENATE HUMAN SERVICES

SCR 4008

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4008

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-21-07

Recorder Job Number: 3578, 3580

Committee Clerk Signature *Mary K Monson*

Minutes:

Chairman Senator J. Lee opened the hearing on SCR 4008 directing the Legislative Council to study issues affecting the delivery of child welfare services in the state.

Vice Chair Senator Erbele recognized Senator J. Lee.

Senator J. Lee (District #13) introduced SCR 4008. She served on the Children's Justice Initiative Task Force during the interim.

Chief Justice Gerald VandeWalle reported that the task force was formed after a summit on children's justice issues in Minneapolis in the fall of 2005. He wasn't convinced that it was needed until after seeing some of the materials that were out and thinking about some things.

The task force was formed with the help of Tara Muhlhauser and Paul Ronningen from the Dept. of Human Services and Louie Hentzen, assistant state court administrator. It was a learning experience and his first eye opener was when he read about a case, he thought in Florida, where they lost a child in foster care. No one had seen the child for two years. When he read that story he called the ND state court administrator and asked if they knew where all of our foster kids were. They were all accounted for.

He referred to the Report of the ND Chief Justice's Children's Justice Initiative Task Force (Attachment #1) and pointed out there is an executive summary on page 2 and a summary of

the recommendations on page 13 and implementation on 16. He said this is not something that can be handled solely between the Dept. of Human Services and the court system. It needs the involvement of the legislature.

Paul Ronningen (Director, Children and Family Services, Dept. of Human Services) He provided testimony in favor of SCR 4008. (Attachment #2)

Senator Dever asked how many children are generally in foster at any time.

Mr. Ronningen said that at any one time there are about 1100 foster kids in care.

Senator Dever said he was reading a booklet with excerpts from child abuse neglect cases in the month of January 2006. There were 368. He asked if that is how big the problem is.

Mr. Ronningen said the number of child abuse neglect reports they have per year is about 4,000 with about 875 services required – cases which would represent maybe a few more kids than that. Those trends have been pretty constant over the last five years.

Senator Warner asked if it was correct that, of the 1100 in care, about 100 or so are Carole's kids, the ones where parental rights have been terminated.

Mr. Ronningen said that right now there are about 121 that are in care where there has been a termination of parental rights.

Senator Warner asked how long they are in that limbo status before they are in permanent placement.

Mr. Ronningen said the federal government requires them to get approximately 32-33% of those children with a TPR to some permanency within 24 months. He said they are right at the national standards. The average would be well over two years.

Senator Warner asked what percentage age out of the system before they are placed.

Mr. Ronningen wasn't sure of the percentage. He thought about 25-26.

(Meter 12:45) Tara Muhlhauser, DHS, offered information that that number sounded close.

They have found that the majority of those kids are in Cass County that are aging out. Most are either placed with foster parents or they are in residential care. They are being cared for in the system but they don't have the formal parental legal ties.

Mr. Ronningen said that approximately 50% of the children in that status are in Cass County.

Senator Warner asked if that is because of unique circumstances to Cass County or just that more services are provided there.

Mr. Ronningen thought it was multiple things that come into play. They have a very experienced legal staff in Cass County. They are the largest county in the state and do get a lot of families migrating to Cass especially for additional services.

Senator Heckaman asked if this includes any statistics from tribal entities.

Mr. Ronningen said they could provide the information of the kids they pay for which include tribal children who are fully eligible.

Senator J. Lee asked him to give a definition of 4E.

Mr. Ronningen said federal 4E is a funding stream from the federal government that can be used to pay for foster care services and administrative and training services in ND. In order to pay for foster care services the child needs to be 4E eligible. (Meter 15:10)

Senator Warner asked for comments on the parameters used in the federal child and family services review.

Mr. Ronningen answered that the national study which is 23 items plus the state data is part of the federal review really focuses in on safety, permanency, and well being. That tool has been refined and there will be more expectations of the system to be documenting. Plus the

standard will be raised from 90% compliance to 95% compliance. Nationally it has done some good things. In the state it has exposed some vulnerability. There are social workers in the

state without supervisors. There are social workers in the state with supervisors who don't have child welfare backgrounds. Resources are lacking in particular areas regarding staffing up to a level to do the documentation required by the federal government.

Tara Muhlhauser (Deputy Director, Children and Family Services Division, DHS) provided information to the committee. (Attachment #3)

Senator Dever addressed domestic violence and wondered if child abuse and neglect is similar between two parent families and single parent families.

Ms. Muhlhauser said it is. They find the greatest risk factors for child abuse and neglect are drug and alcohol use and domestic violence.

Senator J. Lee asked if she would talk a little about those involved in the task force and what the conversations were.

Ms. Muhlhauser said they focused on the challenge on how to get children or adolescents to permanency in a timely way. They looked at a number of multiple systems, the court system, the judicial process, human services. They looked at the services provided for children when they are in foster care and the services they need to provide to children as they age out of foster care. They looked at the services available for families; to both preserve them before they have to remove the child or the services they would have on the other side which is to reunify the children in the family. What does that service array look like in both urban and rural areas? What kinds of resources are needed or is there access to resources in all of those systems to make permanency happen for kids. One of the issues talked about a great deal was, is there adequate legal representation for children when they are in foster care.

They talked about things that hold them back from getting timely permanency for children and what those challenges and hurdles would be. It was a matter of looking at funding, systems, how they work together.

The question the group struggled with is, "How do we work together with systems to get an identified child to a permanent place?"

Senator J. Lee thought it was interesting that there were foster parents who were involved with this group as well. They talked, not only about the challenges they have as foster parents, but in just making sure they are thinking about the best interest of that child.

Ms. Muhlhauser said that foster parents say the same thing to them, "Get the kids to a permanent place." Some have attachments to the kids and would like to be the permanent place but that doesn't always happen.

Senator J. Lee said a fair number of these kids are adopted by their foster parents.

Ms. Muhlhauser said about 90% of their adoptions are foster parent adoptions.

Senator Heckaman asked who initiates the reunification plan.

Ms. Muhlhauser said that generally what happens is that the parents are working with the social worker, therapists, and variety of people with different systems to facilitate the reunification. They work together as a team.

Senator Heckaman stressed that as an educator she sees a problem with transition and thinks the transition process should be addressed in the study.

Ms. Muhlhauser said they hear that a lot.

There was some discussion on the need for resources for specialized legal services for kids.

There was no opposing or neutral testimony

The hearing on SCR 4008 was closed.

JOB #3580

Senator J. Lee reopened the hearing on SCR 4008 for additional information.

Dan Ulmer (Board Member for the Village Family Services, Fargo) said they do a lot of in home type of care that dovetails into foster care etc. They have a Bush Grant over the next

three years to work with in home keeping extended families together. There is a truancy program where they try to reinforce the child system within their own family system. They have been trying to find a vehicle for the interim to study and roll this into, what's going on in foster care, in home care, etc.

Senator J. Lee closed the hearing.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4008

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-26-07

Recorder Job Number: 3888

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Senator J. Lee reopened the hearing on SCR 4008 for additional testimony.

Mr. Wolsky (Village Family Service Center) told a little about the history of the Village. It is in its 116th year and began as an orphanage (meter 00:40). Throughout all the 116 years, their focus has been on kids and families. They are known as a counseling organization.

He told a story that happened about 1986-87 in Fargo. There was an organization out of Texas that wanted to create a 50 bed psychiatric hospital for children and adolescents. There were some in the state who lobbied aggressively against that. The problem they had was the notion that "if you build it, they will come." They were concerned that if it was built within a very short time there would be hundreds of kids with psychiatric diagnosis and they would have that diagnosis for the rest of their lives. That has a lot to do with what he would like to see included in the study. The Village has a 20 year history in ND working with the DHS around high risk kids. They believe if you treat that child in the context of that child's family you can prevent a placement (meter 4:00). They have been about 80-85% successful over 20 years in that if you deal with the entire family, you can keep those kids home. If you can keep them home, it is good for the kids, the family, and for the taxpayer. Out of home placements are expensive. If you deal with these kids up front, strengthen the family and provide some support services to

the family and help them develop some tools to deal with these situations, the likelihood of success is very high.

They have been awarded a \$1.1 million grant through the Bush Foundation. (Meter 6:00) He went on to talk about family group decision making.

He said there will always be a need for foster care and out of home placements. But he felt we can be a little more discriminatory about filtering out those families that can deal with their issues and keep those kids at home and only send those kids to out of home placement where it is absolutely necessary and only when it is the last possible step.

He suggested including this notion about how we are dealing with out of home placements and take a look at the notion of a new philosophy in 4008.

He said we should be spending as much money on the prevention side as we are on the placement side.

Senator J. Lee asked how the kids get referred to them.

Mr. Wolsky said almost all the kids are involved in the courts and have the county involvement as well. The call to them typically comes from the county.

Senator J. Lee asked if the county social services people are represented in the meeting they are having with the people involved with the Bush Foundation.

Mr. Wolsky said yes.

Senator J. Lee asked if they had any recommendations to amend this resolution.

Richard Brown (Chairman of the Board of the Village Foundation) spoke in favor of SCR 4008.

He thinks it is time to follow through on this study and to see what can be done with the family counseling and family instead of putting a child into foster care.

(Meter 15:05) He talked about possible amendments. On page 2, line 3-4 it doesn't say anything about the private sector. If they would include the private sector, it would allow the Village to sit at the table with the governmental agencies.

Senator J. Lee asked if they should also look at including private in line 3.

Mr. Brown said that would be a good idea.

Dan Ulmer (Board member of the Village Foundation) said what they are trying to do is when the study moves forward they can be invited in to talk to the interim members about it to figure out how they can fit what they are doing better into the system as a whole.

Senator J. Lee said what they would want to include would be some note about studying the process of out of home placement and emphasizing family counseling. Is there anything else they think should be included in the verbiage?

Mr. Wolsky said some reference to the fact that the DHS and the Village has some history with this that could be studied and expanded upon might be a way to tie this all together.

Senator Pomeroy asked what the length of time is working with particular families.

Mr. Wolsky said when they started the family therapy program it was six months. Then they started to condense that and now they are in and out, in some instances, in 30 days and, in no cases, over a year.

Senator Pomeroy asked about the schedule – weekly, daily?

Mr. Wolsky said some of the therapists have case loads as small as three (meter 20:00).

They are in the home maybe 2-3 times a week for a typical case.

Senator Warner asked what cities they provide services in.

Mr. Wolsky said they have staff scattered all over ND and provide services in all 53 counties.

Senator Warner asked where the offices were.

Mr. Wolsky said the offices are in Fargo, Jamestown, Bismarck, Williston, Minot, Devils Lake, Rolla, Grand Forks, and there are some people scattered in between. Their commitment is to rural areas.

Senator J. Lee asked about the ages of the majority of the kids.

Mr. Wolsky said it was designed for teenagers, but they have found that a lot of the teenagers have younger siblings. If that family can be helped to deal with their dynamics and get healthier in how they are raising their kids, those younger siblings will also benefit.

(Meter 24:25) There was some discussion on the Manchester House in Bismarck and the desire of kids to stay in the home.

Mr. Brown suggested that if, over time, they can build up working in problem or dysfunctional homes maybe they can get at not only the teenager but maybe they can even get at some of the abusive issues that are a serious problem in our society.

(Meter 33:50) The committee continued with discussion about amendments and the language they wanted. They addressed the issue of funding from private, state, and federal sources.

They talked about joint powers agreements and, also, about including language that joint efforts between the DHS and Village Services demonstrates the contributions made by private/public partnerships in support of the family.

Senator J. Lee requested that a draft of the amendments be drawn up for the committee to review before taking action on it. She then closed discussion on SCR 4008.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4008

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-27-07

Recorder Job Number: 4022

Committee Clerk Signature

Mary K. Monson

Minutes:

Chairman Senator J. Lee opened SCR 4008 for consideration of the amendment including the nature of private/public partnerships. (Attachment #4)

There was a short discussion on putting public before private, adding "the" before Department of Human Services, and changing demonstrates to demonstrate.

Senator Erbele moved to accept the amendment.

The motion was seconded by Senator Heckaman.

Roll call vote 6-0-0. Amendment accepted.

Senator Warner moved a Do Pass on SCR 4008 as amended.

The motion was seconded by Senator Heckaman.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Pomeroy.

Date: 2-27-07

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SCR 4008

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number 78260.0101 Title .0200

Action Taken DP/amended

Motion Made By Sen. Warner Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Pomeroy

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

REPORT OF STANDING COMMITTEE

SCR 4008: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4008 was placed on the Sixth order on the calendar.

Page 1, line 2, after "including" insert "out-of-home placement determinations; emphasis on family counseling, including in-home counseling;" and replace the second comma with a semicolon

Page 1, line 3, replace the first comma with a semicolon, after "from" insert "private," after "state" insert a comma, and replace the second comma with a semicolon

Page 1, line 4, after "counties" insert "and the nature of public and private partnerships"

Page 1, after line 12, insert:

"WHEREAS, joint efforts between the Department of Human Services and Village Family Services demonstrate contributions made by public and private partnerships in support of families; and"

Page 1, line 20, after "of" insert "private," and after "state" insert a comma

Page 1, line 22, after "counties" insert "and the nature of public and private relationships"

Page 2, line 2, after "including" insert "out-of-home placement determinations; emphasis on family counseling, including in-home counseling;" and replace the second comma with a semicolon

Page 2, line 3, replace the first comma with a semicolon, after "from" insert "private,", after "state" insert a comma, and replace the second comma with a semicolon

Page 2, line 4, after "counties" insert "and the nature of public and private partnerships"

Renumber accordingly

2007 HOUSE HUMAN SERVICES

SCR 4008

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4008

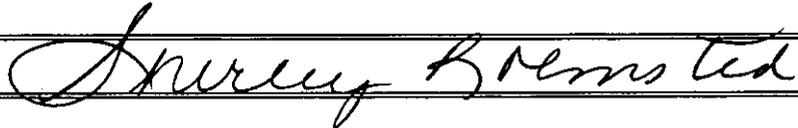
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 20, 2007

Recorder Job Number: 5327

Committee Clerk Signature



Minutes:

Chairman Price opened the hearing on SCR 4008 and asked the clerk to read the title.

Chief Justice Jerry VanderWalle came forward on SCR 4008. He is the chief justice of the ND Supreme Court. This resolution came out of a task force that was formed. The Children's Justice Initiative Task Force has partnered with the Department of Human Services in this study. It arose out of a national conference held a year ago last fall in Minneapolis to look at what was happening with children in the child welfare system. I will tell you that I thought ND was doing pretty good in this area and I was not overly concerned with it. I still think we do a good job but I am not confident that there are not some improvements that need to be made in our system. We formed the task force and went over some of the issues over a period of several meetings. We came up with a report. I have given the clerk the Executive Summary and there is a full report that you may have if you want. See attached Executive Summary marked as Item #1. Our recommendations were to support meaningful, ongoing collaboration, to facilitate access to justice, measure court performance, ensure effective representation for all parties, utilize legal guardianships as a permanency option, comply with ICWA (Indian Child Welfare Act) requirements, and explore alternatives to an adversarial process as well as to provide resources to support a seamless system of service. Since the report has been issued,

there was another conference two weeks ago in New York where we gathered to measure what we had done. Some of the states are ahead of us and some are behind us. Since the report has been issued one of the criticisms made was that we did not include in our task force family members whose children have been removed from them. The foster parents were represented but the other parents were not represented. The resolution is about the study that we are urging you to do and this is really a method of doing a more global review of what we attempted to do in the task force. We need to hear from some of these people that were not included and hopefully make some recommendations to the courts for the child welfare system and the legislature for an improvement of our system. I would be happy to answer any questions.

Mr. Paul Ronningen, Director of the Children and Family Services, of the ND Department of Human Services came forward in support of SCR 4008. See written testimony marked as Item #2.

Senator Judy Lee of District #13 came forward in support of SCR 4008. She was also a part of the Children's Justice Initiative Task Force at the invitation of the Chief Justice and was very pleased to participate in those discussions. I think it is important for us to move forward with the resolution to provide some accountability throughout the system as to how we are managing child welfare. The reason for the amendment to the senate was because they had a very persuasive person testifying about private counseling being done in home and I hope you have the benefit of that information as well. As a result of that, and without objection from any of the other parties involved, we did include out of home placements, interpretations and private and public partnerships and some of those kinds of comments throughout and that is really what our amendment was. This would allow us to not only include the government entities, but private participants in this process. The examples that were brought to our

attention have really been quite successful. I hope that you will have a chance to hear a bit more about those details. She urged the passage of this resolution.

Chairman Price asked for any further testimony in support of SCR 4008. Hearing none, she asked for opposition. Hearing none, the hearing was closed on SCR 4008.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4008

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 20, 2007

Recorder Job Number: 5333 (beginning at 35:11 on the tape)

Committee Clerk Signature

Murray B. Almsted

Minutes:

Chairman Price asked the committee to consider SCR 4008.

Representative Kaldor made a motion for a **do pass and this to be placed on the consent calendar.**

Representative Potter seconded the motion.

Chairman Price called for a voice vote. The motion carried.

Representative Kaldor will carry the bill to the floor.

Date: 3/20
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House HUMAN SERVICES SCR 4008 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken move to Pass Consent Calendar

Motion Made By Rep. Kaldor Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman			Kari L Conrad		
Vonnie Pietsch – Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglem					
Robin Weisz					

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 0

Floor Assignment Rep. Kaldor

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

REPORT OF STANDING COMMITTEE

SCR 4008, as engrossed: Human Services Committee (Rep. Price, Chairman)
recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS,
0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4008 was placed on the
Tenth order on the calendar.

2007 TESTIMONY

SCR 4008

**Report of the North Dakota
Chief Justice's Children's Justice
Initiative Task Force**

November, 2006

**Report of the North Dakota Chief Justice's
Children's Justice Initiative Task Force
November 2006**

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Appendices

- A. Children's Justice Initiative Task Force Membership
- B. Glossary of Dependency Terms
- C. A Child's Journey through the Child Welfare System – North Dakota
- D. Child Welfare and the Courts
- E. White Paper: Subsidized Guardianship
- F. Vision for Regional Parent Resource Centers

Executive Summary

This page is also Item 1 for House testimony

The Children's Justice Initiative Task Force convened on Jan. 27, 2006 as a follow-up to the Pew Commission on Children in Foster Care report and *Justice for Children: Changing Lives by Changing Systems—The National Judicial Leadership Summit on the Protection of Children* held in September 2005. In accepting their appointment by Chief Justice VandeWalle, task force members were asked to look at issues regarding children in the child welfare system in North Dakota, make recommendations, and submit a report that addresses improvements in the juvenile court system responses to deprivation cases and methods for better collaboration among the various entities associated with child welfare.

Over the course of several months, the Task Force explored a child's journey through the child welfare system, identifying and prioritizing needs and concerns. While some of the issues brought forward are already being addressed by existing court or agency committees, other issues need the full consideration of the courts, the Department of Human Services, and other stakeholders involved in child welfare in North Dakota.

The identified issues were categorized under the headings of court processes, representation, ICWA compliance, social services, case preparation, and systems issues for purposes of discussion. Proposed solutions, responsibility, timeframes, and resources/action needed were assigned to each issue. Task force members were asked to prioritize the issues and adopted the following recommendations and action steps:

Recommendations

1. Support Meaningful, Ongoing Collaboration
2. Facilitate Access to Justice.
3. Measure Court Performance
4. Ensure Effective Representation for All Parties
5. Utilize Legal Guardianships as a Permanency Option
6. Comply with ICWA Requirements
7. Explore Alternatives to an Adversarial Process
8. Provide Resources to Support a Seamless System of Service

The full task force report includes a summary of the Pew Commission Report and federal response, a summary of the September 2005 National Summit and North Dakota's action plan for addressing child welfare issues, a snapshot of child welfare in North Dakota, and action steps for implementation of the recommendations.

Pew Commission Report

In May 2004, the Pew Commission on Children in Foster Care released its report which identified two significant factors that contribute to prolonged stays in foster care:

- **Courts that lack the tools, information, and accountability to ensure that children are moving expeditiously from foster care to safe, permanent homes; and**
- **The structure of federal child welfare financing, which limits public officials' ability to tailor appropriate responses to families in crisis.**

The Pew Commission's recommendation addressed both court performance and federal financing. They are presented in the report, *Fostering the Future: Safety, Permanency, and Well-Being for Children in Foster Care*.

A summary of the court-related recommendations from the Pew Commission follows:

- 1. Courts are responsible for ensuring that children's rights to safety, permanence, and well-being are met in a timely and complete manner. To fulfill this responsibility, they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings.**
 - Every dependency court should adopt the court performance measures developed by the nation's leading legal associations and use this information to improve their oversight of children in foster care;
 - State judicial leadership should use these data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system; and
 - Congress should appropriate \$10 million in start-up funds, and such sums as necessary in later years, to build capacity to track and analyze caseloads.
- 2. To protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children.**
 - The U.S. Department of Health and Human Services (HHS) should require that state IV-E plans, Program Improvement Plans (PIP), and Court Improvement Program (CIP) plans demonstrate effective collaboration.
 - HHS should require states to establish broad-based state commissions on children in foster care, ideally led by the state's child welfare agency director and the Chief Justice.
 - Congress should appropriate \$10 million to train court personnel, a portion of which should be designated for joint training of court personnel, child welfare agency staff, and others involved in protecting and caring for children.
 - Courts and agencies on the local and state levels should collaborate and jointly plan for the collection and sharing of all relevant aggregate data

and information which can lead to better decisions and outcomes for children.

- 3. To safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about them.**
 - Courts should be organized to enable children and parents to participate in a meaningful way in their own court proceedings.
 - Congress should appropriate \$5 million to expand the Court Appointed Special Advocates (CASA) program.
 - States should adopt standards of practice, preparation, education, and compensation for attorneys in dependency practice.
 - To attract and retain attorneys who practice in dependency court, Congress should support efforts such as loan forgiveness and other demonstration programs.
 - Law schools, bar associations, and law firms should help build the pool of qualified attorneys available to children and parents in dependency courts.

- 4. Chief Justices and state court leadership must take the lead, acting as the foremost champions for children in their court systems, and making sure the recommendations here are enacted in their states.**
 - Chief Justices should embed oversight responsibility and assistance for dependency courts within their Administrative Office of the Courts.
 - State court leadership and state court administrators should organize courts so that dependency cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues.
 - State judicial leadership should actively promote: (1) resource, workload, and training standards for dependency courts, judges, and attorneys; (2) standards of practice for dependency judges; and (3) codes of judicial conduct that support the practices of problem-solving courts.
 - State court procedures should enable and encourage judges who have demonstrated competence in the dependency courts to build careers on the dependency bench.

The full report and an executive summary are both available on the Pew Commission's website, www.pewfostercare.org.

Federal Response to Pew Commission Recommendations

Court Improvement Grant Funds

At the federal level, major new provisions to improve the juvenile and family courts based on the recommendations of the Pew Commission were included in the Deficit Reduction Act of 2005. These new court improvement grants will help courts track and analyze their caseloads to improve outcomes for children in foster care, allow judges and other court personnel to receive needed training, and require significant and ongoing collaboration between state courts and state child welfare agencies as a condition of receiving federal child welfare and court improvement funds. The Deficit Reduction Act provides \$100 million over five years for these two new court improvement grant programs.

Safe and Timely Interstate Placement of Foster Children Act of 2006

The President signed the Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L. 109-239 into law on July 3, 2006. The law amends Titles IV-B and IV-E of the Social Security Act (the Act), encourages States to improve protections for children and holds them accountable for the safe and timely placement of children across State lines.

The law amends section 438(a) and (b) of the Act to include specific requirements for the highest State court participating in the Court Improvement Program as follows:

- Under section 438(a)(1)(E), the law requires State courts that receive the original court improvement grant to assess their effectiveness in expediting interstate placements, and that courts in different States cooperate in the sharing of information. Courts are also authorized to obtain information and testimony from agencies and parties in other States without requiring interstate travel by those parties. The law also permits the participation of parents, children and other necessary parties involved in interstate placement without requiring interstate travel. This applies only to the original court improvement grant at section 438(a)(1).
- Under section 438(b)(1), State courts must ensure that foster parents, pre-adoptive parents, and relative caregivers are notified of any proceedings held with respect to a child in foster care. This applies to any of the three court improvement grants under section 438(a).

Following is the precise language from the Act:

In order to be eligible to receive a grant under this section, a highest State court shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and shall submit

to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary may require...

Justice For Children – A National Summit

On September 20-23, 2005 the Conference of Chief Justices, the Conference of State Court Administrators, the National Center for State Courts and the National Council of Juvenile and Family Court Judges sponsored *Justice for Children: Changing Lives by Changing Systems—The National Judicial Leadership Summit on the Protection of Children*. Teams from 49 states, the District of Columbia, Puerto Rico, Guam and the Northern Mariana Islands participated, including a 6-person team representing the North Dakota court system and the North Dakota Department of Human Services.

Throughout the summit, which focused on effective programs, approaches, and techniques for improving the child welfare system, the state teams met to identify the priorities for improving court oversight and processing of child welfare cases and enhancing outcomes for children in foster care; to define strategies to strengthen collaboration at the state and local levels; and to develop an action plan for addressing the state's priority issues.

While some states explicitly adopted the four court-related Pew Commission recommendations; all state action plans addressed some of the issues highlighted in the report. In addition, the Conference of Chief Justices and the Conference of State Court Administrators adopted joint resolutions on children in foster care that parallel the Pew Commission's recommendations. Resolution 15, citing the report, articulated four general strategies for ensuring the safety, well-being, and permanency of children in foster care.

1. Courts should adopt court performance measures to ensure that they can track cases in order to increase accountability and to inform decisions about the allocation of court resources.
2. Incentives and requirements should be established to require effective collaboration between the courts and child welfare agencies in the development of plans and programs on behalf of children in foster care.
3. Children and parents should have a strong voice in court and effective representation by trained attorneys and advocates.
4. Chief Justices and other state court leaders should spearhead efforts to organize courts to better serve children, provide training for judges, and promote more effective standards for dependency court judges and attorneys.

Significant Challenges

A Pre-Summit Assessment Survey was distributed to all State Court Administrators in May 2005. A total of 36 jurisdictions returned surveys. Common themes emerged relating to the challenges faced by the states.

Limitations on resources were cited in nearly all states as a significant challenge.

- Lack of judicial resources

- Lack of services to parents and children and lack of resources for service needs assessments
- Inadequate resources for legal representation
- Inadequate caseworker staff

Other challenges include:

- The lack of adequate automated information and tracking systems;
- Inadequate understanding by system participants of the roles (and limitations) of other system participants;
- Inadequate training for systems participants;
- Inadequate support for foster families and kinship caregivers; and
- Difficulty in engaging families in developing service plans and in participating in services

North Dakota's Action Plan

Each state team was asked to develop and submit an action plan during the National Summit. The following is a summary of the North Dakota team's initial identification of priorities and proposed action plan:

Identifying Priorities & Recommendations

1. Children's rights to safety, permanence, and well-being are met in a timely, consistent and complete manner.
2. Quality representation is available for all parties in the case.
3. Determine what data/information is needed to tell the story in North Dakota and monitor the progress of Court Improvement Program efforts.
4. Define the role of the court in terms of oversight, monitoring, and implementation of change.
5. Determine the mechanisms for moving forward and implementing change
6. Work within the current organizational structure (general jurisdiction judges and referees) to meet the needs of children and families.
7. Greater use of relative care/legal guardianships as placement options

Action Plan

1. Appoint a task force to study the child welfare system in North Dakota. Make appointments in November 2005.
2. Gather Data – Dec. 31, 2005
 - a. Compile existing national standards and best practices
 - b. Do preliminary data gathering and present benchmarks to the task force
3. Task Force will identify areas for improvement within the current organization

- a. Use numerical data and other sources of information to provide evidence that change in policy or procedure is needed to better serve the children.
- b. Analyze the data and information to make recommendations by November 2006

Child Welfare & Court Improvement in North Dakota

Data Snapshot

Current foster care numbers:

- 1,261 children in foster care in North Dakota (daily snapshot as of January 2006 including tribal IV-E cases, Division of Juvenile Services youth placed in foster care, and pre-adoptive placements).
- 373 of these children are Native American (29.6 percent of daily snapshot).
- Approximately 30 percent of these 373 children are in Tribal custody.
- As of June 2006, 59 youth were in out-of-state placements (institutional). During 2005, the number varied from a low of 46 to a high of 62.
- There are currently 937 licensed foster homes (includes family homes, Professional Association of Treatment Homes (PATH) and tribal affidavit homes).
- Relative placements, in lieu of foster care, have climbed by 113 percent or 270 children in the past five years; residential care was reduced by 4.3 percent or 25 children during this same time period.

Child Abuse and Neglect (Calendar year 2004 statewide data)

- 7,648 assessments (3,962 were "full" assessments).
- 847 of the 3,962 were determined to be "services required" cases. This includes 1,652 victims of child abuse and neglect.
- 578 deprivation petitions were filed with Juvenile Court.
- An average of 4.5 children are victims of child abuse and neglect every day in North Dakota.

Adoption

- There were 110 finalized adoptions in State Fiscal Year (SFY) 2005; 89 percent of those were adoptions involving foster parents.
- To illustrate the adoption trend, in 2000 there were 45 finalized adoptions; 80.5 percent were adoptions by foster parents. This represents an increase of 144 percent in the number of finalized adoptions between SFY 2000-2005.

Permanency Options

- 41 subsidized guardianships in place (with four pending as of Aug. 1, 2006).
- As of December 2005, there are 183 children in foster care whose parental rights have been terminated. Of this group, 32 are in adoptive placement and moving toward adoption; 131 have adoption as the only or as a concurrent goal; and 20 have another plan/goal (typically a planned permanent living arrangement).

Court Filings & Structure

In 2005, a total of 2,365 formal petitions were filed in Juvenile Court. Of those, 639 were dependency cases. While these cases are a small percentage of overall court filings, they are the second highest in terms of percentage of court time.

The Juvenile Court System in North Dakota is established under the Uniform Juvenile Court Act, Chapter 27-20 of the North Dakota Century Code. Cases filed in juvenile court are heard by either district court judges or judicial referees, appointed by a presiding judge. There are 42 district court judges and 7.5 judicial referees. Referees are appointed under the authority of N.D.C.C. Chapter 27-05-30 and operate under Administrative Rule 13. All trial courts in North Dakota are general jurisdiction courts. There is not a specialized court for dependency cases in North Dakota.

Children and Family Services Reviews

A federal review of Child and Family Services was conducted in 2001. While no states met the review standards, North Dakota was ranked first with an 83 percent compliance rate. The Department of Human Services began replicating the federal Child and Family Services Review (CFSR) in all 8 of the state's regions in 2003. This annual review process has shown marked improvement (current compliance rate of 96 percent) in the safety, permanency planning, and well-being of children in all areas since 2001.

The court has actively participated in the reviews across the state, with representatives serving as participants at local sites. Post Child and Family Services Reviews were added this year in each region. Court staff and DHS work together with local representatives to prioritize issues brought forth in the CFSRs and to develop local action plans.

Following the 2001 Federal Review, DHS implemented a Program Improvement Plan (PIP) which included wraparound services, the implementation of the Single Plan of Care (SPOC), and the adoption of the regional review process. In February 2006, North Dakota was released from its PIP. The next Federal review for North Dakota is scheduled for 2008.

Court Improvement Program Grants

As part of the Family Preservation and Support Act of 1993, Congress set aside \$10 million per year in grants to state courts, specifically to improve the courts' handling of child abuse and neglect litigation. Congress extended the CIP in 1997 and 2002. The CIP is currently reauthorized and funded through September 30, 2006. In addition to the \$10 million, the 2002 amendments provided additional discretionary funding for the federal Safe and Stable Families program and set aside 3.3 percent of such funds to the CIP. In fiscal year 2002, this amount included an additional sum of \$2.31 million, which is added to the existing \$10 million. Funds are directed to state supreme courts and each state court system is entitled to a portion of the total funds. Currently, 50 state court systems.

the District of Columbia, and Puerto Rico are operating Court Improvement Program projects.

Since the adoption of the Deficit Reduction Act of 2005, two new grants are now available: the training and education grant; and data collection and analysis grant. The new grants are authorized for \$10 million each and funded for Federal Fiscal Years 2006 through 2010. State allocations include \$85,000 for each state, plus a share of the remaining appropriation based on the state's population of persons under age 21.

Basic Grant

The basic court improvement grant in North Dakota continues to support the administration of the statewide guardian ad litem project. The project is administered through a contract with the University of North Dakota. North Dakota's allotment for Federal Fiscal Year 2006 is \$101,693 with a 25 percent state match.

Training Grant

This grant is for training judges, attorneys, and other legal personnel in child welfare cases, and conducting cross-training with child welfare agency staff and contractors. The North Dakota Supreme Court has applied for funding and will begin implementation Fall 2006. North Dakota's allotment is \$95,933 with a 25 percent state match. A final five-year plan for use of the training grant funds is due June 30, 2007.

Data Collection & Analysis Grant

This grant is to ensure that the needs of children are met in a timely and complete manner through improved case tracking and analysis of child welfare cases. The Supreme Court did not apply for these funds for FY 2006, but will work this year to develop a plan to seek funding for the future years of this grant cycle. The application is due June 30, 2007.

Committee Structure

The Court Improvement Program Committee is currently made up of judges, a referee, juvenile court officer, Department of Human Services representatives, local county social workers and administrators, representatives from the legal community, including prosecutors and defense counsel, representatives from the Native American tribes, and state court administrative personnel.

This past year, representatives from the North Dakota Foster Parent Association and the State Bar were added. This advisory committee meets periodically (3-4 times a year) to review progress and identify new areas that need attention. In 2005, four subcommittees were reconstituted. Those committees are Guardians Ad Litem, Education and Training, ICWA, and Collaboration and System Integration.

In addition, the court is formalizing the role of the Court Improvement Committee. A proposed Administrative Order to add the Court Improvement Program as a committee reporting to the court's Administrative Council is expected to be drafted and approved by the end of 2006.

Children's Justice Initiative Task Force Findings

The Children's Justice Initiative Task Force convened on Jan. 27, 2006. The members were asked to look at issues regarding children who are abused and neglected, make recommendations and submit a report that addresses improvements in the juvenile court system and methods for better collaboration among the various entities. After reviewing the Pew Commission Report, the Task Force did not elect to adopt the four court-related recommendations, due in part to the structure of the court system in North Dakota. The Task Force learned that some of the issues brought forward are already being addressed by court committees or other agencies. For example, the court's Juvenile Policy Board is considering language changes in the Juvenile Court Act and possible court rules regarding juvenile court processes; and the subcommittees of the Court Improvement Project are addressing some training needs and looking at ICWA compliance.

Initial Data

At the first meeting, information on the state of the child welfare system in North Dakota was presented with some initial challenges addressed by the Department of Human Services (DHS) and the court system.

DHS Challenges

- Children coming in and out of foster care and multiple foster care placements
- Foster parent frustration with the instability contributing to the child's needs not being met
- Foster parents not having a say in the decision or an opportunity to participate in a hearing or ask for a judicial review
- Compliance with the Indian Child Welfare Act (ICWA) and meeting the needs of Native children

Court Challenges

- Juvenile cases constitute a small percentage of the courts' overall caseload, and are not necessarily given priority over other cases
- Differences in procedures among the juvenile court offices
- The workload of the state's attorneys and the difference in the level of state's attorney involvement with deprivation issues across the state
- Training for court appointed counsel for parents, judges, and lay guardians ad litem (GAL)
- The need for additional data and the lack of ability to put trend timelines to the various levels of a typical juvenile court case
- The need to track continuances and the reasons for those continuances

- The difference in appointment practices regarding lay GALs—termination of appointment following disposition and reappointed for permanency hearing or remaining on the case, and also the role the lay GAL plays in the case
- Questions regarding the use of attorneys, instead of lay GALs, to represent the best interest of the child if the case moves to Termination of Parental Rights (TPR)
- The need to better inform and educate judges about child welfare issues and federal requirements

A Child's Journey

Task Force members then looked at a Child's Journey through the Child Welfare System of North Dakota, beginning with the report being filed with Child Protective Services (CPS), moving to removal, and then to permanency. A number of additional concerns and issues emerged from the discussions.

Issues related to Social Services included the following:

- Disparity among the counties on the standards used for determining if in-home services will be beneficial and provide for the child's safety or if a child should be removed;
- The increasing number of meth-related deprivation cases and whether treatment and recovery for parents is achievable within the federal permanency timelines;
- The challenge of delivering services to families in rural areas, ranging from the lack of service providers to the need to provide transportation;
- The need for more funding at the county social services level to provide preventative services (such as parenting classes, counseling for domestic violence, and treatment for alcohol and drug abuse) without the threat of removal; and transitional services when the child returns home;
- The lack of experience and high turnover rate of social workers, particularly in rural areas; and the need to increase salaries for social workers;
- Little state (DHS) influence over staffing or compensation levels in the county social service offices;
- The need for social workers to have access to legal resources for advice and counsel in preparation of cases;
- The need for more Native American foster homes—on and off the reservations; and
- The need for additional foster homes for all children.

Issues related to representation and court processes included the following:

- Judicial discretion on how guardianships are created as an option for permanency instead of termination (TPR);
- Length of time required for a TPR appeal to be heard and decision reached;
- Compliance with ICWA for findings of "active efforts" and use of qualified expert witnesses;
- The need for a special assistant attorney general to assist state's attorneys with deprivation issues;

- The need for tribal involvement in cases earlier, before they move to TPR;
- Lack of consistency in shelter care procedures throughout the state;
- The structure of the state's court system does not support a separate family court model or the concept of one child, one judge;
- Notification of hearing for foster parents;
- The need for more lay GALs in certain areas of the state;
- The need to meet all Adoption and Safe Families Act (ASFA) requirements, federal guidelines for the use of IV-E dollars, and timelines associated with permanency; and
- The need to measure court performance to identify specific problems in case flow and set a benchmark for future performance standards.

Problems and Needs

The identified issues were categorized under the headings of court processes, representation, ICWA compliance, social services, case preparation, and systems issues for purposes of discussion. Proposed solutions, responsibility, timeframes, and resources/action needed were assigned to each issue. Task force members were asked to prioritize the issues and to adopt recommendations and action steps.

Task Force Recommendations

1. Support Meaningful, Ongoing Collaboration
 - a. Continue the collaboration between the courts, the Department of Human Services, and other stakeholders through the Court Improvement Program Committee and Child and Family Services Review process.
 - b. Increase Tribal involvement in child welfare issues through membership on committees, joint education programs and other activities to foster networking and understanding between tribal, state, and county social services, and by holding meetings on the reservations to increase participation.
 - c. Utilize the court's Tribal and State Court Affairs Committee to strengthen the relationship between state and tribal courts regarding child welfare issues.

Barriers

- Difficulty in getting the right people at the table on a regular basis
2. Facilitate Access to Justice
 - a. Adopt a court rule requiring courts to ensure notice of "any proceeding" to the child's foster parents, pre-adoptive parents, and relative caregivers.
 - b. Adopt a court rule with specific guidelines for filing written communication from the foster parent(s) with the court.

- c. Standardize the process for allowing foster parents to be present in the courtroom during a hearing regarding a child placed in their care.

Barriers

- Concern about the court not knowing where the child is placed in order to give notice to foster parents
- Notification process could slow down the process if hearings are delayed to accommodate schedules and confirm notification

3. Measure Court Performance

- a. Apply for Court Improvement Program grant funds to support data gathering and analysis for the purpose of setting benchmarks and performance standards for court processes; and to determine areas of need for future training of judges and court staff.
- b. Gather necessary data to track the number of continuances filed in child welfare cases. Data will include the party requesting the continuances, why they are granted and the length of the delay.
- c. Determine if ASFA timelines are being met by gathering and analyzing permanency data and consider utilizing the existing docket currency rule to give some scheduling priority to child welfare cases.

Barriers

- Concern that all data needed to run meaningful reports has not yet been identified or consistently entered into the court's present information system.

4. Ensure Effective Representation for All Parties

- a. Support the appointment of and funding for a special assistant attorney general with state-wide responsibility for child welfare cases
- b. Monitor the recent change in appointment practice for lay Guardians Ad Litem to ensure they are appointed throughout a case instead of being removed at disposition
- c. Provide funds in Judicial Branch budget to cover the additional costs of keeping lay GALs on the case through permanency
- d. Actively recruit Native Americans to serve as lay GALs to better represent the best interests of Native American children
- e. Provide training on child welfare issues and legal requirements of ASFA and ICWA for public defenders and state's attorneys

Barriers

- DHS budget does not presently include funds to support a special assistant attorney general FTE
- Judicial Branch budget does not presently include funds to cover the change in lay GAL appointment practice

5. Utilize Legal Guardianships as a Permanency Option

- a. Educate social workers, state's attorneys, and judges on the use of guardianships when it is an appropriate permanency option for a child
- b. Clarify through revisions in N.D.C.C. Chapter 27-20 that guardianships can be initiated in juvenile court
- c. Continue to use federal dollars, where applicable, to subsidize guardianships

6. Comply with ICWA Requirements

- a. Work with all tribes to ensure that Qualified Expert Witnesses are identified and being used when necessary
- b. Agree on a definition of active efforts and the scope of the Qualified Expert Witness
- c. Continue to train social workers, judges, state's attorneys, and public defenders on ICWA

Barriers

- Difficulty in finding individuals to serve as Qualified Expert Witnesses
- Differences across the state in defining terms and practices related to ICWA
- There are several tribes represented in North Dakota, as well as its border states, which requires greater collaboration and greater recruitment efforts to identify qualified experts

7. Explore Alternatives to an Adversarial Process

- a. Court and DHS to promote using neutral-party mediation early on in each case to reach agreement without an adversarial relationship
- b. Court will research mediation models and consider the impacts of such models on the present court process
- c. DHS to continue family group conferencing as an informal mediation model
- d. DHS to continue using concurrent planning as the model in all cases
- e. Use outside mediators

8. Provide Resources to Support a Seamless System of Service

- a. Increase funding for foster parent reimbursement to more adequately reflect the cost of providing for the needs of a child
- b. Encourage North Dakota foster parents to bring their needs to the attention of legislators and others
- c. Encourage multi-county cooperative initiatives to address issues affecting social workers including compensation, caseload, mentor programs, burnout, and training.
- d. Department of Human Services should support efforts to use IV-E funds for transitional services when children return home
- e. Increase level of state support to counties to provide services for families, especially in rural areas. For example: core programming

- within each region to include access to Children of Divorce, Nurturing Parent (parent education), and Circle of Parents (parent support).
- f. Encourage the 2007 Legislative Assembly to adopt a study resolution of child welfare staffing patterns at county social services, the supervision standards that need to be implemented to support front line child welfare staff, the sufficiency of the funding mix from state and federal sources to support the delivery of child welfare service and the efficacy of joint powers agreements between counties to provide these services

Barriers

- Budget restrictions placed on Child Welfare Director and Department of Human Services
- Limitations on the use of federal funds
- Limited financial resources at the county level
- Lack of availability for core parent education programming in local areas/regions

Implementation

Effective implementation of the recommendations and action plans in this report is important for the safety, permanency, and well-being of children in foster care in North Dakota. To that end, the Task Force recommends that the Court Improvement Program Committee review the recommendations, take action where appropriate, and monitor the state's progress in implementing the action steps in coordination with the Juvenile Policy Board, the Administrative Council of the Court, the Tribal and State Court Affairs Committee, the Department of Human Services, and other entities involved with the child welfare system in North Dakota.

Conclusion

The goal of the Pew Commission on Children in Foster Care is to ensure the safety, permanency and well-being of children who are the victims of abuse or neglect. The Children's Justice Initiative Task Force was charged with keeping the best interest of children as the priority as the issues were studied and recommendations made. It was made obvious through this process that improving the system in North Dakota is not simple. While increasing budgets and hiring staff is significant, work must be done to make child deprivation a priority, not only for the courts and child welfare offices, but for legislators, tribes, county commissioners, and most importantly, communities. The common themes throughout the identified issues and actions plans are education, communication, leadership, and collaboration. The court system and the child welfare system must promote collaboration and cooperation throughout the state to create and oversee a plan of action that ensures each child's safety, permanence, and well-being. All stakeholders need to work together to better understand roles and responsibilities, laws and regulations, and available resources in order to make the "attitude shift" that will allow meaningful change to happen.

Appendix

02/01/06

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Glossary of Dependency Court Terms & Acronyms

Abuse, or Child Abuse: An injury or pattern of injuries to a child that is non-accidental and the result of acts or omissions of a child's caretaker. Types of abuse include physical abuse, sexual abuse and denial of critical care. Child abuse and neglect, or maltreatment, are defined in both federal and state law. (What is ND law?)

Adoption: The creation of a new, permanent legal family for a child or youth. The adoption process involves the termination of the parents' rights and the creation of parental rights in a new caregiver(s). Adoptions must be approved by a judge and finalized in court.

Adjudication or Adjudicatory Hearing: A hearing to determine the veracity of allegations of child abuse or neglect in a petition presented to the court.

AFCARS: Adoption and Foster Care Analysis and Reporting System – State-by-state data on children in foster care compiled by the U.S. Department of Health and Human Services (HHS).

Agency: An organization that has met certain standards and is allowed by law to provide services to children and families.

Aging Out: When a youth leaves foster care because they have reached a certain age (typically 18, 19, or 20) without obtaining permanency through returning home, adoption, guardianship, or kinship care.

Another Planned Permanent Living Arrangement (APPLA): A permanency alternative permitted under ASFA (Adoption and Safe Families Act) that allows a young person to have a "permanent home" that is not his/her home of origin, adoption, guardianship or kinship care.

ASFA: The Adoption and Safe Families Act of 1997, which requires permanency hearings within 12 months of initial placement, sets deadlines for filing termination of parent rights petitions, and established the right of foster and adoptive parents to receive notice of juvenile and family court proceedings.

Case Plan: Once a child has been adjudicated dependent, the child welfare agency work with the parents and youth, and their legal advocates, to develop a plan that outlines the types of services that the child and family will receive. The agency agrees to provide the services and the parents must agree to work on their assigned tasks. Case plans typically include requirements parents must meet before their children can return to them.

Case Review: Federal law requires states to review a child's case at least every six months after placement in foster care to determine whether the placement is still necessary and appropriate, whether the case plan is being properly and adequately followed, and whether progress has been made toward reunifying the family.

CFSR – Child and Family Services Review

Child Protective Services (CPS): Usually a division within the child welfare agency that responds to and investigates child abuse and neglect allegations and provides initial services to stabilize a family.

CIP – Court Improvement Program

Concurrent Case Plan: A process that allows the child welfare agency and the child's permanency planning team to work on two or more permanency plans at the same time. For example, while primarily focusing on reunification with parents, the team may also begin to consider and plan for adoption or guardianship if reunification is not successful.

Continuance: When a court hearing is not completed, it can be "continued" to another date. For example, this may occur when someone whose presence is needed does not come to court, or when the judge does not have sufficient information to act on the case.

Dependency Court: Also known as juvenile and family courts that have specific jurisdiction over child maltreatment and court protection cases including foster care and adoption. In jurisdictions without a designated family court, general trial courts hear child welfare cases along with other civil and criminal matters.

Disposition: This is the court decision about where a child or youth should live, as well as what the parents, the child welfare agency and the youth must do to change the problems that brought the young person into care.

DHS – Department of Human Services (North Dakota)

DJS – Division of Juvenile Services

Family Group Conferencing: These are model approaches to child welfare practice in which all those people concerned about a child's welfare meet to develop a plan for that child. In some cases, the conference takes place before any court action and prevents court involvement while providing services to the family.

Foster Care: Temporary care provided to children or youth who are removed from their biological/birth family's custody and are placed in state custody.

Foster Home: A temporary home where a youth may live while in the custody of the state.

Group Home: A home that cares for many foster youth, often using caseworkers for supervision instead of foster parents. These are often designed to serve children with a higher level of emotional, behavioral, developmental or medical needs than children who are placed in foster homes.

Guardianship: Federal law defines legal guardianship as a judicially created relationship between child and caregiver intended to be permanent and self-sustaining. The following parental rights with respect to the child are transferred to the caretaker: protection, education, care and control, custody, and decision-making. This form of permanency may be used when adoption is not the preferred option, as determined by a court in conjunction with the agency recommendation and input from the child and caregivers.

Lay Guardian Ad Litem (GAL): A non-attorney appointed by the court to represent the best interests of the child or youth in any legal proceedings involving the young person. In North Dakota, the lay GALs are compensated by the court for their time.

HHS – U.S. Department of Health and Human Services

Independent Living Program (ILP): This is a federally-funded program providing services to foster youth to prepare them for adulthood, including development of life skills such as money management, job readiness, menu planning and preparation, etc. The federal program also provides funds for college scholarships, and in some cases may provide for room and board assistance for youth over the age of 18. Independent living is not a permanency plan for a young person, but rather set of services related to preparation for adulthood.

Indian Child Welfare Act (ICWA): The Indian Child Welfare Act was adopted by congress in 1978. It applies to the child custody proceedings in state courts that involve Indian children. Congress through ICWA has express its clear preference for keeping Indian children with their families, deferring to tribal judgment on matters concerning the custody of tribal children, and placing Indian children who must be removed from their homes within their own families or Indian tribes.

Interstate Compact on the Placement of Children (ICPC): An agreement among states to ensure protection and services to children and youth when they are placed across state lines for foster care, adoption or living with a relative.

Kinship or Relative Care: 24-hour care for children and youth provided by relatives such as grandparents, aunts, uncles or even older (adult) siblings. In many jurisdictions, kinship caregivers are required to be approved by the same standards as on-relative foster parents when providing care for a child in state or court custody.

Mandatory Reporter: A person designated by law who must report suspected abuse or neglect of a minor child.

Maintenance Payment: The monthly payment issued to foster parents by the public child welfare agency for the child's care to cover basics costs such as food, clothing, shelter, school supplies, grooming, transportation and recreation.

Mediation: An attempt to settle a legal dispute through active participation of a third party (mediator) who works to find points of agreement and help those in conflict agree on a fair result. The court must approve the decision the parties have reached if the child has been adjudicated dependent.

Non-adversarial Approaches (Problem-Solving): The use by courts of mediation and other approaches to resolving a child welfare case including family group conferencing.

Notice of Hearings: The required notification of everyone involved in a young person's case of the date, time and place of a court hearing. People required to receive notice include the youth, birth parents, foster parents, the agency with custody, and legal advocates assigned to all parties. A foster parent has right to notice, but is not considered a "party" to the case therefore does not necessarily have the right to speak in court.

Party to a Case: People who either file a complaint with the court or are the ones who are the subject of the complaint. Parties in dependency cases typically include the child, parents, and the child welfare agency.

PATH – Professional Association of Treatment Homes

Permanency Hearing: A court hearing to consider a child or youth's need for secure and permanent placement in a timely manner. Under ASFA, this hearing must be held within 12 months of a child's placement in foster care and revisited thereafter until permanence is achieved.

PIP – Program Improvement Plan

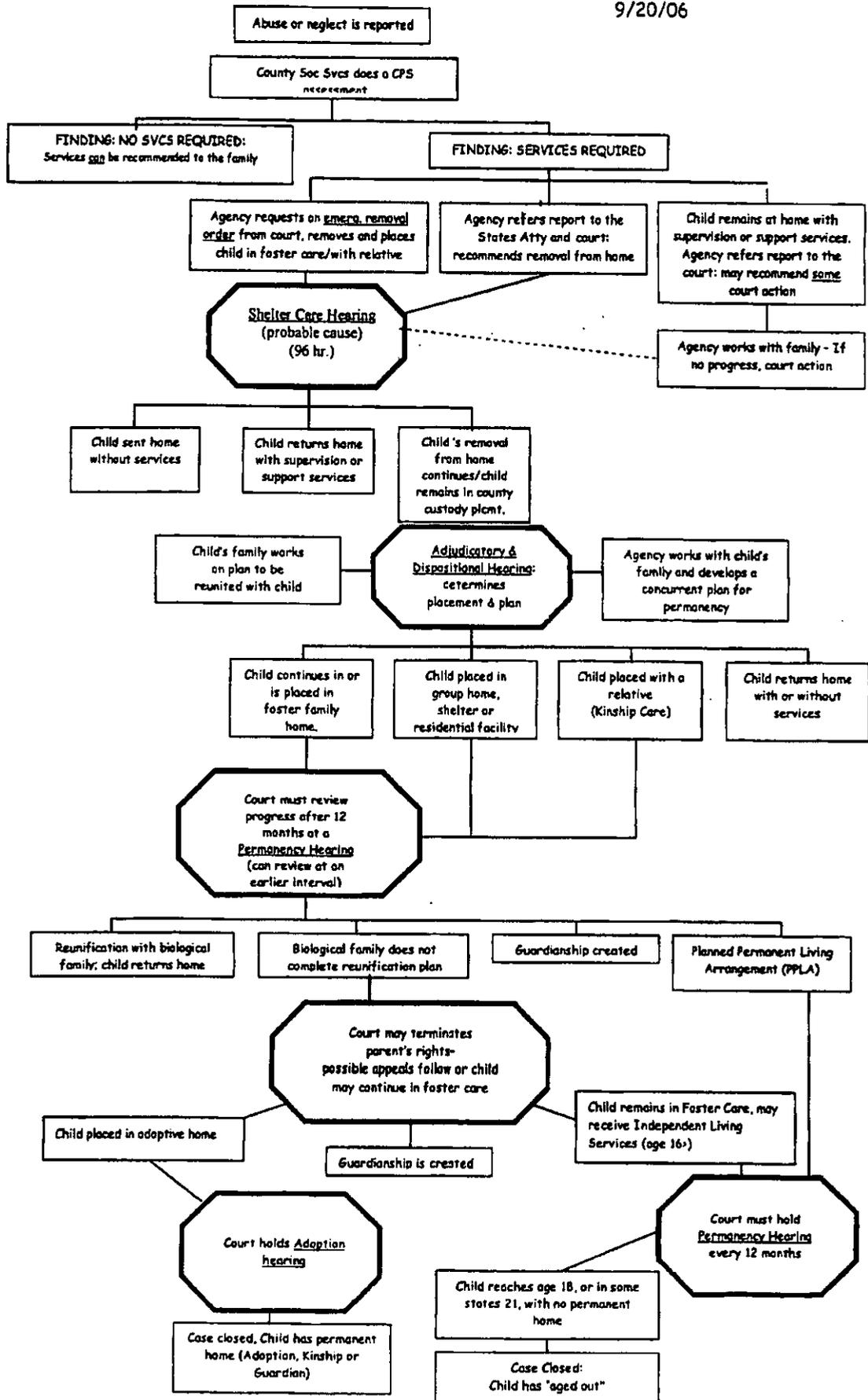
Reunification: Return of a child to the family from which he/she was removed. Most often, reunification involves the child's birth family, but in cases where a child was removed from an adoptive family or other legal guardian, reunification can also occur.

SPOC – Single Plan of Care

Termination of Parental Rights (TPR): A judicial process freeing a child from all custody and control by a parents so that others may adopt the child. A judge determines that a parent has failed to provide a safe home and that the parent has not substantially complied with the case plan in the time allotted by law. A parent may surrender parental rights voluntarily or a judge may revoke them in a judicial procedure.

A Child's Journey through the Child Welfare System - North Dakota

9/20/06



Child Welfare and the Courts

By Sue Badeau

Juvenile and family courts,¹ as well as tribal² and many general trial courts, have jurisdiction over cases involving child abuse and neglect. Only children who are identified in a state's law as needing the court's protection may become the subject of a child protection petition. Each state has its own terms and definitions related to jurisdiction of these cases, and each state has its own court structure for handling these cases.³

State courts are key decision-makers in the lives of children involved in the child welfare system. The responsibilities of juvenile and family court judges include decisions and determinations ranging from whether child abuse or neglect actually occurred, to whether the parent(s)' rights should be terminated, and whether a child should be adopted or placed in another permanent setting.

Passage of the 1997 Adoption and Safe Families Act (ASFA) expanded the role of juvenile and family courts in several ways, by:

- Establishing a judicial role in decisions about whether and what reunification services are required;
- Requiring earlier and more comprehensive permanency hearings than previously required (these hearings must be held within 12 months of initial placement, instead of the prior 18-month requirement);
- Setting deadlines for filing termination of parental rights petitions; and
- Establishing rights of foster and adoptive parents to receive notice of, and appear in, juvenile and family court proceedings.⁴

While these changes were important for improving outcomes for children, the law did not address the systemic challenges faced by courts in meeting these new requirements, nor did it provide additional resources to assist courts in overcoming these challenges.

As the number of children in state custody has grown and as the court's legal responsibilities for these children have increased, many courts have struggled to handle expanded caseloads, often with limited resources.

The Unique Characteristics of Juvenile and Family Courts

State and local juvenile and family courts have the ability to hasten or delay children's movement in and out of foster care. Most courts that oversee the cases of children in foster care struggle to balance the competing needs of (1) protecting children from further harm, (2) making timely decisions about their futures, and (3) respecting their parents' due process rights. To succeed in meeting these needs, the courts, and the judges and attorneys working within them, rely on more non-legal professionals than do their

counterparts in other court systems. These professionals include child welfare agency caseworkers, private agency social workers, volunteer Court Appointed Special Advocates,⁵ mental health and health care professionals, educators, and citizen review panels.

In essence, the juvenile and family courts are both the “gate-keepers” and the monitors of the nation’s child welfare system. To a large extent, judges control which children and families are served by the child welfare system as well as the nature of the services they receive. Additionally, judges are often called upon to oversee the child welfare agency, usually in cases where the agency is the subject of a lawsuit.⁶

More so than other members of the judiciary, juvenile and family court judges are expected to understand child development, family dynamics, and the impact of substance abuse, mental health problems, or learning disabilities on parents and children. They are further expected to determine which services and resources would be most appropriate for each individual child and family.⁷ These unique expectations have led to the creation of a complex and often cumbersome court structure and process for managing child welfare cases.

An Overview of the Juvenile and Family Court Structure

While some states have a juvenile and family court system that is separate from the courts that handle adult matters, in other states the juvenile and family courts fall within the larger court structure. Some state court systems have dedicated career tracks for juvenile and family court judges, while in other states the juvenile and family courts are one of several rotations. In these cases, child abuse and neglect cases are typically heard in juvenile sessions of the general courts.

The court structure used for hearing child abuse and neglect cases is likely to affect some aspects of how the case is handled. For example, a court responsible for general civil and criminal matters may find that children’s cases constitute only a small fraction of their overall areas of responsibility. As a result, these cases may not receive the time, attention, or other unique resources warranted. Additionally, the judges hearing these cases may be less familiar with child welfare issues than juvenile and family court judges, who have the opportunity to develop special expertise in child welfare and dependency issues. In recent years, states have addressed these issues by experimenting with a number of variations on traditional court structures.

An Overview of the Juvenile and Family Court Process

While dependency court processes vary widely across states and jurisdictions, there are generally seven types of hearings in most child welfare cases. The text box below briefly describes the typical court process for child abuse and neglect cases. We note that some jurisdictions may combine or consolidate some of the hearings—such as the adjudicatory and dispositional hearings—and may require some steps or permit options that are not described here. We also note that in addition to the following typical hearings, a child’s

case may come to court many more times, as a result of continuances, repeated hearings, and appeals.

Typical Hearings in Child Welfare Cases

Protective Hearing: To determine whether the child should be placed in emergency, temporary out-of-home care.

Adjudicatory Hearing: To determine if abuse or neglect did, in fact, occur.

Dispositional Hearing: To determine where the child in foster care will live, who will have custody of the child, and what conditions will be placed on the agency and parents.

Periodic Reviews: To review progress under the child's case plan. (These reviews must occur at least every six months.⁸)

Permanency Hearing: To approve a clear, definitive permanency plan for the child. (This hearing must occur within 12 months of the child's initial placement.⁹)

Termination of Parental Rights Hearing: To determine whether the parent(s)' rights should be terminated. With some exceptions, federal law requires states to initiate this proceeding for any child who has been in foster care for 15 of the last 22 months.

Adoption or Guardianship Hearing: To make the child legally part of another family, either through adoption or by establishing legal guardianship.

Challenges Facing the Juvenile and Family Court System

In 1999, the General Accounting Office (GAO) issued a report¹⁰ that identified significant problems facing juvenile and family courts. The problems fell into two broad categories:

- Lack of cooperative working relationships between the courts, tribes, and child welfare agencies; and
- Difficult personnel and data management issues.

A subsequent GAO report in June 2002 noted that most states indicate some significant court challenges that hinder efforts to achieve permanency for children in foster care.¹¹

For example, caseloads for both the judges and the attorneys involved in child welfare cases are often very large, at times exceeding 1,000 cases per year per judge.¹² With such high caseloads, judges often have as little as four minutes to devote to a protective hearing, and rarely do they have enough time to adequately consider all of the information presented at subsequent hearings. This frequently leads to continuances and

delays in the ultimate resolution of the case. Yet without current data at their fingertips, most judges and court administrators are not able to track the amount of time spent on each case, or the number of continuances.

The implementation of ASFA has presented additional court-related challenges. For example, ASFA requires that foster and pre-adoptive parents and relative caretakers must receive notice of hearings and have the opportunity to participate in the court process. While this requirement is important for ensuring that the court receives input from caregivers, it also adds administrative time and costs for courts and their staff.¹³

In short, courts generally do not have the information and resources to make appropriate decisions in individual cases, nor do they have the data necessary to make systemic changes that would improve outcomes for children on a larger scale.

Current Reform Efforts

Several court reform efforts are currently underway, including the following:

Model Courts

In 1980, The National Council of Juvenile and Family Court Judges created the Model Courts program with funding from the Edna McConnell Clark Foundation. The purpose was to create model approaches to assist courts with the implementation of the "reasonable efforts" requirements related to family preservation and reunification. Since then, the focus of the Model Courts program has expanded, and the number of jurisdictions with model courts has grown from the original 14 to 25 today. These courts have engaged in a number of innovative strategies to improve both court performance and outcomes for children. Model Court judges have taken a leadership role in improving court and agency collaboration, increasing the role of community leaders in court activities, enhancing availability of, and access to, services (such as providing on-site mental health or substance abuse assessments). Other reforms have involved re-designing courtrooms and re-organizing court calendars to be more child- and family-friendly, and improving court access to and utilization of data.

Court Improvement Program

The Court Improvement Program (CIP), established in 1993, was recently reauthorized through 2006. Under this program, the highest court in each state is eligible to apply for grants to make specific improvements to their juvenile and family court systems. The Department of Health and Human Services has funded the American Bar Association (ABA) Center on Children and the Law to provide technical assistance to states with CIP grants. According to the ABA, states have targeted their improvement efforts in the following areas:

- Improving the quality and depth of court hearings in child welfare cases;
- Improving legal representation of all parties;

- Improving timelines of decision-making through improved usage of technology and data management and other management tools;
- Addressing issues of court staffing and the quality of the judiciary; and
- Increasing community collaboration between agencies, tribes, and courts.

Development of Juvenile and Family Court Performance Standards

In 2001, three of the largest national organizations with interest in juvenile and family courts - the National Council of Juvenile and Family Court Judges, the National Center for State Courts and the ABA - with funding from the Packard Foundation, came together to develop juvenile and family court performance standards and to pilot these standards in several jurisdictions around the country. Building on the outcome measures included in the Child and Family Services Reviews, this project developed measures to help courts identify problems, set priorities, develop solutions, and evaluate their impact. A small number of states and individual courts have approved policies (through administrative directives or legislation) requiring case tracking and performance measures.

¹ These courts have many different names, including but not limited to: juvenile courts, family courts, and dependency courts.

² Not all Native American tribes have courts. However, if a tribe does have its own court system, it is up to the tribe to decide whether the case should be transferred to the tribal court.

³ Janet Nusbaum Feller, Howard A. Davidson, Mark Hardin, Robert Horowitz (1992). *Working with the Courts in Child Protection*. Washington, DC: US Department of Health and Human Services.

⁴ Mark Hardin (1998). *Impact of the Adoption and Safe Families Act on Judicial Resource and Procedures*. Washington, DC: American Bar Association.

⁵ The Court Appointed Special Advocates program was established in 1976 and provides trained volunteers to advocate in and out of court for the needs of children. CASA is now authorized by Congress under the Victims of Child Abuse Act of 1990 (Public Law 101-647), and receives both federal and private funding.

⁶ National Council of Juvenile and Family Court Judges (NCJFCJ) Publication Development Committee, Honorable David E. Grossman, Chairman. (1995). *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges., Appendix C.

⁷ Margaret Beyer, Ph.D., and The Honorable Ricardo Urbina, (1986). *An Emerging Judicial Role in Family Court*. Washington DC: American Bar Association, p. 1.

⁸ Feller, et al (1992).

⁹ The federal 12-month timeline for permanency hearings is a ceiling; some states have elected to require earlier hearings.

¹⁰ United States General Accounting Office (GAO), (1999) *Juvenile Courts: Reforms Aim to Better Serve Maltreated Children* HE-HS-99-13. Washington DC: General Accounting Office, p. 2.

¹¹ United States General Accounting Office (GAO), (2002). *Foster Care: Recent Legislation Helps States Focus on Finding Permanent Homes for Children, but Long-Standing Barriers Remain*. GAO-02-585. Washington DC: General Accounting Office.

¹² GAO HE-HS-99-13 (1999), p. 11.

¹³ Hardin (1998).

Subsidized Guardianship: Recommendation of the Pew Commission on Children in Foster Care

For some children in foster care, neither reunification with their birth parents nor adoption is a viable option. In these cases, legal guardianship can be a route out of foster care and into a safe, permanent family. Guardianship is a judicially created, permanent relationship between a child and a caretaker, often a relative.

To increase the likelihood that children will leave foster care for a permanent family, the Pew Commission recommended that the federal government and the states share the cost of subsidized guardianship, in those states that choose to provide such assistance. For the federal government, guardianship would become a Title IV-E reimbursable expense. This means states would be reimbursed for their guardianship expenditures at the same federal match rate as exists for foster care and adoption assistance. Like adoption assistance, guardianship assistance helps families support the needs of the children.

The Pew Commission views subsidized guardianship as an additional route to permanence *for children in foster care*. It would therefore apply only under the following circumstances:

- When a child has been removed from his or her home and the state child welfare agency has responsibility for placement and care of the child;
- When a child has been under the care of the state agency for a given period of time, to be determined by the state;
- When a court has explicitly determined that neither reunification nor adoption are feasible permanence options for a particular child; and
- When a strong attachment exists between a child and a potential guardian who is committed to caring permanently for the child.

There are many situations in which guardianship might be the best permanence option for a child, including:

- A child is living with a relative (e.g., a grandparent) who is able to make a permanent commitment but does not want to disrupt existing family relationships.
- A family where termination of parental rights goes against a strongly held cultural norm, as in Native American cultures.
- An adolescent who, after a clear understanding of the options, does not wish to be adopted but desires a permanent connection with his relatives or a foster family.
- A situation where a parent's physical, emotional or cognitive disability prevents him or her from being an active, permanent caregiver but where termination of parental rights is undesired and unwarranted.

Guardianship conveys the following parental rights to the child's caretaker: custody; responsibility for the protection, education, and care and control of the child; and decision-making responsibilities as the child's caretaker. Once guardianship is established, children are no longer in the custody of the state. For this reason, guardianship reduces government costs associated with agency oversight of foster care cases.



Regional Parent Resource Centers

Vision for Regional Parent Resource Centers: To strengthen North Dakota families by providing collaborative program planning and delivery for parent education between the NDSU Extension Service, the Department of Human Services, and other interested governmental and non-governmental units (NGU).

Criteria for collaboration

Centers will agree to:

- Provide core programs as required by collaborating partners (example: Family Resource Center Network contract with DHS) and use the PRC concept to seek additional partnerships with interested entities
- Conduct consistent evaluations of programs
- Report outcomes and impacts on an annual basis to partners
- Promote and publicize educational opportunities throughout region, and make an effort to serve the entire region as funding allows
- Operate lending library of resources for parents and community professionals

Current partners and core programs

- Department of Human Services / Child Protection
 - Nurturing Parent
 - Circle of Parents
- NDSU Extension Service
 - Children of Divorce
 - Parents Forever

Potential partners and programs

- Department of Corrections (Crime Commission, re-entry programs for incarcerated parents)
- Department of Health (Healthy ND: Addressing debt reduction and increased savings; Early Childhood Alliance efforts)
- Military (Military base programs for families dealing with increased deployment)
- Department of Human Services—Mental Health

Summary Points

- 50-06-06.10—Family Life Education Program was adopted to create more emphasis in providing primary prevention education programs, in addition to collaboration with existing intervention programs for North Dakota families.
- Since the passing of the Family Life Education Program bill, a number of projects have been completed as directed by the steering committee to the build capacity of the Resource Center concept and to support increased collaboration among North Dakota entities serving North Dakota families.
- The need for consistent collaboration of North Dakota agencies and NGUs has emerged as a priority to better serve primary prevention education needs of North Dakota families.
- Key agencies have come together to create a unified effort for Parent Education through Regional Parent Resource Centers.
- The need for state level funding to provide the mechanism for consistent programming in each region is critical to continued successful partnerships.
- Grants, collaborators and course fees generated can sustain half the operational costs. An investment of state funds for the other half will yield impacts for North Dakota families that help achieve the vision.

Potential Regional Resource Center Sites

Dickinson
 Mandan
 Valley City
 Fargo
 Grand Forks
 Devils Lake
 Minot
 Williston

FY 2007-2009

Request for Family Life Education Program 50-06-06.10

	Annual	Biennium
Regional Center Coordinators (8) \$17,000/year	\$160,000	\$320,000
Overall Project Coordinator to manage grants and contracts	23,000	46,000
Web Development	7,000	14,000
Office Support	4,000	8,000
Facilitator Training and Evaluation Development	5,000	10,000
	\$199,000	\$398,000

**Testimony
Senate Concurrent Resolution 4008
Department of Human Services
Senate Human Services Committee
Senator Lee, Chairman
February 21, 2007**

Chairman Lee and members of the Senate Human Services Committee, my name is Paul Ronningen, Director, Children and Family Services with the Department of Human Services. I am here today to present testimony regarding Senate Concurrent Resolution 4008. The Department supports the passage of this resolution.

I was pleased to serve on the Children's Justice Initiative Task Force under the leadership of Chief Justice VandeWalle this past year. This study resolution captures many of the crucial issues that were discussed and reported out as recommendations in the Final Report that you have received.

Child welfare efforts are always directed toward safety, permanency and well being for every child. The programs we support and the services we offer to families and extended family members with our county and private non-profit partners are integral to providing this net of safety, permanence and well being. As you well know, funding and the complexity of state and federal funding streams is a significant factor in providing services across the state. There must be attention to consistency of services and a focus on the complexity of providing services to both rural and urban areas.

Maintaining quality staff with supervision can be a challenge in many areas of the state-both rural and urban. Similarly, maintaining the

quality of our child welfare services remain a focus of our Division, and the federal government as well.

During the 2007 biennium, the State of North Dakota will under go a **Federal Child and Family Services Review (CFSR) in April 2008.**

In September 2001, the first Federal CFSR Review was completed. Though North Dakota received the highest rating in the nation, all 50 states and two territories were found to be deficient and were required to negotiate a Program Improvement Plan. North Dakota successfully completed its program improvement plan in 2006.

In addition, North Dakota will undergo a **Federal IV-E Audit in August 2008.** This audit is conducted every three years. North Dakota successfully passed this audit in 2005 with only one error found in the 80 cases under review. Several other states in the nation had more than the four errors allowed. Thus, a secondary audit of 150 cases was required by the Federal Government in these states. Fiscal sanctions are applied when cases are found in error.

Engaging State legislators in the Child and Family Services Reviews (CFSRs) is critical to our efforts to bring about ongoing improvement in North Dakota's child welfare system.

Thus, with the issues raised in SB 4008 and the upcoming federal reviews, the Department supports this study resolution and the involvement of Legislators.

This concludes my testimony. I would be happy to answer any questions you might have. Thank you.

Child Welfare Data Snapshot

Children and Family Services, ND Department of Human Services
2006

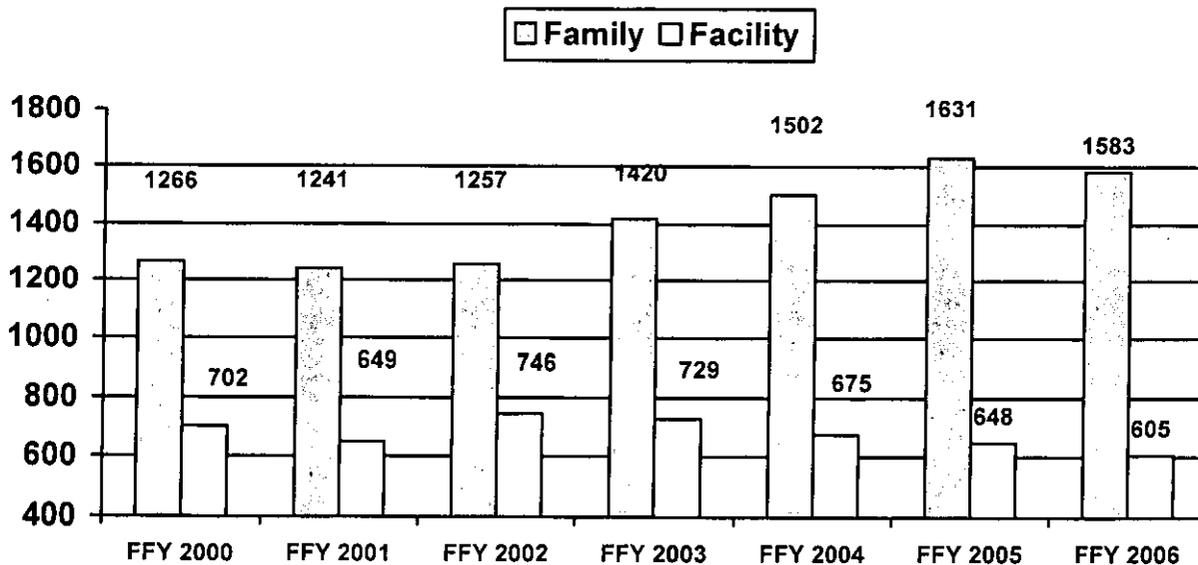
Children in Foster Care by Placement Type - FFY 2000-2006

Placement Type	FFY 2000	FFY 2001	FFY 2002	FFY 2003	FFY 2004	FFY 2005	FFY 2006	% (2006)	Change 2000-2006
Pre-Adoptive Home	154	166	157	160	207	228	252	11.4%	+63.6%
Relative Placement	237	240	276	328	383	507	569	25.8%	+140.1%
Family Foster Care	875	835	824	932	912	896	762	34.5%	-12.9%
Group Home	125	109	127	125	120	96	95	4.3%	-24.0%
Facility (RTC & RCCF)	577	540	619	604	555	552	510	23.1%	-11.6%
Incomplete Information	10	39	18	34	28	35	21	1.0%	
Total	1978	1929	2021	2183	2205	2314	2209	100.00%	+11.7%
Children aging out of Foster Care	43	45	56	66	60	65	56		

SOURCE: Annual AFCARS files submitted to the Administration for Children and Families.

Family Type Placements	Facility Placements
------------------------	---------------------

Trends in Family Foster Care* and Group Home/Facility Placements 2000-2006



* Family Foster Care includes family foster homes, relative placements and pre-adoptive placements, PATH placements, and tribal affidavit foster home placements.

Current Foster Care Numbers (as of 12/14/2006):

- 1331 children in foster care (includes tribal IV-E cases, DJS youth placed in foster care, and pre-adoptive placements);
- 439 of these children are Native American (33% of daily snapshot); and
- Approximately 30% of these 439 children are in Tribal custody.
- As of November 2006, 51 youth were in out-of-state placements (institutional). During 2006, the number varied from a low of 44 to a high of 59.
- We currently have 849 licensed foster homes (includes family homes, PATH homes and tribal affidavit homes).

Child Abuse and Neglect (FFY 2005 data):

- 7649 assessments (3956 of these were "full" assessments); and
- 792 of the 3956 were determined to be "Services Required" cases. This includes 1461 victims of child abuse and neglect.

Adoption:

- There were 111 finalized adoptions in FFY 2006; and
- 85% percent of those were adoptions involving foster parents.
- To illustrate the adoption trend: In 2000 we had 45 finalized adoptions, 80.5% were adoptions by foster parents. This represents an increase of 147% in the number of finalized adoptions between 2000 – 2006.

Permanency Outcomes:

- Currently, 35 subsidized guardianships are in place (with eleven pending).
- As of September 2006 there were 121 children in the custody of the Department of Human Services. These children had one of the following three permanency goals; Adoption, Guardianship, or Planned Permanent Living Arrangement.

PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION 4008

Page 1, line 3, after "from" insert "private,"

Page 1, line 4, after "counties" insert ",and the nature of private-public partnerships,"

Page 1, after line 12, insert

WHEREAS, joint efforts between ^{the} Department of Human Services and Village Family Services demonstrate contributions made by public/private partnerships in support of families; and

Page 1, line 20, after "of" insert "private,"

Page 1, line 22, after "counties" insert ",and the nature of public/private relationships,"

Page 2, line 2, after "including" insert "out of home placement determinations, emphasis on family counseling including in-home,"

Page 2, line 3, after "from" insert "private,"

Item #2

**Testimony
Senate Concurrent Resolution 4008
Department of Human Services
House Human Services Committee
Representative Price, Chair
March 20, 2007**

Chair Price and members of the House Human Services Committee, my name is Paul Ronningen, Director, Children and Family Services with the Department of Human Services. I am here today to present testimony regarding Senate Concurrent Resolution 4008. The Department supports the passage of this resolution.

I was pleased to serve on the Children's Justice Initiative Task Force under the leadership of Chief Justice VandeWalle this past year. This study resolution captures many of the crucial issues that were discussed and reported out as recommendations in the Final Report that you have received.

Child welfare efforts are always directed toward safety, permanency and well being for every child. The programs we support and the services we offer to families and extended family members with our county and private non-profit partners are integral to providing this net of safety, permanence and well being. As you well know, funding and the complexity of state and federal funding streams is a significant factor in providing services across the state. There must be attention to consistency of services and a focus on the complexity of providing services to both rural and urban areas.

Maintaining quality staff with supervision can be a challenge in many areas of the state-both rural and urban. Similarly, maintaining the

quality of our child welfare services remain a focus of our Division, and the federal government as well.

During the 2007 biennium, the State of North Dakota will under go a **Federal Child and Family Services Review (CFSR) in April 2008**. In September 2001, the first Federal CFSR Review was completed. Though North Dakota received the highest rating in the nation, all 50 states and two territories were found to be deficient and were required to negotiate a Program Improvement Plan. North Dakota successfully completed its program improvement plan in 2006.

In addition, North Dakota will undergo a **Federal IV-E Audit in August 2008**. This audit is conducted every three years. North Dakota successfully passed this audit in 2005 with only one error found in the 80 cases under review. Several other states in the nation had more than the four errors allowed. Thus, a secondary audit of 150 cases was required by the Federal Government in these states. Fiscal sanctions are applied when cases are found in error.

Engaging State legislators in the Child and Family Services Reviews (CFSRs) is critical to our efforts to bring about ongoing improvement in North Dakota's child welfare system.

The Department of Human Services has been awarded a Section 1115 demonstration grant, from the federal Office of Child Support Enforcement (OCSE), which focuses on the collaboration of the Child Support Enforcement and Child Welfare programs. Under this grant, we will be exploring a number of areas to see what processes may need to be changed, and what new concepts we may want to apply, in

order to improve services to children and families and improve program results.

Thus, with the issues raised in SB 4008, the grant award, and the upcoming federal reviews, the Department supports this study resolution and the involvement of Legislators.

This concludes my formal testimony. I would be happy to answer any questions you might have. Thank you.