

Good morning esteemed members of the legislature. My name is John Ford, and I am the Executive Director of the North Dakota Coalition for Child Protective Services and Foster Care Reform. I would like to provide you with some statistics and information regarding two changes proposed by DHS regarding Psychiatric Residential Treatment Facilities, 75-03-17-01, subsection 2 and 75-03-17-09 subsection 9.

As some of you are already aware, in December of 2007, I learned that it is common practice for both DHS and the Division of Juvenile Services to house at risk emotionally disturbed foster children in group home settings with juvenile registered sex offenders. An inquiry to DHS revealed that and I quote "DHS has no policy in place regarding the housing of foster children along with registered sex offenders in a foster care setting as you describe in your December 14, 2007 e mail. The response goes on to further state that DJS minimizes the seriousness of juvenile sex offenders. In its reply, DJS goes so far as to dismiss the act of incest between siblings and finds that it is a state law that unfairly requires these offenders to register. The DHS reply also states that at least one of the state licensed facilities, Dakota Boys and Girls Ranch has an official policy of hiding the fact that our foster children are being housed with registered sex offenders from the other children as well as their parents. As we all know, when you are mandated by law to register, your right to privacy is gone, but DHS, DJS and Dakota Boys and Girls Ranch believe they have a right to withhold the fact that at risk foster children are being housed with registered sex offenders. I am attaching a copy of this response from Julie Leer, Legal Counsel for DHS for the record.

It is extremely alarming to me as both a parent and a citizen of North Dakota for this committee to condone the Hoeven Administration's policies on this issue. It is also of great concern that many in this legislature want to ignore this issue as well. I have attempted to contact the leadership of our government on several occasions, having been ignored by Senator Judy Lee and Rep. Clara Sue Price, respective chairs of the two Human Services Subcommittees, as well as Rep. Mark Boucher, Rep. Eric Berg, Rep. [REDACTED] and Senator Bob Stenehjem. Their silence on this matter only goes to reinforce the appearance of complacency that our elected officials harbor when it comes to the safety and futures of the foster children under the care of our State. Now, the Hoeven Administration, through its appointees, Carol Olson and Leann Bertsch are asking this body to approve Administrative Law Code 75-03-17-01, subsection 2, which will define a child as a "person or persons under the age of twenty-one" for the purposes of PRTF placement.

I would like you to consider some alarming facts that are currently taking place as we meet here today. On January 16, 2008, I began tracking the increase in the North Dakota Attorney General's Sex Offender and Offenders against Children Registry. On that date there were 1236 offenders in our state registry. Since that date this list has increased by 30 over the course of 8 weeks. We are presently on track to increase this list by over 15% over the course of this year, adding 195 new offenders to the rolls. As near as I can figure

out from the data available on line, 13% of these offenders are between the ages of 18 and 21. If this committee approves this change in age classification for PRTF, you will be approving the potential of 186 additional criminally legal adult sex offenders to be housed with our at risk children. I would also like this committee to take note that while there is no scientific evidence to support that treatment is a viable option for sex offenders, other emotionally disturbed children, many whom suffer from sexual abuse already, are currently being housed with these offenders.

I strongly urge this committee to table this change until DHS and DJS compile a policy that will guarantee that our at risk foster children will not continue to be housed with any, adult or juvenile registered sex offenders and that if these offenders are housed on the same grounds that DHS implement a policy that the other children as well as their parents are made aware of this dangerous practice.

I would like to now change hats and address the proposed change to 75-03-17-09 subsection 9, as a parent with strong spiritual convictions. As some of you may be aware, my wife and I are co-plaintiffs in the Freedom from Religion Foundation law suit against the state regarding Dakota Boys and Girls Ranch and it's religious practices, as well as a child deprivation suit alleging that DHS did nothing to prevent our adopted daughter from becoming the victim of sexual predators and being allowed to spiral out of control in the world of drugs and alcohol while in a state licensed "therapeutic foster care home. Assistant Attorney General Bahr has already conceded in a filing in the present suit over religious freedoms that the parents would have a right to sue the state over this issue and we will be filing another federal suit as parents to complement the Freedom from Religion Foundation suit.

The proposed change is nothing more than a move to make it appear that DHS is trying to comply with the Establishment Clause. For the record, my wife and I are not atheists. We demanded that our severely emotional disturbed child be provided Roman Catholic teachings, as well as a Roman Catholic spiritual mentor while at DBGR. We were denied that demand. Written complaints sent directly to Carol Olson and Paul Ronningen were ignored. The Pierce County Social Service Board and Dakota Boys and Girls Ranch in essence told us our child would get whatever religious teaching they decided she should have.

It is clear that the Hoeven Administration takes the position that if you don't like what we do, sue us. Unfortunately many of the children in foster care in this state are from poor families with little educational and/or financial resources to take appropriate actions. I have spoken to several children currently at Dakota Boys and Girls Ranch as well as their parents, and they confirm this practice of forcing Dakota Boys and Girls Ranch's religious preferences on them is still taking place. They are fearful if they complain or take action that DHS will punish them by not allowing their children to return home. While for appearances sake there is a code to insure that "the facility shall respect the spiritual beliefs of the child and the child's family" there is no recourse for the families to safeguard this constitutionally protected right without availing themselves of the Federal Court System. I strongly urge this committee to send this change back to DHS and

instruct them to compile a policy and procedure to insure that this Administrative Law is not just another unenforceable policy that violates the most basic fundamental right for families and children to have religious and/or spiritual freedoms. It is time for the bullying tactics of DHS to come to halt.

In closing I would like to ask the members of the Legislative Council to take note that the Department of Human Services pockets millions of dollars in "administrative fees" every year for foster children while our foster family reimbursements are among the worst in the country. While the North Dakota Supreme Court has repeatedly asked for studies on both why our foster children are so ill-prepared to face life when they turn 18 as well as why there is such a wide range of differences in the interpretation of the child deprivation laws, particularly in the rural counties, this Council doesn't see fit to prioritize these studies

Our children are one of our most precious resources, and this legislative body as well as the Hoeven Administration appears to be treating our foster children as nothing more than federal dollars for the largest single budget drain we have in our state, the Department of Human Services. I remind this committee that DHS is presently receiving 26% of the entire current state budget and foster care is a huge contributor to it's funding.

I thank you all for your time and attention.

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**ND Office of the Attorney General
Convicted Sex Offender and Offenders against Children List**

January 16, 2008	1236			
February 10, 2008	1247			
February 13, 2008	1250	872	70%	30%
February 22, 2008	1255	876	70%	30%
February 25, 2007	1257	877	70%	30%
February 26, 2008	1262	880	70%	30%
February 28, 2008	1264	876	69%	31%
February 29, 2008	1265	877	69%	31%
March 8, 2008	1263	875	69%	31%
March 12, 2008	1266	878	69%	31%

75-03-17-01. Definitions.

1. "Applicant" means the entity requesting licensure as a psychiatric residential treatment center facility for children under this chapter.
2. ~~"Center" means a residential treatment center for children.~~ "Child" or "children" means a person or persons under the age of twenty-one.
3. "Clinical supervision" means the oversight responsibility for
individual treatment plans and individual service delivery provided by qualified mental health professionals.
4. "Department" means the department of human services.
5. "Diagnostic assessment" means a written summary of the history, diagnosis, and individual treatment needs of a mentally ill person using diagnostic, interview, and other relevant assessment techniques provided by a mental health professional.
6. "Individual treatment plan" means a written plan of intervention,