

Testimony Prepared for the
Senate Human Services Committee

March 13, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: House Bill 1362 – related to parental interest in their child's upbringing

Chair Lee and members of the Senate Human Services Committee, my name is Kim Jacobson. I serve as the Agassiz Valley Human Service Zone Director, which includes the service area of Traill and Steele Counties. I also serve as President of the North Dakota Human Service Zone Director Association. Please consider my testimony in opposition of HB 1362.

In North Dakota, Human Service Zones, the Division of Juvenile Services, and Tribal child welfare agencies serve as legal custodians to children when the care/custody/control of those children is removed from their parents or legal caregivers. As such, there are occasions when many of the decisions referenced in this proposed bill lie within the role of the agency serving as legal custodian. It appears that this bill, as written, would cause conflict with human service zone's duty to perform child welfare-related duties and responsibilities provided for in federal law, state law, state policy, and by order of the Court.

When children are in public custody, custodial agency is mandated by federal and state law, policy, and best practice to engage parents in their children's life and involve parents in decisions on their child's behalf. However, at times parents are not willing and/or able to work with the agency and/or make decisions that are in their child's best interest. Public care, custody, and control includes medical, educational, and placement decision-making authority.

I am concerned with page 2, lines 1-3 related to a child being placed temporary custody of the state. Of note, this section is not consistent with existing child welfare and juvenile court related law. Furthermore, in North Dakota, children are placed into protective custody of Human

Service Zone Directors (not the state), Tribal child welfare agencies (not the state), or Department of Juvenile Services.

In addition, I am concerned with page 2, lines 4-19. These sections are not necessary as this process is addressed and conflicts with existing applicable child welfare and juvenile court law.

Furthermore, I am concerned with page 2, lines 20-23. Child welfare work is a very difficult, complicated, and important line of work. I am concerned with how this section may impact our child welfare workforce and courts. Child protective services confirmed decisions are already subject to appeals process which are heard by an administrative law judge. Furthermore, there is a series of court hearings starting as early as 96 hours after the removal of a child from a parental home and ongoing throughout the time the child is placed out of the parental home. These hearings are before district judges or referees. As you can see, there is already a host of due process, legal rights, and proceedings available to parents and their children involved in the child welfare system.

In closing, I understand that the Department has offered amendment that would clarify that child welfare and child support laws would not be unintentionally changed by this proposed law. I recommend to the committee to consider such amendment to protect the critical services provided by our child welfare teams, to prevent any loss of ability to protect vulnerable North Dakota children, and prevent any unintended consequences. Thank you for considering my testimony relating to this bill. I stand for any questions the committee.