



# Protection & Advocacy Project

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## Senate Human Services Committee House Bill 1556 - March 12, 2025 Testimony of Brad Peterson, P&A Legal Director

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

P&A opposes HB 1556. P&A's primary concern is how this legislation will impact a child with a severe mental or behavioral health condition. This bill in its current form is a skeleton of what was originally presented to the House Human Services Committee where the focus was on adoptive children being subject to 're-termination' based upon their diagnosis and conduct towards family members. The bill in its current form removes the requirement of a child needing to be adopted and instead now applies to all children in North Dakota who have a severe mental health condition or behavioral health disorder.

This bill in its current form involves the greatest fear of any child but especially a child with a severe mental health condition or behavioral health disorder your parents no longer want you because you are bad.

There are numerous bills in this Session dealing with the need to rehabilitate a child who has committed a delinquent offense. This bill does the opposite by saying there is no opportunity for a child to plead their case or show a court they can be rehabilitated. It allows a parent to wash their hands of a child who is

'different' at no fault of their own leading one to question whether the State is fully committed to the requirements of the Olmstead Act and the Americans with Disabilities Act.

P&A further opposes HB 1556 as there is nothing in the bill to ensure a child with a mental health conditions or behavioral health disorder receives due process including access to legal counsel under 27-20.30-1(5)(i) or the opportunity to meaningfully participate in the proceeding that is focused solely on their conduct and behavior, yet the outcome would result in a significant, negative, and lasting impact on their life.

Further, is the State prepared to take on custodial responsibility for children with mental health conditions or behavioral health disorders whose parents have terminated their parental rights? Does the State have a plan for increasing resources for services, foster care, or facility placements? Does this bill have any benefit to our most vulnerable children with mental and behavioral health disabilities. We believe the answer to each of these questions is a resounding NO. Our State can do better; P&A implores you to oppose this legislation.

Thank you for your time and consideration.

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