



Testimony Prepared for the Senate Human Services Committee

**HB 1556: Relating to a Child in need of protection and termination of parental rights**

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By: Rhonda Allery, Human Service Zone Director

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Chair Lee, Vice Chair Weston, and members of the Senate Human Services Committee, my name is Rhonda Allery. I serve as the Director of Mountain Lakes Human Service Zone, which includes the counties of Benson, Ramsey, Rolette and Towner. In addition, I am a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in opposition to House Bill 1556.

Human Service Zones are the legal designee of the North Dakota Department of Health and Human Services (NDHHS). We manage a range of critical responsibilities such as the legal custody of children in the public foster care system, foster care case management services, and handling children in Need of Services (CHINS) referrals. Family preservation and strengthening is a key component of these responsibilities, as is safety and stability for children. When family reunification efforts are unsuccessful, we work toward other permanency options including placement with a relative, adoption, guardianship, or Another Planned Permanent Living Arrangement (APPLA).

House Bill 1556 seeks to expand the definition of a Child in Need of Protective Services, or CHIPS (Page 2, Lines 8-15). Under the existing legal definition of CHIPS, youth who meet one or more of the criteria in subsections “a” through “h” are frequently placed in the custody of human service zones — and it’s not unusual for these children to *also* present with complex mental health diagnoses and delinquent behaviors. However, the Association has several concerns with this proposal.

Our first concern is the relatively vague requirement that a child must be “diagnosed with a severe mental health condition or behavioral health disorder by a licensed child psychologist or psychiatrist” (Page 2, Lines 9-10). What constitutes a “severe” condition or disorder is not clear. There is no defined threshold of “severe” in this bill, or reference to the Diagnostic and Statistical Manual of

Mental Disorders (DSM-5), which is the tool utilized to diagnose mental health disorders. The DSM-5 does provide guidance on whether a mental health condition is mild, moderate or severe, based on the number of symptoms displayed. However, Attention Deficit Hyperactivity Disorder (ADHD) and Generalized Anxiety Disorder (GAD) are both diagnosable mental health conditions which may severely disrupt a child's life especially if untreated or incorrectly treated. Under this bill, a delinquent youth whose only diagnosis is ADHD or GAD may qualify as a child in need of protection. The vagueness of this criteria leaves an opportunity for misapplication and overuse of this statute.

Second, the Association has concerns regarding the criteria that "the child has committed an act of a violent or sexual nature against another family member living in the household, which if committed by an adult would be considered a crime under the law of this state" (Page 2, Lines 11-13). When a youth has committed a crime, it is considered a delinquent act. While the Juvenile Court handles both delinquency proceedings and CHIPS proceedings, delinquency is addressed through the Division of Juvenile Services, NOT through the CHIPS program.

Third, we feel that the expanded definition introduces criteria that is, to an extent, relatively duplicative of the existing legal definition of a Child in Need of Protection. Currently, a CHIPS designation may apply to a child who lacks "proper parental care, control, or education as required by law, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of the child's parent or parents, and that such lack of care is not due to a willful act of commission or act of omission by the child's parents, and care is requested by a parent" (Page 1, Lines 15-19). House Bill 1556 expands this definition to include a child "Whose parent is unable to provide proper control of the child and is in fear for the safety of a family member living in the same household as the child" (Page 2, Lines 14-15

In this way, HB 1556 disregards existing avenues for parents to access a nearly identical array of service and placement options that public entities also have access to. There has been significant work in North Dakota to make these services voluntarily available to families without requiring custodial relinquishment. These options include placement into psychiatric and residential facilities and a variety of family preservation services available through IV-E funding. In-home family therapy, respite care,

and behavioral health navigation through the Department of Health and Human Services are all available to families in North Dakota.

In summary, the human service zone directors agree that HB 1556 disempowers parents, disregards existing service and treatment options, and partially duplicates existing statutes. We therefore urge a “do not pass” on HB 1556.

Thank you for your time and consideration of my testimony. I stand for any questions from the committee.