

2025 HOUSE HUMAN SERVICES

HB 1556

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1556
1/27/2025

Relating to relinquishment of parental rights of adoptive parents.
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10:34 a.m. Chairman M. Ruby opened the hearing.

Members Present: Chairman Ruby, Vice-Chairman Frelich, Representatives Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Holle, Kiefert, Rios, Rohr

Members Absent: Representative Hendrix

Discussion Topics:

- Foster care programs
- Trauma for adopted children

10:34 a.m. Representative Stemen, District 27, introduced the bill and submitted testimony, #31776.

10:42 a.m. Brad Peterson, Legal Director, Protection and Advocacy, testified in opposition and submitted testimony, #31781.

10:50 a.m. Chelsea Flory, Director of Burleigh County Human Service Zone, testified in opposition and submitted testimony, #31786.

11:02 a.m. Jacob Thomsen, Policy Analyst, North Dakota Family Alliance Legislative Action, testified in opposition and submitted testimony, #31683.

11:05 a.m. David Tamisiea, Executive Director of North Dakota Catholic Conference, testified in opposition and submitted testimony, #31544.

11:09 a.m. Kelsey Bless, NDHHS: Children and Family Services, testified in opposition and submitted testimony, #31531.

11:18 a.m. Bridget Turbide, Executive Director of North Dakota Right to Life, testified on behalf of Sierra Guches, in opposition.

Additional written testimony:

Coleen Brasch, Licensed Child Placing Agency, All About U Adoptions, submitted testimony in opposition, #31372.

Jean Nasers, Christian Adoption Services, submitted testimony in opposition, #31493.

Faye Seidler, Suicide Prevention Advocate, submitted testimony in opposition, #31615.

11:23 a.m. Chairman M. Ruby closed the hearing.

Jackson Toman, Committee Clerk

Mr. Chairman and members of the committee. My name is Coleen Brasch and I am the Executive Director All About U Adoptions, a licensed child placing agency in the state of North Dakota. I write to offer testimony in opposition of HB1556.

This testimony is not without extreme empathy for the parents and family members impacted by the types of circumstances that lead to the decision to terminate parental rights to a child they adopted. We provide post placement counseling to many families who are encountering unexpected extreme behaviors due to exposures to drugs and alcohol during pregnancy, attachment struggles, and mental health diagnoses. We know how powerless these parents feel to fight these battles in their homes daily, to advocate for their children, and to find adoption-competent and trauma-informed professionals to help.

However, we believe there are systems and processes in place through the state to ensure the needs of these children and families are met while exploring every possible avenue before the last resort of children losing another set of parents. That process is designed to ensure that families are given the opportunity to explore all available support services, including community based behavioral health treatment services and options to explore out of home care to ensure the safety of the family without terminating parental rights. Furthermore, the process to relinquish parental rights of a child should not be any different simply because they became parents through adoption.

Families with biological children also encounter emotional, behavioral, and physical challenges that were unexpected. No one sets out on a parenting journey knowing what lies ahead; however, one could argue that adoptive families might be more aware of the potential challenges they may encounter. When families begin the process to adopt, they are required to undergo a home assessment that involves training that specifically address the trauma and loss at the heart of adoption. We emphasize that even a child placed at birth experiences trauma and will have impacts from whatever circumstances defined the pregnancy as a crisis pregnancy for the birth mother. They are educated about the effects of exposures in utero, the grief of losing their birth families, and the lifelong impact of adoption through a developmental lens. Those adopting older children learn about the impact of adverse childhood experiences and the impact of multiple traumatic events in a child's life prior to placement.

This is not to say "I told you so" to the families that face challenges they never anticipated. It simply explains the fact that there has been some early groundwork laid out to help families be watchful for the emotional, physical and behavioral needs of their children. Families are informed at all stages of the adoption process about the multitude of post-adoption services available in the state of North Dakota, regardless of whether the adoption was private or through the state (which is generous of North Dakota, as not every

state our agency is licensed in offers those resources to families who privately adopted). A specific piece of the home assessment is confirming that a family is ready to remain committed to the child indefinitely. When a family finalizes their adoption, they testify in front of a judge that the child will be treated the same as if they were naturally born to the parent(s). Once that adoption is finalized, adopted children have the same rights as if they were biological children. This legal equivalence extends to all areas of family law, and therefore should apply to families facing extreme circumstance. Every single family, regardless of how it was created, deserves support, resources, and help finding services that provide stability and healing when they encounter challenges. But a child that joins a family by adoption is entitled to the same protection of a biological child when it comes to following an already established process to explore options when that child needs care that is beyond the scope of a family's capabilities.

For the reasons stated above, as an adoption professional and as an adoptive parent, I ask for you to vote no on HB1556



**Testimony of Jean Nasers
Administrator of Christian Adoption Services**

Before the North Dakota House Committee on Human Services on HB 1556

**IN OPPOSITION
January 26, 2025**

Thank you, Mr. Chairperson, and members of the Committee, for providing the opportunity to submit written testimony in opposition of House Bill 1556. I am the administrator for Christian Adoption Services and a member of the ND Pregnancy Resource Network.

Adoption is a profound commitment to a child, one that is made with full legal and emotional weight. At the time of finalization, adoptive parents affirm their understanding that this decision makes their child "as if naturally born to them." This legal principle ensures the child's permanence and security, which are foundational to healthy attachment and emotional development. Many children who enter the adoption process have already endured significant trauma, loss, or instability, and their healing is dependent on the stability and love of their new families.

I deeply empathize with adoptive parents who face extraordinary challenges, such as severe behavioral or mental health issues in their children. Parenting under such conditions is isolating, overwhelming, and exhausting. However, it is critical to remember that biological parents facing similar struggles must undergo a rigorous deprivation process before the state would take custody. Biological and adoptive families must be held to the same standard. This is not to dismiss their pain but to underscore the necessity of ensuring that all decisions prioritize the child's best interests while maintaining the same threshold for relinquishment.

Children who come into adoptive families often carry deep wounds from early experiences, and their healing depends on the unwavering commitment of their caregivers. Attachment takes time, consistency, and support, especially for children with trauma histories. Rather than creating a pathway for relinquishment, I urge the legislature to focus on increasing resources for adoptive families—such as access to trauma-informed therapies, respite care, and intensive family support. These measures empower families to navigate hardships without dismantling the permanence of adoption or undermining the entire purpose of adoption.

In conclusion, while I recognize the difficulties this bill seeks to address, I firmly believe its unintended consequences would harm the very children it aims to protect. I thank the committee for its thoughtful consideration of this suggestion and its dedication to the well-being of North Dakota's families and children.

Sincerely,

Jean M. Nasers
Jean M Nasers

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Testimony
House Bill No. 1556
House Human Services Committee
Representative Matthew Ruby, Chairman
January 27, 2025

Chairman Ruby and members of the House Human Services Committee, I am Kelsey Bless, Licensing Administrator with the Children and Family Services Section in the Department of Health and Human Services (Department). I appear before you in opposition to House Bill No. 1556.

House Bill No. 1556 describes a new option under the law for a parent(s) to, in certain circumstances, voluntarily terminate their parental rights by relinquishing custody of their child to the state.

I want to take a few moments to outline the options that exist today for families who are experiencing intra-family safety concerns because of their child's actions, which we know are often the outward symptoms of a physical or behavioral health need, a disability or traumas. Regardless of whether a family relationship is biological or adoptive, a family who is experiencing crisis is faced with the need to formulate a plan for how to respond.

We know that the first thing people often do is to reach out to family and friends. Families can call a statewide crisis line (211 or 988) to initiate connection to services. They may also, depending on the circumstance, seek help from a hospital, an emergency room, or a psychiatric facility. Sometimes families talk to someone at their child's school or they may call their local Human Service Zone or the Department. In extreme

circumstances, families may call the police. In any of these scenarios, the person they have called will do their best to help them problem-solve and connect them to other resources as needed. Often that referral will involve some type of outpatient therapeutic service. Depending on the circumstance, it could also result in a conversation with one of the Department's behavioral health navigators who may as part of their consultative role, help them through the process that determines whether a child meets level of care criteria for one of the more intensive residential therapeutic options, including qualified residential treatment programs (QRTP) or psychiatric residential treatment facilities (PRTF).

If a youth has been hospitalized, admitted to a treatment facility or other out-of-home placement and, if at the point of provider-initiated discharge, the family refuses to pick the child up from the facility, a court may issue a temporary custody order for the Human Service Zone to take custody of the child for 72 hours, while the court determines if there is probable cause for a child in need of protection (CHINS) under North Dakota Century Code (NDCC) chapter 27-20.3. If probable cause is found, the child would remain in public custody under the Human Service Zone for a period of time until a hearing can be held under NDCC chapter 27-20.3, which is the portion of law that describes processes related to children in need of protection. At a subsequent hearing, the court may be determined a child in need of protective services (CHIPS) due to reasons of parental abandonment under NDCC chapter 27-20.3. At this point, the child is in public custody with the Human Service Zone, not the Department, and the Human Service Zone would work with the family under the policies of Children and Family Services, which requires Human Service Zone staff to evaluate and plan for the safety, wellbeing and permanency for the child.

While the array of resources available to support stability of children and families, even in times of crisis, has increased dramatically in recent years, it is also true that gaps in the continuum of care still exist. House Bill No. 1556 identifies one of those gaps. When the services offered by QRTP and PRTFs are not adequate or not appropriate, a family may find themselves with few if any resources that will allow them to maintain custody of their child while at the same time improving the overall safety and stability of their family environment, particularly when an out of home placement option may be needed. Today, the only meaningful option a family has for a longer-term therapeutic or rehabilitative residential placement is if the child is eligible for Developmental Disability services (intermediate care facility or residential habilitation), if the child is in public custody (therapeutic foster care), or if the child has been involved with juvenile court due to a delinquency offense (host home).

The Department's opposition to House Bill No. 1556 is not because we are dismissive of the very real challenges that are faced in the most extreme circumstances. We are registering our opposition because there are other challenges that are likely to be created if state law confers different rights and responsibilities on adoptive parents as compared to biological parents, and because we do not want to codify in state law the expectation that a family has to relinquish custody of their child in order to receive the services they may need to support their child and their family's health and wellbeing.

In the last two years, the Department has seen 268 cases of parental abandonment in cases where a child has been removed from their family home and placed in foster care. Over the last five years, 3% of entries to

foster care involved a child who had previously been adopted. While each case is unique, they typically involve a child with persistent escalated behaviors, placement(s) related to some type of crisis (juvenile detention, psychiatric residential treatment facility, hospitalization, shelter care), and universally a parent(s) feeling that they have exhausted all options and are not sure where to turn. Approximately 2/3 of all removals that occur due to parental abandonment involve children ages 13-17. This circumstance accounts for 30-35% of all entries to foster care for children in this age category. All of these instances of parental abandonment have occurred using existing legal processes that are available to parents, regardless of whether biological and adoptive.

If there is interest in doing so, the Department is open to working with the Bill sponsor and the Committee to draft amendment language that would address some of these concerns and offer alternatives for consideration.

What we know is that there are often no simple or immediate answers to these most complex situations. As a state we are working on behalf of all children and their families to help them safely navigate through times of crisis and instability, without permanently disrupting family bonds that are so important.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

To: House Human Services Committee
From: David Tamisiea, Executive Director
Date: January 27, 2025
Re: HB 1556 — Relinquishment of Adoptive Parental Rights

The North Dakota Catholic Conference opposes House Bill 1556 which would establish a legal framework for the relinquishment of parental rights of adoptive parents.

When a parent adopts a child, the adoption establishes a parent/child bond that is no different from a biological parent/child relationship - a parent is a parent.¹ Birth parents who have children with the same behavioral problems as those listed in this bill do not have the option to terminate their parental relationship, and neither should adoptive parents. If any parent were to experience serious problems with a child, adopted or not, the answer would be for the parent to get professional help for the child, not to terminate the parental/child relationship.

Adoption is meant to create a forever family for the adoptive child. If HB 1556 were to become law, it would set a terrible precedent for adoptions by allowing adoptive parents to reverse the adoption during difficult times. Many children placed for adoption suffer from trauma, but much of their healing comes from having a lasting family relationship that endures through the ups and downs of life. Allowing adoptive parents to relinquish parental rights would be detrimental to all adopted children, leaving them feeling insecure and uncertain as to whether or not their parents will keep them or not.

While we certainly feel great empathy for adoptive families experiencing difficult situations, HB 1556 would effectively treat an adoptive child as a commodity or product in the marketplace that did not work out and could be returned. This contradicts the immeasurable dignity of the human person created in the image and likeness of God (Gen 1:26-27). The Catholic Church teaches that “parents must regard their children as children of God and respect them as human persons” (Catechism of the Catholic Church No. 2222).

We respectfully ask for a **Do Not Pass** recommendation on House Bill 1556.

¹ “A final decree of adoption ... [has] the following effect: To create the relationship of parent and child between petitioner and the adopted individual, as if the adopted individual were a legitimate blood descendent of the petitioner, for all purposes.” North Dakota Revised Uniform Adoption Code, NDCC § 14-15-14(1)(b).

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**House Human Services Committee
Jan 27th, 2025 HB 1556
Testimony in Opposition**

Dear Chair Ruby and the members of the House Human Services Committee,

I urge a "Do Not Pass" on HB 1556.

I believe that adoptive parents are parents and it alarms me that we have a bill that lets parents give up on their child, if that child is inconvenient.

I understand there will exist times where a home may not be the right fit for the kid or parent, where the parent cannot provide a safe or nurturing environment for the unique needs of a child, or where there is perhaps danger posed in that living situation. While I am not an expert at adoption law, I would presume we've addressed these circumstances and I would hope we're listening to our adoption experts with this bill.

As a layperson, I'm concerned this encourages shopping around for kids and returning ones you don't like. Most of my concern is with just line 10 and 11 that I pulled below:

"Adopted child has been diagnosed with a severe mental health condition or behavioral health disorder by a licensed child psychologist or psychiatrist"

I would presume a lot of our kids in the adoption system have some kind of behavioral health disorder, which includes anxiety, depression, eating disorders, among other things many youth struggle with at some point in their life. And it breaks my heart to think an adoptive parent would be empowered to give up their child if that child had been severely depressed. I know that isn't what the bill sponsor is thinking about when writing this bill, but tell me this bill as written wouldn't allow for it?

I would at the end of the day defer to our adoption specialists, but as written and without any other information this bill scares me. It scares me that it makes life even scarier for kids who already are struggling so much.

At the very least, please clarify or take out Line 10 and 11 and be sure to consult with our adoption specialists for if this bill as itself is necessary.

Thank you for your time, consideration, and service to our state,
Faye Seidler



Testimony Opposing House Bill 1556

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
January 27, 2025

Good morning, Chairman Ruby and honorable members of the House Human Services Committee. My name is Jacob Thomsen, and I am a Policy Analyst with North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in opposition to House Bill 1556 and respectfully request that you render a "DO NOT PASS" on this bill.

Our organization believes that orphaned children are some of our most vulnerable citizens in North Dakota. When they finally become adopted, and are brought into a family, it is a beautiful thing. These children have an opportunity to experience familial love in a way that they hadn't experienced before.

In North Dakota, the relinquishment of parental rights generally comes out of situations where it is in the best interest of the child to be separated from the parents. This bill flips that on its head and says that a parent may relinquish parental rights of an adopted child for a situation that is *not* in the best interest of the child, but in the best interest of the adoptive family.

Now, I am not yet a parent. I hope that God will give me the opportunity to be one in the future, but I cannot imagine a situation where I would want to give my child to the state because of the reasons outlined in this bill. I would want to do anything I possibly could to help my child, whether adopted or biological. There are reasonable steps to take to address every one of these problems, and none of those reasonable steps involve giving the child back to the state.

Adopted children are not to be treated as less than biological children, which is what this bill does. Any good parent would say, regardless of whether it's a good day or a bad day, they still have a moral imperative to take care of their child.

This bill says that when the going gets tough, you can just give the child back. Our organization does not believe that these children are like faulty products from a store that you can simply return. Children are full of dignity, worthy of love, and have an incredible amount of potential. They have a biological and fundamental need to belong to a family.

This bill says that some children are beyond help, and when adopted children specifically exhibit these things, they can be returned. For these reasons, North Dakota Family Alliance Legislative Action respectfully requests that you render a “DO NOT PASS” on House Bill 1556. Thank you for giving me the opportunity to testify, I will stand for any questions.

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action

Good morning, Chairman Ruby and members of the House Human Services Committee. For the record, my name is Greg Stemen, and I serve the state of North Dakota in the house of representatives on behalf of district 27 in southern Cass County.

House Bill 1556 is not a feel-good piece of legislation. As a matter of fact, it is a difficult bill to carry. It deals with the most extreme of the extreme adoptive parent situations. I will read the bill language to reiterate that fact:

For consideration, I will ask you to imagine a situation. For any number of reasons, whether it is your faith, your life experiences or for any number of reasons that can't be explained with words, you decide to become a foster parent, if for no other reason than so a child can know what it is like to be safe, stable, secure, and even loved.

So, you take that step, despite being well-advised through the training provided by the state, of the concerns and issues that are inherent to fostering children with special needs. You don't yield, instead you dig in. You decide to formalize this relationship in all respects by going through the adoption process. You become more than the family you already knew you were... you didn't have to, you chose to.

And then, despite the love, resources, time, and prayers you poured into this child, your child, the worst happens! Your child, age 12, despite all the support systems put in place and the resources you have arranged your entire lives around, sexually accosts the younger adopted siblings, repeatedly. Your adopted child is diagnosed by clinical professionals as one "who will reoffend". The home you built for these children is now not safe. You realize you cannot keep your other children safe. And to the best of my understanding, under current ND law, you have no choices.

I do not bring this legislation to be confrontational, I bring this legislation to seek a solution with any and all willing partners. I realize this is a delicate and incredibly unfortunate set of circumstances that has initiated House Bill 1556. There are no winners here; just one potential situation that is slightly less awful than the other situation.

When the requested legislation was drafted, it was incredibly narrow and written to address extreme situations only. Many will bring up the "slippery slope" concerns, but in visiting with the Attorney General's office, they described the crafted legislation as extremely well-written to protect from misapplication.

I would hope that terms like abandonment, orphans, and other loosely applied language would be avoided. This is an extremely unique and abhorrent situation that is unlike the normal day to day difficulties of the average family. Please keep in mind, this language applies specifically to adoptive parental rights, which must be kept in mind as it verifies the incredibly narrow scope of this bill.

I am aware of the opposition and there was consideration of should this legislation be introduced or not. In consultation with experienced members from both chambers, I heard one common theme, "The conversation needs to take place."

This is proposed legislation that all of us would hope to seldom use, if ever; but the issues children are being rescued from in certain adoption situations, are long lasting and often times don't play

out until years down the road. While these situations are few and far between, the propensity for extreme situations to arise where this type of legislation would need to be applied, is going in the direction of a higher incidence rate.

My rationale for offering the legislation is to have the conversation and if there is a better solution moving forward, I honestly hope an alternative is brought forth and considered. In my opinion, not having a solution at this time, is very concerning.

Thank you for your time, Chair Ruby and all committee members.

HOUSE BILL NO. 1556

Introduced by

Representatives Stemen, Beltz, Hagert, O'Brien, Ostlie, Dockter, Nelson

Senators Lee, Roers, Davison

- 1 A BILL for an Act to create and enact a new subsection to section 14-15-19 of the North Dakota
2 Century Code, relating to relinquishment of parental rights of adoptive parents.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new subsection to section 14-15-19 of the North Dakota Century Code is
5 created and enacted as follows:

6 Notwithstanding any other provision in this section, an adoptive parent may petition
7 the court to relinquish parental rights of an adopted child if extreme circumstances
8 exist.

9 a. For purposes of this subsection, "extreme circumstances" means the:

- 10 (1) Adopted child has been diagnosed with a severe mental health condition or
11 behavioral health disorder by a licensed child psychologist or psychiatrist;
12 (2) Adopted child has committed an act of a violent or sexual nature against
13 another family member living in the household which if committed by an
14 adult would be considered a crime under the laws of this state; and
15 (3) Adoptive parent is unable to provide proper control of the adopted child and
16 is in imminent fear for the safety of a family member living in the same
17 household as the adopted child.

18 b. If the court finds credible evidence that extreme circumstances exist, there is a
19 rebuttable presumption the adoptive parent's petition to relinquish parental rights
20 of an adopted child must be granted. This presumption may be overcome only by
21 clear and convincing evidence that proper safeguards can be implemented to
22 ensure the safety of each family member living in the household with the adopted
23 child.

24 c. The burden of proof is on the petitioner to show extreme circumstances exist.

Sixty-ninth
Legislative Assembly

- 1 d. A petition brought under this subsection must identify the department as a
2 respondent.



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House Human Services Committee

House Bill 1556 - January 27, 2025

Testimony of Brad Peterson, P&A Legal Director

Greetings Chairman Ruby and members of the House 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 who has been adopted. This bill would subject the adopted child to a 're-termination' which would create further trauma and result in an exacerbation of their mental or behavioral health condition.

When a child is adopted, the child becomes part of the family and can experience, often for the first time in their life, an attachment to the parent. The action of adoption by adults establishes a legal responsibility for the child in the same manner as a natural-born parent. We do not allow a natural parent who does not like how things turned out to not take responsibility for their child without significant effort.

If the adoptive parent "gives back" the child, where does the child go and who takes care of the child? ND already does not have enough foster homes, let alone foster homes that can manage children with challenges due to disabilities.

P&A further opposes HB 1556 as there is nothing in the bill to ensure that a child

has access to legal counsel, so they are properly represented. The bill also does not allow the child the opportunity to meaningfully participate in the proceeding, yet the outcome would result in a significant impact on their life.

In addition, P&A would like the Committee to be aware that this legislation is likely to violate the Indian Child Welfare Act concerning the protections set forth to safeguard Native American children and the required notices and opportunities for a respective Tribe's involvement.

Thank you for your time and consideration.

Brad Peterson
Legal Director
brapeterson@nd.gov

Testimony Prepared for the
House Human Services Committee

January 27, 2025

By: Chelsea Flory, Burleigh County Human Service Zone Director

RE: HB 1556: Relinquishment of Parental Rights of Adoptive Parents

Chair Ruby, Vice Chair Frelich and members of the House Human Services Committee, my name is Chelsea Flory. I serve as the Director of Burleigh County Human Service Zone, which includes the county of Burleigh. In addition, I am a member of the North Dakota Human Service Zone Director Association. I am here today to provide testimony in opposition of House Bill 1556.

Human Service Zones are the legal designee of the North Dakota Department of Health and Human Services (NDHHS), managing a range of critical responsibilities including the legal custody of children in the public foster care system and foster care case management services. Part of these serves include our work towards reunification with biological parents, however, in the event those reunification efforts are unsuccessful, we work towards other permanency options such as placement with a relative, adoption, guardianship, or Another Planned Permanent Living Arrangement (APPLA).

An adoption is a legal process that establishes an individual as a parent with all the same rights of a biological parent. This is a voluntary process that an adult wishing to adopt a youth enters in to freely, including the completion of an adoption home study. When a youth is adopted via the foster care system there are supports that adoptive parents receive such as: monthly adoption subsidy, Medicaid services for the youth even post adoption, and support with legal fees related to the adoption process being paid for by the state of North Dakota.

North Dakota already has existing law and process surrounding termination of parental rights (TPR), allowing for a parent to petition the court to make such a request. This bill would carve out a separate process for adoptive parents, treating one class of parents differently than another, and establishing two different standards relating to TPR. Additionally, this bill could create a new set of orphans; ones that have already experienced trauma from the termination of their biological parents' parental rights and now another termination leaving them abandoned once more. This bill does not include language identifying who would be responsible for these youth post TPR. However, being abandoned with no legal caregiver, would constitute them as children in need of protection (CHIPS) resulting in reentry into the foster care system. This bill does not outline any expectation for adoptive parents' responsibility regarding active efforts to seek appropriate mental or behavioral health related services to support family preservation and stabilization, working towards the goal of building safe and health families.

I 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.

2025 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1556
2/18/2025

Relating to relinquishment of parental rights of adoptive parents.
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8:58 a.m. Chairman M. Ruby opened the meeting.

Members Present: Chairman M. Ruby, Vice-Chairman Frelich, Representatives K. Anderson, Beltz, Bolinske, Davis, Dobervich, Fegley, Hendrix, Holle, Kiefert, Rios, Rohr

Discussion Topics:

- Committee action
- Proposed amendments relating to protections and terminations of parental rights
- Proposed amendments to add an emergency clause

8:59 a.m. Representative Stemen, District 27, introduced amendments LC#25.1093.01000, #44923.

9:01 a.m. Jonathan Alm, Department of Health and Human Services, explained the amendments and answered questions.

9:17 a.m. Representative Rohr moved to adopt the proposed amendments and add an emergency clause.

9:17 a.m. Representative Dobervich seconded the motion.

9:17 a.m. Voice vote passed.

9:20 a.m. Vice-Chairman Frelich moved a Do Pass as amended.

9:20 a.m. Representative K. Anderson seconded the motion.

Representatives	Vote
Representative Matthew Ruby	Y
Representative Kathy Frelich	Y
Representative Karen Anderson	Y
Representative Mike Beltz	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Cleyton Fegley	Y
Representative Jared Hendrix	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Nico Rios	Y
Representative Karen Rohr	Y

9:21 a.m. Motion passed 13-0-0.

Representative Rohr will carry the bill.

9:21 a.m. Chairman M. Ruby closed the meeting.

Jackson Toman, Committee Clerk

February 18, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1556

Introduced by

Representatives Stemen, Beltz, Hagert, O'Brien, Ostlie, Dockter, Nelson

Senators Lee, Roers, Davison

2-18-25

JB 1 of 7

1 A BILL ~~for an Act to create and enact a new subsection to section 14-15-19 of the North Dakota~~
2 ~~Century Code, relating to relinquishment of parental rights of adoptive parents; for an Act to~~
3 ~~amend and reenact subsection 5 of section 27-20.3-01, and sections 27-20.3-15 and~~
4 ~~27-20.3-21 of the North Dakota Century Code, relating to a child in need of protection and~~
5 ~~termination of parental rights; and to declare an emergency.~~

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 ~~**SECTION 1.** A new subsection to section 14-15-19 of the North Dakota Century Code is~~
8 ~~created and enacted as follows:~~

9 ~~Notwithstanding any other provision in this section, an adoptive parent may petition~~
10 ~~the court to relinquish parental rights of an adopted child if extreme circumstances~~
11 ~~exist.~~

12 ~~a. For purposes of this subsection, "extreme circumstances" means the:~~

13 ~~(1) Adopted child has been diagnosed with a severe mental health condition or~~
14 ~~behavioral health disorder by a licensed child psychologist or psychiatrist;~~

15 ~~(2) Adopted child has committed an act of a violent or sexual nature against~~
16 ~~another family member living in the household which if committed by an~~
17 ~~adult would be considered a crime under the laws of this state; and~~

18 ~~(3) Adoptive parent is unable to provide proper control of the adopted child and~~
19 ~~is in imminent fear for the safety of a family member living in the same~~
20 ~~household as the adopted child.~~

~~b. If the court finds credible evidence that extreme circumstances exist, there is a rebuttable presumption the adoptive parent's petition to relinquish parental rights of an adopted child must be granted. This presumption may be overcome only by clear and convincing evidence that proper safeguards can be implemented to ensure the safety of each family member living in the household with the adopted child.~~

~~c. The burden of proof is on the petitioner to show extreme circumstances exist.~~

~~d. A petition brought under this subsection must identify the department as a respondent.~~

SECTION 1. AMENDMENT. Subsection 5 of section 27-20.3-01 of the North Dakota Century Code is amended and reenacted as follows:

5. "Child in need of protection" means a child who:

- a. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals, and the need for services or protection is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian;
- b. Has been placed for care or adoption in violation of law;
- c. Has been abandoned by the child's parents, guardian, or other custodian;
- d. Is without 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;
- e. Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court;
- f. Was subject to prenatal exposure to chronic or severe use of alcohol or any controlled substance as defined in chapter 19-03.1 in a manner not lawfully prescribed by a practitioner;

g. Is present in an environment subjecting the child to exposure to a controlled substance, chemical substance, or drug paraphernalia as prohibited by section 19-03.1-22.2; ~~or~~

h. Is a victim of human trafficking as defined in title 12.1; or

i. Is in need of care and treatment and:

(1) Has been diagnosed with a severe mental health condition or behavioral health disorder by a licensed child psychologist or psychiatrist;

(2) 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 laws of this state; and

(3) 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.

SECTION 2. AMENDMENT. Section 27-20.3-15 of the North Dakota Century Code is amended and reenacted as follows:

27-20.3-15. Disposition of a child in need of protection.

1. If a child is found to be a child in need of protection, the court may make any of the following orders of disposition best suited to the protection of the child or family and the physical, mental, and moral welfare of the child:

a. Permit the child to reside with the child's parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.

b. Subject to conditions and limitations as the court prescribes, transfer temporary legal custody to any of the following:

(1) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.

(2) The director of the human service zone to receive and provide care for the child.

c. Require the child or parents, guardian, or other custodian to participate in treatment.

d. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian under section 27-20.1-11.

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e. In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish, by order, some other planned permanent living arrangement.

2. Without a compelling reason to the contrary, a court order that transfers the child from the current protective placement to a parent or other biological family must provide a reasonable period of time to facilitate a beneficial transition for the child and other parties involved.

3. A child in need of protection may not be placed in a residential facility that houses delinquent children.

SECTION 3. AMENDMENT. Section 27-20.3-21 of the North Dakota Century Code is amended and reenacted as follows:

27-20.3-21. Petition for termination of parental rights.

1. As used in this section:

a. "A finding that the child has been subjected to child abuse or neglect" means:

(1) A finding of a child in need of protection made under this chapter, except as provided in subdivision 1 of subsection 5 of section 27-20.3-01; or

(2) A conviction of a person, responsible for a child's welfare, for conduct involving the child, under chapter 12.1-16 or sections 12.1-17-01 through 12.1-17-04 or 12.1-20-01 through 12.1-20-08.

b. "Compelling reason" means a recorded statement that reflects consideration of:

(1) The child's age;

(2) The portion of the child's life spent living in the household of a parent of the child;

(3) The availability of an adoptive home suitable to the child's needs;

(4) Whether the child has special needs; and

(5) The expressed wishes of a child age ten or older.

c. "Department" means the department of health and human services.

- 1 d. "Human service zone" means a county or consolidated group of counties
2 administering human services within a designated area in accordance with an
3 agreement or plan approved by the department.
- 4 2. A petition for termination of parental rights must be prepared, filed, and served upon
5 the parties by the state's attorney. A petition may also be prepared by any other
6 person that is not the court, including a law enforcement officer, who has knowledge of
7 the facts alleged or is informed and believes that they are true. A petition prepared by
8 any person other than a state's attorney may not be filed unless the director or the
9 court has determined the filing of the petition is in the best interest of the public and
10 the child.
- 11 3. Except as provided in subsection 4, a petition for termination of parental rights must be
12 filed:
 - 13 a. If the child has been in foster care, in the custody of the department, human
14 service zone, or, in cases arising out of an adjudication by the court of a child in a
15 delinquency case, the division of juvenile services, for at least four hundred fifty
16 out of the previous six hundred sixty nights;
 - 17 b. Within sixty days after the court has found the child to be an abandoned infant; or
 - 18 c. Within sixty days after the court has convicted the child's parent of one of the
19 following crimes, or of an offense under the laws of another jurisdiction which
20 requires proof of substantially similar elements:
 - 21 (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1
22 of section 14-09-22 in which the victim is another child of the parent;
 - 23 (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section
24 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the
25 parent; or
 - 26 (3) A violation of section 12.1-17-02 in which the victim is a child of the parent
27 and has suffered serious bodily injury.
- 28 4. A petition for termination of parental rights need not be filed if:
 - 29 a. The child is being cared for by a relative approved by the human service zone;
 - 30 b. The human service zone has documented in the case plan a compelling reason
31 for determining that filing such a petition would not be in the child's best interests

6d) 7

1 and has notified the court that the documentation is available for review by the
2 court; or

3 c. The human service zone has determined:

4 (1) Reasonable efforts to preserve and reunify the family are required under
5 section 27-20.3-26 to be made with respect to the child;

6 (2) The case plan provides such services are necessary for the safe return of
7 the child to the child's home; and

8 (3) Such services have not been provided consistent with time periods
9 described in the case plan.

10 5. For purposes of subsection 3, a child in foster care entered foster care on the earlier
11 of:

12 a. The date of the court's order if the court:

13 (1) Made a finding that the child has been subjected to child abuse or neglect or
14 the child is in need of protection under subdivision i of subsection 5 of
15 section 27-20.3-01;

16 (2) Determined that it is unsafe or contrary to the welfare of the child to remain
17 in the home; and

18 (3) Granted custody of the child to the human service zone or, in cases arising
19 out of an adjudication by the court that a child is in need of services, the
20 division of juvenile services; or

21 b. The date that is sixty days after:

22 (1) The date of a hearing under section 27-20.3-10 which results in maintaining
23 a child in shelter care;

24 (2) The date of an order in a dispositional hearing under which a child is placed
25 in foster care; or

26 (3) The date a child is placed in foster care voluntarily and with the consent of
27 the child's parent.

28 6. For purposes of subsection 3, a child leaves foster care at the time:

29 a. The court enters an order:

30 (1) Denying a petition to grant care, custody, and control of the child to the
31 human service zone or the division of juvenile services;

- 1 (2) Terminating an order that granted custody of the child to the human service
- 2 zone or the division of juvenile services; or
- 3 (3) Appointing a legal guardian under chapter 27-20.1;
- 4 b. The court order under which the child entered foster care ends by operation of
- 5 law;
- 6 c. The child is placed in a parental home by the court or a legal custodian other
- 7 than the division of juvenile services and the legal custodian lacks authority to
- 8 remove the child without further order of the court; or
- 9 d. The child is placed in a parental home by the division of juvenile services.
- 10 7. For purposes of subsection 3, a child is not in foster care on any night during which
- 11 the child is:
- 12 a. On a trial home visit;
- 13 b. Receiving services at the youth correctional center pursuant to an adjudication of
- 14 delinquency; or
- 15 c. Absent without leave from the place in which the child was receiving foster care.

16 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.

**REPORT OF STANDING COMMITTEE
HB 1556**

Human Services Committee (Rep. M. Ruby, Chairman) recommends **AMENDMENTS** ([25.1093.01003](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1556 was placed on the Sixth order on the calendar.

25.1093.01000

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1556

Introduced by

Representatives Stemen, Beltz, Hagert, O'Brien, Ostlie, Dockter, Nelson

Senators Lee, Roers, Davison

- 1 ABILL for an Act to create and enact a new subsection to section 14-15-19 of the North Dakota
2 Century Code, relating to relinquishment of parental rights of adoptive parents.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new subsection to section 14-15-19 of the North Dakota Century Code is
5 created and enacted as follows:

6 Notwithstanding any other provision in this section, an adoptive parent may petition
7 the court to relinquish parental rights of an adopted child if extreme circumstances
8 exist.

9 a. For purposes of this subsection, "extreme circumstances" means the:

- 10 (1) Adopted child has been diagnosed with a severe mental health condition or
11 behavioral health disorder by a licensed child psychologist or psychiatrist;
12 (2) Adopted child has committed an act of a violent or sexual nature against
13 another family member living in the household which if committed by an
14 adult would be considered a crime under the laws of this state; and
15 (3) Adoptive parent is unable to provide proper control of the adopted child and
16 is in imminent fear for the safety of a family member living in the same
17 household as the adopted child.

18 b. If the court finds credible evidence that extreme circumstances exist, there is a
19 rebuttable presumption the adoptive parent's petition to relinquish parental rights
20 of an adopted child must be granted. This presumption may be overcome only by
21 clear and convincing evidence that proper safeguards can be implemented to
22 ensure the safety of each family member living in the household with the adopted
23 child.

24 c. The burden of proof is on the petitioner to show extreme circumstances exist.

Sixty-ninth
Legislative Assembly

- 1 d. A petition brought under this subsection must identify the department as a
2 respondent.

2025 SENATE HUMAN SERVICES

HB 1556

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1556
3/12/2025

Relating to a child in need of protection and termination of parental rights; and to declare an emergency.

11:20 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Court orders
- Placement of Children
- Behavioral Health Services

11:21 a.m. Representative Greg Stemen introduced the bill and submitted testimony in favor #41015.

11:23 a.m. Jonathan Alm, Chief Legal Officer with Department of Health and Human Services, testified in neutral and submitted testimony #41018.

11:31 a.m. Rhonda R. Allery, ND Human Service Zone Directors Association Mountain Lakes Human Service Zone, testified in opposition and submitted testimony #40798.

11:47 a.m. Bradley D. Peterson, Legal Director of Protection and Advocacy in North Dakota, testified in opposition and submitted testimony #40733.

Additional written testimony:

Bridget Turbide, Executive Director of North Dakota Right to Life, submitted written testimony in opposition #40823.

Jacob Thomsen, Policy Analyst with North Dakota Family Alliance Legislative Action, submitted written testimony in neutral #40908.

11:58 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk



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.

Brad Peterson
Legal Director
brapeterson@nd.gov



Testimony Prepared for the Senate Human Services Committee

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

March 12, 2025

By: Rhonda Allery, Human Service Zone Director

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 *a/so* 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.

Bridget Turbide
Executive Director
North Dakota Right to Life
director@ndrl.org
701-955-8239



Good morning, Senate Human Services Committee,

I am here today to testify in opposition to House Bill 1556. Over the past few months, I have worked closely with several parents in the adoptive community, and a common concern is a need for more resources and support for adoptive families. However, these families strongly disagree with allowing the termination of parental rights due to behavioral challenges.

This bill offers a band-aid solution to a much deeper problem: the lack of adequate support for adoptive families. What these children truly need is care, stability, and access to effective services that address the root causes of their behavioral challenges, not abandonment through the termination of parental rights. This approach undermines the state's long-standing commitment to family unification, which has been shown through research to yield the best outcomes for children and their families.

I have gathered several recommendations directly from adoptive families regarding the resources they need but currently lack:

1. Expanded respite care options and an increased number of qualified respite care providers for high-needs children.
2. More intensive in-home services specifically tailored for adoptive families and children with high trauma backgrounds or severe behavioral challenges.
3. Increased availability of therapeutic out-of-home placements for children in crisis who require specialized care, along with more providers equipped to handle high-needs cases.
4. More trauma-informed training and services for families, caregivers, and therapists to better understand and address the complex needs of adopted children.
5. Post-adoption support services, including continued guidance, resources, and assistance once the child turns 18, as many families feel abandoned once their child reaches adulthood. This could include life skills training, supported independent living programs, and more group homes designed for individuals with high needs or disabilities.

I respectfully ask you to vote no on this bill and instead champion policies that foster family stability and long-term support.

Thank you for your time and consideration.



Neutral Testimony on House Bill 1556

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
March 12, 2025

Madam Chair Lee and honorable members of the Senate Human Services Committee,

North Dakota Family Alliance Legislative Action would like to provide neutral testimony on House Bill 1556.

This bill seeks to address an issue of extreme circumstance for children who have exhibited a specific set of harmful behaviors. Our organization believes that for some families that find themselves in these situations, treatment for the child in question is undoubtedly needed and parents may be incapable of handling the situation. If this bill can assist in getting the necessary help for the family by classifying the child as a “child in need of protection,” then we appreciate the bill sponsor’s intent to find a solution.

On the other hand, what concerns us about this bill is the possibility of abuse by making it too easy for parents to relinquish a child when behavioral challenges arise, and parenting becomes much more difficult. Our organization believes that children have a biological and fundamental need to belong to a family and breaking this bond should be a measure of absolute last resort. This bill brings the possibility of abandonment of a child for bad behavior that might not necessarily be as extreme as the bill is intended for.

This bill has two sides that are important to consider. For these reasons, North Dakota Family Alliance Legislative Action submits neutral testimony on House Bill 1556.

Thank you for taking the time to read this testimony. Please feel free to contact us with any questions.

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action

HB 1556

Good morning, Chair Lee, Vice Chair Weston and members of the Senate Human Services Committee. For the record, I am Greg Stemen, State Representative for District 27 in Southern Cass County and South Fargo.

I am here this morning to introduce HB 1556. First, however, I want to commend Health and Human Services and their legal counsel, along with Legislative Council, for working together to find the most appropriate language for this bill. In my opinion, that is how government should function, by coming together to find the most reasonable solution possible. I am grateful to all parties for working on this legislation for the benefit of those who need it most.

HB 1556 deals with extremely difficult situations that affect a small number of families in our state, both adoptive and biological. Families may find themselves in the most unimaginable set of circumstances. An example is having three siblings in your family and coming to the realization that the oldest of the three was sexually abusing the younger two. I doubt that any of us would be adequately prepared to handle that situation without the help of necessary services. In this case, the children would possibly require protective services while the parents and children would also need to have their rights protected.

During my time researching this bill, I was told by experienced individuals in this field that sadly, situations like this happen more often than people realize. To me, that is very difficult to hear.

Chair Lee, at this time, I would like to ask Mr. Jonathan Alm to come to the podium to explain the details of the language that is in the bill as it was passed by the House. Given the technical nature of some of the provisions and the inter-connectedness of various sections of law, he is much better equipped than I am to answer questions the committee may have.

Thank you, Chair Lee and committee members, and I am willing to stand for general questions if the committee desires.



Health & Human Services

Engrossed House Bill No. 1556
Senate Human Services Committee
Senator Lee, Chairman
March 12, 2025

Chairman Lee, and members of the Senate Human Services Committee, I am Jonathan Alm, an attorney with the Department of Health and Human Services (Department). I appear before you to explain Engrossed House Bill No. 1556.

Engrossed House Bill No. 1556 applies the established practices under chapter 27-20.3 and allows for the preservation of the family unit, for the human service zone to take custody of the child based on a court order, to offer and provide treatment, and preserves the ability to terminate parental rights, if needed. This Bill preserves the family relationship by creating a pathway that clearly outlines the child's need for additional out of home services while maintaining family connection.

Section 1:

Overall, Section 1 of this Bill removes the label that a family did not provide proper parental care or control, abandoned the child, or abused or neglected the child, when the reason behind the family seeking assistance falls under the new subdivision i of subsection 5 of section 27-20.3-01, child in need of protection.

The addition on page 2, lines 8-15, expands the definition of "child in need of protection" to any child who is in need of care and treatment and has been diagnosed with a severe mental health condition or behavioral health disorder by a licensed child psychologist or psychiatrist; 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 laws of this state; and 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. All three of the

elements described in page 2, lines 8-15 need to be present for this definition to be met.

Section 2:

Page 2, lines 20 and 21 and page 3, line 1, adds language to allow the court to order the disposition best suited to the protection of the child or family.

Section 3:

Page 3, lines 21 and 22, removes the label that a child is considered abused or neglected for the sole purpose of the family seeking care and treatment of a child due to the three provisions under subdivision i of subsection 5 of section 27-20.3-01. This change does not prohibit the court from still finding that a child was abused or neglected, if abuse or neglect occurred.

Page 5, lines 15 through 17, is added to recognize that a child may actually not be abused or neglected if the child entered foster care for the purpose of subdivision i of subsection 5 of section 27-20.3-01.

Section 4:

Page 6, line 18 is the emergency clause.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1556
3/26/2025

Relating to a child in need of protection and termination of parental rights; and to declare an emergency.

3:37 p.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Service Availability
- Suitable Child Placement
- Children's Health Insurance Program
- Out-of-State Child Placement
- Shall Study

3:40 p.m. Kim Jacobson, Director of Agassiz Valley Human Service Zone, answered committee questions.

3:56 p.m. Johnathan Alm, Chief Legal Advisor and General Counsel to Health and Human Services, answered committee questions and submitted testimony #44223.

4:13 p.m. Chairman Lee adjourned the meeting.

Andrew Ficek, Committee Clerk

PROPOSED AMENDMENT TO ENGROSSED HOUSE BILL NO. 1556
After Discussion with Legislative Council

Page 2, lines 8 through 15:

- i. Is in need of care and treatment and:
 - (1) Has been diagnosed with a severe mental health condition or behavioral health disorder by a licensed child psychologist or psychiatrist;
 - (2) 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 laws of this state, and if the criteria under section 27-20.4-11 are met, has at a minimum has been considered for informal adjustment; and
 - (3) 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.

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1556
3/31/2025

Relating to a child in need of protection and termination of parental rights; and to declare an emergency.

9:10 a.m. Chairman Lee called the meeting to order.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Children Incarcerated Data
- Foster Care
- Parental Rights
- Dakota Boys and Girls Ranch

9:10 a.m. Senator Hogan opened discussion on collection of data.

9:15 a.m. Kim Jacobson, Director of Agassiz Valley Human Service Zone, answered committee questions.

9:36 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Human Services Committee Fort Lincoln Room, State Capitol

HB 1556
4/7/2025

Relating to a child in need of protection and termination of parental rights; and to declare an emergency.

10:07 a.m. Chairman Lee opened the hearing.

Members Present: Chairman Lee, Vice-Chairman Weston, Senator Van Oosting, Senator Clemens, Senator Hogan, Senator Roers.

Discussion Topics:

- Juvenile Charge Classifications
- Dual Status Youth
- Court-Based Child Protection System
- Parental Designations of Abandonment, Neglect, and Abuse

10:07 a.m. Senator Hogan opened discussion on potential amendments and submitted testimony #44724, #44725, #44726, #44727 and #44728.

10:14 a.m. Kim Jacobson, Director of Agassiz Valley Human Service Zone, answered committee questions.

10:53 a.m. Kim Jacobson, Director of Agassiz Valley Human Service Zone, answered committee questions.

10:55 a.m. Senator Roers moved Amendment LC#25.1093.02003.

10:57 a.m. Senator Hogan seconded the motion.

Senators	Vote
Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

10:59 a.m. Senator Hogan moved Do Pass as Amended.

10:59 a.m. Senator Weston seconded the motion.

Senators	Vote
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Senator Judy Lee	Y
Senator Kent Weston	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	Y
Senator Kristin Roers	Y
Senator Desiree Van Oosting	Y

Motion passed 6-0-0.

Senator Hogan will carry the bill.

11:00 a.m. Chairman Lee closed the hearing.

Andrew Ficek, Committee Clerk

April 7, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

VC 4/7/25
1 of 7

ENGROSSED HOUSE BILL NO. 1556

Introduced by

Representatives Stemen, Beltz, Hagert, O'Brien, Ostlie, Dockter, Nelson

Senators Lee, Roers, Davison

1 A BILL for an Act to amend and reenact subsection 5 of section 27-20.3-01, and sections
2 27-20.3-15 and 27-20.3-21 of the North Dakota Century Code, relating to a child in need of
3 protection and termination of parental rights; to create a work group under the children's cabinet
4 to study out-of-home placement or treatment of children with behavioral health issues; to
5 provide for a report; to provide an expiration date; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 5 of section 27-20.3-01 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 5. "Child in need of protection" means a child who:

- 10 a. Is without proper parental care or control, subsistence, education as required by
11 law, or other care or control necessary for the child's physical, mental, or
12 emotional health, or morals, and the need for services or protection is not due
13 primarily to the lack of financial means of the child's parents, guardian, or other
14 custodian;
- 15 b. Has been placed for care or adoption in violation of law;
- 16 c. Has been abandoned by the child's parents, guardian, or other custodian;
- 17 d. Is without proper parental care, control, or education as required by law, or other
18 care and control necessary for the child's well-being because of the physical,
19 mental, emotional, or other illness or disability of the child's parent or parents,

- 1 and that such lack of care is not due to a willful act of commission or act of
2 omission by the child's parents, and care is requested by a parent;
- 3 e. Is in need of treatment and whose parents, guardian, or other custodian have
4 refused to participate in treatment as ordered by the juvenile court;
- 5 f. Was subject to prenatal exposure to chronic or severe use of alcohol or any
6 controlled substance as defined in chapter 19-03.1 in a manner not lawfully
7 prescribed by a practitioner;
- 8 g. Is present in an environment subjecting the child to exposure to a controlled
9 substance, chemical substance, or drug paraphernalia as prohibited by section
10 19-03.1-22.2; or
- 11 h. Is a victim of human trafficking as defined in title 12.1; or
- 12 i. Is in need of care and treatment and:
- 13 (1) Has been diagnosed with a severe mental health condition or behavioral
14 health disorder by a licensed child psychologist or psychiatrist;
- 15 (2) Has committed an act of a violent or sexual nature against another family
16 member living in the household, which if committed by an adult would be
17 considered a crime under the laws of this state, and if the criteria under
18 section 27-20.4-11 are met, has at minimum been considered for informal
19 adjustment; and
- 20 (3) Whose parent is unable to provide proper control of the child and is in fear
21 for the safety of a family member living in the same household as the child.

22 **SECTION 2. AMENDMENT.** Section 27-20.3-15 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **27-20.3-15. Disposition of a child in need of protection.**

- 25 1. If a child is found to be a child in need of protection, the court may make any of the
26 following orders of disposition best suited to the protection of the child or family and
27 the physical, mental, and moral welfare of the child:
- 28 a. Permit the child to reside with the child's parents, guardian, or other custodian,
29 subject to conditions and limitations as the court prescribes, including supervision
30 as directed by the court for the protection of the child.

- 1 b. Subject to conditions and limitations as the court prescribes, transfer temporary
- 2 legal custody to any of the following:
- 3 (1) An agency or other private organization licensed or otherwise authorized by
- 4 law to receive and provide care for the child.
- 5 (2) The director of the human service zone to receive and provide care for the
- 6 child.
- 7 c. Require the child or parents, guardian, or other custodian to participate in
- 8 treatment.
- 9 d. Appoint a fit and willing relative or other appropriate individual as the child's legal
- 10 guardian under section 27-20.1-11.
- 11 e. In cases in which a compelling reason has been shown that it would not be in the
- 12 child's best interests to return home, to have parental rights terminated, to be
- 13 placed for adoption, to be placed with a fit and willing relative, or to be placed
- 14 with a legal guardian, establish, by order, some other planned permanent living
- 15 arrangement.
- 16 2. Without a compelling reason to the contrary, a court order that transfers the child from
- 17 the current protective placement to a parent or other biological family must provide a
- 18 reasonable period of time to facilitate a beneficial transition for the child and other
- 19 parties involved.
- 20 3. A child in need of protection may not be placed in a residential facility that houses
- 21 delinquent children.

22 **SECTION 3. AMENDMENT.** Section 27-20.3-21 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **27-20.3-21. Petition for termination of parental rights.**

- 25 1. As used in this section:
- 26 a. "A finding that the child has been subjected to child abuse or neglect" means:
- 27 (1) A finding of a child in need of protection made under this chapter, except as
- 28 provided in subdivision i of subsection 5 of section 27-20.3-01; or
- 29 (2) A conviction of a person, responsible for a child's welfare, for conduct
- 30 involving the child, under chapter 12.1-16 or sections 12.1-17-01 through
- 31 12.1-17-04 or 12.1-20-01 through 12.1-20-08.

- 1 b. "Compelling reason" means a recorded statement that reflects consideration of:
 - 2 (1) The child's age;
 - 3 (2) The portion of the child's life spent living in the household of a parent of the
 - 4 child;
 - 5 (3) The availability of an adoptive home suitable to the child's needs;
 - 6 (4) Whether the child has special needs; and
 - 7 (5) The expressed wishes of a child age ten or older.
- 8 c. "Department" means the department of health and human services.
- 9 d. "Human service zone" means a county or consolidated group of counties
- 10 administering human services within a designated area in accordance with an
- 11 agreement or plan approved by the department.
- 12 2. A petition for termination of parental rights must be prepared, filed, and served upon
- 13 the parties by the state's attorney. A petition may also be prepared by any other
- 14 person that is not the court, including a law enforcement officer, who has knowledge of
- 15 the facts alleged or is informed and believes that they are true. A petition prepared by
- 16 any person other than a state's attorney may not be filed unless the director or the
- 17 court has determined the filing of the petition is in the best interest of the public and
- 18 the child.
- 19 3. Except as provided in subsection 4, a petition for termination of parental rights must be
- 20 filed:
 - 21 a. If the child has been in foster care, in the custody of the department, human
 - 22 service zone, or, in cases arising out of an adjudication by the court of a child in a
 - 23 delinquency case, the division of juvenile services, for at least four hundred fifty
 - 24 out of the previous six hundred sixty nights;
 - 25 b. Within sixty days after the court has found the child to be an abandoned infant; or
 - 26 c. Within sixty days after the court has convicted the child's parent of one of the
 - 27 following crimes, or of an offense under the laws of another jurisdiction which
 - 28 requires proof of substantially similar elements:
 - 29 (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1
 - 30 of section 14-09-22 in which the victim is another child of the parent;

- 1 (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section
- 2 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the
- 3 parent; or
- 4 (3) A violation of section 12.1-17-02 in which the victim is a child of the parent
- 5 and has suffered serious bodily injury.
- 6 4. A petition for termination of parental rights need not be filed if:
- 7 a. The child is being cared for by a relative approved by the human service zone;
- 8 b. The human service zone has documented in the case plan a compelling reason
- 9 for determining that filing such a petition would not be in the child's best interests
- 10 and has notified the court that the documentation is available for review by the
- 11 court; or
- 12 c. The human service zone has determined:
- 13 (1) Reasonable efforts to preserve and reunify the family are required under
- 14 section 27-20.3-26 to be made with respect to the child;
- 15 (2) The case plan provides such services are necessary for the safe return of
- 16 the child to the child's home; and
- 17 (3) Such services have not been provided consistent with time periods
- 18 described in the case plan.
- 19 5. For purposes of subsection 3, a child in foster care entered foster care on the earlier
- 20 of:
- 21 a. The date of the court's order if the court:
- 22 (1) Made a finding that the child has been subjected to child abuse or neglect or
- 23 the child is in need of protection under subdivision i of subsection 5 of
- 24 section 27-20.3-01;
- 25 (2) Determined that it is unsafe or contrary to the welfare of the child to remain
- 26 in the home; and
- 27 (3) Granted custody of the child to the human service zone or, in cases arising
- 28 out of an adjudication by the court that a child is in need of services, the
- 29 division of juvenile services; or
- 30 b. The date that is sixty days after:

- 1 (1) The date of a hearing under section 27-20.3-10 which results in maintaining
- 2 a child in shelter care;
- 3 (2) The date of an order in a dispositional hearing under which a child is placed
- 4 in foster care; or
- 5 (3) The date a child is placed in foster care voluntarily and with the consent of
- 6 the child's parent.
- 7 6. For purposes of subsection 3, a child leaves foster care at the time:
- 8 a. The court enters an order:
- 9 (1) Denying a petition to grant care, custody, and control of the child to the
- 10 human service zone or the division of juvenile services;
- 11 (2) Terminating an order that granted custody of the child to the human service
- 12 zone or the division of juvenile services; or
- 13 (3) Appointing a legal guardian under chapter 27-20.1;
- 14 b. The court order under which the child entered foster care ends by operation of
- 15 law;
- 16 c. The child is placed in a parental home by the court or a legal custodian other
- 17 than the division of juvenile services and the legal custodian lacks authority to
- 18 remove the child without further order of the court; or
- 19 d. The child is placed in a parental home by the division of juvenile services.
- 20 7. For purposes of subsection 3, a child is not in foster care on any night during which
- 21 the child is:
- 22 a. On a trial home visit;
- 23 b. Receiving services at the youth correctional center pursuant to an adjudication of
- 24 delinquency; or
- 25 c. Absent without leave from the place in which the child was receiving foster care.

**SECTION 4. CHILDREN'S CABINET - WORK GROUP - OUT-OF-HOME PLACEMENT
OR TREATMENT OF CHILDREN WITH BEHAVIORAL HEALTH ISSUES - REPORT.**

1. During the 2025-26 interim, the children's cabinet shall establish a work group to study the out-of-home placement or treatment of children with serious behavioral health issues. The study must include consideration of children who also are involved in juvenile court proceedings due to criminal activity.

2. The work group shall develop and implement a system of care for children with serious behavioral health issues, who may be involved in juvenile court proceedings due to criminal activity, and who are in need of out-of-home placement or treatment.

3. The work group must be led by a consultant with expertise in navigating and managing the intersecting systems involved in the out-of-home placement and treatment processes for children with serious behavioral health issues and children involved in juvenile court proceedings due to criminal activity.

4. The work group shall provide bimonthly reports to the children's cabinet on the assessment of needs, resources, challenges, options, and solutions.

SECTION 5. EXPIRATION DATE. Sections 1, 2, and 3 of this Act are effective through July 31, 2027, and after that date are ineffective.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1556**

Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS** ([25.1093.02003](#)) and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1556 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.1093.02002
Title.

Prepared by the Legislative Council
staff for Senator Hogan
April 2, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1556

Introduced by

Representatives Stemen, Beltz, Hagert, O'Brien, Ostlie, Dockter, Nelson

Senators Lee, Roers, Davison

1 A BILL for an Act to amend and reenact subsection 5 of section 27-20.3-01, and sections
2 27-20.3-15 and 27-20.3-21 of the North Dakota Century Code, relating to a child in need of
3 protection and termination of parental rights; and to declare an emergency for an Act to create a
4 work group under the children's cabinet to study out-of-home placement or treatment of children
5 with behavioral health issues; and to provide for a report.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 ~~SECTION 1. AMENDMENT.~~ Subsection 5 of section 27-20.3-01 of the North Dakota
8 Century Code is amended and reenacted as follows:
9 ~~5. "Child in need of protection" means a child who:~~
10 ~~a. Is without proper parental care or control, subsistence, education as required by~~
11 ~~law, or other care or control necessary for the child's physical, mental, or~~
12 ~~emotional health, or morals, and the need for services or protection is not due~~
13 ~~primarily to the lack of financial means of the child's parents, guardian, or other~~
14 ~~custodian;~~
15 ~~b. Has been placed for care or adoption in violation of law;~~
16 ~~c. Has been abandoned by the child's parents, guardian, or other custodian;~~
17 ~~d. Is without proper parental care, control, or education as required by law, or other~~
18 ~~care and control necessary for the child's well-being because of the physical,~~
19 ~~mental, emotional, or other illness or disability of the child's parent or parents,~~

- 1 and that such lack of care is not due to a willful act of commission or act of
2 omission by the child's parents, and care is requested by a parent;
- 3 ~~_____ e. Is in need of treatment and whose parents, guardian, or other custodian have~~
4 ~~refused to participate in treatment as ordered by the juvenile court;~~
- 5 ~~_____ f. Was subject to prenatal exposure to chronic or severe use of alcohol or any~~
6 ~~controlled substance as defined in chapter 19-03.1 in a manner not lawfully~~
7 ~~prescribed by a practitioner;~~
- 8 ~~_____ g. Is present in an environment subjecting the child to exposure to a controlled~~
9 ~~substance, chemical substance, or drug paraphernalia as prohibited by section-~~
10 ~~19-03.1-22.2; or~~
- 11 ~~_____ h. Is a victim of human trafficking as defined in title 12.1; or~~
- 12 ~~_____ i. Is in need of care and treatment and:~~
- 13 ~~_____ (1) Has been diagnosed with a severe mental health condition or behavioral~~
14 ~~health disorder by a licensed child psychologist or psychiatrist;~~
- 15 ~~_____ (2) Has committed an act of a violent or sexual nature against another family~~
16 ~~member living in the household, which if committed by an adult would be~~
17 ~~considered a crime under the laws of this state; and~~
- 18 ~~_____ (3) Whose parent is unable to provide proper control of the child and is in fear~~
19 ~~for the safety of a family member living in the same household as the child.~~
- 20 ~~_____ **SECTION 2. AMENDMENT.** Section 27-20.3-15 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~
- 22 ~~_____ **27-20.3-15. Disposition of a child in need of protection.**~~
- 23 ~~_____ 1. If a child is found to be a child in need of protection, the court may make any of the~~
24 ~~following orders of disposition best suited to the protection of the child or family and~~
25 ~~the physical, mental, and moral welfare of the child:~~
- 26 ~~_____ a. Permit the child to reside with the child's parents, guardian, or other custodian,~~
27 ~~subject to conditions and limitations as the court prescribes, including supervision~~
28 ~~as directed by the court for the protection of the child.~~
- 29 ~~_____ b. Subject to conditions and limitations as the court prescribes, transfer temporary~~
30 ~~legal custody to any of the following:~~

- 1 ~~_____ (1) An agency or other private organization licensed or otherwise authorized by~~
2 ~~law to receive and provide care for the child.~~
- 3 ~~_____ (2) The director of the human service zone to receive and provide care for the~~
4 ~~child.~~
- 5 ~~_____ c. Require the child or parents, guardian, or other custodian to participate in~~
6 ~~treatment.~~
- 7 ~~_____ d. Appoint a fit and willing relative or other appropriate individual as the child's legal~~
8 ~~guardian under section 27-20.1-11.~~
- 9 ~~_____ e. In cases in which a compelling reason has been shown that it would not be in the~~
10 ~~child's best interests to return home, to have parental rights terminated, to be~~
11 ~~placed for adoption, to be placed with a fit and willing relative, or to be placed~~
12 ~~with a legal guardian, establish, by order, some other planned permanent living~~
13 ~~arrangement.~~
- 14 ~~_____ 2. Without a compelling reason to the contrary, a court order that transfers the child from~~
15 ~~the current protective placement to a parent or other biological family must provide a~~
16 ~~reasonable period of time to facilitate a beneficial transition for the child and other~~
17 ~~parties involved.~~
- 18 ~~_____ 3. A child in need of protection may not be placed in a residential facility that houses~~
19 ~~delinquent children.~~
- 20 ~~_____ **SECTION 3. AMENDMENT.** Section 27-20.3-21 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~
- 22 ~~_____ **27-20.3-21. Petition for termination of parental rights.**~~
- 23 ~~_____ 1. As used in this section:~~
- 24 ~~_____ a. "A finding that the child has been subjected to child abuse or neglect" means:~~
- 25 ~~_____ (1) A finding of a child in need of protection made under this chapter, except as~~
26 ~~provided in subdivision i of subsection 5 of section 27-20.3-01, or~~
- 27 ~~_____ (2) A conviction of a person, responsible for a child's welfare, for conduct~~
28 ~~involving the child, under chapter 12.1-16 or sections 12.1-17-01 through~~
29 ~~12.1-17-04 or 12.1-20-01 through 12.1-20-08.~~
- 30 ~~_____ b. "Compelling reason" means a recorded statement that reflects consideration of:~~
- 31 ~~_____ (1) The child's age;~~

- 1 ~~_____ (2) The portion of the child's life spent living in the household of a parent of the~~
- 2 ~~child;~~
- 3 ~~_____ (3) The availability of an adoptive home suitable to the child's needs;~~
- 4 ~~_____ (4) Whether the child has special needs; and~~
- 5 ~~_____ (5) The expressed wishes of a child age ten or older.~~
- 6 ~~_____ c. "Department" means the department of health and human services.~~
- 7 ~~_____ d. "Human service zone" means a county or consolidated group of counties~~
- 8 ~~administering human services within a designated area in accordance with an~~
- 9 ~~agreement or plan approved by the department.~~
- 10 ~~_____ 2. A petition for termination of parental rights must be prepared, filed, and served upon~~
- 11 ~~the parties by the state's attorney. A petition may also be prepared by any other~~
- 12 ~~person that is not the court, including a law enforcement officer, who has knowledge of~~
- 13 ~~the facts alleged or is informed and believes that they are true. A petition prepared by~~
- 14 ~~any person other than a state's attorney may not be filed unless the director or the~~
- 15 ~~court has determined the filing of the petition is in the best interest of the public and~~
- 16 ~~the child.~~
- 17 ~~_____ 3. Except as provided in subsection 4, a petition for termination of parental rights must be~~
- 18 ~~filed:~~
- 19 ~~_____ a. If the child has been in foster care, in the custody of the department, human~~
- 20 ~~service zone, or, in cases arising out of an adjudication by the court of a child in a~~
- 21 ~~delinquency case, the division of juvenile services, for at least four hundred fifty~~
- 22 ~~out of the previous six hundred sixty nights;~~
- 23 ~~_____ b. Within sixty days after the court has found the child to be an abandoned infant; or~~
- 24 ~~_____ c. Within sixty days after the court has convicted the child's parent of one of the~~
- 25 ~~following crimes, or of an offense under the laws of another jurisdiction which~~
- 26 ~~requires proof of substantially similar elements:~~
- 27 ~~_____ (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1~~
- 28 ~~of section 14-09-22 in which the victim is another child of the parent;~~
- 29 ~~_____ (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section~~
- 30 ~~12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the~~
- 31 ~~parent; or~~

- 1 ~~_____ (3) A violation of section 12.1-17-02 in which the victim is a child of the parent~~
2 ~~_____ and has suffered serious bodily injury.~~
- 3 ~~_____ 4. A petition for termination of parental rights need not be filed if:~~
- 4 ~~_____ a. The child is being cared for by a relative approved by the human service zone;~~
- 5 ~~_____ b. The human service zone has documented in the case plan a compelling reason~~
6 ~~_____ for determining that filing such a petition would not be in the child's best interests~~
7 ~~_____ and has notified the court that the documentation is available for review by the~~
8 ~~_____ court; or~~
- 9 ~~_____ c. The human service zone has determined:~~
- 10 ~~_____ (1) Reasonable efforts to preserve and reunify the family are required under~~
11 ~~_____ section 27-20.3-26 to be made with respect to the child;~~
- 12 ~~_____ (2) The case plan provides such services are necessary for the safe return of~~
13 ~~_____ the child to the child's home; and~~
- 14 ~~_____ (3) Such services have not been provided consistent with time periods~~
15 ~~_____ described in the case plan.~~
- 16 ~~_____ 5. For purposes of subsection 3, a child in foster care entered foster care on the earlier~~
17 ~~_____ of:~~
- 18 ~~_____ a. The date of the court's order if the court:~~
- 19 ~~_____ (1) Made a finding that the child has been subjected to child abuse or neglect or~~
20 ~~_____ the child is in need of protection under subdivision i of subsection 5 of~~
21 ~~_____ section 27-20.3-01;~~
- 22 ~~_____ (2) Determined that it is unsafe or contrary to the welfare of the child to remain~~
23 ~~_____ in the home; and~~
- 24 ~~_____ (3) Granted custody of the child to the human service zone or, in cases arising~~
25 ~~_____ out of an adjudication by the court that a child is in need of services, the~~
26 ~~_____ division of juvenile services; or~~
- 27 ~~_____ b. The date that is sixty days after:~~
- 28 ~~_____ (1) The date of a hearing under section 27-20.3-10 which results in maintaining~~
29 ~~_____ a child in shelter care;~~
- 30 ~~_____ (2) The date of an order in a dispositional hearing under which a child is placed~~
31 ~~_____ in foster care; or~~

1 ~~_____ (3) The date a child is placed in foster care voluntarily and with the consent of~~
2 ~~_____ the child's parent.~~

3 ~~_____ 6. For purposes of subsection 3, a child leaves foster care at the time:~~

4 ~~_____ a. The court enters an order:~~

5 ~~_____ (1) Denying a petition to grant care, custody, and control of the child to the~~
6 ~~_____ human service zone or the division of juvenile services;~~

7 ~~_____ (2) Terminating an order that granted custody of the child to the human service~~
8 ~~_____ zone or the division of juvenile services; or~~

9 ~~_____ (3) Appointing a legal guardian under chapter 27-20.1;~~

10 ~~_____ b. The court order under which the child entered foster care ends by operation of~~
11 ~~_____ law;~~

12 ~~_____ c. The child is placed in a parental home by the court or a legal custodian other~~
13 ~~_____ than the division of juvenile services and the legal custodian lacks authority to~~
14 ~~_____ remove the child without further order of the court; or~~

15 ~~_____ d. The child is placed in a parental home by the division of juvenile services.~~

16 ~~_____ 7. For purposes of subsection 3, a child is not in foster care on any night during which~~
17 ~~_____ the child is:~~

18 ~~_____ a. On a trial home visit;~~

19 ~~_____ b. Receiving services at the youth correctional center pursuant to an adjudication of~~
20 ~~_____ delinquency; or~~

21 ~~_____ c. Absent without leave from the place in which the child was receiving foster care.~~

22 ~~_____ **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.~~

23 ~~_____ **SECTION 1. CHILDREN'S CABINET - WORK GROUP - OUT-OF-HOME PLACEMENT**~~
24 ~~_____ **OR TREATMENT OF CHILDREN WITH BEHAVIORAL HEALTH ISSUES - REPORT.**~~

25 ~~_____ 1. During the 2025-26 interim, the children's cabinet shall establish a work group to study~~
26 ~~_____ the out-of-home placement or treatment of children with serious behavioral health~~
27 ~~_____ issues. The study must include consideration of children who also are involved in~~
28 ~~_____ juvenile court proceedings due to criminal activity.~~

29 ~~_____ 2. The work group shall develop and implement a system of care for children with serious~~
30 ~~_____ behavioral health issues, who may be involved in juvenile court proceedings due to~~
31 ~~_____ criminal activity, and who are in need of out-of-home placement or treatment.~~

- 1 3. The work group must be led by a consultant with expertise in navigating and managing
- 2 the intersecting systems involved in the out-of-home placement and treatment
- 3 processes for children with serious behavioral health issues and children involved in
- 4 juvenile court proceedings due to criminal activity.
- 5 4. The work group shall provide bimonthly reports to the children's cabinet on the
- 6 assessment of needs, resources, challenges, options, and solutions.

JCO GUIDE FOR RELEASE OF YOUTH FROM DETENTION OR NONSECURE CARE (1/22/24)

Situation: Parent cannot be found or is refusing to pick up child from detention or nonsecure care and Section 27-20.4-07 NDCC may be applicable.

STEP ONE: If unable to release to a parent, JCO looks for "other responsible adult able and willing to assume custody" as allowed under 27-20.4-07(1)(b) NDCC.

STEP TWO:

Responsible Adult, Able & Willing, is Found

1. JCO does an Odyssey look up on that adult
2. JCO files a 960 if facts indicate that the child is need of protection (CHIPS)

3. JCO sets a detention hrg to request release to that adult using an assumption of responsibility form; OR may release without a hearing upon parental consent documented in ESUP

Responsible Adult, Able & Willing, is NOT found

1. JCO documents attempts to locate a responsible adult in ESUP
2. JCO files a 960 with CPS and case becomes DSY

3. MDT is held and agencies collaborate on a solution
4. If solution is found, release with plan
5. If no solution found, shelter care hearing is set under 27-20.4-09(5) NDCC *

Parent(s) found but refusing to pick youth up

1. JCO asks parent to put in writing the specific refusal reasons
2. JCO files 960 if CHIPS indicated and requests Zone complete safety assessment of the home within 48 hours and inform the court of the results

HOME FOUND SAFE: Youth is DSY so FCE or MDT held and release plan completed. If parents uncooperative, JCO recommends to the court to order the parents to pick up the child or find the parents in contempt if they refuse

HOME UNSAFE: Youth is DSY so FCE or MDT held before the shelter care hrg if possible. Zone files affidavit and creates CHIPS file and CHIPS shelter care hrg is held.*

STEP THREE: The delinquent referral is addressed by juvenile court via delinquent intake matrix and the occurring delinquent behavior upon admission or adjudication of the offense(s) per Ch. 27-20.4 NDCC. Safety (CHIPS) issues are addressed by the zone through zone procedures or Ch. 27-20.3 NDCC. Collaboration between juvenile court and zone staff is critical. Hearing deadlines are set by Rule 2, NDRJP and these may impede an FCE or MDT because of the 24-hour deadline for a detention hearing or 96-hour deadline from entering nonsecure care. Parents properly served who fail to appear may be held in contempt of court or bench warrant issued under Rule 10(a)(3) NDRJP.

Referral for Services

- Child Protection – File SFN 960 or call CPS Intake at 1-833-958-3500 (8:00am – 5:00pm)
- ND Dual Status Youth Initiative
- Family Centered Engagement Meetings
- Kinship ND
- Title IV-E Prevention Services
- Family Centered Partnering Agencies
- Behavioral Health Services
- Voluntary Treatment Program

If an emergency shelter placement or respite services are warranted, contact a local Zone to gain access to a licensed foster care provider family home or certified shelter setting.

*Zones could avoid receiving custody by using certified shelter or certified foster care or contacting the mobile crisis unit, as applicable.

My name is Cathy Ferderer, and I am the Director of Juvenile and Family Services for the ND Court Administrators' Office. As part of the role, I oversee policy and practice for the Juvenile Court. The Juvenile Court Directors and I would like to respond to the testimony and information shared at the hearing on March 26 regarding HB 1556, as we believe some of the information provided was inaccurate and didn't reflect how and why these cases are becoming Child in Need of Protection (CHIP) cases. I apologize for not being able to attend the hearing. I participated in a national convening of Juvenile Courts across the country earlier this week, which took place in Omaha. I would have sent someone in my place, but I was not aware that juvenile court practice would be discussed and amendments addressing our practice would be proposed.

As you are aware, a revision of the Juvenile Court Act took effect in 2021. The workgroup that provided the language for this rewrite consisted of representatives from all three branches of government and all major partners in the juvenile justice and child welfare system. That legislation removed the juvenile court's jurisdiction over unruly behavior, which includes truancy, ungovernable behavior, running away from home, and tobacco violations. According to testimony provided, "The overarching goal is to allow families to access these same services without the necessity of an arrest and creation of a juvenile court record for these types of behaviors. This aligns our code with what works and is most effective to prevent a child from being drawn deeper into the criminal justice system. It also allows families to proactively reach out for help much earlier, rather than waiting for behavior that merits an arrest or law enforcement citation." The implementation was delayed until August 1, 2022. According to testimony, "This allows time for planning and ensuring that services are available through this other pathway."

We disagree with the testimony and information shared with the committee that juvenile court procedures regarding the filing of 960s, which may lead to custody given to the Human Service Zone, particularly in cases involving unsafe situations that do not involve delinquent actions, are being viewed as a "new practice." This practice has been occurring since before the rewrite. Between 2016 and 2020, prior to the rewrite, the Human Service Zone received custody on average 37 times per year. These were in both unruly and delinquent case types. Custody was given to the Department of Human Services so that out-of-home placements could be used to address behavioral and mental health needs and risky behaviors, such as chronic running away or ungovernable behavior, as juvenile court officers do not have the authority to make out-of-home placements. Additionally, the Juvenile Court and Children and Family Services collaborated on a protocol that addressed one aspect of this practice: parental refusal to pick up a youth from detention or attendant care. The protocol was created in 2022 and revised in 2024. I have attached that protocol.

Currently, juvenile court officers consult with the human service zone or file a 960 report when the youth's nondelinquent behaviors, such as running away, or the parent's inability to control or refusal to pick up a child from detention or attendant care, put the child at risk of harm. Again, juvenile court officers do not have the authority to place a child in a treatment facility, and few parents have access to private treatment. If the parents cannot provide treatment privately, the only source of treatment and also placement is through a Child in Need of Protection case.

We completely agree with the testimony and discussion regarding gaps in services and the need for good placement options for these youth, and we understand the Human Service Zones' request for assistance with this issue. We support the opening of the Life Skills Center and encourage further discussion on practices and resources to address the needs of these youth. We believe your proposal to study these issues is a good one and would appreciate the opportunity to participate if the study proceeds.

Thank you for allowing us to provide you with additional information on the concerns that were addressed. We felt it was essential to do so, as our juvenile court officers work diligently to guide delinquent youth on a path that leads to becoming successful adults while also ensuring community safety. At times, this involves partnering with and engaging other agencies to address the multiple issues this youth is facing. We are proud to say that our officers are making efforts to address both the delinquent offenses and engage other partners when the youth's safety is endangered due to nondelinquent behaviors.

We would also like to reach out to the Governor's Office to provide this information and obtain their perspective on the current situation, as well as address any concerns they may have. Could you please provide me with the contact information for the person who contacted you?

Finally, we would like to be part of any further committee work that may occur on Monday and will make ourselves available to attend and answer any questions you may have.

Cathy Ferderer, Director of Juvenile and Youth Services

Shawn Peterson, Juvenile Court Director – Unit 1

Nicole Leitner, Juvenile Court Director – Unit 2

Carrie Hjellming, Juvenile Court Director – Unit 3

Sean Anderson, Juvenile Court Director – Unit 4

LSTC

The Life Skills and Transition Center (LSTC) is a state-operated, comprehensive support agency serving people with intellectual and developmental disabilities in Grafton. LSTC serves as a crisis and stabilization center, as well as a safety net for people whose needs exceed community resources. Accredited by The Council since 1989, the center received a three-year Quality Assurances Accreditation in January of 2024.

<https://www.hhs.nd.gov/individuals-disabilities/LSTC>

LSTC Rates – Provided by Heather Jenkins

January 1, 2025

\$1,536.02 per day

\$560,647 per year

Daily rates at LSTC

Date	Daily Rate	Rate for 1 year of placement
March 2016	\$912.09 per day	\$332,912.85 per year
February 2017	\$916.65	\$334,577.25 per year
April 2018	\$1,050.84	\$383,556.60 per year
June 2019	\$1,038.32 per day	\$378,986.80 per year
July 2020	\$1,200 per day	\$438,000 per year
January 2021	\$1,148.29 per day	\$419,126 per year
October 2022	\$1,231.49 per day	\$449,494 per year
April 1, 2023	\$1,333.50 per day	\$486,727 per year
October 1, 2023	\$1,381.77 per day	\$504,346 per year
March 2024	\$1,495.53 per day	\$545,868 per year

ND Constitution ARTICLE IX TRUST LANDS

Section 12. The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the Act of Congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe subject to the limitations provided in the article on school and public lands contained in this constitution.

8. A state hospital for the care of individuals with mental illness at the city of Jamestown, in the county of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the Act of Congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located at or near the city of Grafton, in the county of Walsh, a facility for individuals with developmental disabilities, on the grounds purchased by the secretary of the interior for a penitentiary building.

Clinical Assistance, Resources, and Evaluation Service (CARES) Program – A team of specialists including clinical staff and direct support staff provide consultation services and in-home and on-site supports in the community to prevent admissions and readmissions and to assist in transitioning people from the LSTC. Crisis Stabilization Coordinators (CSC).

Staffing Needs

LSTC is currently using temp staff, mainly CNA's, to cover shifts. CNAs are not trained on working with individuals with DD and the individual plans, as required by Title 19 and the NDCC. Active treatment is a big concern. It has been reported by LSTC staff, there is a high rate of turnover in these contracted agency staff. What does that cost and where would LSTC get trained people to work with youth who have behavioral/mental/psychiatric diagnoses and needs? If they can not hire employees for the DD services where will people to work with the youth come from.

Psychiatric Residential Treatment Facilities (PRTF) Licensing
<https://www.hhs.nd.gov/behavioral-health/PRTF-licensing>

North Dakota has six Psychiatric Residential Treatment Facilities that serve youth.

Dakota Boys and Girls Ranch - Bismarck, Fargo and Minot

Nexus-PATH Family Healing Luther Hall - Fargo

Pride Manchester House - Bismarck

Ruth Meiers Adolescent Center - Grand Forks

Qualified Residential Treatment Facilities Program (QTRP)
<https://www.hhs.nd.gov/sites/www/files/documents/DHS%20Legacy/qtrp-admissions--how-to-access-a-qtrp.pdf>

Placement Availability Currently, ND Qualified Residential Treatment Program (QTRP) placement is only available to:

1. North Dakota Children under the public custody of a Human Service Zone, a North Dakota Tribe or Division of Juvenile Services and
2. North Dakota Children, not in the public custody, who have been approved for placement and reimbursement by the NDDHS Voluntary Treatment Program (VTP). If the child meets the above criteria, the custodial case manager or parent/ guardian if approved for VTP is responsible to complete the referral paperwork and process.

7. "Psychiatric residential treatment facility for children" means a facility or a distinct part of a facility that provides to children a total, twenty-four hour, therapeutic environment integrating group living, educational services, and a clinical program based upon a comprehensive, interdisciplinary clinical assessment, and an individualized treatment plan that meets the needs of the child and family. The services are available to children in need of and able to respond to active psychotherapeutic intervention and who cannot be effectively treated in their own family, in another home, or in a less restrictive setting. The facility must meet the requirements of a psychiatric residential treatment facility as set out in title 42, Code of Federal Regulations, part 483.352.

8. "Residential treatment" means a twenty-four hour a day program under the clinical supervision of a mental health professional, in a community residential setting other than an acute care hospital, for the active treatment of mentally ill persons.

9. "Serious risk of harm" means a substantial likelihood of:

- a. Suicide, as manifested by current suicidal threats, attempts, or significant depression creating immediate risk of suicide;
- b. Killing or inflicting serious bodily harm to self or another person, as manifested by current act; or Substantial deterioration in physical health or substantial injury, disease, or death based on current poor self-control or judgment.

CHAPTER 75-03-17 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN 75-03-17-01. Definitions

1. "Accredited" means to be accredited and in good standing by an independent, not-for-profit accreditation organization approved by the United States department of health and human services and the department, including the commission on accreditation of rehabilitation facilities, the joint commission, and the council on accreditation.

2. "Active treatment" means a strength based, culturally competent, and medically appropriate treatment designed to meet immediate needs with specific outcome and return to the family or another less restrictive community setting as soon as clinically possible and when treatment in a facility is no longer medically necessary.

14. "Individual with a mental illness" means an individual with an organic, mental, or emotional disorder that substantially impairs the capacity to use self-control, judgment, and discretion in the conduct of personal affairs and social relations. "Individual with a mental illness" does not include an individual with intellectual disabilities of significantly subaverage general intellectual functioning which originate during the developmental period and is associated with impairment in adaptive behavior, although an individual who has intellectual disabilities may also be an individual who has a mental illness. A substance use disorder does not per se constitute mental illness, although an individual who has a substance use disorder may also be an individual who has a mental illness.

17. "Psychiatric residential treatment facility for children" or "facility" means a facility or a distinct part of a facility that provides to children and adolescents a total, twenty-four-hour, therapeutic environment integrating group living, educational services, and a clinical program based upon a comprehensive, interdisciplinary clinical assessment and an individualized treatment plan that meets the needs of the child and family. The services are

75-03-17-05. Diagnosis and treatment while at the facility.

1. Duties of the facility. The facility shall:

- a. Provide for a medical, psychiatric, and psychological assessment of each child no later than seventy-two hours after admission;**
- e. Provide ongoing and consistent individual therapy utilizing evidence-based models of care for psychiatric residential treatment facilities for children. Individual therapy must focus on providing the child skills they need to be successful in their home and community;**
- f. Complete a diagnostic assessment, completed by a licensed psychiatrist, no less than seventy-two hours after admission that includes:**

2. Specialists. The facility shall provide a sufficient number of qualified psychiatric professionals to meet the resident needs. Each facility shall provide a minimum of one-half hour per week per bed of psychiatry time, one hour per week per bed of family therapy time, and two hours per week per bed of individual therapy time. Each facility shall provide twenty-four-hour nursing, which may include a combination of onsite or on-call hours.

If this could go to a study it would give sufficient time for the legislature to gather facts, statistics and carefully study all state and federal requirements for operating a psychiatric facility for youth with behavioral/mental health diagnoses. It also gives time to determine why the PTRF and QRTP beds are underutilized.



Testimony Prepared for the House Appropriations Committee

SB 2037 – Related to Juvenile Court Petitions and Fitness to Proceed

April 3, 2025

Lynn Flieth, RSR Human Service Zone Director

Chair Vigesaa, and members of the House Appropriations Committee, my name is Lynn Flieth. I am the Director for the RSR Human Service Zone, which includes the counties of Ransom, Sargent and Richland. I'm also a member of the North Dakota Human Service Zone Directors Association. Thank you for the opportunity to provide testimony on SB 2036 and 2037, related to changes in the Juvenile Court Act surrounding fitness to proceed and Child In Need of Protection proceedings.

During the legislative interim, a task force completed extensive work to establish parameters and procedures to determine whether a juvenile is fit to proceed through the court process. However, despite previous testimony to the contrary, human service zones were not included or consulted in that work, nor were we aware of it until the beginning of this session. The Association has provided testimony in support of both bills, because we support due process for youth, including appropriate remediation options. We have also testified that these goals cannot be achieved by expanding the definition of a Child In Need of Protection (NDCC 27-20-3.01) — which both bills seek to do. In SB 2037, on Page 2, Lines 25-26 state that "In a juvenile proceeding, the court may order an investigation into whether a child in need of protection proceedings should be initiated." In SB 2036, on Page 11, Lines 23-25 state that "If release to the minor's parent, legal guardian, or legal custodian is determined inappropriate under subsection 1, the court may dismiss the delinquency proceeding and direct proceedings under chapter 27-20.3." Due to the continued inclusion of this language, the Association opposes SB 2036 and 2037.

Chair Vigesaa, and members of the House Appropriations committee, these bills will have adverse impact on the youth and families we already serve, and the youth who are the target audience of these changes, as well as the front line child welfare staff of the Human Service Zones.

- **Adverse Impact #1: Senate Bills 2036 and 2037 will result in placement crises.** Youth in juvenile court, particularly those lacking fitness to proceed, are likely to have extensive and complex behavioral health needs. They may have unstable or untreated mental health diagnoses, learning disabilities, or low intellectual functioning. As you are aware from our

initial fiscal note included funds for hiring of evaluation staff and additional case management positions for these complex needs youth. Simply stated: 100 case managers would not resolve the problem. The reality is that there are not services to “connect” these youth to. There are not placement resources for these youth to reside when the determination is made that the family home is not appropriate

One final consideration regarding the size of this population is that it will grow as the result of these bills. Judges who are incorrectly led to believe that zones can offer niche services and placement for youth who are delinquent, perhaps even violent, yet unfit to proceed, will undoubtedly direct more of those youth to zones. Given that the necessary service infrastructure is not in place, this will only serve to burden Human Service Zones. Of further concern, the safety of the youth and community are still not addressed.

Those in support of designating these youth as Children In Need of Protection are looking strictly at the judicial process for this population, and they believe that they’re offering a solution for these youth without “reinventing the wheel.” Unfortunately, the narrow scope of this perspective results in an oversimplification of the complex needs of this population — and the multifaceted array of services that is needed to meet their needs.

Youth who have engaged in a delinquent act severe enough to merit a juvenile justice proceeding, but who lack fitness to proceed, stand at a complex intersection of mental and behavioral health issues, antisocial behaviors, and intellectual functioning. **The juvenile justice system is the appropriate system to manage those cases.** Where they are unequipped to do so, we as a state must build the necessary spectrum of statewide service options. Shifting these youth to a different department that is *less* equipped to meet their needs does not accomplish that. It does not provide youth with treatment or hold them accountable, it does not offer justice to victims, and it does not make communities safer. Instead, it sets the stage to delay, if not completely deny, remedial treatment and support.

Chair Vigesaa, and members of the House Appropriations Committee, I urge you to recognize that the identified sections of SB 2037 and 2036 disregard those needs, and the work involved in meeting them; as well as parental responsibilities and rights to continue parenting children with complex needs and delinquent behaviors. Furthermore, I urge you to recognize the needless, and harmful, shift of work from the juvenile justice system onto child welfare case managers. Finally, in light of those inevitable adverse impacts, I request that you remove the language that we have highlighted as problematic.

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

Dual Status (CHIPS and Delinquent Youth) in ND Human Service Zone Custody
High Level Summary
Point in Time as of 4/1/2025

Number of Dual Status Youth (CHIPS and Delinquent) in Human Service Zone Custody

50 youth

Competent (Y/N)

Yes	5 known incompetent youth currently served at the zone-level
No	45 remaining youth are considered competent

Delinquent

Pre-CHIPS	44 charges
Post-CHIPS	131 charges
Unknown at this time	31 charges

Charges

	50 youth have a combined total of 224 charges
	18 of the charges were unspecified
<i>See additional spreadsheet for listing of charges</i>	41 different types of charges were noted
	Many youth have multiple charges
	Average is 4.5 charges per youth

Number reported on Formal Probation

4

Number reported referred to Drug Court

0

Identified Gaps

Youth Substance Abuse Treatment Services in Communities

Dual Status Youth Protocols - alignment to engage both child welfare and Juvenile Court to address delinquency behavior

Information sharing - inconsistency around court risk assessments, competency determinations, etc.

Judicial response and process to youth with delinquent behaviors who are not responsive to probation

Level of Intrusion - Parental rights and child best interest

DD division role in placement, treatment, services to dual systems youth and continuum of care

Youth involved with law enforcement and undergoes field assessment - zones do not have input in the 1-year look back review that is used to assess even if zone is legal custodian

Access to placement options that meet the needs of delinquent youth with trained providers and safe settings

The fit of therapeutic and community foster homes in the overall service provision to this population of youth. Necessary training, specialization, etc. needed

Need for stabilizing placements and expectations at therapeutic levels without premature disruption or discharge for the same reason the child was placed

Practice model and case manager training to provide quality case management services

Severe lack of common definitions and practice guidelines between systems (child welfare, Juvenile Court, legal, provider, etc.)

What is the role of state owned and operated facilities in serving high needs population groups (state hospital, Ruth Meiers, Youth Correctional Center, etc.)?

Licensing expectations and consequences for PRTF and QRTP compliance and service delivery that meets the need of the target populations