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Senators,

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I would like to urge you to approve SB 2256.

My name is Carl Young, I am the executive director of Family Services Network, Inc., an organization that supports families of children born substance exposed to drugs or alcohol. All of the families that we currently work with are foster adopt. Meaning that the children were in some type of foster living situation at one point in their lives.

Currently, at the national level, according to the National Organization on Fetal Alcohol Syndrome, approximately 1 in 20 children are living with Fetal Alcohol Syndrome. Most of those are undiagnosed. However, the number may not be accurate due to shame the birth parent might feel for causing their child's condition through substance abuse or alcohol intake.

This study gets to the heart of the matter, of the families that I work with, three have applied to the Department of Human Services and been denied because the child's intellect quotient is too high.

The family in Watford City that wants their little boy to just be able to attend school with the supports that he needs.

The family in Pembina that wants their daughter to be able to have supports so that she can be successful in her school and after-school activities.

The family in Fargo that wants their daughter to get the services and supports that she needs to make proper decisions that aren't destructive.

The family in Bismarck whose now adult son is currently in jail owing in part to the fact that he was denied the support that he needed to make decisions.

I'd like to talk more about the Bismarck family. The son came to his family when he was 18 months old. From the age of 7, the family sought care, both in state and out of state for their son. Diagnoses ranged from oppositional defiant disorder, to obsessive compulsive disorder. From Autism to pediatric Bipolar. From Reactive Attachment Disorder to Fetal Alcohol and Neonatal Abstinence Syndrome.

At present he has the following diagnoses: Oppositional Defiant Disorder, Reactive Attachment Disorder, Fetal Alcohol Spectrum Disorder and Autism Spectrum Disorders.

When he was 15 the family took him to see Dr. Larry Burd at the University of North Dakota's Fetal Alcohol Clinic. Armed with medical records, facility records and police reports, they sought answers. This is where and when they received the diagnosis of Fetal Alcohol.

Fetal Alcohol Spectrum Disorders are caused by as little as one ounce of alcohol in the first trimester, though it can affect brain development at any stage of the pregnancy. Specifically touching those sections of the brain that control cognition. It does this by immediately crossing the placenta upon introduction to the blood stream.

Though all areas of the brain are important we will focus on one. The Frontal Lobe. Here is where executive function takes place. The ability to apply logic and reason. Self-control lives here. Inhibition lives here.

One example of how executive function works likened it to Air Traffic Control. The tower (executive function) tells the person that what they are about to do might not be a good idea.

Without the tower, the right things can still happen, but they are less likely to be successful.

How does this apply to the family from Bismarck?

In 2016 they applied for Developmental Disability Services at WCHSC. They were approved and then a week later denied. The claim for denial was that the intellect quotient was too high.

The decision was appealed to Administrative Law where it was upheld.

During this period the family learned how the decision is made. The son met all of the criteria for services except one, which was a Progress Assessment Review done in a program called Therap. The decision that can be returned here is Y. N. or P. Yes, No, or Professional Judgement.

The son came back as a P. The decision to deny was based on testing that the family didn't know about and never authorized. His intellect quotient was 85.

He qualified in all other areas mandated by state and federal law.

During the administrative hearing, the social worker for the state had to explain why they use the process that they do. Their repeated response to questioning? "That's the way we have always done it."

State and Federal Law do not use intellect quotient as a determining factor in developmental disability cases.

The son, as I stated, is now in jail awaiting trial for Criminal Conspiracy, Criminal Mischief, minor in consumption, minor in possession. He has had charges of unlawful use of a vehicle, breaking and entering, theft, minor in possession with intent, criminal trespass, and a host of other crimes. He has been involved with the justice system both as a juvenile and as an adult.

He has been homeless.

We have been told that he now qualifies for developmental disability services, though with Covid-19 and his criminal record he has been unable to get the services he needs.

His story is one of many I could share, in the interest of time, I will share one more fact about his life.

He is my son.

Please support this study so that we can ensure that the department is following state and federal law when determining DD eligibility.

Thank you and I'd be happy to answer any questions.

Carl Young