

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1385

2001 HOUSE HUMAN SERVICES

HB 1385

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1385

House Human Services Committee

Conference Committee

Hearing Date January 31, 2001

Tape Number	Side A	Side B	Meter #
Tape 1	X		2770 to end
Tape 1		X	0 to 1330
Tape 3	X		95 to 1080
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on HB 1385.

Rep. Delzer: Presented Bill. (See written testimony.) The amendment I am presenting would make it so that the department could not place a child without consent unless there was a court hearing first. I ask for your favorable consideration.

Rep. Weisz: I see you have added language regarding the courts.

Rep. Delzer: With this amendment, if there ever was a situation where there was a conflict, it would be up to the parent's discretion to go to the courts.

Carlotta McCleary: Regional Parent Coordinator, N.D. Federation of Families for Childrens Mental Health. (See written testimony.) Families would like to see juvenile courts out of the

process as long as the department and the parents agree to what is in the best interest of the child.

We ask that you support HB 1385.

Rep. Cleary: Do you agree with the amendments?

Carlotta McCleary: I certainly would agree that if there is a conflict between the families and the department, then the court option would be the thing to do.

JoAnne Hoesel: Administrator for Children's Mental Health Programs for the Department of Human Services. (See support of HB 1385 in written testimony.) The department supports this bill because it provides an option to access treatment without court involvement.

Chairman Price: Would you like to make comments on the proposed amendments?

Jo Anne Hoesel: The department would not enter into this process without the consent of a parent.

Carol Dipple: Parent of Obsessive Compulsive Child. My son was traumatized enough without having to go in front of a judge.

Mary Ann Kirchmeier: (See support of HB 1385 in written testimony.) We have a child who has an emotional disorder. I believe this bill is another step in making it a little easier to get help for the children and their families, and one less item the courts have to deal with.

Debra Jendro: I am here to day in Support of HB 1385. I am a parent of an emotionally disturbed child.

Gln Ohmsted: As a parent, I am in support of HB 1385.

Linda Lund: Parent of Polar Disorder Child. I am supportive of this bill. Please remove the language that orders a parent to go before a judge in order to obtain treatment for their child. Leave that decision to the parent.

Chairman Price: If we don't amend this bill, can the spouse keep the child out of treatment?

Jo Anne Hoesel: We've never had that situation. We would negotiate if that did happen.

Rep. Sandvig: What happens with the child support.

Jo Anne Hoesel: Not an issue that is dealt with, with this option.

Chairman Price: Close hearing on HB 1385.

COMMITTEE WORK:

CHAIRMAN PRICE: 1385. What would you like to do?

REP. WEISZ: I would like to make a motion to move the amendments presented by Rep. Delzer.

REP. SANDVIG: Second.

CHAIRMAN PRICE: Discussion.

REP. WEILER: If they are trying to take the courts out of the system, why are we putting this back in?

CHAIRMAN PRICE: I think the only time it would be used is if you had disagreeing parents.

REP. WEILER: How about if there is a disagreement between the parent and the department?

CHAIRMAN PRICE: The department tells us they will never do it unless the parents want it.

REP. WEISZ: Adding this language back in does not bring the courts back in. It keeps them as a viable option.

REP. WEILER: Is there a possibility there that by having that option with the courts there it would cause more of a problem between the two parents that might disagree. If option isn't there, maybe they will work it out.

REP. WEISZ: Some custody cases get extremely ugly.

REP. CLEARY: I am worried there will be a conflict of the custodial parent who sees the child all of the time and realizes there is a problem, and then the non-custodial parent who very seldom sees the child will say "oh, no" - will this help to put this amendment in?

CHAIRMAN PRICE: Hopefully, the parent would consider the child. We can't legislate for every case, but this would give them flexibility.

REP. WEISZ: This leaves options for custodial parent to get the child in the center if there is a dispute. Court can work for both sides of the issues.

REP. NIEMEIER: I was concerned about the court being amended back in, and all of the families seem to testify without knowledge of the amendment. After this was explained to the people they seem to accept that as being okay.

CHAIRMAN PRICE: This would only be if the family wished to go to court. All in favor of the amendment signify by saying Aye - 14 YES.

REP. GALVIN: I move a DO PASS as amended.

REP. SANDVIG: Second.

CHAIRMAN PRICE: Discussion.

REP. SANDVIG: There was only one concern I had and that was the parent that had a child on Medicaid and they go into a residential treatment center - they pay child support for that child? Those are the ones to get out of the child support.

CHAIRMAN PRICE: The child support is still there. Any other comments. The clerk will take the roll on a **DO PASS as amended**.

14 YES 0 NO 0 ABSENT CARRIED BY REP. SANDVIG

FISCAL NOTE
 Requested by Legislative Council
 02/02/2001

Bill/Resolution No.:

Amendment to: HB 1385

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

There would be no fiscal impact for the Department of Human Services as this bill does not change eligibility for this program. The bill would only move from a two-fold approval process to an approval process involving only the Department of Human Services.

It is anticipated that the situations covered by this amendment will be minimal. Since 1995, in the history of this program, there have been no situations arise that would be covered by the amendment.

To date in the current biennium, 29 children have been receiving treatment services through this program so it is felt that the judicial impact would be minimal due to the low number of children using the process.

In addition, it is felt that it would be a very low number of children that would potentially need to access the court, based on the amendment scenario.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Human Services
Phone Number:	328-2397	Date Prepared:	02/05/2001

FISCAL NOTE
 Requested by Legislative Council
 01/23/2001

Bill/Resolution No.: HB 1385

Amendment to:

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

There would be no fiscal impact for the Department of Human Services as this bill does not change eligibility for this program. The bill would only move from a two-fold approval process to an approval process involving only the Department of Human Services.

To date in the current biennium, 29 children have been receiving treatment services through this program so it is felt that the judicial impact would be minimal due to the low number of children using the process.

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C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda M. Weisz	Agency:	Human Services
Phone Number:	328-2397	Date Prepared:	01/29/2001

VR
2/1/01

HOUSE AMENDMENTS TO HB 1385

HOUSE HS

02-01-01

Page 1, line 8, remove the overstrike over "H" and insert immediately thereafter "the department proposes to place" and remove the overstrike over "~~a child~~"

Page 1, line 9, remove the overstrike over "~~in an out-of-home treatment program established under this section,~~" and insert immediately thereafter "without the consent of the child's parent or legal guardian," and remove the overstrike over "~~the juvenile court~~"

Page 1, line 10, remove the overstrike over "~~must make a judicial determination as to whether the~~" and insert immediately thereafter "proposed" and remove the overstrike over "~~placement is in the best interests of the~~"

Page 1, line 11, remove the overstrike over "~~child.~~"

Renumber accordingly

Date: 1-31-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1385

House Human Services Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS as amended

Motion Made By Rep. Galvin Seconded By Rep. Sandvig

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price, Chairman	✓		Rep. Audrey Cleary	✓	
Rep. William Devlin, V, Chairman	✓		Rep. Ralph Metcalf	✓	
Rep. Mark Dosch	✓		Rep. Carol Niemeier	✓	
Rep. Pat Galvin	✓		Rep. Sally Sandvig	✓	
Rep. Frank Klein	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Wayne Tieman	✓				
Rep. Dave Weiler	✓				
Rep. Robin Weisz	✓				

Total (Yes) 14 No _____

Absent _____

Floor Assignment Rep. Sandvig

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1385: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "H" and Insert Immediately thereafter "the department proposes to place" and remove the overstrike over "~~a child~~"

Page 1, line 9, remove the overstrike over "~~in an out-of-home treatment program established under this section,~~" and Insert Immediately thereafter "without the consent of the child's parent or legal guardian," and remove the overstrike over "~~the juvenile court~~"

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Renumber accordingly

2001 SENATE HUMAN SERVICES

HB 1385

