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ROLL NUMBER

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4008

2007 SENATE HUMAN SERVICES

SCR 4008

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4008

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-21-07

Recorder Job Number: 3578, 3580

Committee Clerk Signature

*Mary K Monson*

Minutes:

Chairman Senator J. Lee opened the hearing on SCR 4008 directing the Legislative Council to study issues affecting the delivery of child welfare services in the state.

Vice Chair Senator Erbele recognized Senator J. Lee.

Senator J. Lee (District #13) introduced SCR 4008. She served on the Children's Justice Initiative Task Force during the interim.

Chief Justice Gerald VandeWalle reported that the task force was formed after a summit on children's justice issues in Minneapolis in the fall of 2005. He wasn't convinced that it was needed until after seeing some of the materials that were out and thinking about some things. The task force was formed with the help of Tara Muhlhauser and Paul Ronningen from the Dept. of Human Services and Louie Hentzen, assistant state court administrator. It was a learning experience and his first eye opener was when he read about a case, he thought in Florida, where they lost a child in foster care. No one had seen the child for two years. When he read that story he called the ND state court administrator and asked if they knew where all of our foster kids were. They were all accounted for.

He referred to the Report of the ND Chief Justice's Children's Justice Initiative Task Force (Attachment #1) and pointed out there is an executive summary on page 2 and a summary of

the recommendations on page 13 and implementation on 16. He said this is not something that can be handled solely between the Dept. of Human Services and the court system. It needs the involvement of the legislature.

Paul Ronningen (Director, Children and Family Services, Dept. of Human Services) He provided testimony in favor of SCR 4008. (Attachment #2)

Senator Dever asked how many children are generally in foster at any time.

Mr. Ronningen said that at any one time there are about 1100 foster kids in care.

Senator Dever said he was reading a booklet with excerpts from child abuse neglect cases in the month of January 2006. There were 368. He asked if that is how big the problem is.

Mr. Ronningen said the number of child abuse neglect reports they have per year is about 4,000 with about 875 services required – cases which would represent maybe a few more kids than that. Those trends have been pretty constant over the last five years.

Senator Warner asked if it was correct that, of the 1100 in care, about 100 or so are Carole's kids, the ones where parental rights have been terminated.

Mr. Ronningen said that right now there are about 121 that are in care where there has been a termination of parental rights.

Senator Warner asked how long they are in that limbo status before they are in permanent placement.

Mr. Ronningen said the federal government requires them to get approximately 32-33% of those children with a TPR to some permanency within 24 months. He said they are right at the national standards. The average would be well over two years.

Senator Warner asked what percentage age out of the system before they are placed.

Mr. Ronningen wasn't sure of the percentage. He thought about 25-26.

(Meter 12:45) Tara Muhlhauser, DHS, offered information that that number sounded close.

They have found that the majority of those kids are in Cass County that are aging out. Most are either placed with foster parents or they are in residential care. They are being cared for in the system but they don't have the formal parental legal ties.

Mr. Ronningen said that approximately 50% of the children in that status are in Cass County.

Senator Warner asked if that is because of unique circumstances to Cass County or just that more services are provided there.

Mr. Ronningen thought it was multiple things that come into play. They have a very experienced legal staff in Cass County. They are the largest county in the state and do get a lot of families migrating to Cass especially for additional services.

Senator Heckaman asked if this includes any statistics from tribal entities.

Mr. Ronningen said they could provide the information of the kids they pay for which include tribal children who are fully eligible.

Senator J. Lee asked him to give a definition of 4E.

Mr. Ronningen said federal 4E is a funding stream from the federal government that can be used to pay for foster care services and administrative and training services in ND. In order to pay for foster care services the child needs to be 4E eligible. (Meter 15:10)

Senator Warner asked for comments on the parameters used in the federal child and family services review.

Mr. Ronningen answered that the national study which is 23 items plus the state data is part of the federal review really focuses in on safety, permanency, and well being. That tool has been refined and there will be more expectations of the system to be documenting. Plus the

standard will be raised from 90% compliance to 95% compliance. Nationally it has done some good things. In the state it has exposed some vulnerability. There are social workers in the

state without supervisors. There are social workers in the state with supervisors who don't have child welfare backgrounds. Resources are lacking in particular areas regarding staffing up to a level to do the documentation required by the federal government.

Tara Muhlhauser (Deputy Director, Children and Family Services Division, DHS) provided information to the committee. (Attachment #3)

Senator Dever addressed domestic violence and wondered if child abuse and neglect is similar between two parent families and single parent families.

Ms. Muhlhauser said it is. They find the greatest risk factors for child abuse and neglect are drug and alcohol use and domestic violence.

Senator J. Lee asked if she would talk a little about those involved in the task force and what the conversations were.

Ms. Muhlhauser said they focused on the challenge on how to get children or adolescents to permanency in a timely way. They looked at a number of multiple systems, the court system, the judicial process, human services. They looked at the services provided for children when they are in foster care and the services they need to provide to children as they age out of foster care. They looked at the services available for families; to both preserve them before they have to remove the child or the services they would have on the other side which is to reunify the children in the family. What does that service array look like in both urban and rural areas? What kinds of resources are needed or is there access to resources in all of those systems to make permanency happen for kids. One of the issues talked about a great deal was, is there adequate legal representation for children when they are in foster care.

They talked about things that hold them back from getting timely permanency for children and what those challenges and hurdles would be. It was a matter of looking at funding, systems, how they work together.

The question the group struggled with is, "How do we work together with systems to get an identified child to a permanent place?"

Senator J. Lee thought it was interesting that there were foster parents who were involved with this group as well. They talked, not only about the challenges they have as foster parents, but in just making sure they are thinking about the best interest of that child.

Ms. Muhlhauser said that foster parents say the same thing to them, "Get the kids to a permanent place." Some have attachments to the kids and would like to be the permanent place but that doesn't always happen.

Senator J. Lee said a fair number of these kids are adopted by their foster parents.

Ms. Muhlhauser said about 90% of their adoptions are foster parent adoptions.

Senator Heckaman asked who initiates the reunification plan.

Ms. Muhlhauser said that generally what happens is that the parents are working with the social worker, therapists, and variety of people with different systems to facilitate the reunification. They work together as a team.

Senator Heckaman stressed that as an educator she sees a problem with transition and thinks the transition process should be addressed in the study.

Ms. Muhlhauser said they hear that a lot.

There was some discussion on the need for resources for specialized legal services for kids.

There was no opposing or neutral testimony

The hearing on SCR 4008 was closed.

#### **JOB #3580**

Senator J. Lee reopened the hearing on SCR 4008 for additional information.

Dan Ulmer (Board Member for the Village Family Services, Fargo) said they do a lot of in home type of care that dovetails into foster care etc. They have a Bush Grant over the next

three years to work with in home keeping extended families together. There is a truancy program where they try to reinforce the child system within their own family system. They have been trying to find a vehicle for the interim to study and roll this into, what's going on in foster care, in home care, etc.

Senator J. Lee closed the hearing.



## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4008

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-26-07

Recorder Job Number: 3888

Committee Clerk Signature

*Mary K Monson*

Minutes:

Chairman Senator J. Lee reopened the hearing on SCR 4008 for additional testimony.

Mr. Wolsky (Village Family Service Center) told a little about the history of the Village. It is in its 116<sup>th</sup> year and began as an orphanage (meter 00:40). Throughout all the 116 years, their focus has been on kids and families. They are known as a counseling organization.

He told a story that happened about 1986-87 in Fargo. There was an organization out of Texas that wanted to create a 50 bed psychiatric hospital for children and adolescents. There were some in the state who lobbied aggressively against that. The problem they had was the notion that "if you build it, they will come." They were concerned that if it was built within a very short time there would be hundreds of kids with psychiatric diagnosis and they would have that diagnosis for the rest of their lives. That has a lot to do with what he would like to see included in the study. The Village has a 20 year history in ND working with the DHS around high risk kids. They believe if you treat that child in the context of that child's family you can prevent a placement (meter 4:00). They have been about 80-85% successful over 20 years in that if you deal with the entire family, you can keep those kids home. If you can keep them home, it is good for the kids, the family, and for the taxpayer. Out of home placements are expensive. If you deal with these kids up front, strengthen the family and provide some support services to

the family and help them develop some tools to deal with these situations, the likelihood of success is very high.

They have been awarded a \$1.1 million grant through the Bush Foundation. (Meter 6:00) He went on to talk about family group decision making.

He said there will always be a need for foster care and out of home placements. But he felt we can be a little more discriminatory about filtering out those families that can deal with their issues and keep those kids at home and only send those kids to out of home placement where it is absolutely necessary and only when it is the last possible step.

He suggested including this notion about how we are dealing with out of home placements and take a look at the notion of a new philosophy in 4008.

He said we should be spending as much money on the prevention side as we are on the placement side.

Senator J. Lee asked how the kids get referred to them.

Mr. Wolsky said almost all the kids are involved in the courts and have the county involvement as well. The call to them typically comes from the county.

Senator J. Lee asked if the county social services people are represented in the meeting they are having with the people involved with the Bush Foundation.

Mr. Wolsky said yes.

Senator J. Lee asked if they had any recommendations to amend this resolution.

Richard Brown (Chairman of the Board of the Village Foundation) spoke in favor of SCR 4008.

He thinks it is time to follow through on this study and to see what can be done with the family counseling and family instead of putting a child into foster care.

(Meter 15:05) He talked about possible amendments. On page 2, line 3-4 it doesn't say anything about the private sector. If they would include the private sector, it would allow the Village to sit at the table with the governmental agencies.

Senator J. Lee asked if they should also look at including private in line 3.

Mr. Brown said that would be a good idea.

Dan Ulmer (Board member of the Village Foundation) said what they are trying to do is when the study moves forward they can be invited in to talk to the interim members about it to figure out how they can fit what they are doing better into the system as a whole.

Senator J. Lee said what they would want to include would be some note about studying the process of out of home placement and emphasizing family counseling. Is there anything else they think should be included in the verbiage?

Mr. Wolsky said some reference to the fact that the DHS and the Village has some history with this that could be studied and expanded upon might be a way to tie this all together.

Senator Pomeroy asked what the length of time is working with particular families.

Mr. Wolsky said when they started the family therapy program it was six months. Then they started to condense that and now they are in and out, in some instances, in 30 days and, in no cases, over a year.

Senator Pomeroy asked about the schedule – weekly, daily?

Mr. Wolsky said some of the therapists have case loads as small as three (meter 20:00).

They are in the home maybe 2-3 times a week for a typical case.

Senator Warner asked what cities they provide services in.

Mr. Wolsky said they have staff scattered all over ND and provide services in all 53 counties.

Senator Warner asked where the offices were.

Mr. Wolsky said the offices are in Fargo, Jamestown, Bismarck, Williston, Minot, Devils Lake, Rolla, Grand Forks, and there are some people scattered in between. Their commitment is to rural areas.

Senator J. Lee asked about the ages of the majority of the kids.

Mr. Wolsky said it was designed for teenagers, but they have found that a lot of the teenagers have younger siblings. If that family can be helped to deal with their dynamics and get healthier in how they are raising their kids, those younger siblings will also benefit.

(Meter 24:25) There was some discussion on the Manchester House in Bismarck and the desire of kids to stay in the home.

Mr. Brown suggested that if, over time, they can build up working in problem or dysfunctional homes maybe they can get at not only the teenager but maybe they can even get at some of the abusive issues that are a serious problem in our society.

(Meter 33:50) The committee continued with discussion about amendments and the language they wanted. They addressed the issue of funding from private, state, and federal sources.

They talked about joint powers agreements and, also, about including language that joint efforts between the DHS and Village Services demonstrates the contributions made by private/public partnerships in support of the family.

Senator J. Lee requested that a draft of the amendments be drawn up for the committee to review before taking action on it. She then closed discussion on SCR 4008.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4008

Senate Human Services Committee

Check here for Conference Committee

Hearing Date: 2-27-07

Recorder Job Number: 4022

Committee Clerk Signature

*Mary K. Monson*

Minutes:

Chairman Senator J. Lee opened SCR 4008 for consideration of the amendment including the nature of private/public partnerships. (Attachment #4)

There was a short discussion on putting public before private, adding "the" before Department of Human Services, and changing demonstrates to demonstrate.

Senator Erbele moved to accept the amendment.

The motion was seconded by Senator Heckaman.

Roll call vote 6-0-0. Amendment accepted.

Senator Warner moved a Do Pass on SCR 4008 as amended.

The motion was seconded by Senator Heckaman.

Roll call vote 6-0-0. Motion carried. Carrier is Senator Pomeroy.

Date: 2-27-07

Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SCR 4008

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment

Motion Made By Sen. Erbele Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 2-27-07

Roll Call Vote #: 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SCR 4008

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number 78260.0101 Title .0200

Action Taken DP / amended

Motion Made By Sen. Warner Seconded By Sen. Heckaman

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V. Chair	✓		Senator Jim Pomeroy	✓	
Senator Dick Dever	✓		Senator John M. Warner	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Pomeroy

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

**REPORT OF STANDING COMMITTEE**

**SCR 4008: Human Services Committee (Sen. J. Lee, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4008 was placed on the Sixth order on the calendar.**

Page 1, line 2, after "including" insert "out-of-home placement determinations; emphasis on family counseling, including in-home counseling;" and replace the second comma with a semicolon

Page 1, line 3, replace the first comma with a semicolon, after "from" insert "private," after "state" insert a comma, and replace the second comma with a semicolon

Page 1, line 4, after "counties" insert "and the nature of public and private partnerships"

Page 1, after line 12, insert:

**"WHEREAS, joint efforts between the Department of Human Services and Village Family Services demonstrate contributions made by public and private partnerships in support of families; and"**

Page 1, line 20, after "of" insert "private," and after "state" insert a comma

Page 1, line 22, after "counties" insert "and the nature of public and private relationships"

Page 2, line 2, after "including" insert "out-of-home placement determinations; emphasis on family counseling, including in-home counseling;" and replace the second comma with a semicolon

Page 2, line 3, replace the first comma with a semicolon, after "from" insert "private," after "state" insert a comma, and replace the second comma with a semicolon

Page 2, line 4, after "counties" insert "and the nature of public and private partnerships"

Renumber accordingly



2007 HOUSE HUMAN SERVICES

SCR 4008

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4008

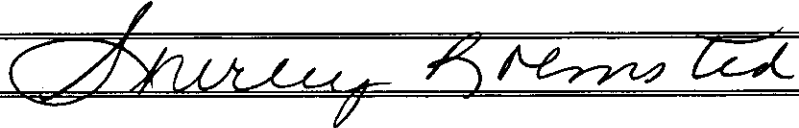
House Human Services Committee

Check here for Conference Committee

Hearing Date: March 20, 2007

Recorder Job Number: 5327

Committee Clerk Signature



Minutes:

**Chairman Price** opened the hearing on SCR 4008 and asked the clerk to read the title.

**Chief Justice Jerry VanderWalle** came forward on SCR 4008. He is the chief justice of the ND Supreme Court. This resolution came out of a task force that was formed. The Children's Justice Initiative Task Force has partnered with the Department of Human Services in this study. It arose out of a national conference held a year ago last fall in Minneapolis to look at what was happening with children in the child welfare system. I will tell you that I thought ND was doing pretty good in this area and I was not overly concerned with it. I still think we do a good job but I am not confident that there are not some improvements that need to be made in our system. We formed the task force and went over some of the issues over a period of several meetings. We came up with a report. I have given the clerk the Executive Summary and there is a full report that you may have if you want. See attached Executive Summary marked as Item #1. Our recommendations were to support meaningful, ongoing collaboration, to facilitate access to justice, measure court performance, ensure effective representation for all parties, utilize legal guardianships as a permanency option, comply with ICWA (Indian Child Welfare Act) requirements, and explore alternatives to an adversarial process as well as to provide resources to support a seamless system of service. Since the report has been issued,

there was another conference two weeks ago in New York where we gathered to measure what we had done. Some of the states are ahead of us and some are behind us. Since the report has been issued one of the criticisms made was that we did not include in our task force family members whose children have been removed from them. The foster parents were represented but the other parents were not represented. The resolution is about the study that we are urging you to do and this is really a method of doing a more global review of what we attempted to do in the task force. We need to hear from some of these people that were not included and hopefully make some recommendations to the courts for the child welfare system and the legislature for an improvement of our system. I would be happy to answer any questions.

**Mr. Paul Ronningen**, Director of the Children and Family Services, of the ND Department of Human Services came forward in support of SCR 4008. See written testimony marked as Item #2.

**Senator Judy Lee** of District #13 came forward in support of SCR 4008. She was also a part of the Children's Justice Initiative Task Force at the invitation of the Chief Justice and was very pleased to participate in those discussions. I think it is important for us to move forward with the resolution to provide some accountability throughout the system as to how we are managing child welfare. The reason for the amendment to the senate was because they had a very persuasive person testifying about private counseling being done in home and I hope you have the benefit of that information as well. As a result of that, and without objection from any of the other parties involved, we did include out of home placements, interpretations and private and public partnerships and some of those kinds of comments throughout and that is really what our amendment was. This would allow us to not only include the government entities, but private participants in this process. The examples that were brought to our

attention have really been quite successful. I hope that you will have a chance to hear a bit more about those details. She urged the passage of this resolution.

**Chairman Price** asked for any further testimony in support of SCR 4008. Hearing none, she asked for opposition. Hearing none, the hearing was closed on SCR 4008.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SCR 4008

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 20, 2007

Recorder Job Number: 5333 (beginning at 35:11 on the tape)

Committee Clerk Signature

*Murray B. Alms*

Minutes:

**Chairman Price** asked the committee to consider SCR 4008.

**Representative Kaldor** made a motion for a **do pass and this to be placed on the consent calendar.**

**Representative Potter** seconded the motion.

**Chairman Price** called for a voice vote. The motion carried.

**Representative Kaldor** will carry the bill to the floor.

Date: 3/30  
Roll Call Vote #: 1

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."**

House HUMAN SERVICES SCR 4008 Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken move to pass Consent Calendar

Motion Made By Rep. Kaldor Seconded By Rep. Potter

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price – Chairman			Kari L Conrad		
Vonnie Pietsch – Vice Chairman			Lee Kaldor		
Chuck Damschen			Louise Potter		
Patrick R. Hatlestad			Jasper Schneider		
Curt Hofstad					
Todd Porter					
Gerry Uglen					
Robin Weisz					

Total (Yes) 12 "Click here to type Yes Vote" No 0 "Click here to type No Vote"

Absent 0

Floor Assignment Rep. Kaldor

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

REPORT OF STANDING COMMITTEE (410)  
March 20, 2007 12:31 p.m.

Module No: HR-52-5738  
Carrier: Kaldor  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

SCR 4008, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4008 was placed on the Tenth order on the calendar.

2007 TESTIMONY

SCR 4008



**Report of the North Dakota  
Chief Justice's Children's Justice  
Initiative Task Force**

**November, 2006**

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**Report of the North Dakota Chief Justice's  
Children's Justice Initiative Task Force  
November 2006**

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**Appendices**

- A. Children's Justice Initiative Task Force Membership
- B. Glossary of Dependency Terms
- C. A Child's Journey through the Child Welfare System – North Dakota
- D. Child Welfare and the Courts
- E. White Paper: Subsidized Guardianship
- F. Vision for Regional Parent Resource Centers

## Executive Summary

This page is also Item 1 for House testimony

The Children's Justice Initiative Task Force convened on Jan. 27, 2006 as a follow-up to the Pew Commission on Children in Foster Care report and *Justice for Children: Changing Lives by Changing Systems—The National Judicial Leadership Summit on the Protection of Children* held in September 2005. In accepting their appointment by Chief Justice VandeWalle, task force members were asked to look at issues regarding children in the child welfare system in North Dakota, make recommendations, and submit a report that addresses improvements in the juvenile court system responses to deprivation cases and methods for better collaboration among the various entities associated with child welfare.

Over the course of several months, the Task Force explored a child's journey through the child welfare system, identifying and prioritizing needs and concerns. While some of the issues brought forward are already being addressed by existing court or agency committees, other issues need the full consideration of the courts, the Department of Human Services, and other stakeholders involved in child welfare in North Dakota.

The identified issues were categorized under the headings of court processes, representation, ICWA compliance, social services, case preparation, and systems issues for purposes of discussion. Proposed solutions, responsibility, timeframes, and resources/action needed were assigned to each issue. Task force members were asked to prioritize the issues and adopted the following recommendations and action steps:

### Recommendations

1. Support Meaningful, Ongoing Collaboration
2. Facilitate Access to Justice.
3. Measure Court Performance
4. Ensure Effective Representation for All Parties
5. Utilize Legal Guardianships as a Permanency Option
6. Comply with ICWA Requirements
7. Explore Alternatives to an Adversarial Process
8. Provide Resources to Support a Seamless System of Service

The full task force report includes a summary of the Pew Commission Report and federal response, a summary of the September 2005 National Summit and North Dakota's action plan for addressing child welfare issues, a snapshot of child welfare in North Dakota, and action steps for implementation of the recommendations.

