

2011 SENATE HUMAN SERVICES

SB 2192


2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee
Red River Room, State Capitol

SB 2192
1-17-2011
Job Number 12963

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the disposition of a child needing continued foster care services after the age of eighteen, and under the age of twenty-one

Minutes:

Attached testimony.

Senator Judy Lee opened the hearing on SB 2192.

Senator Judy Lee, sponsor of the bill, introduced it and explained that others would be providing the details.

Tara Muhlhauser, Dept. of Human Services, testified in support. Attachment #1
She also talked about the transition out of foster care, some of the challenges it brings, and how this would help open up additional categories for foster youth to take advantage of. A ND web site has just been launched for our youth. It was designed to respond to their needs and to give them one place to go for answers about the needs they might have.
Attachment #2

The addition of a court order was discussed. It is required to make the state eligible to apply for IV-E dollars on behalf of these kids. It is a voluntary program and there will be a 6 month window for youth to reconsider if they choose not to take advantage of the program immediately at age 18. Right now the youth that are volunteering to become extended foster care candidates are paid through general fund dollars. This moves us to a different match source.

Senator Judy Lee wanted to know where the matching funds were since there is no fiscal note on this bill.

Ms. Muhlhauser replied that the match is included in the CFS budget. It is a FMAP match.

With no further testimony, the hearing on SB 2192 was closed.

The funding was discussed. There would be a finite number of dollars in the budget to address the issue. If there is more need than funding, there would be kids on a waiting list. Over the next few years the FMAP is declining.



Senator Tim Mathern moved a **Do Pass**.

Seconded by **Senator Spencer Berry**.

Roll call vote 5-0-0. **Motion carried**.

Carrier is **Senator Tim Mathern**.



Date: 1-17-2011

Roll Call Vote # _____

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2192

Senate HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Sen. Mathern Seconded By Sen. Berry

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mathern	✓	
Sen. Gerald Uglen, V. Chair	✓				
Sen. Dick Dever	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Mathern

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

REPORT OF STANDING COMMITTEE

SB 2192: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2192 was placed on the
Eleventh order on the calendar.

2011 HOUSE JUDICIARY

SB 2192

2011 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

SB 2192
March 9, 2011
15136

Conference Committee

Committee Clerk Signature



Minutes:

Chairman DeKrey: We will open the hearing on SB 2192.

Tara Lea Muhlhauser, Director, Children & Family Services Division, Dept. of Human Services: Support, explained the bill (see attached 1 and 2).

Chairman DeKrey: Are the Title 4E funds, is that strictly federal then, or would there be a state cost-share.

Tara Lea Muhlhauser: Those are federal funds that come to us, I believe. It would be at the FMap rate of 75/25 county.

Chairman DeKrey: Is this is your budget, DHS budget that is going through the Legislature right now, or do we need a fiscal note on this bill.

Tara Lea Muhlhauser: We don't need a fiscal note on this bill, we believe this will be sort of a pilot program, a starter program. We have an anticipated number of kids. We have planned for an increase in 18 + youth in general fund dollars in our current budget.

Rep. Hogan: Just a point of information, it will also have an impact on county dollars, because there is a county match in 4E funding. I'm very happy with this because many kids in foster care aren't really willing and able to live on their own when they reach 18. Sometimes a foster child will leave foster care and three months later come back and say they made a mistake, can I go back in. Would that situation be covered under this law.

Tara Lea Muhlhauser: We plan to allow a six month period, when we put this into place, because we understand that sometimes on your 18th birthday everything looks really exciting and rosy. Several months later it looks a little bit less rosy. So we are going to allow youth an option, so if they choose not to opt in immediately they can come in at a later time. We've had a lot of feedback from youth. This bill has had a lot of extraordinary support from our foster parents. We get many calls

from our foster parents asking if we can't do something for these kids. Yes, we will have a six month buffer in there.

Rep. Hogan: Because they often want to leave at 18.

Tara Lea Muhlhauser: As we all probably did at that point, and then we got a little wiser.

Rep. Onstad: With the response of the youth that are happy to see this, do you anticipate 70% or 80%. What percentage are you looking at that you think will opt in to the program.

Tara Lea Muhlhauser: In 2009, we had about 97 kids in the state that had opted into the arrangement of 18+. We think that there may be some slight growth; we're thinking about an additional 3 kids per month. We actually have a process where youth 18 and older can now voluntarily sign themselves into foster care, but the categories that I talked about of employment is a little bit different. The federal government allowed us to open up the criteria that would apply for these kids. We do think that we will have a few more kids, about 3 per month that we think will take advantage of this newly expanded opportunity. It's difficult to anticipate what those numbers are going to be like because the corresponding piece of this is that when they sign the agreement, they have to agree to abide by the process and the rules that are set up. If their foster parents, for instance, say you still have a midnight curfew, even though you've turned 18 that they do have to live by the agreements that we strike between the agency, the child and the foster parents.

Rep. Onstad: Is it initiated at the county level first. Is that where it starts.

Tara Lea Muhlhauser: Yes, it would be initiated with the same caseworker at the county level, hopefully remaining with the same foster parents that they were placed with initially.

Rep. Hogan: The legal custody, they would lose their custodial relationship with the county or state.

Tara Lea Muhlhauser: Yes, technically they do. They sign themselves in; it's recognition of the fact that they are an adult, but they are saying to the court, I have a need for continued foster care services.

Rep. Hogan: So they are legally an adult.

Tara Lea Muhlhauser: Yes.

Chairman DeKrey: Thank you. Further testimony in support.

Sen. Judy Lee: Sponsor, support. We are all aware of the fact that, just because the child turns 18, that everything doesn't magically switch. Yet, we turn the foster kids loose and they are very anxious to be turned to be loose. If they are in a foster care setting, most of those kids just want to get out of there, now. But when they do, they find out that they don't have the ability to find an apartment, they don't have a driver's license, because they can't drive the foster family's car, there may be issues with car insurance not covering them, etc. All the things we learned as young people, we still needed some adult support. This is a voluntary program, no one is going to make them do this at this point. But it allows them the opportunity to have some transition from being a dependent minor in a non-biological family's home that may care about them but certainly isn't their biological family, but can help them get launched. We're not trying to keep kids from being adults. We're trying to help them become adults. Rather than having them struggle with "how do I find a job", I can't make enough money at a job to have my cell phone, buy gas, etc. It helps them to have a family that is going to be helping them more as a parent than somebody that would be in the juvenile justice system. Sometimes they end up falling through the cracks and ending up in our law enforcement system because they don't have their ducks in a row. This is a great way for us to enable this program to move forward, because it will provide us with some access to the 4E funds. We're hoping that you will look on this bill favorably. We think it is an important tool for those young adults who recognize the need for some additional assistance as they move out of foster care to be able to get launched in a little better fashion.

Rep. Koppelman: Is the intent that this would be something at the election of the child or foster parents, or the Dept. How would that work.

Sen. Lee: The child, who is now an adult, voluntarily would agree. It would be hoped that the foster family would continue to be the same family because there is already a relationship established there. It's not something that we could require of that new young adult.

Chairman DeKrey: Thank you. Further testimony in support of SB 2192. Testimony in opposition to SB 2192. We will close the hearing. What are the committee's wishes.

Rep. Delmore: I move a Do Pass.

Rep. Maragos: Second the motion.

13 YES 0 NO 1 ABSENT

DO PASS CARRIER: Rep. Hogan

Date: 3/9/11
 Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2192

House JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Delmore Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin	✓		Rep. Guggisberg	✓	
Rep. Beadle	✓		Rep. Hogan	✓	
Rep. Boehning	✓		Rep. Onstad	✓	
Rep. Brabandt	✓				
Rep. Kingsbury	✓				
Rep. Koppelman					
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Steiner	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Hogan

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

REPORT OF STANDING COMMITTEE

SB 2192: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2192 was placed on the
Fourteenth order on the calendar.

2011 TESTIMONY

SB 2192

1

Testimony
Senate Bill 2192 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 17, 2011

Chairman Lee, members of the Senate Human Services Committee, I am Tara Lea Muhlhauser, Director of the Children and Family Services Division, in the Department of Human Services. I am here today to provide you with an overview of Senate Bill 2192. The Department supports passage of this bill.

The bill before you today will allow the Department to continue to serve youth over the age of eighteen when they choose to stay in foster care. Youth choosing to stay in foster can remain in this arrangement until their twenty-first birthday and benefit from the foster care payments made to their foster parents. In order to take advantage of this option, youth will have to show that they are enrolled in an academic or technical skill program, employed, or are disabled and unable to participate in employment or an educational/technical program. This proposal before you is part of the federal initiatives contained in the Fostering Connection legislation, passed in 2008.

The statutory changes included in this bill address the needed definitions and jurisdiction necessary to issue a court order to formalize this arrangement. The addition of a court order for these youth will allow the Department to claim Title IV-E funds to support the costs of youth choosing to stay in foster care.

Proposed statutory changes include a new provision, "disposition of child needing continued foster care services" (NDCC 27-20-30.1) which provides criteria such as determination the child is in need of continued foster care services; an agreement is entered between the Department or its agent, the child and the foster parent; and that it is in the best interest of the child to remain in foster care. As aforementioned, a court order will be needed in these arrangements to comply with Title IV-E requirements. A court hearing is not necessary in these cases; a paper review and signed order will suffice.

Changes in the remaining sections of NDCC 27-20 recognize the new proposed provision of 27-20-30.1 in order to assure jurisdiction over the youth requesting this arrangement, venue, summons, contents of petition, right to counsel, reasonable efforts, and disposition timelines. Please note the effective date is January 1, 2012 in order to facilitate implementation of this change with our partners.

Thank you very much for the opportunity to appear in support of Senate Bill 2192. We believe passage of this bill will address the services needs of a very vulnerable population. I am available to answer any questions.

YOUTH

North Dakota Youth

about Us • Contact Us • FAQ • News

Search

- Addiction/Recovery
- Careers & Employment
- Gifts
- Cultural
- Education
- Entertainment
- Health
- Housing
- Independent Living
- Money Management
- Youth Success Stories
- Youth Tips
- Foster Care
- Foster Parents
- Contacts
- NATD - National Youth in Transition Database

North Dakota Youth

North Dakota Youth Rise To The Occasion



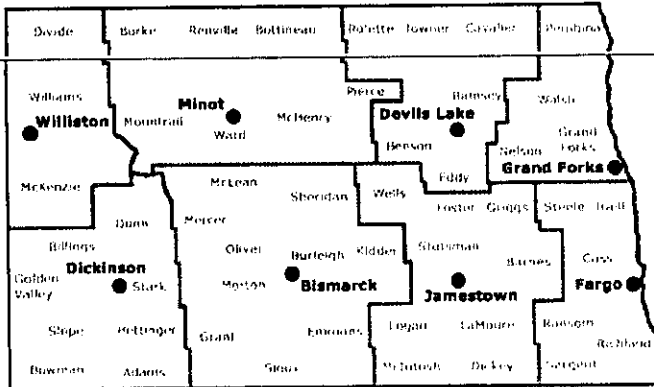
Have you ever wondered what life will be like when you turn 18 years old? Where will you live? Will you go to college? Do you know how to cook dinner without burning it? Becoming an adult and living on your own can be an exciting but scary milestone.

As we know, North Dakota youth are experts in telling us what they need most in order to prepare for living on their own. This website was designed by a large group of youth from North Dakota's Regional and State Independent Living Youth Advocacy Boards, who researched and collectively gathered the information that is here for you to view! This site is dedicated to all the youth of North Dakota and was created especially for youth who are involved in foster care, juvenile justice and mental health systems.

ND Regional Information

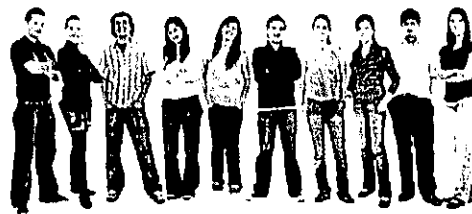
- Reg I - Williston
- Reg II - Minot
- Reg III - Devils Lake
- Reg IV - Grand Forks
- Reg V - Fargo
- Reg VI - Jamestown
- Reg VII - Bismarck
- Reg VIII - Dickinson

North Dakota Regional Information



Here's what the ND Youth Website has to offer:

- Regional Map of North Dakota
- Tips for "What To Know When You Turn 18"
- Contact Information for Services
- Youth and Foster Parent Success Stories
- Future Website Features: Message boards, Facebook link, and more.



Thank you ND Youth and Independent Living Coordinators who assisted with website content. A BIG thank-you to Annie E. Casey Foundation for your generous grant which funded the building of our ND Youth website, we appreciate you!

/

Testimony
Senate Bill 2192 – Department of Human Services
House Judiciary Committee
Representative Duane DeKrey, Chairman
March 9, 2011

Chairman DeKrey, members of the House Judiciary Committee, I am Tara Lea Muhlhauser, Director of the Children and Family Services Division, of the Department of Human Services. I am here today to provide you with an overview of Senate Bill 2192. The Department supports passage of this bill.

The bill before you today will allow the Department to continue to serve youth over the age of eighteen when they choose to stay in foster care. Youth choosing to stay in foster care can remain in this arrangement until their twenty-first birthday and benefit from the foster care payments made to their foster parents. In order to take advantage of this option, youth will have to show that they are enrolled in an academic or technical skill program, are employed, or are disabled and unable to participate in employment or an educational/technical program. This proposal before you is part of the federal initiatives contained in the Fostering Connection legislation, passed in 2008.

The statutory changes included in this bill address the needed definitions and jurisdiction necessary to issue a court order to formalize this arrangement. The addition of a court order for these youth will allow the Department to claim Title IV-E funds to support the costs of youth choosing to stay in foster care.

Proposed statutory changes include a new provision, "disposition of child needing continued foster care services" (NDCC 27-20-30.1) which

provides criteria such as determination that the child is in need of continued foster care services; an agreement entered between the Department or its agent, the child and the foster parent; and a determination it is in the best interest of the child to remain in foster care. As aforementioned, a court order will be needed in these arrangements to comply with Title IV-E requirements. A court hearing is not necessary in these cases; a paper review and signed order will suffice.

Changes in the remaining sections of NDCC 27-20 recognize the new proposed provision of 27-20-30.1 in order to assure jurisdiction over the youth requesting this arrangement; venue, summons, contents of petition, right to counsel, reasonable efforts, and disposition timelines. Please note the effective date is January 1, 2012 in order to facilitate implementation of this change with our partners.

Thank you very much for the opportunity to appear in support of Senate Bill 2192. We believe passage of this bill will address the services needs of a very vulnerable population. I am available to answer any questions.

YOUTH

North Dakota Youth

• About Us • Contact Us • FAQ • News

Search

- Addiction Recovery
- Careers & Employment
- Crisis
- Cultural
- Education
- Entertainment
- Health
- Housing
- Independent Living
- Money Management
- Youth Success Stories
- Youth Tips
- Foster Care
- Foster Parents
- Contacts
- NYD- National Youth in Transition Database

North Dakota Youth

North Dakota Youth Rise To The Occasion



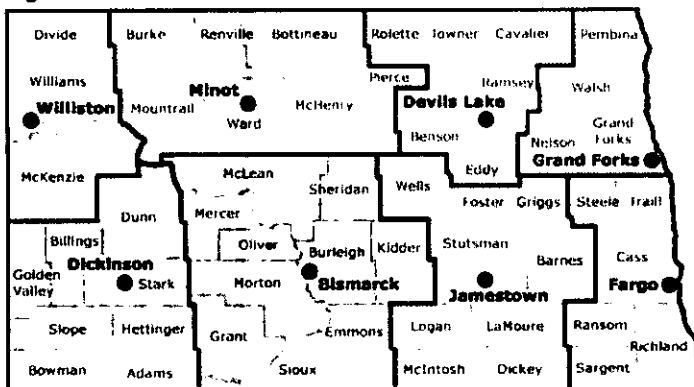
Have you ever wondered what life will be like when you turn 18 years old? Where will you live? Will you go to college? Do you know how to cook dinner without burning it? Becoming an adult and living on your own can be an exciting but scary milestone.

As we know, North Dakota youth are experts in telling us what they need most in order to prepare for living on their own. This website was designed by a large group of youth from North Dakota's Regional and State Independent Living Youth Advocacy Boards, who researched and collectively gathered the information that is here for you to view! This site is dedicated to all the youth of North Dakota and was created especially for youth who are involved in foster care, juvenile justice and mental health systems.

ND Regional Information

- Reg I - Williston
- Reg II - Minot
- Reg III - Devils Lake
- Reg IV - Grand Forks
- Reg V - Fargo
- Reg VI - Jamestown
- Reg VII - Bismarck
- Reg VIII - Dickinson

North Dakota Regional Information



Here's what the ND Youth Website has to offer:

- Regional Map of North Dakota
- Tips for "What To Know When You Turn 18"
- Contact Information for Services
- Youth and Foster Parent Success Stories
- Future Website Features: Message boards, Facebook link, and more.



Thank you ND Youth and Independent Living Coordinators who assisted with website content. A BIG thank-you to Annie E. Casey Foundation for your generous grant which funded the building of our ND Youth website, we appreciate you!