

**2019 SENATE JUDICIARY**

**SB 2069**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB 2069  
1/7/2019  
#30471 (10:08)

- Subcommittee  
 Conference Committee

Committee Clerk: Meghan Pegel
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## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsection 1 of section 27-20-06 of the North Dakota Century Code, relating to powers and duties of the director of juvenile court.

## Minutes:

No Attachments
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**Chair Larson** opened the hearing on SB 2069.

**Sally Holewa**, State Court Administrator, testifying in favor of the bill.

**Holewa:** This is at the request of the Supreme Court. We've introduced a section "k" into the duties of the Juvenile Court Director. A Juvenile Court Director is an honored position in the North Dakota Court system. It used to be called a Juvenile Court Supervisor. They are responsible for the management of the Juvenile Court. There are 4 of them in the state, dividing the state into quadrants for that purpose.

In addition to just being the business manager for the court, they also have responsibilities where they can do informal hearings where they meet with a kid who's charged with a delinquent act and they can assess whether the kid wants to plead guilty and whether it's appropriate to handle it informally outside the court system. They also review petitions to see if the charges are appropriate. They'll look at child welfare and consult on those types of things. In amongst a long list of duties that they already have, we would add section "k" which is to receive and examine requests for review of the child's placement at a qualified residential treatment program under the Family First Prevention Services.

The Qualified Residential Treatment Program is a group home for kids. The Family First Prevention Services Act is a Federal act does a lot of things and you will hear about it from the Department of Human Services. For our purposes, it requires that a child placed in a group home must be reviewed by the Juvenile Court every 60 days. This will say that the Juvenile Court Director has the authority to receive the reports and to make a recommendation as to whether that placement should continue. If it looks good to them, it continues for another 60 days. If they have any concerns it will be set up for a hearing and the Juvenile Court Judge will step in.

**(3:40) Senator Myrdal:** Can this continue to go 60 days, 60 days, 60 days continuously under the jurisdiction of that one particular person?

**Holewa:** There are some time limits as to how long they can stay there.

**Senator Bakke:** Who reviews these now? Whose duty is this currently?

**Holewa:** At this point there is no duty to review it. Right now the Court either places the child directly or they give them custody to the Department of Human Services for placement. And there's no review except an annual review I believe.

**(5:10) Dawn Pearson,** Department of Human Services- Children and Family Services, testifies in favor of the bill

**Pearson:** I am quite familiar with the Family First legislation because much of it has to do with our foster care child protection purpose. How it used to work- there was no requirement to review to go into our former RCCFs group home facilities. Now Family First, the new federal legislation requires this process where we will have to have an in-depth assessment process, a qualified individual prior to this judicial review. So we will give all of that information to the Juvenile Court Directors to make that decision.

**Senator Myrdal:** Would you say what we're adding here is just with the Family First following federal regulations in making it sort of a vehicle to get that done?

**Pearson:** Yes. Family First legislation does require this Judicial review component and they've come up with a very good plan.

**Senator Myrdal:** Is there a limit to how many 60 day increments?

**Pearson:** Yes, there is a limit. It is a 12-month limit for a child 13 and above. Under 13 I believe it is a 6-month consecutive limit. Anything above and beyond that requires the approval of the Director of the Department as well as the Director of the Health and Human Services at the federal level. They've put some pretty strict guidelines for us.

**Vice Chairman Dwyer:** Is the purpose of the Family First Act to discourage group homes?

**Pearson:** Yes. It is to keep the children in their family homes. Family First allows us to have some prevention funding where we've never had that before. First of all is to keep them in their family homes. Second of all if that is not possible, keep them in the lowest restrictive environment which would be a family foster home or a treatment family foster home. Then this QRTP would be the next level, and that truly is a treatment level of care. Then we also have one higher level, which is a psychiatric residential treatment center.

**Senator Bakke: Moved a Do Pass.**

**Senator Osland: Seconded.**

**A Roll Call Vote Was Taken: 6 Yeas, 0 Nays, 0 Absent. Motion carries.**

**Senator Luick will carry the bill.**

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2069**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Senator Bakke    Seconded By Senator Osland

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total    (Yes) 6    No 0

Absent 0

Floor Assignment Senator Luick

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

**REPORT OF STANDING COMMITTEE**

**SB 2069: Judiciary Committee (Sen. D. Larson, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2069 was placed on the  
Eleventh order on the calendar.

**2019 HOUSE JUDICIARY**

**SB 2069**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Prairie Room, State Capitol

SB 2069  
3/5/2019  
33226

- Subcommittee  
 Conference Committee

Committee Clerk: DeLores D. Shimek	By Elaine Stromme
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## **Explanation or reason for introduction of bill/resolution:**

Relating to powers and duties of the director of juvenile court.

## **Minutes:**

Attachment: 1
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**Chairman Koppelman:** Opened the hearing on SB 2069.

**Cindy Ferderer: Juvenile Court Coordinator, State Court Administrator's office:** (Attachment #1) in Support. This bill would add additional duties to the position of director of juvenile court.

**Rep. Paur:** This new act is a major deal isn't it?

**Cindy Ferderer:** Yes, it is.

**Rep. Satrom:** How many children at risk here, are in the foster care system?

**Cindy Ferderer:** I will defer that question to the Department of Human Services.

**Rep. Satrom:** I like the idea of people being with the families. The reality is some people shouldn't have children. I am assuming we are not being blind doing this.

**Cindy Ferderer:** This act will allow us to use some of the funding so we are placing kids where they are safe. We are now choosing services that are available and not choosing services that are in the best interest of the child. Some of those services don't exist. This act will generate some of the services which are unavailable now.

**Rep. McWilliams:** What do the prevention services look like?

**Cindy Ferderer:** Right now Department of Human Services might be better to expand on some of this. The current services that are available are some type of in home services where a therapist may go into the home and work with the family, drug and alcohol type treatment or mental health services in limited pockets of the state those services exist. That is what the bill is all about, to use the funding to expand the services to all parts of the state.

**Rep. McWilliams:** When we use state dollars do the feds match that?

**Cindy Ferderer:** I am going to defer that question to the Department of Human Services.

**Chairman K. Koppelman:** The bill puts this duty in your office. If this kind of thing already occurs, where does it occur now, or is it all new?

**Cindy Ferderer:** The review of the placement of a qualified residential setting, would be a new thing that the court has not done in the past.

**Chairman K. Koppelman:** Has the Department of Human Services done that or does it just not happen right now?

**Cindy Ferderer:** I believe that there has been some review of these placements but they would be better able to answer that.

**Rep. Jones:** What is the definition of congregate care?

**Cindy Ferderer:** Congregate Care where there would be a facility that houses a number of juveniles, foster care could be more of those settings where it could be a foster parent home; so they could stay in the community. Many times in congregate care if that residential bed is not in their community, they would have to leave their community and go to some other facility, such as Dakota Boys Ranch or something to that nature. We find kids do better if we can find a place in their communities.

**Rep. Jones:** This federal program is going to allow you to keep them in their home or keep them in foster care, which sets the congregate facilities as the last option. So this is going to assist you in doing that?

**Cindy Ferderer:** Yes

**Opposition:** None

**Neutral:**

**Dawn Pearson, North Dakota Department of Human Services:** neutral, The purpose of this sweeping federal legislation is to allow states to use the federal funding that we have always gotten for foster care for the first time now we are able to use that for prevention services. We are very excited because this will allow us to keep more children in their homes, however safety is always paramount. This will also prevent them from going to a higher level of care than they need. So with family first we are going to have a robust assessment process by a qualified individual who will then take that information to the juvenile court directors who will make a good well informed decision if that child does indeed need that treatment level of care.

**Rep. McWilliams:** Would you mind speaking to the State and Federal funding?

**Dawn Pearson:** Foster dollars are called Federal Four E Funds, that is what has always funded our foster care system. The same will continue the state does have a 50 % match for those funds. That same process will continue with the family first prevention.

**Rep. McWilliams:** So it's a match program and we are expanding something, should there be a fiscal note attached to this bill? Or is there?

**Dawn Pearson:** To my knowledge we do not expect an increase; we expect a reduction. That is the whole purpose of Family First to reduce children in foster care. It is more expensive to have children in foster care than to provide prevention services. I do not believe there is a fiscal note attached.

**Rep. McWilliams:** What kind of data do we have on a child, that is to say, that it is better for a child to stay in a bad situation in their home, than verses going to a better situation with a foster family?

**Dawn Pearson:** Safety is our number one concern. North Dakota has always done a good job, but I think we can do better. Now this new federal law and the push to do better we are going to do better. On October 1 the Qualified Residential Treatment Program (QRTP) will go into effect and for years after we will be building that prevention piece.

**Chairman K. Koppelman:** You talked about these dollars now going to prevent the need for foster care verses serving that need once it's occurred. How is that going to work?

**Dawn Pearson:** This large sweeping legislation was passed in February and the Department of Human Services was charged in implementing it. We have put most of our focus on getting the qualified residential treatment provider piece going along with the assessment and then this judicial status review. So most of our efforts have been on that piece. The prevention efforts we have been waiting for further federal guidance and we are slowly getting that. We are working on kinship programs which rather than going into a foster parent home they would be supported in a relative's home. We will be looking at the parents age hopefully some peer support, I can't really speak to that because it is a process. This is a large piece of legislation; we are looking at it in phases.

**Rep. Satrom:** What about someone who is in foster care; what happens after they turn 18?

**Dawn Pearson:** I am with the CHAFE independent living program, and also the supported living independent program funded with federal dollars. We could support them in a collage dorm or an apartment or a host home.

**Rep. Satrom:** In our church we have been pushing people to be foster parents. Also we have been praying for forever homes. Do we have a projection for the adoption component for these people in these programs? Do we have any information on the impact that that has on their lives?

**Dawn Pearson:** In foster care our first goal is always to return the child to the parent. The second option is adoption. We also have a guardianship program, we also have money to

support the adoptions and the guardianships. Working with the older children in foster care, I see their desire to have a permanent home as well.

**Rep. McWilliams:** When we hear the words large sweeping federal program we want to make sure that this is a state run initiative that we have control and oversight on exactly what that program is.

**Dawn Pearson:** I did not mean to give the impression that this will negate our current system. It is truly a blessing to our state. It does put the children and family needs first rather than the systems. Family first also has benefits to foster homes as well. We are looking to enhance our foster homes because some of the children that were in congregate homes, that cannot be in their homes, we want them in a home setting so our hope is that they will step down to foster homes. We are going to be putting more training into our foster homes.

**Rep. Magrum:** Are the programs still being run through the county social services and will it become harder to become a foster parent? I do hope it won't get any worse because you won't have any foster parents.

**Dawn Pearson:** That would not be our intention. We are developing different levels of foster homes, we had the county level and we had the past treatment level. We would like a new level, for a specialized treatment level of care.

**Rep. Magrum:** Is it still going to be run through the county?

**Dawn Pearson:** Currently each piece of social services is going through a redesign process. From what I know it will remain with the county.

**Representative Simons:** When you said PATH? Is it through the state too?

**Dawn Pearson:** The county licenses their foster parents and PATH is licensed as a licensed child placing agency, but it is all overseen by the state.

**Closed** Hearing on SB2069

**Rep. Paur;** Do Pass Motion for SB2069

**Rep. Satrom:** Seconded

Discussion:

**Rep. McWilliams:** I am reluctant to pass this bill with a large sweeping Federal legislation into law without knowing what that large sweeping legislation is.

**Chairman K. Koppelman:** I think that all this bill really does is add additional duties to the Director of Juvenile Court.

**Representative Simons:** I have some concerns here as well. When I was a foster parent I got to be good friends with Social Services. There was an undercurrent that was happening in there that we didn't have enough foster homes. However, the undercurrent was that they

felt like there was a lot more people that wanted to be in their homes. This is the government wanting to sink its tentacles into homes without having to put them in foster care for potential people to put in foster care. I am going to oppose this bill. I want an in-depth in this.

**Chairman K Koppelman:** Are you asking for more time? Because we can certainly hold the bill for a while if you want to ask more questions or look into the federal statute.

**Representative Simons:** I am uncomfortable with it as a whole. I do not like it.

**Rep. McWilliams:** I would ask for more time on this. When we reference a federal act; what is in that act now we might agree with that's ok. But then that changes when we get a very simple bill where it says we are just updating to the new standard.

**Chairman K Koppelman:** We will defer action on this.

**Recessed.**

# 2019 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Prairie Room, State Capitol

SB 2069  
3/6/2019  
33333

- Subcommittee  
 Conference Committee

Committee Clerk: DeLores D. Shimek

## **Explanation or reason for introduction of bill/resolution:**

Relating to powers and duties of the director of juvenile court.

## **Minutes:**

**Chairman Koppelman:** Opened the hearing on SB 2069. This deals with the juvenile court examining the requests for the review of a child's placement at a qualified residential treatment program under the Family First Prevention Services Act.

**Rep. Jones:** As I recall this is a really good thing. Trying to keep the kids in the home and try to give them a couple of options in foster before they end going to a home.

**Rep. McWilliams:** It was me who put the brakes on it a little bit. I was looking for a little more information on the massive sweeping federal regulation.

**Chairman K. Koppelman:** In committee as Rep. Jones said it will be a good thing for the children that are involved. This just sets up the process of who receives those requests and reviews the placements.

**Rep. Paur:** I move a Do Pass on SB 2069.

**Rep. Satrom:** Seconded.

**Roll Call Vote:** 11 Yes 1 No 2 Absent **Motion carried for a Do Pass on SB 2069.**

**Carrier:** Rep. Hanson

Hearing Closed.

Date: 3-6-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES** 2069

House Judiciary \_\_\_\_\_ Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Paur \_\_\_\_\_ Seconded By Rep. Satrom \_\_\_\_\_

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	✓		Rep. Buffalo	✓	
Vice Chairman Karls	✓		Rep. Karla Rose Hanson	✓	
Rep. Becker	✓				
Rep. Terry Jones	✓				
Rep. Magrum	✓				
Rep. McWilliams	✓				
Rep. B. Paulson	✓				
Rep. Paur	✓				
Rep. Roers Jones	✓				
Rep. Satrom	✓				
Rep. Simons		✓			
Rep. Vetter	✓				

Total (Yes) 11 No 1

Absent 2

Floor Assignment Rep. Hanson

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

**REPORT OF STANDING COMMITTEE**

**SB 2069: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). SB 2069 was placed on the Fourteenth order on the calendar.

**2019 TESTIMONY**

**SB 2069**

#1  
SB 2069  
3-5-19  
P1

**TESTIMONY ON SENATE BILL 2069**  
**CATHY FERDERER**

Cathy Ferderer, Juvenile Court Coordinator  
State Court Administrator's Office

Good afternoon, Chairman Koppelman and members of the House Judiciary Committee.

My name is Cathy Ferderer. I am the Juvenile Court Coordinator for the State Court Administrator's Office. Senate Bill 2069 amends 27-20-06 to add additional duties to the position of director of juvenile court in response to the Family First Prevention Service Act. The director of juvenile court would be responsible to review placements of children at qualified residential treatment program. This duty is similar to other duties already carried out by the directors of juvenile court. This review is required by the Family First Prevention Service Act and would ensure federal payments are available for these types of placements so they do not become the burden of the county.

The Family First Prevention Services Act is a bipartisan act approved by Congress in 2018. The Act is intended to provide prevention services to families who are at risk of entering the child welfare system. The Act aims to prevent children from entering foster care by allowing federal reimbursement for mental health services, substance use treatment, and in-home parenting skill training. It also seeks to improve the well-being of children already in the child welfare system by reducing the placement of children in congregate care.