

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.