

Testimony
Senate Bill 2064 – Department of Human Services
Senate Human Services Committee
Senator Judy Lee, Chairman
January 12, 2015

Chairman Lee, members of the Senate Human Services Committee, I am Dean Sturn, Foster Care Administrator for the Department of Human Service's Children and Family Services Division. I am here today in support of Senate Bill 2064, which was introduced at the request of the Department. The Department is also proposing amendments to Senate Bill 2064 to address requirements that have arisen due to the recent passage of the federal "Preventing Sex Trafficking and Strengthening Families Act."

The proposed changes on page 1, lines 11 through 13 and page 2, lines 1 through 5, 14 through 15, and 18 through 19 are being made to recognize the role of an agency or tribal council of an Indian reservation in the provision of continued foster care services to a child over 18 years old. These changes relate to a tribal agency's or tribal council's ability to prepare an affidavit outlining the need for continued foster care services, to enter into a continued foster care agreement with the child and foster care provider, to continue case management for the child, and to retain care and placement responsibility of the child.

In addition, there is a proposed change on page 2, line 18 to remove the Division of Juvenile Services (DJS) as an agency that can retain care and placement responsibility of a child in need of continuing foster care services after the age of 18. Continued foster care services are for children who are not considered by the court to be delinquent or unruly.

While DJS can have custody of a child older than 18, DJS cannot have custody of children who are not identified by an order of the court as delinquent or unruly.

The change on page 2, line 24 is being proposed to correct an obsolete reference. North Dakota Rules of Juvenile Procedure, Rule 16, was adopted in March 2010 and superseded N.D.C.C. section 27-20-37.

As I indicated at the start of my testimony, the Department is proposing amendments to Senate Bill 2064 to comply with requirements of recently passed P.L. 113-183: the "Preventing Sex Trafficking and Strengthening Families Act."

The first proposed changes are to the definition of "permanency hearing" in N.D.C.C. 27-20-02, and are related to permanency hearings and the establishment of permanency goals for a child in foster care. Federally, there are five allowable permanency goal options for children placed in foster care. They are (1) to return home, (2) to be placed for adoption, (3) to be placed with legal guardians, (4) to be placed with fit and willing relatives, and (5) to be placed in Another Planned Permanent Living Arrangement (APPLA). The Preventing Sex Trafficking and Strengthening Families Act now requires that a foster child must be at least 16 years old to have a permanency goal of APPLA. It also requires the court to do three things during a permanency hearing when APPLA is the identified permanency goal for a child in foster care:

- (1) Ask the child about the desired outcome of APPLA.
- (2) Make a judicial determination explaining why APPLA is the best permanency plan for the child.

- (3) Provide compelling reasons why it continues to not be in the best interest of the child to work toward one of the other federally allowable permanency goals.

The changes proposed to the definition of "permanency hearing" in subsection 15 of N.D.C.C. 27-20-02 incorporate these requirements.

The proposed amendments to section 27-20-38 relate to the rights and duties of legal custodians of children in foster care. Legal custodians currently are required to notify certain people within 30 days of a child's removal from parents for the purposes of placing the child into foster care. The Preventing Sex Trafficking and Strengthening Families Act has clarified who must be notified and has added an additional notification requirement: notice to the custodial parents of siblings of the child entering foster care. To determine what constitutes a custodial parent of a sibling of a child entering foster care, the Department needed to define "sibling of the child entering foster care." The new subsection 4 to section 27-20-38 provides that definition.

This concludes my testimony. I would be happy to answer any questions. Thank you.