

Testimony
Senate Bill 2260 – Department of Human Services
House Judiciary Committee
Representative Duane DeKrey, Chair
March 5, 2007

Chairman DeKrey, members of the House Judiciary Committee, I am Tara Lea Muhlhauser, Deputy Director of the Children and Family Services Division and Program Administrator for Child Protective Services, of the Department of Human Services. I am here today to provide you with an overview of Senate Bill 2260 as it relates to the Department of Human Services. The Department worked collaboratively with the Office of the Attorney General on this bill, and we offer our support.

Each year, the Children and Family Services Division, through our working relationship with the North Dakota Bureau of Criminal Investigation, conducts approximately 1800 background checks for foster parents, proposed guardians for children, residential facility staff, adoptive parents, and more recently, kinship or relative care providers for children. The Children and Family Services Division provides funding for these checks so as not to pass the cost to providers of care. Background checks are meant to provide a measure of security and protection for children when they are placed outside their homes.

The language of this bill brings us into compliance with a recently-enacted federal law, the Adam Walsh Act, and provides us with an efficiency in regard to use of background checks between programs serving children placed outside their homes. Currently, when background checks are completed for one program, the Federal

Bureau of Investigation will not allow us to share background check information with another program. For example, if a foster parent who has already successfully completed a background check seeks to become a guardian or adoptive parent for the foster child in their home, those foster parents have to complete another background check prior to becoming guardians or adoptive parents. Not only does this not make sense, it is not a good use of public dollars, doesn't provide any additional protections for a child, and can present a time barrier to permanency for a child.

The language in Section 4, (2)(f) provides statutory language to address this concern. The FBI has indicated authorizing language such as this will satisfy their concerns, thus allowing the Department to share background check information between programs.

In Sections 13,14,15,16,17,18 amendments are offered to assure that fingerprint background checks are completed for residential facility staff, relative care providers, foster parents, proposed guardians, and adoptive parents. In addition, any other adult living in the home or facility where the child is residing must also have a background check including a fingerprint check.

These sections, in the respective program areas, also remove the current exemptions to the background check, which are based on residency or military service. The new federal law no longer permits a state to have exemptions to its background check requirements. Finally, these amendments also repeat the language that allows information to be shared between child welfare programs.

Thank you for your time and attention this morning. I would be willing to answer any questions you have.

Page: 2

[j11]This feels awkward... substantively correct, but awkward... thus the suggested change.