

**Houser Bill 1052**  
**House Judiciary Committee**  
**Testimony Presented by Sara Behrens**  
**January 11, 2021**

Good morning Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of House Bill 1052. This bill amends section 27-20-61. This section authorizes juvenile services agreements among the Department of Corrections and Rehabilitation (Division of Juvenile Services), the Supreme Court (Juvenile Court), the Indian Affairs Commission and tribal government of a federally recognized Indian tribe in the state. Currently, this section is effective only through July 31, 2021. This bill would extend that date to July 31, 2023 to allow a longer period of time to work on expanding the number of agreements and obtaining data. This bill also adds the Department of Corrections and Rehabilitation to the particulars of the section because they are one of the vital partner agencies.

Currently, there is one memorandum of understanding (MOU) in place with Spirit Lake Tribal Court. The MOU was developed in the fall of 2019, was signed in January 2020 and was up and running in February of 2020. A report was provided to Legislative Management during the interim. At that time, there were 6 juveniles being served. That number has increased to 10 juveniles. Unfortunately, with the COVID pandemic, they did experience setbacks in staffing these cases. The team has since adjusted, much like everyone else, and now is meeting monthly to staff cases via Zoom. The meetings are among a multi-disciplinary team consisting of the Spirit Lake Nation, the Department of Juvenile Services, and the Juvenile Court. Additional meetings are held when an issue arises with a juvenile. Spirit Lake now has a juvenile intake officer who brings cases to the team to staff. These are juveniles solely under the jurisdiction of

tribal court. Sometimes, juveniles do have cases in both district court and juvenile court and they are discussed as well.

The main service provided so far is the Youth Assessment and Screening Instrument or YASI risk assessment. The tribal court now has a YASI license and has received training on the program. The Division of Juvenile Services has assisted tribal social services with accessing residential treatment facilities when needed, but, thus far, the use of the YASI assessment coupled with collaborative case planning among agencies has resulted in an emphasis on treatment services. Juveniles are also able to be referred into the Juvenile Drug Court Program. No juveniles have required a transfer of custody to the Division of Juvenile Services.

Because this collaboration has been in place for only about a year, more time is needed to see what the recidivism rate will be and determine the true success of the program. All entities involved feel that the program is worthwhile and would like to see it continue. Therefore, we are asking to extend the effective date for another biennium. The hope is that other tribal courts will see that the program is successful and enter into MOUs with the state agencies also. Thank you for your consideration and we urge a do pass.