

House Bill 1052
Senate Judiciary Committee
Testimony Presented by Joseph Vetsch
February 9, 2021

Chairwoman Larson and members of the Committee. My name is Joseph Vetsch. I am a practicing attorney in the Northeast Judicial District (primarily). I also serve as the Chief Judge for the Spirit Lake Nation in Fort Totten, North Dakota. I wish to express my support of House Bill 1052. HB 1052 would amend N.D.C.C. 27-20-61 to extend the original time period that allowed for State, County and Tribal agencies to enter into agreements in order to provide much needed services to youth adjudicated in Tribal Courts in North Dakota. The underlying basis for the original legislation was that officials working in both Tribal and State juvenile justice systems agreed that delinquent youth who fall under Tribal Court jurisdiction(s) often do not have access to, or receive, the same rehabilitative services as youth who fall under State Court jurisdiction.

Prior to its original passage in 2019, this was a subject of discussion among State, County and Tribal justice officials for a number of years with Northeast Judicial District Judge Donovan Foughty spearheading the discussion. Much to our satisfaction, N.D.C.C. 27-20-61 finally came to fruition, gave traction to years of efforts and a "Pilot Program" was quickly developed.

Since its passage, I have had the privilege of working with Pilot Program professionals from Ramsey County, Benson County, the Northeast Judicial District, Spirit Lake Tribal Social Services, the ND Indian Affairs Commission, the Division of Juvenile Services (Department of Corrections and Rehabilitation), and the North Dakota Juvenile Court. The Pilot Program's work involved the development of a multi-disciplinary team (MDT) that operates under a memorandum of understanding (MOU) which was given its blessing by N.D.C.C. 27-20-61.

During the development of the MOU and subsequent MDT, in person meetings were held and numerous emails were exchanged. After nearly a year of developing a framework for how the Pilot Program envisioned the MDT would function, the MDT staffed its first adjudicated youth in February of 2020. The first few meetings of the MDT were held in person. Like many others since the Covid-19 pandemic began, the MDT has conducted most of its meetings via Zoom. We have also staffed many impromptu cases and held many impromptu "meetings" via email. To date, a total of twelve (12) youth (8 boys and 4 girls) have been referred to the MDT.

The approach this MDT has taken differs slightly from how the statute describes the cooperative agreements. Rather than State agencies simply providing all the supervision and services, the Spirit Lake Tribal Court and the MDT preferred that Spirit Lake staff work in tandem with State and County

staff, whenever possible, in the delivery of services. The philosophy behind this approach is that, if the MOU were to end, the systems that serve delinquent youth in Spirit Lake will forever be more effective because of what was/is learned by the co-mentoring process. Because the MDT has taken this co-mentoring approach, other than a few hours from the dedicated State and County partners each month, the Pilot Program has cost the State of North Dakota very little in expenses thus far.

One of the key developments over the first year was regarding risk and needs assessments. Assessing risk and needs is an evidence-based practice in the field of probationary practice. The ND Court System, through its Juvenile Drug Court Program, purchased a Youth Assessment Screening Instrument (YASI) software license for the Spirit Lake Tribal Court. The Tribal Court and Juvenile Court staff have worked side-by-side on training individuals on how to effectively utilize this risk assessment tool. So far, the team has conducted five YASI risk assessments on youth referred to the MDT. All the assessed youth scored moderate or high risk. The YASI results assisted the MDT team in further case planning. Regardless of the outcome of HB 1052, implementation of this risk and needs assessment tool will continue to benefit the Spirit Lake Tribal Court.

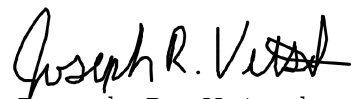
For youth in need of residential treatment services, Division of Juvenile Services staff have assisted Tribal Social

Services in the universal application process with the goal of matching the needs of the youth to treatment service options. Additionally, a procedure has been developed to allow Tribal Court youth to be referred to the State's Juvenile Drug Court Program in Devils Lake.

Thus far, collaboration among the many agencies involved in the MDT has been impressive. However, there is still so much more that can be accomplished. Additional time and opportunities to serve more youth are needed to see this Pilot Program through to completion and to compile outcome data that will show the true success of this much needed and long sought after legislation.

For reasons state above, **I strongly urge a "Do Pass" recommendation for HB 1052.** Thank you for your time and consideration in this matter. If you have any questions, comments and/or concerns, please feel free to contact me at any time.

Sincerely,



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