

Testimony Prepared for the
House Judiciary Committee
January 18, 2023
By: Lynn Flieth, RSR Human Service Zone Director

RE: HB 1137 – Relating to inspection of court files and records, and delinquency referrals to juvenile court

Chairman Klemin and members of the House Judiciary Committee, my name is Lynn Flieth. I am the Director for the RSR Human Service Zone, which includes the counties of Ransom, Sargent and Richland. I am here today to provide testimony in support of HB 1137.

Human Service Zones, the Division of Juvenile Services and Tribal child welfare agencies serve as legal custodians when care/custody/control of children is removed from their parents or legal caregivers. Additionally, beginning in July of 2022, the RSR Human Service Zone became the employing entity for the statewide CHINS (Children In Need of Services) Unit.

During the 2021 Legislative Session, this body began the important work of enhancing how juveniles displaying delinquent and ungovernable or “unruly” behavior are treated in the state of North Dakota. Those changes, based in research and an understanding of adolescent development, have shifted practice and, at times, challenged us to find new approaches to best serve our state’s youth. In the last 2 years, many of those initiatives have been put into action. The goals of these efforts include diverting youth away from the adult justice system, identifying service needs and to prioritizing developmentally appropriate accountability.

Many of the items in this bill clarify and update language to more fully reflect matters relating to those juvenile justice reforms. The updates in terminology from “deprived child” to “*child in need of protection*”, will align North Dakota Century Code and current child welfare

policy and practices. This bill will also completely remove Children In Need of Service from the jurisdiction of the Juvenile Court, as those referrals are now directed to the Human Service Zones. The Human Service Zone Directors voted in May of 2022, for a single Human Service Zone to become the employing entity for a statewide CHINS Unit to promote efficient administration and consistent implementation of addressing child in need of services referrals. The unit consists of 8 CHINS Specialists, including 1 supervisor, who are located throughout the state, all being employed through the RSR Human Service Zone. In the first 4 months of the existence of the CHINS unit, more than 900 referrals have been directed to this unit. CHINS Specialists reach out to families to offer support & information, with the guiding principles being to engage, educate and empower parents & caregivers. Education of community partners on the changes in law, as well as developing and fine-tuning policy and practice are ongoing. The CHINS Specialists also serve as the Dual Status Youth Liaisons for juveniles who have both child welfare and Juvenile Court involvement.

Other items of benefit to youth & families in this bill include:

1. Allowing for the appointment of legal counsel to represent youth in Juvenile Court, and additionally not requiring reimbursement of those costs by the parent/caregiver. These costs can be a significant financial burden for families who are already facing challenges.
2. Allowing for restriction of a juvenile's driving privileges rather than being required to pay a fine for driving-related offenses.
3. Allowing for a stipulation to accept a written declaration or affidavit of Qualified Expert Witnesses for cases in which the Indian Child Welfare Act applies. We recognize that limited tribal resources impact the availability of Qualified Expert Witnesses at times. This flexibility provides Qualified Expert Witnesses options

to provide their critical input to the court and will allow for juvenile court matters to continue to proceed in a timely manner.

4. Allowing for delinquency adjudication to occur in the child's county of residence, if deemed in the child's best interest. This promotes increased consistency and efficiency in the juvenile court process. Adjudication and disposition may occur without the delays of transferring from one jurisdiction to another.
5. Directing youth who commit an infraction or misdemeanor on school property away from the Juvenile Court process. This bill also provides clarification on when, or what types of offenses occurring on school property should proceed to the Juvenile Court.
6. Utilizing certified shelter care settings and other less restrictive placement options for delinquent youth rather than detention facilities, unless there are concerns for public safety.

These updates reflect North Dakota's commitment to treating our youth with fairness and accountability, while recognizing they are still growing and developing physically, socially and emotionally.

Thank you for consideration of my testimony in support of House Bill 1137. Does the committee have any questions for me?