

Testimony Prepared for the
House Judiciary Committee

March 15, 2023

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: SB 2224: Guardianship proceedings for minors becoming incapacitated adults

Chairman Klemin and Members of the House Judiciary Committee. My name is Kim Jacobson, and I am the Director of the Agassiz Valley Human Service Zone, which serves the service area of Traill and Steele Counties. In addition, I serve as the President of the North Dakota Human Service Zone Director Association. Please accept my written testimony in support of SB 2224.

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. As such, there are occasions where youth in care, or those who have other child welfare involvement, have ongoing cognitive limitations, including significant mental health conditions and developmental delays. When those youth transition to adulthood, the need to have formal support in decision-making support, without interruption, is imperative to ensure the safety and well-being of a proposed ward.

This bill allows for guardianship proceedings to be initiated in the circumstance where a minor child is proposed to become an incapacitated adult. Any person interested in the welfare of the child, including the child welfare agency, may initiate guardianship proceedings prior to the proposed ward's eighteenth birthday. This allows for time for proceedings to occur, and a guardianship to be in place, without any gap in decision-making support. It is not uncommon for youth in any situation to desire to be "free" of parental or guardian decision-making on their behalf upon their eighteenth birthday. However, youth with cognitive impairments are exceptionally vulnerable to risks to their physical safety and well-being, including

homelessness, medical self-neglect, trafficking, and exploitation by others. Typically these youth/young adults are involved in a variety of complex service systems, such as social security, economic assistance programs, medical specialty services, to name a few. It is critical that legal decision-making authority is seamless to assist in navigating these systems as an adult.

The creation of this new chapter outlines processes and procedures to protect vulnerable youth at a critical time in their life and to increase likelihood of safe and successful transition to adulthood. Thank you for considering my testimony relating to this bill. I stand for questions from the committee.