

PRESIDING JUDGE
GARY H. LEE
(701) 857-6637

DISTRICT JUDGES
DOUGLAS L. MATTSO
(701) 857-6635

STACY J. LOUSER
(701) 857-6633

RICHARD L. HAGAR
(701) 857-6639

TODD L. CRESAP
(701) 857-6692



JUDICIAL REFEREE
KELLY A. DILLON
(701) 857-6645

DISTRICT COURT FAX
(701) 857-6649

SCHEDULING
(701) 857-6628

**UNIT COURT
ADMINISTRATOR**
CAROLYN PROBST
(701) 857-6625

State of North Dakota
DISTRICT COURT
NORTH CENTRAL JUDICIAL DISTRICT
Ward County Courthouse
315 3rd St SE PO Box 5005
Minot ND 58702-5005

SENATE BILL 2252

Senate Judiciary Committee

Testimony Presented by the Judges and Referee of the North Central Judicial

District Court

January 27, 2023

Good morning, Chairman Larson and members of the committee. For the record

we are:

The Honorable Gary H. Lee, Presiding Judge

The Honorable Douglas L. Mattson, District Judge

The Honorable Richard L. Hagar, District Judge

The Honorable Todd L. Cresap, District Judge

The Honorable Stacy J. Louser, District Judge

The Honorable Kelly A. Dillon, Judicial Referee

We constitute all of the present judicial officers (both judges and referee) of the North Central Judicial District Court of the State of North Dakota. We are jointly providing this written testimony in opposition to Senate Bill 2252.

The North Central Judicial District is comprised of Ward, Mountrail, and Burke counties.

We have received the comments to your committee presented by the judges and referees of the East Central Judicial District. The East Central District and the South Central Judicial District, are the other two Judicial Districts which are presently utilizing judicial referees. We join in the comments and recommendations made by our counterparts from those Districts. We too urge a Do Not Pass recommendation from your committee.

The North Central Judicial District is serviced by five District Judges, and one Judicial Referee. Our Referee is assigned a broad range of judicial tasks authorized by statute. Our Referee is our primary judicial officer for all Juvenile Court matters. Additionally, she handles child support enforcement, small claims proceedings, disorderly conduct restraining order proceedings, domestic violence restraining order proceedings, and sexual assault restraining order proceedings.

Comments from the other Judicial Districts which utilize Judicial Referees emphasized the many time constraints and scheduling imperatives of the Juvenile

Court. We join in those comments and express the same concerns. However, rather than simply repeating those concerns we urge you to review and consider the most recent Juvenile Court Annual Report released by the North Dakota Supreme Court on April 28, 2022. This report is available on the North Dakota Supreme Court website.

Some of the highlights of that report:

1. The total number of referrals to the Juvenile Court has steadily increased over the years from 6,928 referrals in 2016, to 7,471 referrals in 2021. The percentage increase of the number of referrals between 2020 and 2021 was 18%.

2. The total number of children in need of protection services and termination of parental rights cases filed in the East Central Judicial District was 207. In the South Central Judicial District (Burleigh and Morton counties only) was 199. In the North Central Judicial District the total number of these cases was 184. These cases often involve emergency procedures to protect children, followed by lengthy and often highly emotionally charged hearings to determine whether a child should be reunited with a parent, or taken from parents forever. For all the reasons stated by the judges and referees in the other judicial districts, the “one family, one judge” model for these types of cases is essential to maintain

continuity of decision making by a judicial officer fully conversant in the case from day one.

3. Changes in the law now require that all guardianship proceedings for minors be handled in the Juvenile Court. This includes a duty by the Juvenile Court not only establish the guardianship, but also to conduct reviews and monitoring of guardianships throughout the life of the case. These duties include monitoring the child's well-being, finances, and also determining whether the guardianship should continue. All of these functions were formerly conducted by the District Court.

These are just a few of the highlights from that report. One take away from the report is, however, that the caseload and workload of the Juvenile Court is ever increasing. Having referees with the specialized knowledge and skill to address those expanding needs is crucial.

As noted above, the referee of the North Central Judicial District has duties outside of the Juvenile Court as well. Those duties likewise have time constraints. For example:

If a defendant in a small claims proceeding requests a hearing, that hearing must be held not less than 10 days, nor more than 30 days from that request.

Hearings in domestic violence protection order proceedings, disorderly conduct restraining order proceedings, and sexual assault restraining order proceedings must be held within 14 days of the issuance of any temporary order.

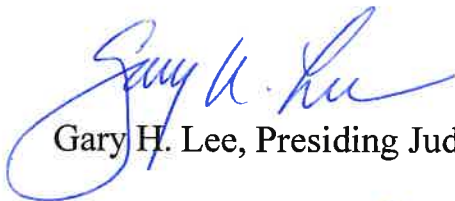
Given the rotation system we have implemented in the North Central Judicial District, it would be extremely difficult to meet these statutorily imposed deadlines in these other case areas without a referee.

Finally, we note that over the past years specialty courts have been created to deal with specific problems. There are now juvenile and adult drug courts. There has been movement to create veterans courts, mental health courts, and domestic violence courts. The Juvenile Court is, in essence, a specialty court already in existence. For the three judicial districts that operate the Juvenile Courts by relying on the services of competent referees, the system has been working. We have competent judicial referees, well versed in the intricacies of juvenile law, including federal laws, and tribal laws which impact Juvenile Court decisions. The elimination of the dedicated referees, who have years of skill and knowledge of the applicable laws and rules, and have the care and compassion for those caught up in the juvenile justice system, is a step backwards.

For those who would argue that individuals caught up in any judicial process should have their case determined by a judge who is responsive to the electorate,

please keep in mind that anyone who believes that a referee has made a wrong decision has the right to appeal that decision for review by a district judge, and in some instances, may have a right of appeal to the North Dakota Supreme Court.

We respectfully urge that you adopt a Do Not Pass recommendation on Senate Bill 2252.



Gary H. Lee, Presiding Judge




Douglas L. Mattson, District Judge




Richard L. Hagar, District Judge



Todd L. Cresap, District Judge



Stacy J. Louser, District Judge



Kelly A. Dillon, Judicial Referee