STATE OF NORTH DAKOTA
DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT
219 2ND AVE. NW
MANDAN, ND 58554

HON. BOBBI WEILER
DISTRICT JUDGE

JANA AAMODT
COURT REPORTER
701-667-3357

Good Morning,

Chairman Nathe and members of the Education and Environment Division of House Appropriations.

My name is Bobbi Weiler and I am a District Court Judge from the South Central Judicial District. I was appointed to the bench in March of 2020 and elected in 2022.

I am hoping to start the first Mental Health Court in North Dakota. We started the process of creating this Mental Health Court approximately two years ago. However, it has been a dream of mine shortly after becoming a lawyer in 2010. In fact, I talked to Former Governor Burgum about creating a Mental Health Court when I interviewed with him for the position in 2020.

Without any notice, the funding was cut last minute from the Judicial Budget in Senate Appropriations. The bill is 2002. There is a line item in the Judicial Budget for three new treatment courts. I have attached the two-page printout showing the Judicial Budget as it was changed in the Senate. The total amount for the three new treatment courts is $373,476. This includes our Mental Health Court in the South Central Judicial District, a Veterans Treatment Court in Fargo, and an ICWA Court in Devils Lake. Our Mental Health Court accounts for $85,164.

Prior to the bench, I was an attorney in private practice focusing primarily in family law and criminal law. Specifically, in criminal law, there are a lot of people who struggle with mental health issues. I have never met a person struggling with addiction who does not have a mental health issue. I truly believe that we cannot help the addiction issue without first addressing the mental health issue. Most people who suffer from addiction use drugs and alcohol as a way to cope with their mental health issues.

I see this same problem as a District Court Judge. Our courtrooms have become a revolving door for people who struggle with addiction and mental health. Sometimes we see the same people within days of being released from jail or prison.

Our current system of dealing with those who have been classified as chronically mentally ill is not working. If a person is arrested and we have reason to believe they are not mentally fit to understand the legal process, then we sign an order for them to get a fitness evaluation. This can take several months to get depending on several factors; there are two outcomes from a fitness evaluation—either they are determined fit to proceed or they are determined not fit to proceed.

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If a person is determined not fit, then we order restoration efforts to occur at the North Dakota State Hospital. This can take up to six months. If someone cannot be restored to fitness, then their case is dismissed and they are released into the public without further treatment set up.

If a person is fit or is restored to fitness, then we have to order a criminal responsibility evaluation. Again, this can take several months depending on many factors.

If a person is determined not criminally responsible, then there are further proceedings determining whether we will order continued treatment at the North Dakota State Prison or through the community.

In 2024, we ordered a total of 115 evaluations. In 2023, we ordered a total of 126 evaluations. In 2022, we ordered a total of 89. In 2021, we ordered a total of 84. In 2020, we ordered a total of 52. And in 2019, we ordered a total of 31 evaluations. In five short years, our numbers have quadrupled. These numbers are just from Burleigh and Morton Counties. They don't even include the entire South Central Judicial District. They don't include those ordered in other districts. This has caused a huge strain on our system.

No matter what happens in a person's case, the process is long. Most of the individuals who have mental health struggles and come into the criminal justice system are homeless. They spend most of this process, if not all of this process, in custody.

No matter what is determined in a person's case, there are limited services for people who have mental health struggles when they are finally released into the community. Most of the individuals who have mental health struggles cannot fill out applications for services, most don't have addresses to put on applications, most don't have a driver's license, most don't have community support, most get no treatment, most don't have the ability to continue to get their medications that were given to them in custody.

The result of all of this is we see those who struggle with mental health in and out of our criminal justice system on a regular basis. This puts a huge strain on our court system, our prison system, our State Hospital, our probation officers—the entire system.

It costs approximately $55,000 a year to house one inmate at the North Dakota State Prison. The costs are more at the North Dakota State Hospital. Our proposed Mental Health Court has a cost of approximately $42,500 a year. That means if we can just help one person a year through our Mental Health Court, it would save the State money each year. Studies show that Mental Health Courts have a 50% success rate for keeping people out of prison and preventing recidivism. Our hope is to have twenty

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participants in the first year, based upon our budget. If we can meet the success rate, then that would amount to a savings to the State of approximately $500,000 a year.

We have been working on creating a better system through our Mental Health Court with many members in the judiciary, executive bench, treatment providers, State Hospital, county jails, and community members over the last two years. I have attached the Letter of Support we filed with the Interdisciplinary Specialized Docket Committee to get approval for the Mental Health Court. As you can see, we have support from numerous agencies and people. I have also attached our Petition that was filed with the North Dakota Supreme Court. Our Mental Health Court was approved by the Interdisciplinary Specialized Docket Committee and the Supreme Court. The only step left is to get our budget approved.

We have also created a Mental Health Participant Manuel and most of the documents needed to start our Mental Health Court. I would be happy to send you any materials if you would like them.

It is hard to explain our entire plan for the Mental Health Court in a short letter. I will try to give a brief explanation. Our first plan is to create a Mental Health Docket that I and Judge Jackson Lofgren would preside over. This will allow us to schedule all of our mental health criminal cases in specific time slots. This will allow the state's attorneys, the defense attorneys, the North Dakota State Prison, and the jail to attend one or two hearing time slots a month versus spreading them out between ten judges and multiple time slots. This will speed up the process of getting evaluations ordered and completed.

We have worked on setting up an expedited process through our evaluators at the North Dakota State Prison and West Central Human Services and the jail to allow people to be evaluated more quickly.

We have worked on getting services available through our pretrial services at the jail to get applications filled out for services, such as Medicaid Supplement.

We have set up relationships with community members for housing, transportation, community services, addiction services, and mental health services.

We have a plan for two case workers provided through the Free Through Recovery Program to provide services to our participants, including medication distribution and in-person checks.

We are ready to start the first Mental Health Court in North Dakota. We have done all the leg work. We can start our hiring process immediately if we get approved for

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funding. We hope to hold our first Mental Health Court in December 2025 or January 2026.

I cannot overstate how big of a need there is for a Mental Health Court in our community. The cost is very low compared to the savings to the State if we are allowed to help people overcome their mental health struggles and live a productive life in our community.

I beg the committee to put the Mental Health Court back into the Judiciary Budget for a total cost of $85,164.

Thank you to Chairman Nathe and the Committee Members for allowing me this time today. I would be happy to answer any questions from the committee.

Bobbi Weiler
District Judge

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Legislative Council

Judicial Branch - Budget No. 180
Agency Worksheet - Senate Bill No. 2002

	Armstrong Executive Budget				Senate Version				Senate Compared to Executive Budget Increase (Decrease)			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	384.00	$128,256,984	$1,440,428	$129,697,412	384.00	$128,256,984	$1,440,428	$129,697,412	0.00	$0	$0	$0
2025-27 Ongoing Funding Changes												
Base payroll changes, including cost to continue salary increases and step increases in the judicial branch pay plan		$3,490,350	($114,374)	$3,375,976		$3,490,350	($114,374)	$3,375,976				$0
Salary increase		4,277,475	30,331	4,307,806		3,004,482	30,331	3,034,813		($1,272,993)		(1,272,993)
Health insurance increase		2,425,383	18,767	2,444,150		2,353,323	18,767	2,372,090		(72,060)		(72,060)
Adds funding for judges and justices salary increases		2,078,868		2,078,868		1,842,192		1,842,192		(236,676)		(236,676)
Adds funding for pay plan 3 percent salary adjustment		2,028,177	10,639	2,038,816				0		(2,028,177)	($10,639)	(2,038,816)
Restores 2023-25 new and vacant FTE funding		2,455,681	23,723	2,479,404		2,455,681	23,723	2,479,404				0
Transfers funding for 2025-27 new and vacant FTE pool				0		(2,948,825)	(18,912)	(2,967,737)		(2,948,825)	(18,912)	(2,967,737)
Adds funding for accrued leave payouts		460,487	514	461,001				0		(460,487)	(514)	(461,001)
Adds new juvenile court positions	4.50	829,304		829,304	0.50	67,758		67,758	(4.00)	(761,546)		(761,546)
Adds a new district court administrative assistant position	1.00	170,025		170,025	1.00	170,025		170,025				0
Adds a new district court deputy court administrator position	1.00	272,529		272,529	1.00	272,529		272,529				0
Adds new district court programmer analyst positions	2.00	421,496		421,496	2.00	421,496		421,496				0
Adds new district court network analyst positions	2.00	421,496		421,496	2.00	421,496		421,496				0
Adds a new district court technology coordinator position	1.00	196,210		196,210	1.00	196,210		196,210				0
Adds a new district court staff attorney position	1.00	293,625		293,625	1.00	293,625		293,625				0
Adds a new Supreme Court staff attorney position	1.00	293,625		293,625	1.00	293,625		293,625				0
Adds a new Supreme Court deputy clerk position	1.00	170,025		170,025				0	(1.00)	(170,025)		(170,025)
Increases a Supreme Court part-time administrative assistant position to full-time	0.50	65,161		65,161	0.50	65,161		65,161				0
Adds funding for office of guardianship and conservatorship	5.00	1,494,628		1,494,628	4.00	1,200,000		1,200,000	(1.00)	(294,628)		(294,628)
Adds funding for court navigator program	1.00	309,742		309,742				0	(1.00)	(309,742)		(309,742)
Adds funding for allied legal professional program	1.00	364,574		364,574				0	(1.00)	(364,574)		(364,574)
Transfers $730,478 for guardianship monitoring				0				0				0
Adds funding for 3 new treatment courts		373,476		373,476				0		(373,476)		(373,476)
Reduces funding for judges' retirement		(13,666)		(13,666)		(13,666)		(13,666)				0
Adds funding for information technology (IT) system maintenance and enhancements		2,059,179		2,059,179		2,059,179		2,059,179				0
Adds funding for law library reference materials subscription		73,882		73,882				0		(73,882)		(73,882)
Adds funding for credit card processing and bank fees		293,000		293,000				0		(293,000)		(293,000)
Adjusts funding for operating costs		409,699	(7,298)	402,401				0		(409,699)	7,298	(402,401)
Adds funding for interpreters		125,500		125,500				0		(125,500)		(125,500)
Adds funding for county clerk of court contract		189,428		189,428				0		(189,428)		(189,428)

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Increases funding for rural attorney recruitment program		36,000		36,000		36,000		36,000				0
Increases funding for the family mediation program to provide a total of $1.52 million		138,200		138,200				0		(138,200)		(138,200)
Adds funding for guardian ad litem program		935,768		935,768		470,000		470,000		(465,768)		(465,768)
Total ongoing funding changes	22.00	$27,139,327	($37,698)	$27,101,629	14.00	$16,150,641	($60,465)	$16,090,176	(8.00)	($10,988,686)	($22,767)	($11,011,453)
One-Time Funding Items												
Adds funding for IT equipment lease		$874,216		$874,216		$874,216		$874,216				$0
Adds funding for case management system migration to cloud-based hosting		758,000		758,000		758,000		758,000				0
Adds funding for clerk filing software		1,250,000		1,250,000		1,250,000		1,250,000				0
Adds funding for problem solving court case management system		780,000		780,000				0		($780,000)		(780,000)
Adds funding for digital evidence management system		980,000		980,000				0		(980,000)		(980,000)
Adds funding for court records access system		960,000		960,000		960,000		960,000				0
Adds funding for cloud-based storage fees		866,100		866,100		866,100		866,100				0
Adds funding for courtroom audio and video systems		1,586,700		1,586,700				0		(1,586,700)		(1,586,700)
Adds funding for Cass County courtroom equipment		100,000		100,000				0		(100,000)		(100,000)
Adds funding for Coteau Room camera and projector		10,000		10,000				0		(10,000)		(10,000)
Adds funding to replace furniture in three judge chambers		22,500		22,500				0		(22,500)		(22,500)
Adds funding to replace 48 workstations and cubicles		360,000		360,000				0		(360,000)		(360,000)
Adds funding for copy machines		75,000		75,000				0		(75,000)		(75,000)
Adds funding for folding machines		72,600		72,600				0		(72,600)		(72,600)
Adds funding for court workload studies		466,500		466,500				0		(466,500)		(466,500)
Total one-time funding changes	0.00	$9,161,616	$0	$9,161,616	0.00	$4,708,316	$0	$4,708,316	0.00	($4,453,300)	$0	($4,453,300)
Total Changes to Base Level Funding	22.00	$36,300,943	($37,698)	$36,263,245	14.00	$20,858,957	($60,465)	$20,798,492	(8.00)	($15,441,986)	($22,767)	($15,464,753)
2025-27 Total Funding	406.00	$164,557,927	$1,402,730	$165,960,657	398.00	$149,115,941	$1,379,963	$150,495,904	(8.00)	($15,441,986)	($22,767)	($15,464,753)
Federal funds included in other funds			*$851,850*				*$862,422*				*$10,572*	
Total ongoing changes - Percentage of base level	*5.7%*	*21.2%*	*(2.6%)*	*20.9%*	*3.6%*	*12.6%*	*(4.2%)*	*12.4%*	*N/A*	*N/A*	*N/A*	*N/A*
Total changes - Percentage of base level	*5.7%*	*28.3%*	*(2.6%)*	*28.0%*	*3.6%*	*16.3%*	*(4.2%)*	*16.0%*	*N/A*	*N/A*	*N/A*	*N/A*

Other Sections in Judicial Branch - Budget No. 180

Section Description	Armstrong Executive Budget	Senate Version	
New and vacant FTE pool		Section 3 provides language regarding the use of funding in the new and vacant FTE pool line item.	
Appropriation	Section 3 would appropriate to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2025, and ending June 30, 2027.	Section 4 appropriates to the judicial branch all funds received pursuant to federal acts and private gifts, grants, and donations, for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2025, and ending June 30, 2027.	
Line item transfers	Section 4 would require the Director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.	Section 5 requires the Director of the Office of Management and Budget to transfer appropriation authority between line items for the judicial branch as requested by the Supreme Court.	

North Dakota Court System

South Central Judicial District
P O Box 1013
Bismarck, ND 58505
(701)222-6682

Honorable Bruce Romanick
Presiding District Judge
Honorable Daniel Borgen
District Judge
Honorable Cynthia Feland
District Judge
Honorable James Hill
District Judge
Honorable Jackson J Lofgren
District Judge
Honorable Lindsey Nieuwsma
District Judge
Honorable Pamela Nesvig
District Judge
Honorable David Reich
District Judge
Honorable Bonnie Storbakken
District Judge
Honorable Bobbi Weiler
District Judge

January 31, 2024

Hon. Jerod Tufte
Justice and Chair, Interdisciplinary Specialized Docket Committee
600 E Boulevard Avenue
Bismarck, ND 58505-0530

In Re: Letter of Interest and Cooperation – Creation of a Specialized Docket (Mental Health Court)

Justice Tufte,

We write to provide you and your committee with our collective sentiment along with the attached petition on the creation of a specialized docket. We are dedicated to working collaboratively with North Dakota residents that may have an increased likelihood of interaction with the criminal justice system due to unmet mental health, and potentially, addiction needs.

To assure fidelity to the evidence-based approaches associated with a problem-solving court model; we pledge to operationalize our approach to the creation of this court through the incorporation of the Ten Essential Elements of a Mental Health Court from the Council of States Governments Justice Center and the Bureau of Justice Assistance into our initiative. They are:

1. A broad-based group of stakeholders representing the criminal justice, mental health, substance abuse treatment, and related systems and the community guides the planning and administration of the court.
2. Eligibility criteria address public safety and consider a community's treatment capacity, in addition to the availability of alternatives to pretrial detention for defendants with mental illnesses.
3. Participants are identified, referred, and accepted into the mental health courts, and then linked to community-based service providers as quickly as possible.
4. Terms of participation are clear, promote public safety, facilitate the defendant's engagement in treatment, are individualized to correspond to the level of risk that the defendant presents to the community, and provide for positive legal outcomes for those individuals who successfully complete the program.
5. Defendants fully understand the program requirements before agreeing to participate in a mental health court. They are provided legal counsel to inform this decision and subsequent

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decisions about program involvement. Procedures exist to address concerns about a defendant's competency whenever they arise.

6. Mental health courts connect participants to comprehensive and individualized treatment supports and services in the community.
7. Health and legal information should be shared in a way that protects potential participants' confidentiality rights as mental health consumers and their constitutional rights as defendants. Information gathered as part of the participants' court-ordered treatment program or services should be safeguarded I the event that participants are returned to traditional court processing.
8. A team of criminal justice and mental health staff and service and treatment providers receives special, ongoing training and helps mental health court participants achieve treatment and criminal justice goals by regularly reviewing and revising the court process.
9. Criminal justice and mental health staff collaboratively monitor participants' adherence to court conditions, offer individualized graduated incentives and sanctions, and modify treatment as necessary to promote public safety and participants' recovery.
10. Data is collected and analyzed to demonstrate the impact of the mental health court, its performance is assessed periodically (and procedures are modified accordingly), court processes are institutionalized, and support for the court in the community is cultivated and expanded.

Finally, if approved for planning and implementation – we believe that legislation should be pursued to ensure that the initiative meets rigorous evaluative scrutiny, long-term viability, assures funding as well as fidelity to the Mental Health Court model.

Sincerely,

Bobbi Weiler
Judge, SCJD

Jackson Lofgren
Judge, SCJD

Bradley A. Cruff
Judge, SEJD

John Grinsteiner
Judge, Retired

Scott Johnson
Assistant State Court Administrator

Donna Wunderlich
Unit Court Administrator

John Gourde
Program Manager

Travis Finck
Indigent Defense

Carey Goetz
Defense Attorney

Justin Balzer
Defense Attorney

Allen Koppy
Morton County States Attorney

Julie Lawyer
Burleigh County States Attorney

Senator Sean Cleary

Thomas Erhardt
Director of Parole and Probation, DOCR

Brad Peterson
Protection and Advocacy Legal Director

Mark Kemmet
Behavioral Health Specialist, Burleigh
Morton Detention Center

Patrick Haug
Mandan Police Department, Captain

Mandi Snyder
Morton County, Sargent

Pam Sagness
Executive Director of the Behavioral Health Division, DHHS

Heather Brandt
Heather Brandt
Manager, Behavioral Health Community Supports, DHHS

Brad Brown
Brad Brown
Regional Director, West Central Human Service Center

Ariana Best, LCSW
Ariana Best
Clinical Director, West Central Human Service Center

Jessica Throlson
Program Manager, ND Supreme Court

IN THE SUPREME COURT OF NORTH DAKOTA

In the matter of the Creation of a Specialized Docket for the South Central Judicial District of North Dakota

PETITION FOR THE CREATION OF A MENTAL HEALTH COURT (SPECIALIZED DOCKET) UNDER NORTH DAKOTA SUPREME COURT ADMINISTRATIVE RULE 60

Whereas the first Mental Health Court (MHC) was created in 1997 and since that time more than 300 such courts have been created nationwide to address the large number of people with mental illness in the criminal justice system. The consequences of which can lead to homelessness, addiction and/or criminal activity. To address these issues, MHCs are created and designed to provide support and resources for these individuals involved with the criminal justice system – rather than punishment. In 2023, the Sixty-Eighth Legislative Assembly of North Dakota passed House Bill No. 1138 which allowed the creation of a Mental Health Court. Understanding the aforementioned, the South Central Judicial District (and its workgroup on the creation of a specialized docket) collectively believes that a need exists in the State of North Dakota to create a specialized docket (MHC) and specifically, within this district and;

Whereas the South Central Judicial District Mental Health Court workgroup understands that any specialized docket must adhere to *The Essential Elements of a Mental Health Court* (attached) and;

Whereas North Dakota Supreme Court Administrative Rule 60 contemplates that the eight requirements in Section 2 (b) be met and that the specialized docket (MHC), as envisioned, meets the requirements as outlined below:

(1) The funding for this specialized docket will be met through the State Court System budget with treatment through the Department of Health and Human Services.

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(2 and 6) The extent to which there is a need for the establishment of this specialized docket can be found in an attached statistical analysis completed in early 2024. Since 2020 there has been a dramatic increase in the number of people with mental illness entering the judicial system. Between 2021 and 2023, Burleigh and Morton counties saw a 30% increase in the number of defendants requiring a Mental Health Evaluation. The SCJD identified as many as 60 potential candidates for the proposed specialized docket.

(3) The SCJD believes that there is a significant need to create a Mental Health Court and that adequate judicial resources exist within the SCJD to support this initiative.

(4) There is a significant and supportive constituency to effectively staff all roles (and supporting roles) for the creation of this specialized docket. Attached is a letter of support and interest along with the latest roster of those working on creation of a specialized docket (MHC).

(5) A coordinator for the specialized docket will be hired.

(7) The geographic area to be served is Burleigh and Morton counties. The cohort believes that the Mental Health Court could be expanded to include other counties that make up the SCJD as resources allow.

(8) The specialized docket (MHC) will have access to treatment resources through the West Central Human Service Center and other local treatment providers and;

Whereas, pursuant to Section 3 (a) of N.D. Sup. Ct. Admin. R. 60, Petitioner Bruce Romanick, Presiding District Judge of the South Central Judicial District in consultation with the District Judges, hereby petitions the Supreme Court of North Dakota to approve this request to create a specialized docket (MHC) within the South Central Judicial District.

Dated in Bismarck, North Dakota this 17 day of June, 2024.

Bruce Romanick, Petitioner
Presiding District Judge
South Central Judicial District