

HB 1030
House Judiciary Committee
January 8, 2025
Testimony of Scott Johnson

Chair Klemin, members of the House Judiciary Committee, for the record my name is Scott Johnson, I am the deputy state court administrator.

During the 68th legislative assembly, section 55 of SB 2012 was enacted. This section required the supreme court to assess whether the term “wellness court” should be adopted to replace “drug court,” and to identify any statutory changes required to implement the change. In undertaking the study, the supreme court was required to consult with the Department of Corrections and Rehabilitation (DOCR), the Department of Health and Human Services (DHHS), and the Attorney General.

Most adult drug courts are budgeted for and staffed by the Department of Corrections and Rehabilitation rather than the judicial branch where the juvenile drug courts reside. Treatment services for adult and juvenile drug court are provided by the Department of Health and Human Services through a memorandum of understanding for each court.

The supreme court refers to these courts as "specialized dockets". A specialized docket is juvenile or district court that oversees a therapeutic program comprised of interdisciplinary teams, enhanced judicial involvement, court-supervised treatment programs, and other components designed to achieve effective alternatives to traditional case dispositions. There are both adult and juvenile specialized dockets within the North Dakota Court system.

Pursuant to legislative requirements, we convened a small workgroup that included retired Judge John Grinsteiner from the South Central Judicial District who has been instrumental in working with our drug

courts and is a nationally known resource on this topic along with Jessica Throlson who is our Specialized Dockets Manager. As required, we consulted with representatives of DOCR, the DHHS, attorney general's office, judges, juvenile court staff, drug court staff and current adult participants with regard to use of the term wellness court as a substitute for drug court.

As to the term wellness court – it has traditionally been used by some tribal courts in lieu of drug court and to emphasize a focus on the well-being of the entire individual, rather than a narrower focus on treating an individual for a substance abuse disorder. Wellness court has gained some traction in non-tribal courts, most notably in Alaska, Ohio and Indiana. However, the term wellness continues to be narrowly construed as a measure of physical or mental health.

Our findings were presented along with the required draft legislation to the Interim Judiciary Committee. Those surveyed preferred the term treatment to wellness. Most were in favor of setting aside the term drug in relationship to these specialized courts and the word treatment is recommended.

Overall, North Dakota is not unique in this endeavor -- there is a national conversation occurring in this area. We believe that this recommendation will be a positive step toward destigmatizing substance abuse and is consistent with what many other states have done including: Maryland, Minnesota, Missouri, Pennsylvania, New York, South Dakota and Wisconsin.

I urge a DO PASS recommendation and am available for your questions at this time.