

Testimony Prepared for the
Senate Appropriations Committee

January 28, 2025

By: Maurice Hardy; LBSW, MRC, Dakota Central Human Service Zone Director

RE: SB 2036: Relating to Juvenile Fitness to Proceed and Remediation of Juveniles, and definition of a Child In Need of Protection

Chair Bekkedahl, and members of the Senate Appropriations Committee, my name is Maurice Hardy. I am the Director for Dakota Central Human Service Zone, which includes the counties of McLean, Mercer, Sheridan, and am a member of the Human Service Zone Directors Association. I am here today to provide testimony regarding SB 2036 relating to changes in the Juvenile Court Act surrounding Fitness to proceed and remediation, as well as the definition of a Child In Need of Protective Services (CHIPS).

Human Service Zones are mandated to provide economic assistance and child welfare services, including child protection, foster care, in home case management as well as receive CHINS (Child In Need of Services) referrals. Human Service Zone Directors are also the legal custodian to children in zone public custody, primarily the CHIPS population.

During the interim, much work was completed to establish parameters and procedures to determine whether a juvenile is fit to proceed through the court process. This bill amends the current Child Welfare -Child In Need of Protective Services definition (NDCC 27-20.3-01) to include a juvenile who has been found to lack fitness to proceed in court with a delinquency case and the delinquency case was dismissed. Dispositional options for a CHIPS juvenile commonly include placing care, custody and control with the Director of the Human Service Zone. We recognize and support the unique needs of this population and agree that these youth are more appropriately designated in the juvenile court system as a Child In Need of Protective Services. This is the right thing to do legally for these youth.

Youth identified as lacking fitness to proceed, are likely to have extensive and complex behavioral health needs. These youth will likely have low or borderline intellectual functioning, significant, unstable and/or untreated mental health diagnoses. Human Service Zones currently do have youth with similar complex needs in custody. It is estimated that this bill would impact approximately 25 youth annually, increasing the number of complex need youth in Human Service Zone custody. These youth, although small in numbers, require extensive time and effort in locating services and when necessary, placement. There is an extremely limited number placement options for these youth in North Dakota and there is risk for those who may be placed at the incorrect level of care, due to a lack of availability of appropriate service options.

For remediation options, or youth who may return to the parental home which we feel is often the best, we must be confident that the community services are available to address the youth and ultimately the family's needs. Without a spectrum of statewide service options, children's needs are not met, families are adversely impacted, and treatment is delayed and, in some cases, completely absent. As a system, we need to continue to build statewide comprehensive child services, to include emergency assessment, stabilization and placement, for at-risk and complex needs youth. While there are services available to meet these needs on some level, we don't always have them in the right place at the right time.

The appropriation attached to this bill to allow to provide services and the hiring of staff to implement these changes. This funding is absolutely critical to meet the needs of this population, whether they are placed with their families or in the custody of the Human Service Zone.

Given the anticipated increased workload, as well as the need to build a more robust array of services to meet the unique and complicated needs of this population

Thank you for your consideration of my testimony regarding Senate Bill 2036. I stand for questions from the committee.