

Testimony Prepared for the
Senate Judiciary Committee

January 13, 2025

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

RE: SB 2029: Related to Guardianships

Chair Larson, and members of the Senate Judiciary Committee, my name is Kim Jacobson, I am the Director for the Agassiz Valley Human Service Zone, which includes the counties of Traill and Steele Counties. In addition, I serve as President of the North Dakota Human Service Zone Director Association. I am here today to express my support for SB 2029 and request consideration of amendment.

As provided for in NDCC Chapter 50-01, human service zones are the legal designee of the North Dakota Department of Health and Human Services (NDHHS) to perform an array of human service duties. This includes legal custodian responsibilities for children in our public foster care system (NDCC 50-01.1-06). Legal custodian duties are specifically assigned to human service zone directors and are considered a core duty.

In North Dakota, there is a specialty foster care program, known as URM. This program has been in operation for over 40 years. This program is provided through a federal grant. Agassiz Valley Human Service Zone serves as the federal sub-recipient grantee to administer and deliver the URM program in North Dakota through a contract with NDHHS. As the Agassiz Valley Human Service Zone Director, I serve as the legal guardian of youth served by this program in North Dakota consistent with NDCC 30.1-27 in addition to serving as legal custodian of foster children served by the human service zone. The NDHHS - Office of Refugee Services provides lead programmatic supervision for the URM grant. NDHHS – Children and Family Services Division provides lead programmatic supervision for the regular foster care program.

Both divisions work closely with Agassiz Valley Human Service Zone in the delivery of custodial/guardianship services.

As a system, human service zones have a unique relationship with NDHHS beyond programmatic supervision. For example, NDCC 50-01.1-09 requires the Department to have a minimum of (2) representatives on the hiring committee for a human service zone director. In addition, the Executive Director of the Department of Human Services must give specific approval prior to any offer of employment being made to a prospective human service zone director. In addition, the Department has official feedback in the annual performance evaluation of each human service zone director. Therefore, there is existing high-level oversight and engagement of the Department in the delivery of custodial/legal guardianship related duties at the human service zone level.

Based on the unique relationship and legal responsibilities already outlined for human service zone directors in performing legal custodian/guardianship duties, the provisions outlined in SB 2029 may not be a good fit for human service zone directors, the Department, as well as the proposed Office for Guardianship and Conservatorship. For these reasons, I respectfully request consideration of amendment to SB 2029. Specifically, I call your attention to page 5 of the bill starting with line 13 (27-27.1-05). This section could be amended by listing human service zones and/or human service zone directors as an exemption.

Thank you for consideration of my testimony regarding Senate Bill 2029. I stand for questions from the committee.