

Testimony Prepared for the
Senate Judiciary Committee
January 14, 2025
By: Lynn Flieth, RSR 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 Larson, and members of the Senate Judiciary Committee, my name is Lynn Flieth. I am the Director for the RSR Human Service Zone, which includes the counties of Ransom, Sargent and Richland, 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. This bill would increase that number. 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 when and where we need them.

Currently there is a fiscal note attached to this bill to allow for the hiring of staff to implement these changes, however I am not sure this is enough to build our service delivery system to the level that may be required.

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, we would also respectfully request delaying implementation for 1 year to more fully prepare our agencies, communities and service providers.

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