

2021 HOUSE JUDICIARY

HB 1427

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1427

2/1/2021 AM

Act to provide for duties of the commission on juvenile justice and the children's cabinet and to create a juvenile justice planning committee, a planning committee for children in need of services, and a planning committee for alternatives to juvenile detention.

Vice Chairman Karls called the hearing to order at 10:30 AM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion Topics:

- Commission appointment
- Program evaluation

Rep. Klemin: Introduced the bill. Testimony # 3360, #3361, #3362

Lisa Bjergaard-Director – Division of Juvenile Services: Testimony #3235 10:43

Travis Finck- ND Counsel of Legal Services of Indigents: Testimony #3212.

Kim Jacobson- Agassiz Valley Human Service Zone: Testimony #4247 10:55 **Carly**

Retterath- Mandan Public Schools: Testimony #4319 11:02

Benjamin Schafer- Nesson Public School Superintendent: Testimony # 4437 11:06

Dr. Russ Ziegler-Assistant Director for the North Dakota Council of Educational Leaders Testimony #4537 11:11

Chairman Klemin closed the hearing at 11:12.

DeLores D. Shimek
Committee Clerk

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE BILL NO. 1427
HOUSE JUDICIARY COMMITTEE
JANUARY 26, 2021

Members of the House Judiciary Committee, I am Lawrence R. Klemin, Representative from District 47 in Bismarck. I am here to testify in support of House Bill No. 1427, which is a companion bill to the Uniform Juvenile Court Act contained in HB 1035.

This bill creates three planning committees to work on the implementation of the revised Uniform Juvenile Court Act during the delayed effective dates in HB 1035. These planning committees are to be established by the Commission on Juvenile Justice to research and develop recommendations and strategies to implement best practices for juvenile justice.

The planning committees include a Juvenile Justice Planning Committee in Section 2, a Planning Committee for Children in Need of Services in Section 3, and a Planning Committee for Alternatives to Juvenile Detention in Section 4 of the bill. Recommendations of the planning committees must be approved by the Commission on Juvenile Justice and implemented within 12 months of formation.

There are also some amendments to HB 1427 which will be introduced. HB 1427 with the amendments in context on LAWS will show you where the amendments are in the bill.

I urge your support for HB 1427.

21.0800.01001

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1427

Introduced by

Representatives Klemin, Devlin, Hanson, Karls, Meier, Schneider, Weisz

Senators Dever, Larson

1 A BILL for an Act to provide for duties of the commission on juvenile justice and the children's
2 cabinet and to create a juvenile justice planning committee, a planning committee for children in
3 need of services, and a planning committee for alternatives to juvenile detention.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. COMMISSION ON JUVENILE JUSTICE AND CHILDREN'S CABINET.**

6 During the 2021-23 biennium, the commission on juvenile justice shall establish planning
7 committees under the supervision of the commission to research and develop
8 recommendations and strategies to implement best practices for juvenile justice. During the
9 2021-23 biennium, the children's cabinet and the commission on juvenile justice shall review
10 and approve recommendations made by the planning committees under the supervision of the
11 commission on juvenile justice.

12 **SECTION 2. JUVENILE JUSTICE PLANNING COMMITTEE.**

- 13 1. During the 2021-23 biennium, a juvenile justice planning committee is created under
14 the supervision of the commission on juvenile justice. The planning committee is
15 created to assess, identify, and develop opportunities to build a service continuum
16 designed to safely maintain youth under system supervision in the community.
- 17 2. By August 15, 2021, the commission on juvenile justice, in collaboration with the
18 heads of the respective agencies, shall appoint members to serve on the juvenile
19 justice planning committee with cross-system and cross-government branch
20 representation, including juvenile justice, child welfare, behavioral health, education,
21 workforce development, service providers, and tribal representatives. The presiding
22 officer of the commission on juvenile justice shall appoint the presiding officer of the
23 juvenile justice planning committee. The committee shall meet at least quarterly, and
24 more often as necessary to carry out the duties of the committee.

3. The juvenile justice planning committee shall:
 - a. Facilitate strengthening and expansion of evidence-based community services for moderate- to high-risk juvenile offenders;
 - b. Identify gaps in services and a plan to fill those gaps;
 - c. Develop a plan for blending or braiding funding across systems and branches which would allow for youth to be served in a coordinated way and limited resources to be used efficiently and effectively;
 - d. Develop strategies for improving service access in rural and tribal communities;
 - e. Establish standardized information sharing and case planning protocols between providers and system agencies;
 - f. Identify shared outcome measures that all youth serving agencies and service providers receiving state funds shall track and report, including a common definition of recidivism;
 - g. Develop a plan for how data must be collected as part of contracting requirements;
 - h. Establish policies for evaluating the effectiveness of service providers, including time frames and who is responsible for conducting the evaluations;
 - i. Develop a plan for the outcome measures to be reported to the children's cabinet; and
 - j. Report to and be subject to the oversight of the commission on juvenile justice.
4. The department of ~~human services~~corrections and rehabilitation shall provide the juvenile justice planning committee with staffing and administrative services.
5. The committee shall recommend changes to laws, appropriations, rules, or standards that need to be made before fully implementing the committee's recommendations. Recommendations ~~by the committee will be effective twelve months after approval by the commission on juvenile justice and the children's cabinet~~must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures.

SECTION 3. PLANNING COMMITTEE FOR CHILDREN IN NEED OF SERVICES.

1. During the 2021-23 biennium, a planning committee for children in need of services is created under the supervision of the commission on juvenile justice. The planning

committee is created to access, guide, and coordinate the transition of children in need of services being referred to the human service zones.

2. By August 15, 2021, the commission on juvenile justice, in collaboration with the executive director of the department of human services, shall appoint members to serve on the planning committee for children in need of services which represent the department of human services, human service zones, human services centers, juvenile court, law enforcement, education or school representation or both, health districts, parents, and service providers. The presiding officer of the commission on juvenile justice shall appoint the presiding officer of the planning committee for children in need of services. The committee shall meet at least quarterly, and more often as necessary to carry out the duties of the committee.
3. The planning committee for children in need of services shall:
 - a. Develop strategies to provide for a continuum of care in the delivery of services to children in need of services and their families without formal court involvement;
 - b. Ensure the cooperation and coordination of agencies involved with the family of children in need of services;
 - c. Establish policies and protocols for schools, law enforcement, and other entities for making referrals of children in need of services to the human service zones;
 - d. Develop the required documentation needed for referrals;
 - e. Provide recommendations on the process when temporary shelter care is needed;
 - f. Determine specific requirements of the case plan related to children in need of services;
 - g. Determine how children in need of services data will be tracked and reported;
 - h. Establish a plan for educating key stakeholders about the recommendations; and
 - i. Report to and be subject to the oversight of the commission on juvenile justice.
4. The department of human services shall provide the planning committee for children in need of services with staffing and administrative services.
5. Recommendations ~~made by the committee will be effective twelve months after approval by the commission on juvenile justice and the children's cabinet~~ must be approved and implemented within twelve months of committee formation, as

applicable, but may not circumvent the processes in place for the adoption of rules,
policies, or procedures.

SECTION 4. PLANNING COMMITTEE FOR ALTERNATIVES TO JUVENILE DETENTION.

1. During the 2021-23 biennium, a planning committee for alternatives to juvenile detention is created under the supervision of the commission on juvenile justice. The planning committee is created to access and develop alternatives to juvenile detention. Community-based alternatives to detention must be based on the principle of using the least-restrictive setting possible and returning a child to the child's home, family, or other responsible adult whenever possible consistent with public safety. Detention must be limited to only those who pose a substantial risk of serious harm to others or themselves or who are a flight risk from prosecution.
2. Before August 15, 2021, the commission on juvenile justice, in collaboration with the heads of the respective agencies, shall appoint members to serve on the planning committee for alternatives to juvenile detention which must include representatives of juvenile court, law enforcement, indigent defense, juvenile court judges and referees, county government, parents, private service providers, and other community interests. The presiding officer of the commission on juvenile justice shall appoint the presiding officer of the planning committee for alternative to juvenile detention. The committee shall meet at least quarterly, and more often as necessary to carry out the duties of the committee.
3. The planning committee for alternatives to juvenile detention shall:
 - a. Explore pre-adjudication service options that could serve as alternatives to juvenile detention and the criteria for juveniles served through alternative services;
 - b. Identify gaps in services for those youth who are not able to return home;
 - c. Consider what funds are available to cover the costs of alternative options;
 - d. Explore validation of the detention screening tool;
 - e. Establish statewide scoring override policies that minimize the subjective decisions to place a juvenile in a detention facility, while allowing for local flexibility; and
 - f. Report to and be subject to the oversight of the commission on juvenile justice.

- 1 4. The department of ~~human services~~corrections and rehabilitation shall provide the
- 2 planning committee for alternatives to juvenile detention with staffing and
- 3 administrative services.
- 4 5. Recommendations ~~made by the committee will be effective twelve months after~~
- 5 ~~approval by the commission on juvenile justice and the children's cabinet~~must be
- 6 approved and implemented within twelve months of committee formation, as
- 7 applicable, but may not circumvent the processes in place for the adoption of rules,
- 8 policies, or procedures.

21.0800.01001
Title.

Prepared by the Legislative Council staff for
Representative Klemm
January 18, 2021

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1427

Page 1, line 17, after "justice" insert ", in collaboration with the heads of the respective agencies,"

Page 2, line 21, replace "human services" with "corrections and rehabilitation"

Page 2, line 25, remove "by the committee will be effective twelve months after approval by"

Page 2, line 26, replace "the commission on juvenile justice and the children's cabinet" with "must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures"

Page 3, line 1, after the second comma insert "the commission on juvenile justice, in collaboration with"

Page 3, line 1, after "services" insert a comma

Page 3, line 4, after the third comma insert "education or school representation or both,"

Page 3, line 26, remove "made by the committee will be effective twelve months after"

Page 3, line 27, replace "approval by the commission on juvenile justice and the children's cabinet" with "must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures"

Page 4, line 6, after "justice" insert ", in collaboration with the heads of the respective agencies,"

Page 4, line 25, replace "human services" with "corrections and rehabilitation"

Page 4, line 27, remove "made by the committee will be effective twelve months after"

Page 4, line 28, replace "approval by the commission on juvenile justice and the children's cabinet" with "must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures"

Renumber accordingly

**HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE LAWRENCE KLEMIN, CHAIR
JANUARY 26, 2021**

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
LISA BJERGAARD, DIRECTOR, DIVISION OF JUVENILE SERVICES
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1427**

Chairman Klemin and members of the Judiciary Committee, my name is Lisa Bjergaard, and I am the Director of the Division of Juvenile Services for the North Dakota Department of Corrections and Rehabilitation. I am here to testify on behalf of the department in support of House Bill 1427, which will create a juvenile justice planning committee, a planning committee for children in need of services, and a planning committee for alternatives to juvenile detention.

Building on their previous work in North Dakota and armed with more than a decade of juvenile justice research, the Council of State Governments Justice Center (CSG) consultants conducted a review of current N.D.C.C. 27-20 in early 2020. They issued an instructive memo on June 1, 2020, which outlined a number of key challenges and made many recommendations for system improvements.

HB1035 strengthens North Dakota's statutory structure for responding to child in need of protection, children in need of services, and delinquent children. When the comprehensive structural improvements are in place, the next steps will be to address implementation issues, as public policy moves towards practice. Strategies for effective implementation emerged in many of the

recommendations provided by CSG. In every case, the recommendation began with a statement about the need for cross-system service planning.

HB1035 includes two specific areas of children's policy that were given delayed effectiveness dates. First, the bill requires children who are in need of services, formerly those unruly children, to be referred directly to the Human Service Zones, effective August 1, 2022. Second, children who commit infractions and low-level misdemeanor behaviors while in school will be subject to diversion. HB1427 creates a planning committee to specifically address issues related to the development of practices and to make recommendations for services for these two areas of children's policy.

HB1035 also establishes policy preferences for community-based services for moderate and higher risk delinquent youth. HB1427 creates a planning committee that will assess, identify and develop a service continuum designed to safely maintain youth in the community.

Finally, HB1427 creates a planning committee that will examine alternatives for juvenile detention.

This important implementation work will assure the successful transition to the new structure of the children's statutes and will assure that all voices that are concerned about implementation practices will have a seat at the table, a voice in the process, and an opportunity to create consensus.

As was the case with the development of HB1035, expert consultation will support the process and ensure that North Dakota's implementation is guided by research and grounded in evidence-based practice. The CSG team, Josh Weber, Jacob-Agus Kleinman, and Emily Rogers have been engaged to complete three more years of system improvement work in North Dakota.

I encourage a "do pass" on HB1427.

HB 1427
House Judiciary Committee
January 26, 2021
Testimony of Travis W. Finck, Executive Director, NDCLCI

Chairman Klemin, members of the House Judiciary Committee, my name is Travis Finck and I am the executive director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of HB 1427.

The Commission on Legal Counsel for Indigents has been involved in juvenile justice reform efforts in the state. The Commission continues to support this work as an ongoing process. HB 1427 serves as a companion bill and supplements the efforts of HB 1035. Indigent Defense is specifically mentioned in the Planning Committee for Alternatives to Juvenile Detention. The Commission has dedicated itself to this continued work and thanks the sponsor of this bill, our juvenile justice reform partners and the legislature for giving us a seat at the table to continue these important discussions.

Mr. Chairman, members of the Committee, the Commission requests a do pass recommendation on HB 1427.

Respectfully Submitted:

A handwritten signature in dark ink, appearing to read 'Travis W. Finck', with a long horizontal flourish extending to the left.

Travis W. Finck

Executive Director, NDCLCI

Testimony Prepared for the
House Judiciary Committee

February 1, 2021

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

**RE: House Bill 1427 – Duties related to the Commission on Juvenile Justice,
Children’s Cabinet, and Planning Committee for Children in Need of Service
(CHINS)**

Chairman Klemin and members of the House Judiciary Committee, my name is Kim Jacobson. I am the Agassiz Valley Human Service Zone Director, encompassing the service area of Traill and Steele Counties, and a member of the North Dakota Social Service Director Association. In addition, I am an appointed member of the North Dakota Children’s Cabinet serving as a community representative. Please consider my testimony in support of HB 1427 with proposed amendment.

Earlier today, the House Judiciary Committee heard testimony related to HB 1035 which would modernize and make significant changes to the North Dakota Juvenile Court Act. I support the recommended changes proposed in HB 1035 with the amendment to delay implementation. The delay is necessary as to ensure the service response critical for successfully meet the needs of North Dakota children and their families is in place. Additional time will also allow enhanced opportunity for the intent of law called for in HB 1035 to be upheld along with accountability metrics to be developed.

As a Human Service Zone Director, I am the legal custodian of 19 children in foster care. There is a currently shortfall of services to meet current needs. However, there are many opportunities on the horizon that will likely help expand services. For example, the services that will be possible through the 1915i waiver appear very promising. However, we just are not there yet. As a Human Service Zone Director, I am keenly aware that the local human service

zone system will likely see an increase of the families we serve with the changes called for in HB 1035. To best serve children and families, these changes are needed. I strongly believe that many of the children in the current unruly system would be better served in a strength-based, family-centric system and response that is provided within the human service zone system. However, again we need time and guidance to prepare, develop services, develop policy, and be ready to serve our citizens in this expanded capacity.

As a member of the North Dakota Children's Cabinet, I am also keenly aware of the systems bottlenecks, gaps, and changes in federal requirements. We need to work together to improve and redesign the way systems and programs work to best meet the needs of children and their families. The scope of work proposed for the planning committee focusing on improvements to the continuum of care, cooperation and collaboration between agencies and systems, policies and processes, metrics to track and report, and studying how best to address shelter care is greatly needed. Upon passage of this bill, I look forward to collaborative with the planning committee through my role of the Children's Cabinet and as Human Service Zone Director to help bring forth positive change and a more modern, responsive child welfare delivery system for North Dakota.

I do offer one additional amendment for the committee to consider. Upon reviewing the proposed amendment, I noted one omission. I offer suggestion to further amend by striking "commission on juvenile justice" on Page 2, Line 29 and replacing with "children's cabinet." This change will align the supervision of the CHINS planning committee with the children's cabinet which is consistent with the intent of the other proposed amendment.

This concludes my testimony on HB 1427. I stand for questions from the committee.

1 HB1427 – DJS – Relating to the Commission on Juvenile Justice and Children’s Cabinet

2 Mandan Public Schools – Carly Retterath Testimony

3 Good morning Chairman Klemin and members of the Judiciary committee. For the record, my
4 name is Carly Retterath. I am the Alternative Education Director for Mandan Public Schools. I
5 am here today to urge you to give HB 1427 a Do Pass recommendation.

6 As I stated in my previous testimony, three years ago, representatives from DJS approached
7 Mandan Public Schools about a pilot project they wanted to implement for at-risk youth. Their
8 idea was a school within a school that would provide wrap around services for students to keep
9 them in school and out of the court system. After a few months of planning, we implemented the
10 “Next Step” program in both Mandan High School and Mandan Middle School and expanded the
11 capacity of our alternative high school in the fall of 2019. With the joint funding support of DJS
12 and Mandan Public Schools we hired family liaisons, teachers, paraprofessionals and worked with
13 community partners to ensure we could provide students the services they needed to be successful.

14 In many ways’ schools are the ideal vehicle to provide evidenced-based community services to
15 youth and their families. Students in the K-12 system come from a wide array of home lives,
16 cultural backgrounds and family dynamics but school is the common ground for all of them.
17 Collaboration between community partners and the schools can result in a more streamlined
18 referral process, consistent services for students, better data collection on outcomes and a more
19 efficient use of resources. For this to become a reality school districts will require funding, training,
20 and technical support to create effective wrap around service model for students.

21 We have seen at both Mandan High School and Mandan Middle School that the wrap around
22 supports that are embedded into the Next Step program benefit all students. Any student has the
23 ability to access services offered through the program to help them navigate school and life. These
24 services include clinical counseling supports, social skills groups, academic interventions, and a
25 safe environment to go to when needed. In addition, the training resources supported through DJS
26 have allowed the district to provide professional development to staff that has had positive impacts
27 that have extended beyond the Next Step program.

28 Mandan School does have two School Resource Officers that work in all eight of our school
29 buildings. Because of the relationships that we are able to build with students in the Next Step
30 program and behavioral supports we provide, our SRO's involvement in the program has been
31 minimal. While schools and their communities will continue to need options for significant
32 delinquent youth, day treatment programs like Next Step have shown to be an effective
33 intervention for low risk youth offenders. An example of this success is a middle school student
34 who in the 2018-2019 school year was absent 62 times (23 unexcused) and had 56 tardies. After
35 participating in the Next Step program, this school year he has missed 11 days (0 unexcused) and
36 has had 2 tardies. Improved attendance like this is the most important step in getting a student on
37 track in school and in life.

38 Setting up a school within a school and having the supports in place to build relationships with
39 students to find out what they need to be successful is grounded in research and it is best practice.
40 Investing dollars on the front end to allow us to meet student needs so they can stay in school and
41 be successful will pay big dividends when students graduate high school and become productive
42 citizens in our society.

43 I urge you to give HB 1427 a DO PASS recommendation. I would be happy to stand for any
44 questions.

HB 1427

Chairman Klemin and Members of the Judiciary Committee, my Name is Ben Schafer and I am the Superintendent of Nesson Public School District #2. I stand before you today with a support/oppose neutral position on HB 1427. The bill, on its face, seems as if it would be a positive for our young people, schools, law enforcement, and the judicial system.

While I realize that change is always hard and I have considered that while preparing this testimony, I wanted to give you an example of what changes like this can mean for the end game for schools and students, my area of expertise.

I want to share with you an example that is specific to our area of North Dakota so you might understand the challenges we've had and better can determine how you might support the Northwest specific to the Ray area. I serve as the President of the WilMac Special Education Board. Within that role, I have worked closely with others as we set out to implement a continuum of care for students returning from residential placements. In the past, students would typically go from residential treatment, directly back into the general student population in our area as we had no way to fill the gaps. After years of work, we finally worked with a local entity to provide a place where students could come back and have a gradual process to be placed back in their home and school. For example, they may be seven days per week right away but we were working with psychologists, special education professionals, and social workers to continue their treatment. After improvement, the student may get to be home on the weekends, etc, then work their way back to becoming a full-time student living at home. While this wasn't perfect, it was better than nothing. The Department of Human Services shut this agreement down just prior to our implementation of the program. They feel as if those services should be taken care of by private providers or the DHS, not schools and SPED units. This stance would be great for us! However, they did not allow us to provide the service and did not put anything in place to fill that gap. There was and is a very real gap in services - our schools and the Special Education Unit have worked to fill that. We are very mindful of the possibility of a continued gap in services due to workforce needs out of our control and a system that is discouraging our schools from backfilling that gap. I would appreciate your help as we work to overcome that hurdle.

The greatest predictor of future behavior is past behavior and that is my concern. DHS felt it was more important to tightly regulate providers than to help kids or come up with a plan prior to shutting down similar providers across the state doing similar work. Harmony House in Devil's Lake was the only facility allowed to remain open because the building is actually owned by the school and it is governed by their board. We often hear, "we are working on that," or "that will be fixed in 2025." However, the gaps that are sometimes created for kids, schools, families, law enforcement, and the judicial system make everyone's job more difficult to do well. Most notably in the Northwest, there is a major issue with employment of competent, capable workers in the fields that would most benefit our kids. The depth and breadth of the issue are so large that I do not

believe, even with the three years dedicated to it in the bill, that the services in the Northwest will be anywhere near prepared to handle the task that is set to be put before them. We love what you wish to do with the combination of the juvenile justice bills - we simply believe from the NW perspective that it will take more time to accomplish.

I support the concept of this bill in premise; however our experience makes me also believe that from the NW perspective that it will take more time to be helpful to our kids. Hence, I cannot stress enough that if this bill were to move forward I would suggest an amendment that ENTIRE boards from education (I suggest the NDCEL Board or the Legislative Focus Group), law enforcement, and the judicial system (and possibly a parental advocacy group) should have to approve the plan prior to implementation to allow for the best possible chance for the success of our kids. I believe strongly that those who are in support of this bill believe that it can fix things for our young people but at the end of the day, we need certainty that this can work for all groups it will affect.

Thank you. I will now stand for any questions.



1 **HB 1427 – Juvenile justice planning committees.**

2 **February 1, 2021**

3 Chairman Klemin and members of the House Judiciary Committee. Thank you for the opportunity
4 to testify on this HB 1427. I am Dr. Russ Ziegler, assistant director for the North Dakota Council
5 of Educational Leaders.

6 NDCEL supports the creation of each of these planning committees. We feel that in all stakeholder
7 entities need to collaborate and work together to figure out what is best for kids. We are excited to
8 see that education was included on the Juvenile Justice planning committee and also see that
9 education is included in the amendment. In order for schools to be ready and prepared for the
10 changes to the juvenile justice program communication needs to be open and clear between all the
11 involved agencies. We believe that HB 1427 will help to ensure that process.

12 NDCEL supports HB 1427 and requests a Do Pass from the committee.

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1427 PM

2/1/2021

Act to provide for duties of the commission on juvenile justice and the children's cabinet and to create a juvenile justice planning committee, a planning committee for children in need of services, and a planning committee for alternatives to juvenile detention.

Chairman Klemin called the meeting at 4:40PM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion Topics:

- Amendment
- Committee Work

Rep Hanson moved to adopt Amendment 21.0800.01002. **Rep Roers Jones**

seconded.

Voice Vote – Motion carried. 4:44

Vice Chairman Karls made motion **Do Pass as Amended**.

Rep Roers Jones Seconded.

Roll Call vote

| Representatives | Vote |
|---------------------|------|
| Chairman Klemin | Y |
| Vice Chairman Karls | Y |
| Rep Becker | Y |
| Rep. Christensen | N |
| Rep. Cory | Y |
| Rep T. Jones | Y |
| Rep Magrum | A |
| Rep Paulson | Y |
| Rep Paur | Y |
| Rep Roers Jones | Y |
| Rep B. Satrom | Y |
| Rep Vetter | Y |
| Rep Buffalo | Y |
| Rep K. Hanson | Y |

The motion passed 12-1-1

House Judiciary

HB 1427

2/1/2021

Page 2

Representative Klemin will carry the bill.

Chairman Klemin adjourned at 4:46 PM

DeLores D. Shimek Committee Clerk by Marge Conley

AK
2/1/21

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1427

Page 1, line 17, after "justice" insert ", in collaboration with the heads of the respective entities,"

Page 2, line 10, replace "agencies" with "entities"

Page 2, line 21, replace "human services" with "corrections and rehabilitation"

Page 2, line 25, remove "by the committee will be effective twelve months after approval by"

Page 2, line 26, replace "the commission on juvenile justice and the children's cabinet" with "must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures"

Page 3, line 1, replace "executive director of the department of human services" with "children's cabinet, in collaboration with the heads of the respective entities,"

Page 3, line 4, after the third comma insert "education or school representation or both,"

Page 3, line 4, after "districts" insert ", tribal representatives"

Page 3, line 12, replace "agencies" with "entities"

Page 3, line 23, replace "commission on juvenile justice" with "children's cabinet"

Page 3, line 26, remove "made by the committee will be effective twelve months after"

Page 3, line 27, replace "approval by the commission on juvenile justice and the children's cabinet" with "must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures"

Page 4, line 6, after "justice" insert ", in collaboration with the heads of the respective entities,"

Page 4, line 25, replace "human services" with "corrections and rehabilitation"

Page 4, line 27, remove "made by the committee will be effective twelve months after"

Page 4, line 28, replace "approval by the commission on juvenile justice and the children's cabinet" with "must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1427: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1427 was placed on the Sixth order on the calendar.

Page 1, line 17, after "justice" insert ", in collaboration with the heads of the respective entities,"

Page 2, line 10, replace "agencies" with "entities"

Page 2, line 21, replace "human services" with "corrections and rehabilitation"

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Page 3, line 23, replace "commission on juvenile justice" with "children's cabinet"

Page 3, line 26, remove "made by the committee will be effective twelve months after"

Page 3, line 27, replace "approval by the commission on juvenile justice and the children's cabinet" with "must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures"

Page 4, line 6, after "justice" insert ", in collaboration with the heads of the respective entities,"

Page 4, line 25, replace "human services" with "corrections and rehabilitation"

Page 4, line 27, remove "made by the committee will be effective twelve months after"

Page 4, line 28, replace "approval by the commission on juvenile justice and the children's cabinet" with "must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures"

Renumber accordingly

2021 SENATE JUDICIARY

HB 1427

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1427
3/30/2021

A BILL for an Act to provide for duties of the commission on juvenile justice and the children's cabinet and to create a juvenile justice planning committee, a planning committee for children in need of services, and a planning committee for alternatives to juvenile detention.

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson. [9:40]**

Discussion Topics:

- Juvenile Justice Statutes
- Trial Procedures for indigents

Rep. Lawrence Klemin, R-Bismarck provided testimony in favor #10937 [9:40]

Lisa Bjergaard, ND Division of Juvenile Justice, provided testimony in favor #10971 [9:45]

Kim Jacobson, Human Services Director, provided testimony in favor #10954 [9:47]

Carlotta McCleary, Mental Health America of North Dakota provided testimony in favor #11041 [10:00]

Travis Fink, ND Legal Counsel for Indigents provided testimony in Favor #10983 [10:19]

Senator Bakke Moved a DO PASS [10:23]

Senator Dwyer Seconded the Motion

Vote Passed 7-0-0

Senator Bakke Carried the Bill

| DO PASS Vote On HB 1427 | Vote |
|---------------------------|------|
| Senator Diane Larson | Y |
| Senator Michael Dwyer | Y |
| Senator JoNell A. Bakke | Y |
| Senator Robert O. Fors | Y |
| Senator Jason G. Heitkamp | Y |
| Senator Larry Luick | Y |
| Senator Janne Myrdal | Y |

Hearing Adjourned [10:26]

Jamal Omar, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1427, as engrossed: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1427 was placed on the Fourteenth order on the calendar.

TESTIMONY OF REP. LAWRENCE R. KLEMIN
HOUSE BILL NO. 1427
SENATE JUDICIARY COMMITTEE
MARCH 30, 2021

Members of the Senate Judiciary Committee, I am Lawrence R. Klemin, Representative from District 47 in Bismarck. I am here to testify in support of House Bill 1427, which is a companion bill to the revised Uniform Juvenile Court Act contained in HB 1035.

This bill creates three planning committees to work on the implementation of the revised Uniform Juvenile Court Act during the delayed effective dates in HB 1035. These planning committees are to be established by the Commission on Juvenile Justice to research and develop recommendations and strategies to implement best practices for juvenile justice.

The planning committees include a Juvenile Justice Planning Committee in Section 2, a Planning Committee for Children in Need of Services in Section 3, and a Planning Committee for Alternatives to Juvenile Detention in Section 4 of the bill. The recommendations of the planning committees must be approved by the Commission on Juvenile Justice and the Children's Cabinet following the expiration of the delayed effective dates.

I urge your support for HB 1427. Thank you.

Rep. Lawrence R. Klemin
Chairman, House Judiciary Committee
Member, Commission on Juvenile Justice
District 47, Bismarck

**SENATE JUDICIARY COMMITTEE, SENATOR DIANE LARSON, CHAIR
MARCH 30, 2021**

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
LISA BJERGAARD, DIRECTOR, DIVISION OF JUVENILE SERVICES
PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1427**

Chairman Larson and members of the Judiciary Committee, my name is Lisa Bjergaard, and I am the Director of the Division of Juvenile Services for the North Dakota Department of Corrections and Rehabilitation. I am here to testify on behalf of the department in support of House Bill 1427, which will create a juvenile justice planning committee, a planning committee for children in need of services, and a planning committee for alternatives to juvenile detention.

Building on their previous work in North Dakota and armed with more than a decade of juvenile justice research, the Council of State Governments Justice Center (CSG) consultants conducted a review of current N.D.C.C. 27-20 in early 2020. They issued an instructive memo on June 1, 2020, which outlined a number of key challenges and made many recommendations for system improvements.

HB1035 strengthens North Dakota's statutory structure for responding to child in need of protection, children in need of services, and delinquent children. When the comprehensive structural improvements are in place, the next steps will be to address implementation issues, as public policy moves towards

practice. Strategies for effective implementation emerged in many of the recommendations provided by CSG. In every case, the recommendation began with a statement about the need for cross-system service planning.

HB1035 includes two specific areas of children's policy that were given delayed effectiveness dates. First, the bill requires children who are in need of services, formerly those unruly children, to be referred directly to the Human Service Zones, effective August 1, 2022. Second, children who commit infractions and low-level misdemeanor behaviors while in school will be subject to diversion, effective August 1, 2023. HB1427 creates a planning committee to specifically address issues related to the development of practices and to make recommendations for services for these two areas of children's policy.

HB1035 also establishes policy preferences for community-based services for moderate and higher risk delinquent youth. HB1427 creates a planning committee that will assess, identify and develop a service continuum designed to safely maintain youth in the community.

Finally, HB1427 creates a planning committee that will examine alternatives for juvenile detention.

This important implementation work will assure the successful transition to the new structure of the children's statutes and will assure that all voices that are concerned about implementation practices will have a seat at the table, a voice in the process, and an opportunity to create consensus.

As was the case with the development of HB1035, expert consultation will support the process and ensure that North Dakota's implementation is guided by research and grounded in evidence-based practice. The CSG team, Josh Weber, Jacob-Agus Kleinman, and Emily Rogers have been engaged to complete three more years of system improvement work in North Dakota.

I encourage a "do pass" on HB1427.

Testimony Prepared for the
House Judiciary Committee

March 30, 2021

By: Kim Jacobson, Agassiz Valley Human Service Zone Director

**RE: House Bill 1427 – Duties related to the Commission on Juvenile Justice,
Children’s Cabinet, and Planning Committee for Children in Need of Service
(CHINS)**

Chair Larson and members of the Senate Judiciary Committee, my name is Kim Jacobson. I am the Agassiz Valley Human Service Zone Director, encompassing the service area of Traill and Steele Counties, and a member of the North Dakota Social Service Director Association. In addition, I am an appointed member of the North Dakota Children’s Cabinet serving as a community representative. Please consider my testimony in support of HB 1427 with proposed amendment.

Last week, the Senate Judiciary Committee heard testimony related to HB 1035 which would modernize and make significant changes to the North Dakota Juvenile Court Act. I support the changes proposed in HB 1035 with delayed implementation. The delay is necessary as to ensure the service response critical for successfully meet the needs of North Dakota children and their families is in place. Additional time is necessary for the intent of law called for in HB 1035 to be upheld along with accountability metrics to be developed.

As a Human Service Zone Director, I am the legal custodian of 19 children in foster care and most recently the legal guardian for 65 unaccompanied minor children who were previously served by Lutheran Social Services. There is a currently shortfall of services to support and meet the needs of current children and their families served in the child welfare system. However, there are many opportunities on the horizon that will likely help expand services. For example, additional services will be possible through the 1915i waiver. This appears very

promising. However, additional services and providers are not in place yet. Existing resources are limited.

As a Human Service Zone Director, I am keenly aware that with the changes in HB 1035 if enacted will bring an increase in the number of children and the families served at the human service zone level. To best serve children and families, changes are needed. I strongly believe that many of the children in the current unruly system would be better served in a strength-based, family-centric system and response that is provided within the human service zone system. However, again we need time and guidance to prepare/develop services, develop policy, clarify roles, and be ready to serve our citizens in this expanded capacity.

As a member of the North Dakota Children's Cabinet, I am also aware of the system bottlenecks, gaps, and changes in federal requirements. We need to work together to improve and redesign the way systems and programs work to best meet the needs of children and their families. The scope of work for the proposed planning committee includes seeking ways to improve to the continuum of care, increase cooperation and collaboration between agencies and systems, develop policies and processes, develop metrics to track and report, and study how best to address shelter care is greatly needed. Upon passage of this bill, I look forward to collaborative with the planning committee through my role of the Children's Cabinet and as Human Service Zone Director to help bring forth positive change and a more modern, responsive child welfare delivery system for North Dakota.

I do offer one additional amendment for the committee to consider. My suggested amendment would appear on Page 2, line 30 by striking "*commission on juvenile justice*" replacing with "*children's cabinet.*" This change will align the reporting of the children in need of service (CHINS) planning committee to the children's cabinet. The children's cabinet is responsible for guiding, accessing, and coordinating care across North Dakota branches of government and tribal nations. The children's cabinet is more suitable to receive such report.

Their role includes to oversee overarching children's and community-based systems which would including CHIN (children in need of service) trends, needs and services. Of note, I support the proposed language which provides for the commission of juvenile justice to receive reports from the juvenile justice planning committee. This appears to be the correct fit as both groups are grounded in the juvenile justice/corrections systems.

This concludes my testimony on HB 1427. I stand for questions from the committee.



Senate Judiciary Committee
Sixty-seventh Legislative Assembly of North Dakota
House Bill 1427
March 30, 2021
Senator Diane Larson, Chair

Good afternoon Chair Larson and Members of the Senate Judiciary Committee. I am Carlotta McCleary, Executive Director of Mental Health America North Dakota and Executive Director of the North Dakota Federation of Families for Children's Mental Health. Today I speak on behalf of the Mental Health Advocacy Network (MHAN). MHAN advocates for a consumer /family driven mental health system of care that provides an array of service choices that are timely, responsive and effective.

MHAN has provided testimony since the 64th interim human service committee meetings (2015-2016) regarding our priorities for mental health services. We argue that peer to peer and parent to parent support, consumer choice, diversion from corrections, a core services zero-reject model, and conflict free grievance and appeals processes, and the access to a full and functional continuum of care serve as the backbone to correcting the crisis in North Dakota's behavioral health system.

MHAN is speaking in support of HB 1427. All parts of this bill pertain to the children and families we serve, but this is especially the case with Section 3: The Planning Committee for Children in Need of Services (CHINS). During the Sixty sixth legislative session, MHAN stressed that North Dakota needed to put the HSRI Report of 2018 into action. That report, much like the Schulte Report of 2014 said that North Dakota needed to drastically reduce its reliance on institutionalization and make sure that it had a fully functional community-based mental health system for children, their families, and adults that is as near their home as possible. Among the accomplishments of the last legislative session were the commitment to apply for the 1915(i) State Plan Amendment, prevention and early intervention pilot program in schools, the behavioral health pilot program, and the behavioral health resource coordinator in our schools.

MHAN sees HB 1427 as a big piece to the puzzle in ensuring that HB 1035 is implemented so that children with mental health disorders and their families can finally receive the right service, at the right time, as nearest their home as possible.

Roughly 10% of all children in North Dakota have a serious emotional disturbance (SED). As of 2019, this translates to roughly 18,000 children. We are currently serving only 1 out of every 18 children who have a serious emotional disturbance. A child with a serious emotional disturbance (SED) is defined by SAMHSA as “children and youth who have a diagnosable mental, behavioral, or emotional disorder in the past year, which resulted in functional impairment that substantially interferes with or limits the child’s role in family, school, or community activities.” As a result of not having access to care, many children are being sent into the juvenile justice system. From 2011 to 2017, the number of children in juvenile corrections who had a serious emotional disturbance rose from 49% to 79%. Although there have been improvements, children with serious emotional disturbance still represent most children in the corrections system despite only accounting for 10% of all children in North Dakota. Youth that have a low risk to reoffend are more likely to recidivate and less likely to complete high school if they are arrested or referred to court as opposed to being diverted from formal juvenile justice system involvement. Research shows that outcomes improve if children and youth are given access to community-based services rather than receiving those services in the juvenile justice system.

The *Olmstead* decision of 1999 and subsequent litigation made clear that people with disabilities (including children with serious emotional disturbance) must be given access to community-based services before requiring that they seek only institutional care. Let me be clear: *Olmstead* applies to children too. It has always been a legal obligation for the state mental health system to provide children with SED and their families access to community-based services. Children with SED who have been inappropriately referred to the juvenile justice system because of a lack of community-based mental health services still have a legal right to receive community-based services, irrespective of any hesitation to provide those services. There is no leniency granted to states that allow for a few years

to go by before children can receive help. These community-based services are required now and were expected to be in place long before today.

MHAN argues that the central strength of HB 1035 and this bill is its emphasis on ensuring that “low risk youth” (who are often children with serious emotional disturbances) have access to community-based services without necessitating the involvement of the Juvenile Justice System. HB 1035 would create a new legal category “Children in Need of Services” (CHINS), which would include children and youth who are engage in truancy, runaways, and incorrigible behaviors. Those children and youth would no longer be under the jurisdiction of the Juvenile Court and can no longer be arrested or referred to court. Instead, the Human Service Zones and the Department of Human Services would be providing community-based services. To do this, HB 1427 and 1035 would establish a cross-systems, cross-agency service planning process to work together to develop a plan that youth at risk of or currently involved in the juvenile justice system can obtain research-based services to meet their needs. Once more, HB 1035 would prevent *Olmstead*-violating practices like denying a child access to community-based services due to claims of a lack of community-based services. It is no longer permissible to claim these children have no other options but the juvenile justice system to receive services they had a legal right to receive in the community. It is the responsibility of the Human Service Zones and the Department of Human Services to create programs for these children. Only youth that are a public safety risk should be considered for placement in secure facilities out of the home.

In the several decades’ long mental health crisis in North Dakota, families have not had access to needed mental health services. Even families that had access to some services, their plans would often require them to call law enforcement if their child was in a mental health crisis. The justice system was never intended to be the system that served children with mental health needs, but for decades it has been the only system that had services. While we make these changes, we must ensure families have access to the services their children need. North Dakota has a legal and moral obligation to provide children and their families community-based mental health services.

Thank you for your time and I would be happy to answer any questions you may have.

Carlotta McCleary
Mental Health Advocacy Network (MHAN), Spokesperson
Email: cmccleary@mhand.org
Phone: (701) 255-3692

2019 Updated North Dakota Mental Health Statistics

Any Mental Illness (Adults 18+), United States (2019): 20.6% (51.5 million)¹

North Dakota Adult Population: 581,891²

North Dakota AMI (Adult) Translation: 119,869.5

Serious Mental Illness (Adults 18+), United States (2019): 5.2% (13.1 million)³

North Dakota Adult Population: 581,891⁴

North Dakota SMI (Adult) Translation: 30,258

SMI Definition: "Refers to people age 18 or older, who currently or at any time during the past year have had a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified in the diagnostic manual of the American Psychiatric Association that has resulted in functional impairment, which substantially interferes with or limits one or more major life activities. Major life activities include basic daily living skills (e.g. eating, bathing, dressing); instrumental living skills (e.g., maintaining a household, managing money, getting around the community, taking prescribed medication); and functioning in social, family, and vocational/educational contexts."^{5 6}

Any Mental Illness (Children), United States: 16.5%⁷

North Dakota Children Population (2019): 180,171⁸

North Dakota AMI (Children) Translation: 29,728.2

Serious Emotional Disturbance (Children), United States: 10.06%⁹:

¹ National Institute of Mental Health, "Statistics: Mental Illness,"

<https://www.nimh.nih.gov/health/statistics/mental-illness.shtml> (accessed March 5, 2021).

² The Annie E. Casey Foundation: Kids Count Data Center, "Total Population by Child and Adult Populations in North Dakota," <https://datacenter.kidscount.org/data/tables/99-total-population-by-child-and-adult-populations?loc=36&loct=2#detailed/2/36/false/1729,37,871,870,573,869,36,868,867,133/39,40,41/416,417> (accessed March 5, 2021).

³ National Institute of Mental Health, "Statistics: Mental Illness."

⁴ The Annie E. Casey Foundation: Kids Count Data Center, "Total Population by Child and Adult Populations in North Dakota."

⁵ Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC), *The Way Forward: Federal Action for a System That Works for All People Living with SMI and SED and Their Families and Caregivers* (December 13, 2017), 11 https://www.samhsa.gov/sites/default/files/programs_campaigns/ismicc_2017_report_to_congress.pdf (accessed March 27, 2021).

⁶ The definition for Serious Mental Illness (SMI) has largely been consistent since published in United States Government Printing Office, "Substance Abuse and Mental Health Services Administration-Center for Mental Health Services (Action: Final Notice)," *Federal Register* 58 no. 96 (May 20, 1993): 2945.

⁷ Daniel G. Whitney, Mark D. Peterson, "US National and State-Level Prevalence of Mental Health Disorders and Disparities of Mental Health Care Use in Children," *JAMA Pediatrics* 173, no. 4 (2019): 389-391. <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2724377> (accessed March 5, 2021).

⁸ The Annie E. Casey Foundation: Kids Count Data Center, "Total Population by Child and Adult Populations in North Dakota."

⁹ Nathaniel J. Williams, Lysandra Scott, Gregory A. Aarons, "Prevalence of Serious Emotional Disturbance Among U.S. Children: A Meta-Analysis," *Psychiatric Services* 69, no. 1 (January 1, 2018): 32-40. <https://ps.psychiatryonline.org/doi/10.1176/appi.ps.201700145> (accessed March 5, 2021).

North Dakota Children Population (2019): 180,171¹⁰

North Dakota SED (Children) Translation: 18,125.2

SED Definition: "Children and youth who have had a diagnosable mental, behavioral, or emotional disorder in the past year, which resulted in functional impairment that substantially interferes with or limits the child's role in family, school, or community activities."^{11 12}

Children Health Insurance, North Dakota (2019):

- Medicaid Enrollment (Kids Count), Aged 0-20: 56,371 (26.6%)¹³

- Medicaid children (Kaiser FF): 1/5 children in ND: 36,034.2¹⁴

- Children who have health insurance, by type:¹⁵

- Employer-based only: 116,000 (62%)

- Direct-purchase only: 12,000 (6%)

- Other private: 6,000 (3%)

- Public only: 30,000 (16%)

- Both public & private: 8,000 (4%)

- Uninsured: 15,000 (8%)

- ND Children ages 0 to 18 enrolled in Healthy Steps (CHIP) in 2019: 3,002 (1.6%)¹⁶

¹⁰The Annie E. Casey Foundation: Kids Count Data Center, "Total Population by Child and Adult Populations in North Dakota."

¹¹ Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC), *The Way Forward: Federal Action for a System That Works for All People Living with SMI and SED and Their Families and Caregivers* (December 13, 2017), 20 https://www.samhsa.gov/sites/default/files/programs_campaigns/ismicc_2017_report_to_congress.pdf (accessed March 27, 2021).

¹² The definition for Serious Emotional Disorder (SED) has largely been consistent since published in United States Government Printing Office, "Substance Abuse and Mental Health Services Administration-Center for Mental Health Services (Action: Final Notice)," *Federal Register* 58 no. 96 (May 20, 1993): 2945.

¹³ The Annie E. Casey Foundation: Kids Count Data Center, "Medicaid Recipients Ages 0 to 20 in North Dakota," <https://datacenter.kidscount.org/data/tables/10817-medicaid-recipients-ages-0-to-20?loc=36&loct=2#detailed/2/any/false/1729,37,871,870,573,869,36,868,867,133/any/21043,21044> (accessed March 5, 2021).

¹⁴ Henry J. Kaiser Family Foundation, "Medicaid in North Dakota" (October 2019) <http://files.kff.org/attachment/fact-sheet-medicaid-state-ND> (accessed March 5, 2021).

¹⁵ The Annie E. Casey Foundation: Kids Count Data Center "Children who have health insurance by health insurance type in North Dakota" <https://datacenter.kidscount.org/data/tables/10183-children-who-have-health-insurance-by-health-insurance-type?loc=36&loct=2#detailed/2/36/false/1729,37,871/4847,4848,4849,4153,2807,2811/19706,19707> (accessed March 5, 2021).

¹⁶ The Annie E. Casey Foundation: Kids Count Data Center "Children ages 0 to 18 enrolled in Healthy Steps (CHIP) in North Dakota," <https://datacenter.kidscount.org/data/tables/10818-children-ages-0-to-18-enrolled-in-healthy-steps-chip?loc=36&loct=2#detailed/2/any/false/1729,37/any/21045,21046> (accessed March 5, 2021).

-Medicaid in ND Adults, aged 19-64: 1/13 (7.69%), or 44,747.4¹⁷

ND Medicaid 1915(i) State Plan Amendment

-Anticipated number served: 11,150

¹⁷ Henry J. Kaiser Family Foundation, "Medicaid in North Dakota" (October 2019)
<http://files.kff.org/attachment/fact-sheet-medicaid-state-ND> (accessed March 5, 2021).

Engrossed HB 1427
Senate Judiciary Committee
March 30, 2021
Testimony of Travis W. Finck, Executive Director, NDCLCI

Madam Chair Larson, members of the Judiciary Committee, my name is Travis Finck and I am the executive director for the North Dakota Commission on Legal Counsel for Indigents. The Commission is the state agency responsible for the delivery of indigent defense services in North Dakota. I rise today on behalf of the Commission to provide testimony in support of HB 1427.

The Commission on Legal Counsel for Indigents has been extensively involved in juvenile justice reform efforts in the state. The Commission continues to support this work as an ongoing process. HB 1427 serves as a companion bill and supplements the efforts of HB 1035. Indigent Defense is specifically mentioned in the Planning Committee for Alternatives to Juvenile Detention. The Commission has dedicated itself to this continued work and thanks the sponsor of this bill, our juvenile justice reform partners' and the legislature for giving us a seat at the table to continue these important discussions.

Madam Chair, members of the Committee, the Commission requests a do pass recommendation on HB 1427.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Travis W. Finck', with a large, sweeping flourish extending to the left.

Travis W. Finck
Executive Director, NDCLCI