

Chairman Nathe and members of the Education and Environment Division of House Appropriations, my name is Heather Traynor and I am the Youth and Family Court Specialist of the Court Improvement Program (CIP) for the North Dakota Supreme Court.

I am asking that the committee consider reintroducing the funds (\$125,292) that were cut from the proposed budget to support the creation of an Indian Child Welfare Act (ICWA) court in North Dakota.

As Sheldon Spotted Elk, Senior Director of Judicial and National Engagement of Casey Family Programs stated in his testimony to the 2024 Interim Juvenile Justice Committee, "An ICWA court is a state court that specializes in ICWA legal practice through compliance with the law and the spirit of keeping children connected to family, community, and culture. ICWA courts are used as an intervention to work with American Indian families with the hope of reducing disproportionality and improving the outcomes of American Indian children in foster care."

Indian children are a vital part of their tribes and cultures. Congress enacted the Indian Child Welfare Act (ICWA) in 1978 to address the alarming rates of Indian children being removed from their families and tribes. The goal of ICWA is to keep Indian children with their families and tribes whenever possible, preserving their connections to their cultural heritage. ICWA compliance also plays a critical role in fostering collaboration between state and tribal nations.

Though ICWA was passed in 1978 and many efforts have been made in North Dakota to comply with the law, there continues to be a high disproportionate rate of American Indian children in foster care. In North Dakota's general child population, White children accounted for 87% of the population in State Fiscal Year 2024. In contrast, American Indian or Alaska Native children accounted for approximately 6% of the population. However, in 2024, Native American children were the subject of 26% of Children in Need of Protection cases and 22% of Termination of Parental Rights cases. This disparity raises significant concerns about the adequacy of current child welfare processes to address the unique needs of Native American families and uphold the intent of the ICWA, which is to preserve cultural connections and family unity whenever possible.

Notable findings from published studies and articles on ICWA courts include promising outcomes for American Indian Families. A recently published journal article published by the National Council of Juvenile and Family Court Judges explored the effectiveness of an ICWA court in Duluth, Minnesota. According to the article concerning placement, ICWA court cases were able to place significantly more children with relatives at an earlier stage of the case compared to pre-ICWA court cases. It was also noted that ICWA court cases achieved timelier permanency, closing in significantly less time than pre-ICWA court cases.

Over the past year the CIP has worked to educate stakeholders and receive support of the implementation of an ICWA court pilot in the North East Judicial District. The ICWA court model was presented to and favorably received, by the Tribal and State Relations and Juvenile Justice Interim committees. We have also garnered and received overwhelming support by many state

and tribal partners. We continue to be dedicated to working with North Dakota tribes and families to achieve positive outcomes for Native American children in care and hope that you consider funding to support these efforts as well.

Thank you,

A handwritten signature in black ink, appearing to read "Heather Traynor, LBSW". The signature is fluid and cursive, with the initials "LBSW" written in a slightly different style at the end.

Heather Traynor, LBSW

Youth and Family Court Specialist, ND Supreme Court

State of North Dakota

Presiding District Court Judges

Donovan Foughty
NEJD Presiding Judge

Donald Hager
NECJD Presiding Judge

Unit 1: Northeast and Northeast Central Judicial Districts

124 South 4th Street
Grand Forks, ND 58201
Phone (701) 787-2730

Court Administration

Kelly Hutton
Unit Court Administrator

Rebecca Nelson
Deputy Court Administrator

September 24, 2024

Hon. Jerod Tufte
Justice and Chair, Interdisciplinary Specialized Docket Committee
600 E Boulevard Avenue
Bismarck, ND 58505-0530

In Re: Letter of Interest and Cooperation – Creation of a Specialized Docket (Indian Child Welfare Act Court)

Justice Tufte,

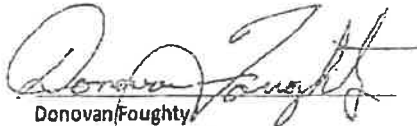
We write to provide you and your committee with our collective sentiment along with the attached petition on the creation of a specialized docket. We are dedicated to working collaboratively with North Dakota tribes and families to achieve positive outcomes for permanency for Native American children in care while preserving their familial and cultural connections.

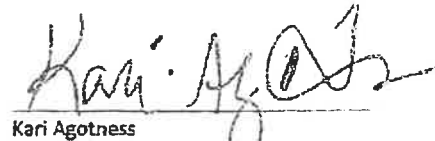
To assure fidelity to the evidence-based approaches associated with a problem-solving court model; we pledge to operationalize our approach to the creation of this court through the incorporation of the Five Principles of ICWA Courts from the National Council of Juvenile and Family Court Judges. They are:

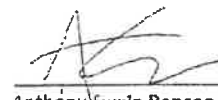
1. ICWA Court judges lead in coordination with the ICWA partners to achieve the spirit of ICWA.
2. Data collection informs practice and can measure the impact of ICWA Courts.
3. ICWA training on the spirit and letter of the law is central to the understanding and practice of ICWA Courts.
4. Authentic Tribal collaboration and partnership foster better outcomes for ICWA families.
5. Judges, attorneys, social workers and tribal representatives are “gold standard” professionals. This court community are focused on education and skill-development of the laws relevant to ICWA.


Finally, if approved for planning and implementation – we believe that legislation should be pursued to ensure that the initiative meets rigorous evaluative scrutiny, long-term viability, assures funding as well as fidelity to the ICWA Court model.

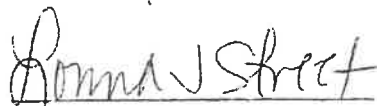
Sincerely,



Donovan Foughty
Presiding Judge, NEID



Kari Agotness
Judge, NEID

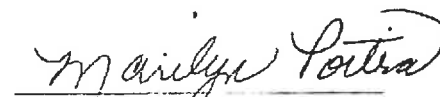

Anthony Swain Benson
Judge, NEID



Kelly Hutton
Unit 1 Court Coordinator


Lonna Jackson-Street
Spirit Lake Nation


Jamie Azure
Turtle Mountain Band of Chippewa


Heather Traynor
CIF Coordinator


Marilyn Poltra
ICWA Coordinator
Turtle Mountain Band of Chippewa


Marie Martin
ICWA Coordinator, Spirit Lake Nation

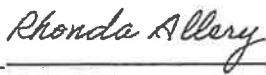

Shawn Peterson
Juvenile Court Director, Unit 1



Brad Hawk
Executive Director, Indian Affairs Commission

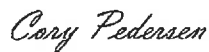


Anthony Bauer
Deputy Director, Indian Affairs Commission



Rhonda R Allery
Director, Mountain Lakes Human Service Zone

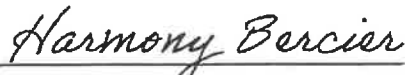
Kelly Jensen
Director, Northern Prairie Human Service Zone



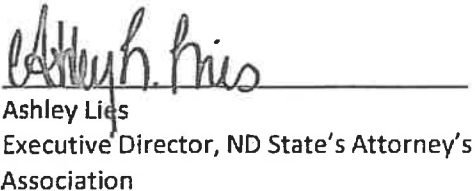
Cory Pedersen
Director, Children and Family Services



Gillian Plenty Chief
Director, Native American Training Institute



Harmony Bercier
Project Manager, ND ICWA Best
Practices Partn



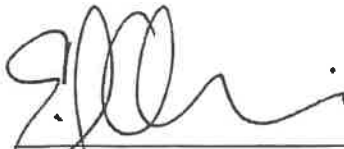
Ashley Lies
Executive Director, ND State's Attorney's
Association



Travis Finck
Executive Director, Commission on Legal
Counsel for Indigents



Jessica Throlson
Manager of Specialized Dockets

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Emily O'Brien, Representative
District 42