



Testimony Prepared for
House Judiciary Committee
March 5, 2025
By: Lynn Flieth, RSR Human Service Zone Director

RE: SB 2037: Relating to Juvenile Court Petitions and Fitness to Proceed

Chair Klemin, and members of the House 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 2037 relating to changes in the Juvenile Court Act surrounding Fitness to proceed.

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, extensive work was done to establish parameters and procedures to determine whether a juvenile is fit to proceed through the court process. Senate Bills 2036 and 2037 spell out the procedure to determine fitness to proceed and also allow for the potential for youth who are unable to be remediated to become Children in Need of Protection.

On page 2, lines 25-26, SB 2037 establishes that “the court may order an investigation into whether a child in need of protection proceedings should be initiated.” 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 concur that this is the right thing to do legally for these youth.

Youth in juvenile court, particularly those lacking fitness to proceed, are likely to have extensive and complex behavioral health needs. They may have unstable or untreated mental health diagnoses, learning disabilities, or low intellectual functioning that hinders their participation in school and social activities, in addition to their inability to assist in their own defense. 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.

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.

It is worth noting that regardless of whether a youth is a Child In Need of Services, a Child In Need of Protection, or one who has been adjudicated as Delinquent, the service and placement availability for any of those populations is no different. (With the possible exception of incarceration at the Youth Correction Center for the most severe offenses.)

While Human Service Zone Directors appreciate and support the intent of this bill to enhance juvenile justice for your youth, we do have some concerns about the potential shift and increased workload from the juvenile justice system to the child welfare system as delivered by the Human Service Zones. Thank you for consideration of my testimony regarding SB 2037. I stand for questions from the committee.