



Testimony Prepared for the House Appropriations Committee  
**SB 2037 – Related to Juvenile Court Petitions and Fitness to Proceed**  
April 3, 2025  
Lynn Flieth, RSR Human Service Zone Director

Chair Vigesaa, and members of the House Appropriations 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. I'm also a member of the North Dakota Human Service Zone Directors Association. Thank you for the opportunity to provide testimony on SB 2036 and 2037, related to changes in the Juvenile Court Act surrounding fitness to proceed and Child In Need of Protection proceedings.

During the legislative interim, a task force completed extensive work to establish parameters and procedures to determine whether a juvenile is fit to proceed through the court process. However, despite previous testimony to the contrary, human service zones were not included or consulted in that work, nor were we aware of it until the beginning of this session. The Association has provided testimony in support of both bills, because we support due process for youth, including appropriate remediation options. We have also testified that these goals cannot be achieved by expanding the definition of a Child In Need of Protection (NDCC 27-20-3.01) — which both bills seek to do. In SB 2037, on Page 2, Lines 25-26 state that "In a juvenile proceeding, the court may order an investigation into whether a child in need of protection proceedings should be initiated." In SB 2036, on Page 11, Lines 23-25 state that "If release to the minor's parent, legal guardian, or legal custodian is determined inappropriate under subsection 1, the court may dismiss the delinquency proceeding and direct proceedings under chapter 27-20.3." Due to the continued inclusion of this language, the Association opposes SB 2036 and 2037.

Chair Vigesaa, and members of the House Appropriations committee, these bills will have adverse impact on the youth and families we already serve, and the youth who are the target audience of these changes, as well as the front line child welfare staff of the Human Service Zones.

- **Adverse Impact #1: Senate Bills 2036 and 2037 will result in placement crises.** 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. As you are aware from our

initial fiscal note included funds for hiring of evaluation staff and additional case management positions for these complex needs youth. Simply stated: 100 case managers would not resolve the problem. The reality is that there are not services to "connect" these youth to. There are not placement resources for these youth to reside when the determination is made that the family home is not appropriate.

One final consideration regarding the size of this population is that it will grow as the result of these bills. Judges who are incorrectly led to believe that zones can offer niche services and placement for youth who are delinquent, perhaps even violent, yet unfit to proceed, will undoubtedly direct more of those youth to zones. Given that the necessary service infrastructure is not in place, this will only serve to burden Human Service Zones. Of further concern, the safety of the youth and community are still not addressed.

Those in support of designating these youth as Children In Need of Protection are looking strictly at the judicial process for this population, and they believe that they're offering a solution for these youth without "reinventing the wheel." Unfortunately, the narrow scope of this perspective results in an oversimplification of the complex needs of this population — and the multifaceted array of services that is needed to meet their needs.

Youth who have engaged in a delinquent act severe enough to merit a juvenile justice proceeding, but who lack fitness to proceed, stand at a complex intersection of mental and behavioral health issues, antisocial behaviors, and intellectual functioning. **The juvenile justice system is the appropriate system to manage those cases.** Where they are unequipped to do so, we as a state must build the necessary spectrum of statewide service options. Shifting these youth to a different department that is less equipped to meet their needs does not accomplish that. It does not provide youth with treatment or hold them accountable, it does not offer justice to victims, and it does not make communities safer. Instead, it sets the stage to delay, if not completely deny, remedial treatment and support.

Chair Vigesaa, and members of the House Appropriations Committee, I urge you to recognize that the identified sections of SB 2037 and 2036 disregard those needs, and the work involved in meeting them; as well as parental responsibilities and rights to continue parenting children with complex needs and delinquent behaviors. Furthermore, I urge you to recognize the needless, and harmful, shift of work from the juvenile justice system onto child welfare case managers. Finally, in light of those inevitable adverse impacts, I request that you remove the language that we have highlighted as problematic.

Thank you for your consideration of my testimony. I stand for questions from the committee.