



JUVENILE JUSTICE COMMITTEE

Thursday, August 24, 2023
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Michelle Strinden, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Michelle Strinden, Karen A. Anderson, Claire Cory, Jayme Davis*, Karla Rose Hanson, Zachary Ista, Lawrence R. Klemin, Shannon Roers Jones, Lori VanWinkle; Senators David A. Clemens, Diane Larson, Judy Lee

Member absent: Senator Kathy Hogan

Others present: See [Appendix A](#)

**Attended remotely*

COMMITTEE RESPONSIBILITIES

Mr. Christopher S. Joseph, Senior Counsel, Legislative Council, presented a memorandum entitled [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#), which was distributed to the committee members and sets forth the interim committee rules.

JUVENILE DELINQUENCY CODE STUDY

Mr. Joseph presented a memorandum entitled [Juvenile Delinquency Offense Code - Background Memorandum](#). The memorandum provides the legislative history of House Bill No. 1195 (2023), which directed the Legislative Management to study the criminal code to ensure equitable application to youths charged with juvenile delinquencies. He noted the study must be carried out in collaboration with the Commission on Juvenile Justice and include consideration of the desirability and feasibility of a separate juvenile delinquency offense code, whether a separate and unique classification of criminal offenses for juveniles should be created, and which criminal offenses should receive a distinct classification for juvenile offenders, if any. The memorandum encompasses the history of the juvenile court, juvenile court procedure, and current offenses for which either the age of the victim is considered, but not the age of the actor, and offenses for which the actor's age may be relevant in relation to the offense committed.

Ms. Lisa Bjergaard, Director, Division of Juvenile Services, Department of Corrections and Rehabilitation, presented testimony ([Appendix B](#)) regarding a summary of the Commission on Juvenile Justice's work leading up to the juvenile delinquency code study.

Ms. Karen Kringlie, Director of Juvenile Court, Administrative Unit Two, presented testimony ([Appendix C](#)) regarding current juvenile court practices, procedures, and ideas for possible solutions. She noted:

- Juvenile court protects the best interests of children and addresses the unique characteristics and needs of children who come before the court as a child in need of protection, and in juvenile delinquency matters.
- In 2022, the juvenile court received 4,103 delinquency referrals. Two thousand one hundred ninety of the delinquency referrals were handled by diversion to services, 525 were handled by informal adjustment, and 862 were handled by formal court.
- It is challenging to those who practice in juvenile court to refer back to offense language that is much more intentionally focused on adult criminal behaviors. The need to be equitable forces state attorneys and courts to consider reducing certain types of charges because the language does not fit or the collateral consequences would not be in the best interest of the child or the best interest of the community or victim.

Mr. Travis Finck, Executive Director, Commission on Legal Counsel for Indigents, presented testimony ([Appendix D](#)) regarding the desirability and feasibility of a separate juvenile delinquency offense code and whether a separate classification of criminal offenses for juveniles should be created.

Ms. Claire Ness, Chief Deputy Attorney General, Office of the Attorney General, presented testimony ([Appendix E](#)) regarding the desirability and feasibility of a separate juvenile delinquency offense code and whether a separate classification of criminal offenses for juveniles should be created.

CHILD WELFARE STUDY

Mr. Joseph presented a memorandum entitled [Child Welfare System - Background Memorandum](#). The memorandum reviews Section 6 of Senate Bill No. 2080 (2023) which directs the Legislative Management to study the laws and practices of the child welfare system. He noted the memorandum summarizes the juvenile court procedure, recent legislation affecting the state's juvenile justice process, the state's adoption and foster care system, and the statutory process governing termination of parental rights.

Ms. Bjergaard presented testimony ([Appendix F](#)) regarding a summary of the strategies used by the Commission on Juvenile Justice.

Ms. Jessica Thomasson, Executive Director, Human Services Division; Ms. Kelsey Bless, Licensing Unit Administrator, Children and Family Services Division; and Ms. Kirsten Hansen, Prevention and Protection Administrator, Children and Family Services Division, Department of Health and Human Services, presented testimony ([Appendix G](#)) regarding an introduction and overview of children and family services. They noted:

- Safe children and strong families is the mission of the state's child welfare system. The system carries out its mission by providing services including home visitation, child protection, foster care, family reunification, behavioral health and substance abuse services, guardianship, and family preservation services.
- The child welfare system operates with public and private sector partners including the Division of Juvenile Services, private human service agencies, tribal social services, and human service zones.
- North Dakota has roughly 1,100 confirmed cases of child abuse or neglect each year.
- The leading reason for removal of a child from a parental home in North Dakota is a parent's unaddressed mental health needs and substance use.

Ms. Kimberly Jacobson, Director, Agassiz Valley Human Service Zone, presented testimony ([Appendix H](#)) regarding an overview of the human service zone's role and responsibility in adoptive placements and an overview of the human service zone structure, history, and focus.

Ms. Veronica Zietz, Executive Director, Protection and Advocacy Project, presented testimony ([Appendix I](#)) regarding the juvenile justice aspects of child welfare and services provided by the Protection and Advocacy Project to North Dakota residents.

Mr. Jonathan Byers, Board Member, Children's Advocacy Centers of North Dakota, presented testimony ([Appendix J](#)) regarding the role of the Children's Advocacy Centers in the child welfare system.

Ms. Joy Ryan, President and Chief Executive Officer, Dakota Boys and Girls Ranch, presented testimony ([Appendix K](#)) regarding the availability of resources to support children and families experiencing out-of-home placement or risk of out-of-home placement and the residential services provided to children in the juvenile justice system.

Ms. Mandy Dendy, Coverage Policy Director, Medical Services, Department of Health and Human Services, presented testimony ([Appendix L](#)) regarding possible resources to support children and families at risk of out-of-home placement. She noted:

- About 1 in 3 North Dakota children are eligible for Medicaid.
- North Dakota Medicaid covers a range of services and supports for youth who are at risk of out-of-home placement or who are placed out of the home. The services provided include community services, residential services, and transitional services.
- The Family Support Program consists of community-based services lasting up to 1 year to prevent out-of-home placement, including mentoring services to the household and relief care to the Medicaid-eligible child.

Justice Lisa Fair McEvers, Supreme Court, presented written testimony ([Appendix M](#)) regarding the Children's Cabinet's perspective on the child welfare system.

OTHER

Mr. Joseph noted House Concurrent Resolution No. 3026 (2023), directing the Legislative Management to consider studying improving re-entry outcomes for incarcerated adults and youth, allows the Legislative Management to develop a working group to oversee the study. The Legislative Management developed the working group and selected the Department of Corrections and Rehabilitation to lead the working group. He noted the working group will provide the committee with progress reports at each meeting and will present a final report on the study to the committee which will include the working group's findings and recommendations.

No further business appearing, Chairman Strinden adjourned the meeting at 5:05 p.m.

Christopher S. Joseph
Senior Counsel

ATTACH:13