

Testimony Prepared for the  
**Judiciary Committee**

January 26, 2021

By: Terry Traynor, NDACo Executive Director



**RE: House Bill 1035 – Juvenile Justice System Improvements**

Chairman Klemin and Judiciary Committee members, I am Terry Traynor, Executive Director of the North Dakota Association of Counties, and have the pleasure of serving as the current chair of North Dakota’s Juvenile Justice State Advisory Group. Thank you for the opportunity to provide testimony in support of House Bill 1035.

This State Advisory Group or “SAG” is a 20-member body required by the federal Juvenile Justice and Delinquency Prevention Act, charged with advising the Legislature and Executive branches of state government on the expenditure of federal JJDP Act funds and, most importantly, the implementation of juvenile justice system improvements. Our state SAG provided financial support to the research that ultimately produced House Bill 1035. We believe this bill will provide needed improvements to North Dakota’s juvenile justice system by updating outdated language and better organizing statute, but most notably, will move North Dakota toward practices that research has shown to improve outcomes for youth.

The bill reorganizes statute into chapters that provide clear guidelines for different populations of youth. The current statute lumps together three different populations (youth in the child welfare system, unruly youth, and delinquent youth), which is confusing and fails to establish practices tailored to each population. The bill separates the statute for these populations and in doing so, provides clarity around definitions, availability of sanctions, and accounts for youth’s distinct risks and needs.

The bill allows for unruly youth to receive the services they need without court involvement. Unruly youth pose little or no risk to public safety but are generally a population of youth (and families) in need of services. The inability for youth and families to obtain services without an arrest results in potential trauma, and as shown by research, may actually increase the likelihood of reoffending. Pushing low risk youth into the justice system also takes up law enforcement and court staff’s time better spent on youth that truly are a risk to public safety.

The bill strengthens the dispositional process and provides research-based guidelines by requiring the use of risk and needs assessment tools to be

conducted prior to disposition. Research has shown that in order to reduce recidivism and increase positive outcomes, it is necessary to properly match youth with the correct level of supervision and services based on validated risk and needs assessment tools. Additionally, the bill expands the right to counsel so that all youth have access to representation at key decision-making points.

In order to support effective implementation, the bill has delayed implementation dates for the major changes, which will allow time to ensure gaps are addressed. The companion bill (House Bill 1427) will provide a plan for cross-system collaboration to build a service continuum designed to prevent at-risk youth from justice involvement as well as to safely maintain youth under supervision in the community, close to home.

For these reasons, on behalf of the Juvenile Justice State Advisory Group, I strongly support House Bill 1035. Thank you.

## **North Dakota Juvenile Justice State Advisory Group**

| <b>Member</b>               | <b>Agency</b>                                | <b>Title</b>                           |
|-----------------------------|--|--|
| <b>Terry Traynor, Chair</b> | ND Association of Counties                   | Executive Director                     |
| <b>Lisa Bjergaard</b>       | ND Division of Juvenile Services             | Director                               |
| <b>Rich Wardner</b>         | North Dakota State Senate                    | Senator, Majority Leader               |
| <b>Diane Larson</b>         | North Dakota State Senate                    | Senator                                |
| <b>Aaron Birst</b>          | ND State's Attorney's Association            | Executive Director                     |
| <b>Cathy Ferderer</b>       | ND Supreme Court                             | Youth Projects Director                |
| <b>Russ Riehl</b>           | Simle Middle School                          | Principal                              |
| <b>Rhonda Allery</b>        | Mountain Lakes Human Service Zone            | Zone Director                          |
| <b>Travis Finck</b>         | ND Commission on Legal Counsel for Indigents | Executive Director                     |
| <b>Anne Linden</b>          | ND Department of Public Instruction          | Asst Dir, Office of Educational Equity |
| <b>George Vinson</b>        | Fargo Police Department                      | Lieutenant                             |
| <b>Rebecca Grey Bull</b>    | Standing Rock Sioux Tribe                    | ICWA Coordinator                       |
| <b>Caisee Sandusky</b>      | Minot Police Department                      | School Resource Officer                |
| <b>Emily Yanish</b>         | Youthworks                                   | Program Manager                        |
| <b>Joel Friesz</b>          | Lutheran Social Services                     | Program Director                       |
| <b>Elizabeth Muralt</b>     | Youth Member                                 |  |
| <b>MiLinda Turner</b>       | Youth Member                                 |  |
| <b>Kylie Schultz</b>        | Youth Member                                 |  |
| <b>Erin Bonn</b>            | Youth Member                                 |  |