

Testimony Prepared for the  
**Senate Judiciary Committee**

March 23, 2021

By: Terry Traynor, NDACo Executive Director



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

Chair Larson 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 We believe this bill will provide needed improvements to North Dakota’s juvenile justice system by updating outdated language and better organizing statute, but most notably, will move North Dakota toward practices that research has shown to improve outcomes for youth.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 Engrossed House Bill 1035. Thank you.

## North Dakota Juvenile Justice State Advisory Group

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