

North Dakota Juvenile Justice Reform: Lessons Learned

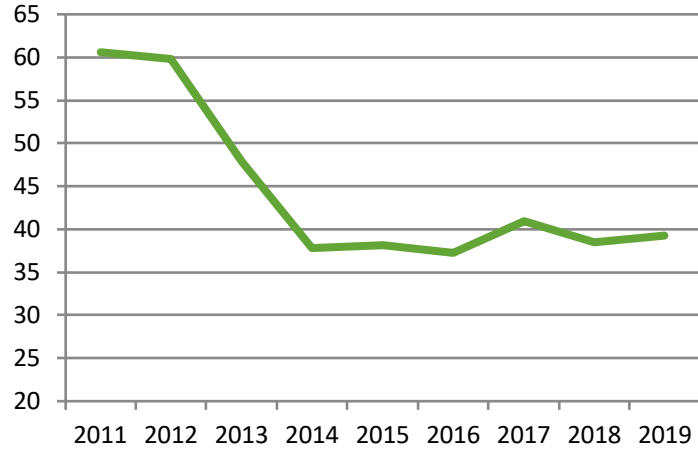
KAREN KRINGLIE, ESQ., CCE

DIRECTOR OF JUVENILE COURT

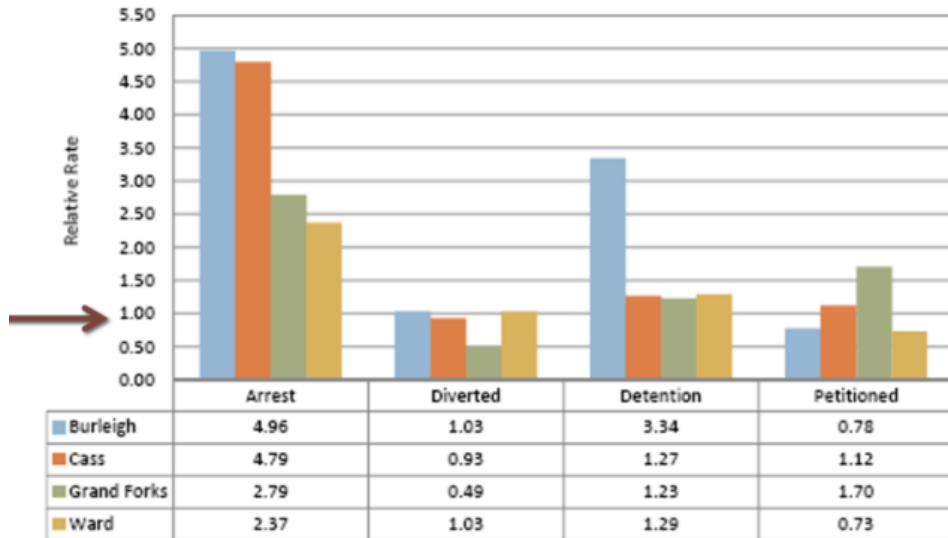
EAST CENTRAL & SOUTHEAST JUDICIAL DISTRICTS

KKRINGLIE@NDCOURTS.GOV

ND Juvenile Arrest Rate Per 1,000 Youth Ages 7-17

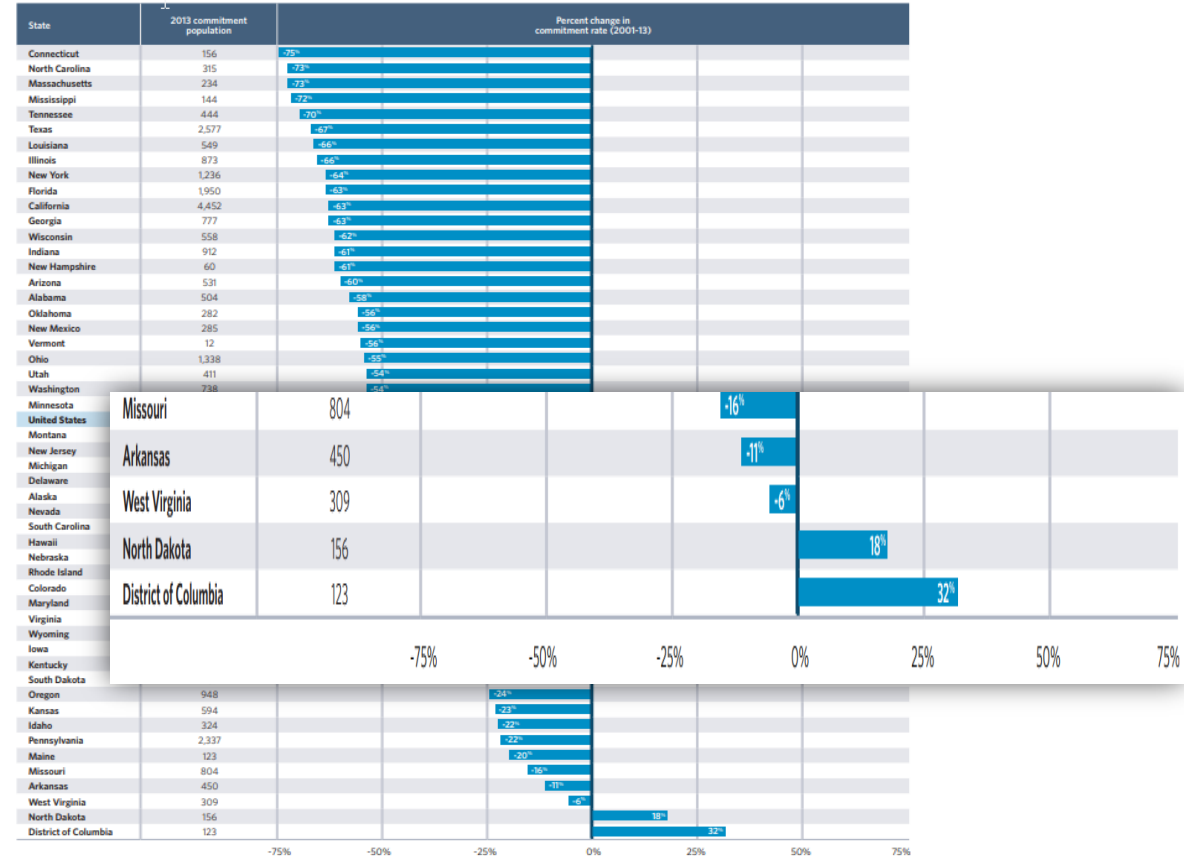


Relative Rates of Contact by County - All Minorities (CY2015)



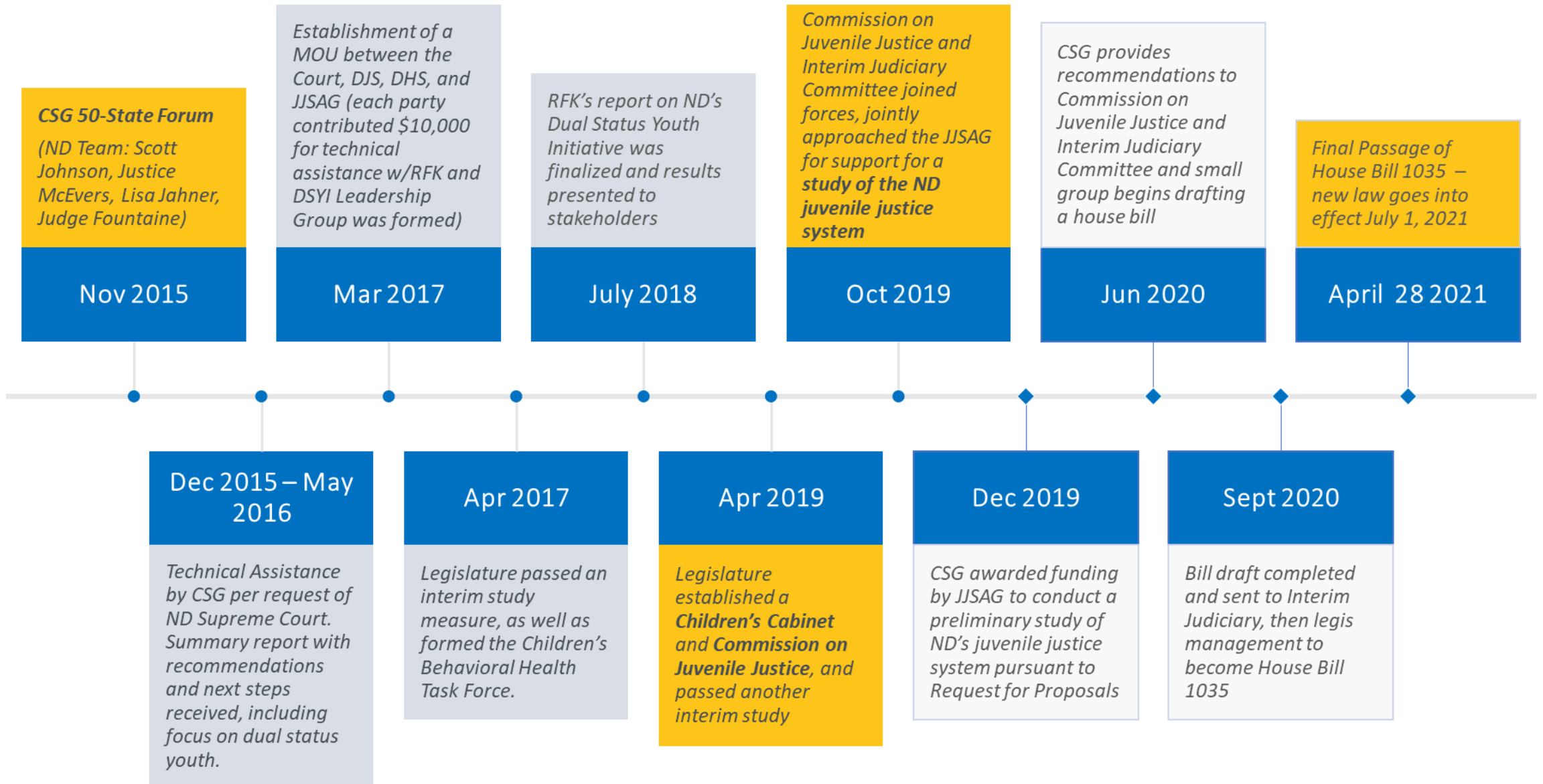
Juvenile Commitment Rate Drops 53%

From 2001 to 2013, the U.S. juvenile commitment rate declined 53 percent, according to data recently released by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention.¹ Rates fell in 49 states during this period, including decreases of over 50 percent in more than half of the states. The nationwide reduction reflects a 42 percent drop in juvenile violent-crime arrest rates from 2001 to 2012 and comes as a growing number of states are adopting policies that prioritize costly space in residential facilities for higher-risk youth adjudicated for serious crimes.²



Challenges

1. Lack of statewide vision, policies and practices
2. Old code that lacked modern terminology, practices (all the modern practices buried in rules and policies)
3. Limited access to services without system involvement (arrest as the primary gateway to services)
4. Over-reliance on residential services
5. Limited capacity for evidence-based services, quality assurance, data-driven decisions



Key CSG Recommendations to ND

1. Decriminalize unruly behaviors and develop pathways to serve these youth outside of the justice system
2. Establish more stringent criteria for systems decisions – particularly detention and out-of-home placement
3. Build a more robust continuum of community-based services statewide as well as for specific populations / communities
4. Strengthen statewide commitment to evidence-based services, quality assurance, data collection
5. Align state statute with the system-improvement recommendations and best practices with the goal of matching youth with the appropriate level and quality of supervision and services

Summary of House Bill 1035 Reform: Reorganized the juvenile code

1. Separated into chapters by case type
2. Updated language
3. Updated definitions
4. Clarified roles and responsibilities
5. Delayed portions of the bill that required more planning

Ch. 27-20.1 – Guardianship of a Child

Ch. 27-20.2 – The Juvenile Court Act (JCA)

Ch. 27-20.3 – Child Welfare (Contains Child in Need of Services (CHINS) / Child in Need of Protection (CHIPS))

Ch. 27-20.4 – Juvenile Delinquency

Ch. 27-21 – Division of Juvenile Services

Summary of House Bill 1035 Reform:

Low risk to reoffend youth should receive services outside of the juvenile justice system

1. Established “Children In Need of Services” (formerly unruly youth) as a separate legal category and requires CHINS referrals - ungovernable, truancy, runaway, and tobacco <14 years of age— be referred to the Human Service Zones for services in lieu of an arrest and court referral starting 8/1/22
2. Requires schools, before making a CHINS truancy referral, to make sufficient efforts to resolve the issue through all appropriate and available educational approaches and to engage the parent, guardian, or legal custodian in such efforts.
3. Require the use of risk and need screening tools (e.g. mental health) to be used at intake to guide court diversion decisions so system resources can be used on highest risk youth.
4. Effective August 1, 2023, limits schools from referring youth to juvenile court who commit minor offenses on school grounds.

Summary of House Bill 1035 Reform: **Strengthen dispositional processes**

1. Broadened right to counsel for children in delinquency and CHIPS cases and parents in detention hearings – regardless of income
2. Requires use of risk and need based assessment prior to disposition to help guide dispositional decisions and match youth to the right level and length of supervision / services
3. Aligned lengths of probation and reduces the length of probation extensions (12 months max with up to two extensions of 4 months each to meet treatment goals)
4. Created a state statute on Indian Child Welfare Act “active efforts” for CHIPS cases

Summary of House Bill 1035 Reform: **Limit the use of out-of-home placement**

1. Limit the use of secure detention to youth who are a public safety risk as determined by a statewide detention screening tool
2. Limit use of probation violations as basis for correctional commitments
3. Requires use of incentives, graduated sanctions, and intensive supervised probation in the community
4. Established a planning process designed to build and strengthen a continuum of community-based, evidenced-based services

Expected Benefits

1. Eliminated use of court process, probation or corrections placement for youth with only unruly behavior
2. Eliminated use of detention as a drug court sanction (effective 8/1/22)
3. Required court consideration of a validated risk and needs assessment prior to disposition
4. Reduced use of secure detention for low public safety risk youth
5. Reduced / eliminated use of probation violations as means to escalate a case to corrections
6. Improved statewide understanding of the proper role of the juvenile justice system
7. Reduced racial disparity at point of arrest when the delayed school-based offense portion goes into effect in August 2023
8. Counsel for every child in a delinquency case regardless of income to increase youth sense of fairness in the system
9. Evidenced-based services available in the community regardless of geographic region of the state

Lessons Learned

1. Need a lot of stakeholder meetings.... the education is ongoing
2. Include as many legislators as possible and at the beginning of the process
3. Get “the why” and the communication out to all levels, not just leadership
4. Better use of resources is a good selling point
5. Outlier stories are tough
6. Once the bill passed, the work is just beginning
7. There will be unexpected impacts – unintended consequences; good relationships will help you solve these problems as they arise

State Senator Diane Larson (R – District 30)

Vice-Chair of the ND Judiciary Committee

Member of the ND Commission on Juvenile Justice

“We were excited to work with so many North Dakota professionals in completely rewriting our Juvenile Court Act under the guidance of the CSG Justice Center. Now when a child violates a status offense that is no longer a violation of law, but now a referral to services. Therefore those children will not have a court record with all those difficulties. This makes so much sense. It’s a positive move for our state.”