



North Dakota Juvenile Court

2019 ANNUAL REPORT

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THE FUTURE OF THE JUVENILE COURT



Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection and to ensure due process of law.

Fundamental to the work of the judiciary is doing individual justice in individual cases, providing a forum for the resolution of legal disputes, deterring criminal behavior and helping to rehabilitate those found responsible for crimes. The work of the juvenile court aligns perfectly with those goals. We are a subset of the district court and our work is critical to the overall mission and core purpose of the judicial branch.

We know that the most important work we perform each day is helping youth find the path to a meaningful life and teaching families how to support each other. To do this we assess individual needs, build a continuum of evidence-based services that can be delivered across urban and rural North Dakota communities, and match youth with the programs that will benefit them and their communities. We are relied upon by local law enforcement, county prosecutors, social service workers and school teachers to identify root causes of societal issues such as opioid use, child trafficking, and family violence and seek ways to prevent these societal problems from damaging lives and communities.

High performance courts are always looking to identify problems, collect and analyze data and take action. The juvenile court is flexible, creative and open to new evidence-based solutions such as early assessments, structured decision-making tools and community-based supervision and delivery of services.

North Dakota Juvenile Court is on the front line of societal issues such as child abuse and neglect, addiction, behavioral health and delinquency prevention. The dedicated work of juvenile court staff protects communities, saves lives and saves taxpayer dollars that would otherwise be spent on expensive residential treatment or correction confinement. Investing “upstream”, in the juvenile court process of youth assessment, service delivery and supervision that keeps youth out of the correction system altogether makes good sense. We know that keeping youth at home and engaged in school and family life produces better outcomes for youth, families and our communities.

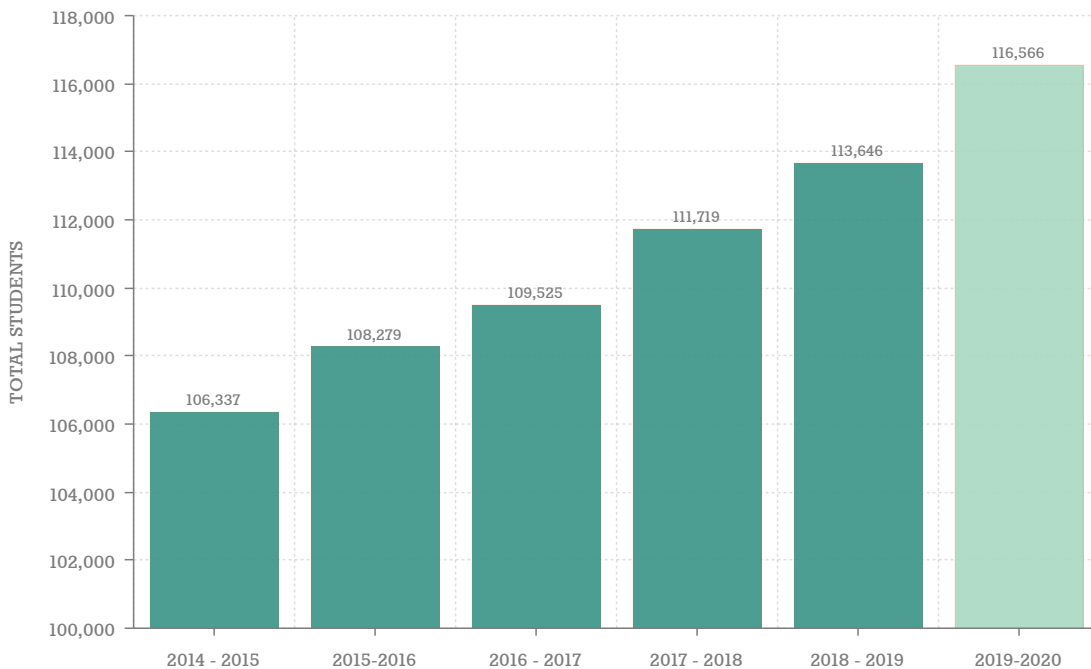


Most youth who run afoul of the law are not on a pathway that leads to adult criminal careers. Most delinquency is self-correcting as youth age and juvenile court intake must assess the likelihood that a youth will become a serious, violent, or chronic offender, identify those pathways early and seek to interrupt them.

Past data indicates that approximately 14% of all youth are referred to juvenile court for delinquent and unruly behavior. According to US Census data, North Dakota's estimated population in 2019 is 762,062. This growth is in line with past estimates that North Dakota's population would finally break 800,000 by 2020, hitting the 1 million mark by 2040. Reflective

of this growth is the steady increase in school enrollment shown below. These steady increases will play a part in planning for the future of the juvenile court and the resources needed to address the needs of youth, families, victims, and communities.

ND DEPARTMENT OF PUBLIC INSTRUCTION ENROLLMENT NUMBERS



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MISSION STATEMENT

The Juvenile Court protects the best interests of children and addresses the unique characteristics and needs of children that come before the court as deprived, unruly and delinquent matters. Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. The courts empower victims, encourage community participation, and support parental responsibility.

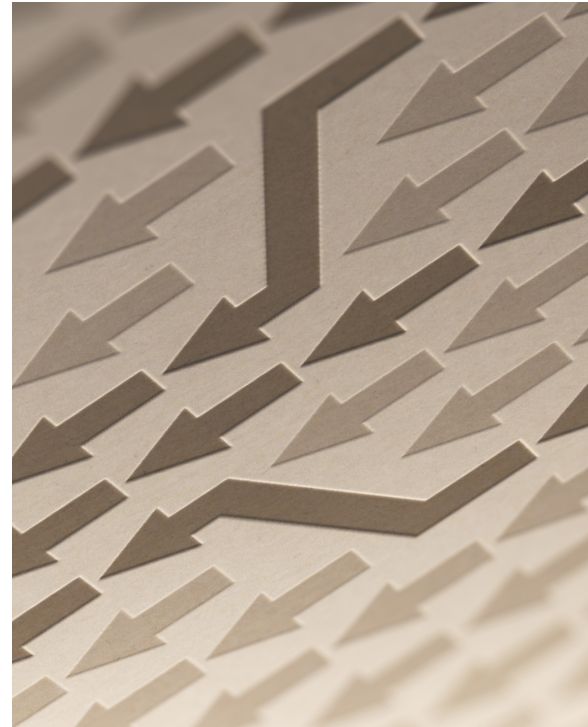


**REPAIRING HARM,
REDUCING RISK
AND CREATING
OPPORTUNITIES**

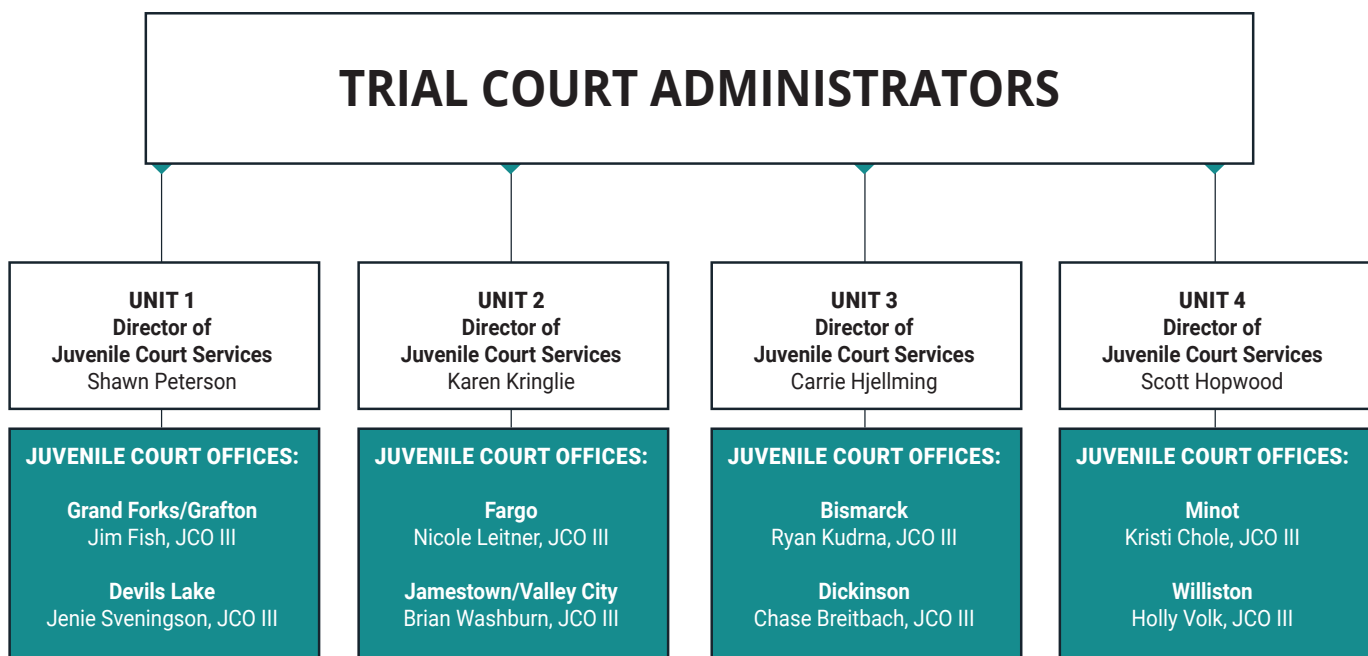


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ORGANIZATIONAL STRUCTURE



Within each unit, there is a Director of Juvenile Court who supervises the juvenile court staff and is responsible for the planning and directing of all juvenile court services in the unit. Under the direction of the Director of Juvenile Court, the Juvenile Court Officer III assists in providing advanced investigative, diagnostic, supervisory, and probation services in their designated juvenile court office as well as provides supervision of juvenile court officers and staff.



NORTH DAKOTA JUVENILE COURT JURISDICTION

Delinquent and Unruly Case Referrals: In North Dakota, the Juvenile Court has exclusive jurisdiction over youth ages ten to seventeen who are alleged to have committed a delinquent or an unruly act. A delinquent act would be a crime if committed by an adult, while an unruly act is behavior such as truancy from school, runaway, ungovernable behavior, or minor consuming alcohol, all of which are based on age.

Deprived Case Referrals: The Juvenile Court also has exclusive jurisdiction over children from birth until age seventeen who are alleged to be deprived of proper care or control by their parent, guardian, or other custodian. More commonly known as child abuse and neglect, these cases are referred to the courts by the county social service agencies after a child abuse and neglect investigation. These cases can also include petitions to establish a guardianship of a minor brought by a relative or other caretaker.



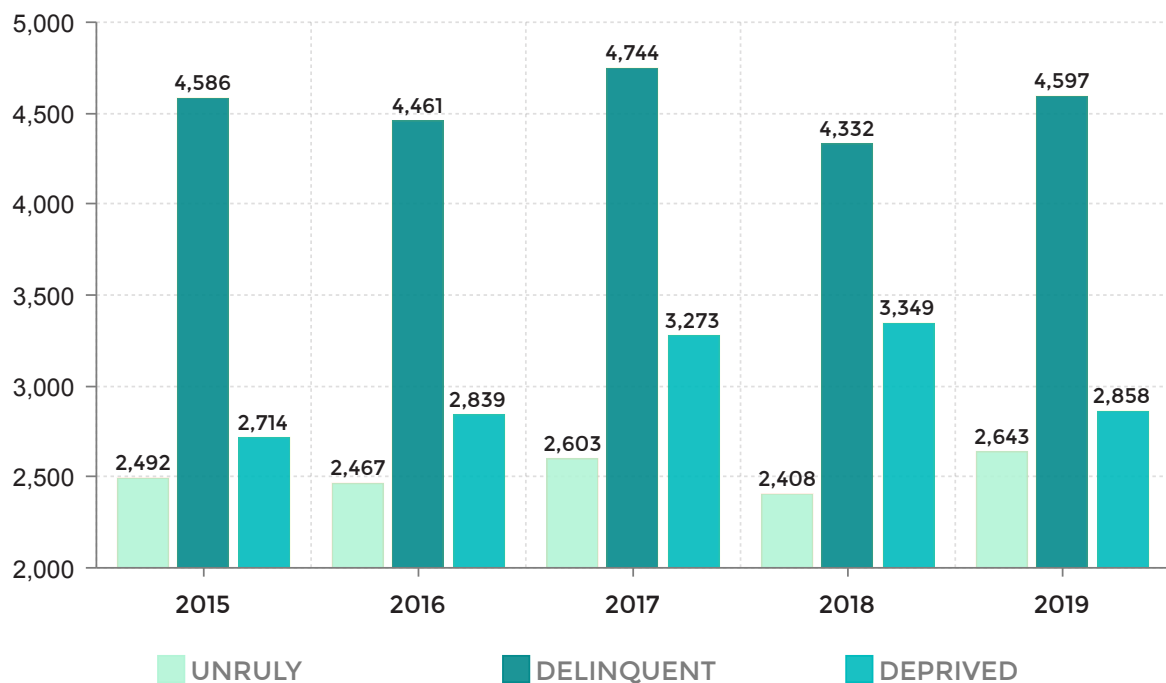
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2019 REFERRALS TO JUVENILE COURT

Juvenile Court referrals are received from law enforcement, schools, social services agencies, parents, and people seeking guardianship of a minor child. Juvenile Court Officers screen referrals from law enforcement, schools, and agencies determining how they should be processed; making detention or emergency shelter care decisions on some of them, preparing court recommendations on those that proceed to the formal courts, and processing the vast majority of the cases via an informal adjustment conference or diversion.

Total referrals to the North Dakota Juvenile Courts showed a slight increase from the previous year, increasing by 9 referrals (1%) to 10,098. This ends a two year downward trend. However, deprived referrals, for the first time in five years, saw a 15% decrease from 2018 to 2019. The chart below reflects the total number of charges referred to the juvenile courts over the past five years in the three legal categories of unruly, delinquent, and deprived.

TOTAL REFERRALS BY YEAR



*Note that the referral data in this chart has changed slightly since 2014 due to a change in the way the data was categorized.

INTAKE DECISIONS ARE A CRITICAL FUNCTION OF THE JUVENILE COURT:

Intake of all juvenile referrals is required by North Dakota law to be conducted by the Director of Juvenile Court. Juvenile Court intake staff is knowledgeable about North Dakota criminal and juvenile law as well as the techniques of juvenile treatment and rehabilitation. They screen for probable cause to believe that a child has been involved in a violation of law or is the victim of abuse or neglect and make decisions regarding the appropriate manner to handle the case by the use of diversion to services, informal adjustment or the formal court process. Whether to detain or release from detention a delinquent youth or take an unruly or deprived child into protective custody are statutory duties of the Juvenile Court directors and assigned staff.



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2019 JUVENILE REFERRALS BY CASE TYPE

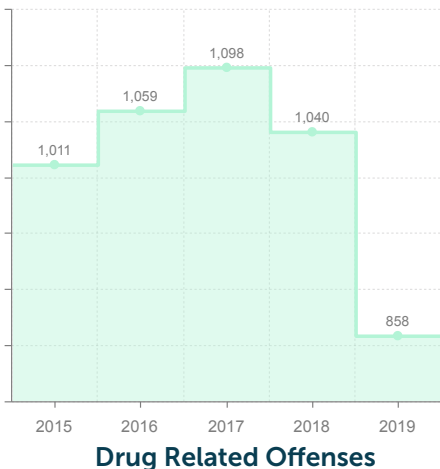
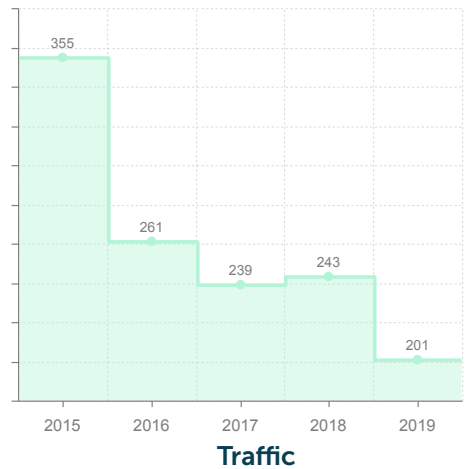
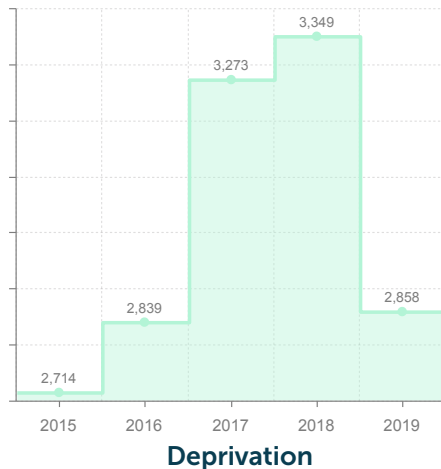
Delinquent Referrals: Of all the delinquent referrals received in 2019, 85% were misdemeanors, 14% were felonies, and 1% were infractions. The most common delinquent referrals received by the Juvenile Courts were Disorderly Conduct 13% followed by Simple Assault and Theft of Property which each made up 12% of referrals, Possession of Controlled Substance, and Possession of Drug Paraphernalia and Criminal Mischief each made up 7%, which rounded out the five most common delinquent referrals.

Unruly Referrals: Of all the unruly referrals received in 2019, 27% were for runaway, 21% were referrals of unlawful possession/consumption of alcohol, 28% were for ungovernable behavior, 12% were for school truancy, and 12% were for other unruly referrals including tobacco and curfew violations.

Deprivation Referrals: 39% of deprivation referrals resulted in a formal petition to the Court, 5% involved the filing of a termination of parental rights petition and less than 1% of cases were youth 18 years and older who chose to remain in foster care or re-enter foster care. Families cooperated with services or the matter was otherwise diverted by social services from the formal court system in 55% of cases referred.



The chart below reflects the total number of charges referred to the juvenile courts, grouped by case type over the past five years. In 2019, Deprivation referrals made up 28% of the total referrals to the Juvenile Court, while Unruly offenses (offenses which only a child can commit) made up 26% of referrals. Delinquent offenses made up 46% of referrals and are broken down into the following case types: Property Offenses 29%, Drug-related Offenses 19%, Public Order Offenses 25%, Offenses against Persons 23%, and Traffic Offenses 4% of the total delinquent referrals to juvenile courts.



REFERRAL TYPES

Against Person Offenses – all assaults, menacing, harassment, terrorizing, gross sexual imposition, robbery

Property Offenses – shoplifting, burglary, criminal mischief/vandalism, criminal trespass, all thefts,

Public Order – disorderly conduct, disturbance of a public school, failure to appear, resisting arrest

Unruly - curfew, runaway, tobacco, truancy, ungovernable behavior, minor in possession/consumption of alcohol

Deprivation - abuse/neglect of a child, deprived, services required informational only, termination of parental rights, guardianship of a minor

Traffic - driving without a license, driving without liability, leaving the scene of an accident

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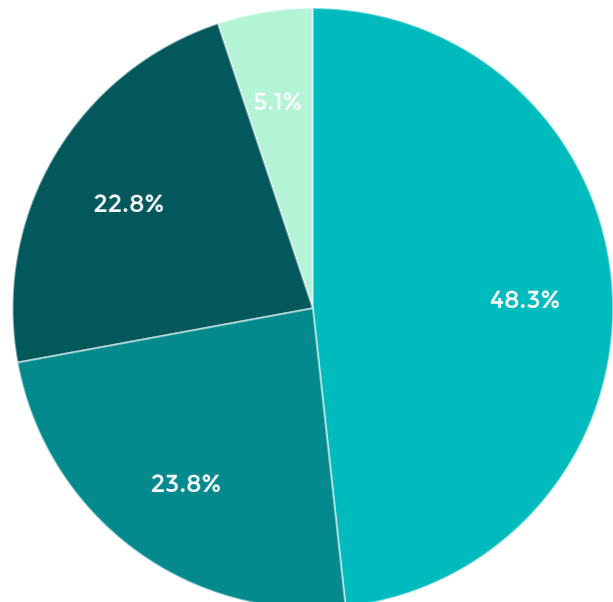
DELINQUENT OR UNRULY REFERRALS TO COURT BY LOCATION

Starting in 2019, the juvenile court began to capture data regarding the location of where the delinquent or unruly offense occurred. It was found that in 2019, 48% of all delinquent and unruly referrals were the result of law violations that occurred out in the community such as stores, streets, parks etc., 23% were from acts reported to have occurred at a school building or grounds, 24% occurred at family homes, and 5% occurred at juvenile placement facilities located in the state.



LOCATION WHERE THE DELINQUENT OR UNRULY ACT OCCURRED

Community	3,495
Home	1,727
School	1,649
Placement Facility	371



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ANALYSIS OF JUVENILE OFFENDERS

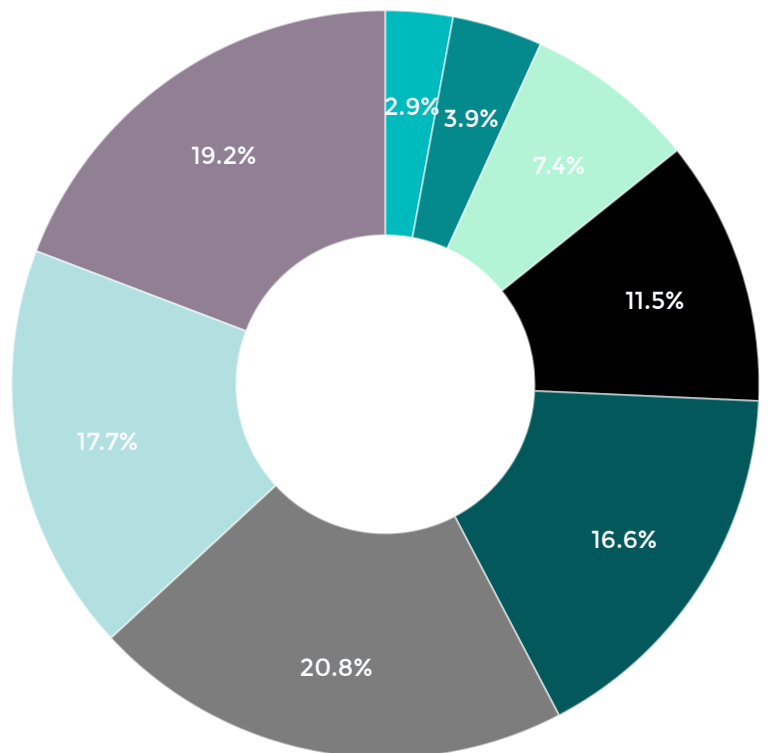
The age of criminal responsibility in North Dakota was raised in 2019 from 7 to 10 years of age. This increased age better reflects the current science and understanding of the adolescent brain when it comes to criminal culpability as well as best practices nationally.

In 2019, the most common age of youth referred to the juvenile courts for delinquent or unruly behavior was 15 years of age. Juveniles age 13 and younger accounted for 25% of all referrals to the courts, a percentage that remained consistent from the previous year.



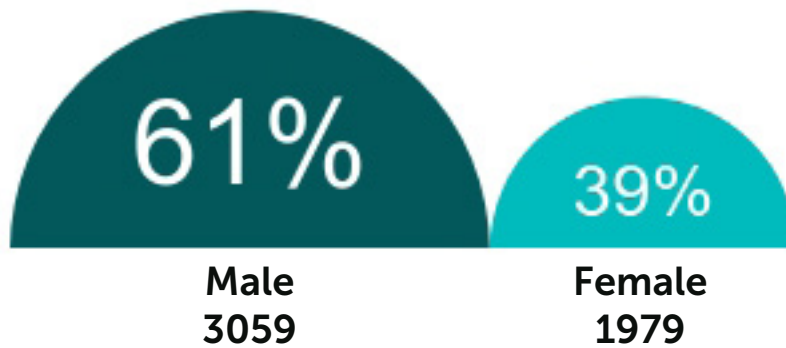
AGE AT TIME OF REFERRAL TO JUVENILE COURT AND NUMBER OF REFERRALS RECEIVED IN 2019

● 10 and under	145
● 11 years	195
● 12 years	371
● 13 years	572
● 14 years	828
● 15 years	1,038
● 16 years	882
● 17 years	958



PRIMARY CHARGE DELINQUENT & UNRULY REFERRALS % BY GENDER 2019

In 2019, males committed 61% of delinquent and unruly acts referred to the juvenile courts, while females accounted for 39% of referrals. North Dakota is currently participating in a Vera Institute of Justice study of gender-based differences in juvenile delinquency referrals, detention rates, and access to services.



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COMMUNITY SAFETY

New legislation in 2019 requires law enforcement agencies to use a detention screening tool when determining whether to securely detain youth. A detention screening tool was identified and distributed by the juvenile court as required by the legislation. Subsequently, juvenile court provided training to law enforcement across the state regarding the use and implementation of the tool. The juvenile courts have been using objective detention screening for many years as a way to ensure detention decisions are equitable and detention is used sparingly and appropriately.

Detention Screening Tool: The detention risk screening tool is an objective checklist of criteria that is applied to each youth brought to or considered for placement in secure detention. It is used to assess if the risk to community safety is so high as to warrant the use of secure detention. The overall score guides the law enforcement officer or the intake court officer in making the critical decision of whether to securely detain the youth. The purpose is to ensure release of appropriate youth back into the community with the minimum risk of re-offending or not appearing for a scheduled hearing. The score of the detention screen does not tell the user exactly what course of action should be taken but rather provides objective information, grounded in research, to enhance the decision-making process.

Alternatives to Detention: Since the use of the detention assessment tool is to help guide the decision to determine whether to place a youth in detention or not, it is important to establish and maintain viable alternatives to detention that are available in communities to maintain community safety and assure that youth will appear for future court hearings on the pending charge or charges. In addition to simple release to a parent or non-secure attendant care, another alternative to pre-adjudicatory detention is the use of house arrest. House arrest can be either monitored by a Juvenile Court Officer using a voice verification system to confirm a youth's location or in conjunction with GPS electronic monitoring systems. Electronic monitoring is a continuous monitoring device that attaches around a youth's ankle and allows the youth to stay at home pending further court hearings. Voice monitoring and GPS electronic monitoring have been increasingly used by North Dakota Juvenile Court staff as an alternative to detention. Electronic monitoring can cost as little as seven dollars per day which is much lower than the cost of secure detention and allows the youth to remain in his or her home and community.



North Dakota law requires that youth securely detained have a detention hearing held within twenty-four hours, excluding weekends and holidays, and on average, most youth spend only a few hours to a few days in secure detention before being released or other placement options are used.

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2019 JUVENILE COURT DISPOSITIONS FOR DELINQUENT AND UNRULY CASE

North Dakota law provides a system where the vast majority of juvenile cases are handled by juvenile court intake officers on average within five days. Court staff recognize that it is critical to divert from the traditional or formal court process children with little to no delinquent history who have committed a minor offense and who are at low to medium risk of reoffending. In conjunction with that diversion is the need to providing immediate in time sanctions, addressing the behavior and meeting the needs of victims, along with services or skills-based programs for youth and their families. Intake occurs consistently across the state as decisions about diversion or use of informal adjustment are guided by state-wide criteria.

All juvenile referrals are screened using an objective intake matrix for diversion, informal adjustment, or for formal court processing by referring the matter to the States Attorney for the filing of a petition and proceedings before a judge. Most low-level offenses and early offenders are handled via diversion or informal adjustment. This is an advantage for the youth, family and victim as diversion and the consent-driven informal adjustment process can address the matter quickly and effectively after an offense occurs.

Diversion is an intervention strategy that redirects youth away from formal processing in the juvenile justice system while still holding them accountable for their actions and connecting them to appropriate services.

An **Informal Adjustment** is a meeting that is held with the youth referred for the offense, the youth's parents, the juvenile court officer, and the victim, if the victim chooses to participate. If the youth admits to the behavior, an agreement to resolve the matter is reached and compliance is tracked by juvenile staff. Unlike diversion, a pre-screen risk assessment is conducted and the results are used to guide the outcome. A juvenile's participation in an informal adjustment agreement is typically nine months but cannot exceed 15 months by statute. This is an alternative to filing a petition for a formal hearing in cases where the youth as admitted to the alleged conduct.

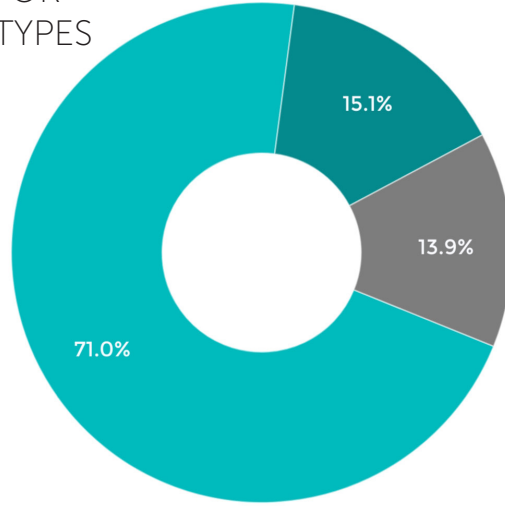
Typically, felony-level cases, youth requiring placement, and contested matters are heard by a District Court Judge or Judicial Referee after the filing and service of a formal court petition by the state's attorney.



86% of all juvenile cases were handled outside of the courtroom through either a diversion to programming or an informal adjustment conference conducted by a juvenile court officer.

JUVENILE COURT PROCESSES FOR DELINQUENT & UNRULY CASE TYPES

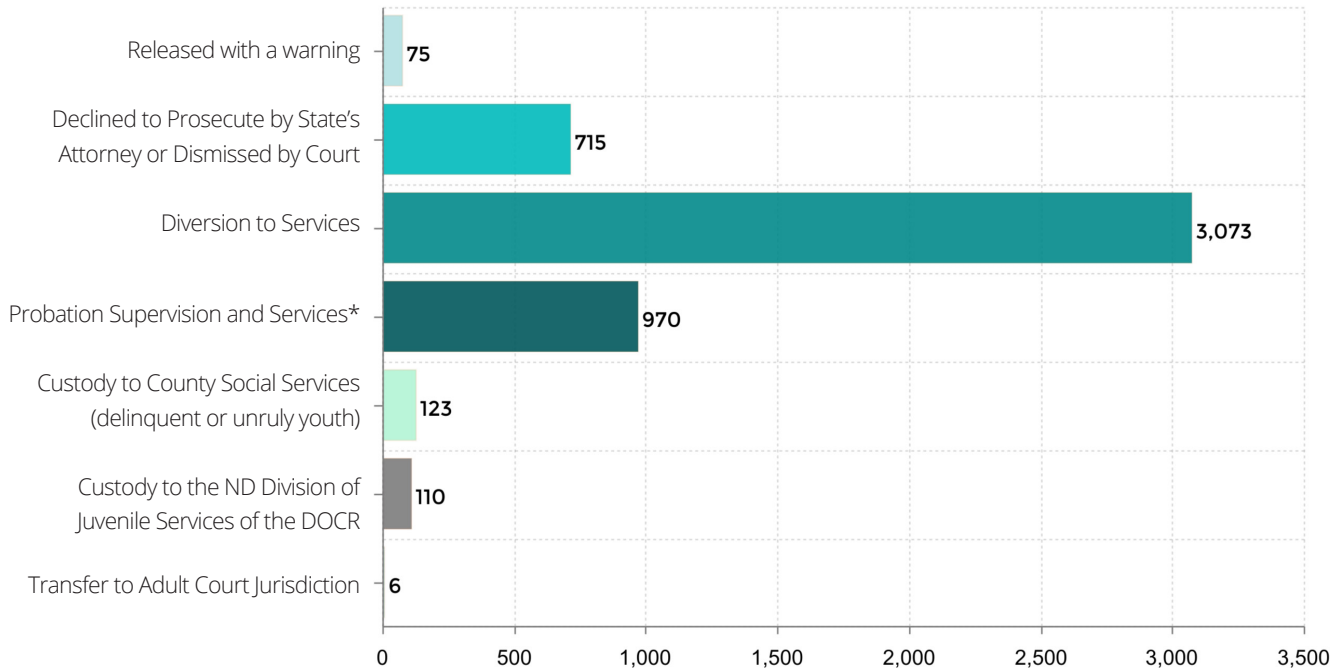
● Diversion	3,073
● Informal Adjustment	654
● Formal Court Process	602



Disposition Types:

North Dakota law allows flexibility in disposition outcomes once a juvenile has admitted or been found to have committed a delinquent or unruly offense. This allows justice to be administered on an individual, case-by-case basis depending on the child’s needs and risks as well as the needs of the victim and community. Custody is removed from a parent only as a last resort or when public safety requires such a measure.

DELINQUENT/UNRULY DISPOSITIONS 2019



*86 probation cases included youth participation in a juvenile drug court in the regions with a drug court and where youth met criteria for drug court admission

Community Supervision: Juvenile probation is the most widely used means of delivering a range of court-ordered service while supervising the youth within the community. Staff work to change behavior, hold the youth accountable, and increase offender competency at one-tenth of the cost of out-of-home placements. For youth whose primary issue is with addiction, Juvenile Drug Court is an option in six North Dakota cities and the youth are supervised by juvenile court staff.

Transfer to Adult Court: Studies have shown that transferred youth quickly reoffend and at much higher rates than youth kept in the juvenile system. Further, national studies have shown that transferred youth detained pretrial in adult jails are at serious risk of rape, assault, death or suicide. Transfer is an option of last resort but some youth do request transfer to adult court as a matter of legal strategy.



In 2019, six (6) youth were transferred to adult court. Of those, three (3) youth chose to voluntarily transfer their cases to the adult court, and the other three (3) youth had their cases involuntarily transferred. These cases all involved serious charges of against person felonies including Murder, Conspiracy to Commit Robbery and Gross Sexual Imposition. In 2018, only three (3) youth were transferred to adult court involuntarily. Two of the cases involved serious charges of against person felonies and one case involved felony methamphetamine drug charges.

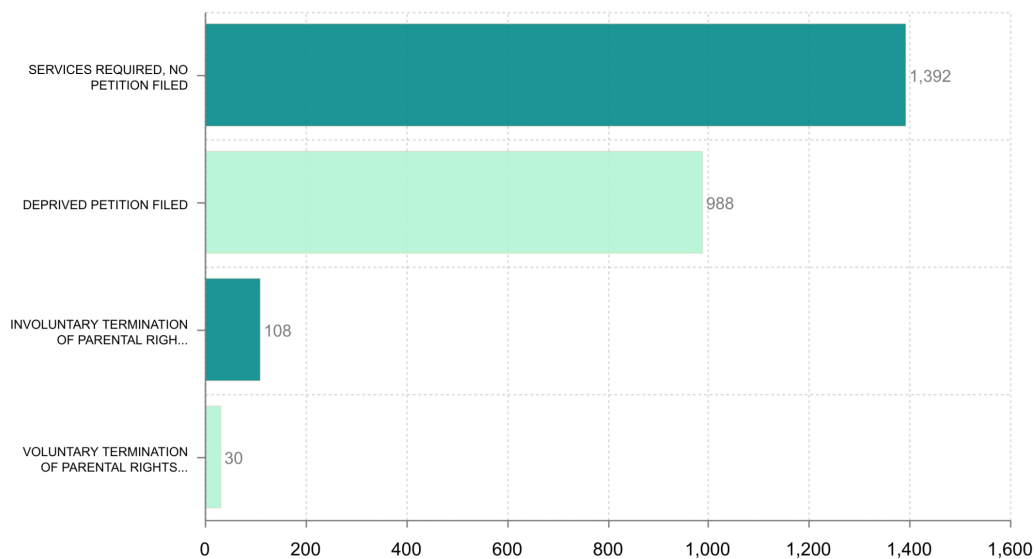
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2019 JUVENILE COURT DISPOSITIONS IN DEPRIVED CHILD CASES

Deprivation Cases Referred: In North Dakota, deprivation cases are referred to the Juvenile Court by local county social service departments. The referrals are received after a child abuse or neglect investigation is conducted by a child protection worker. If services are found to be required, the case is referred to Juvenile Court and a decision on whether to file a petition is made by the County State's Attorney's office based on information gathered in the investigation. In 2019, 55% of all deprivation cases referred to the juvenile court did not result in a petition for a variety of reasons such as the family was already cooperating with services or the State's Attorney declined to file a petition. In 39% of the cases referred, the States Attorney determined it necessary to file a deprivation petition and a court hearing was scheduled and held before the court. In 5% of all 2019 cases, a termination of parental rights petition was filed, and of those, 22% were at the request of the parents or child's legal custodian (voluntary), while 78% were brought by the State (involuntary).



DEPRIVED CASES 2019



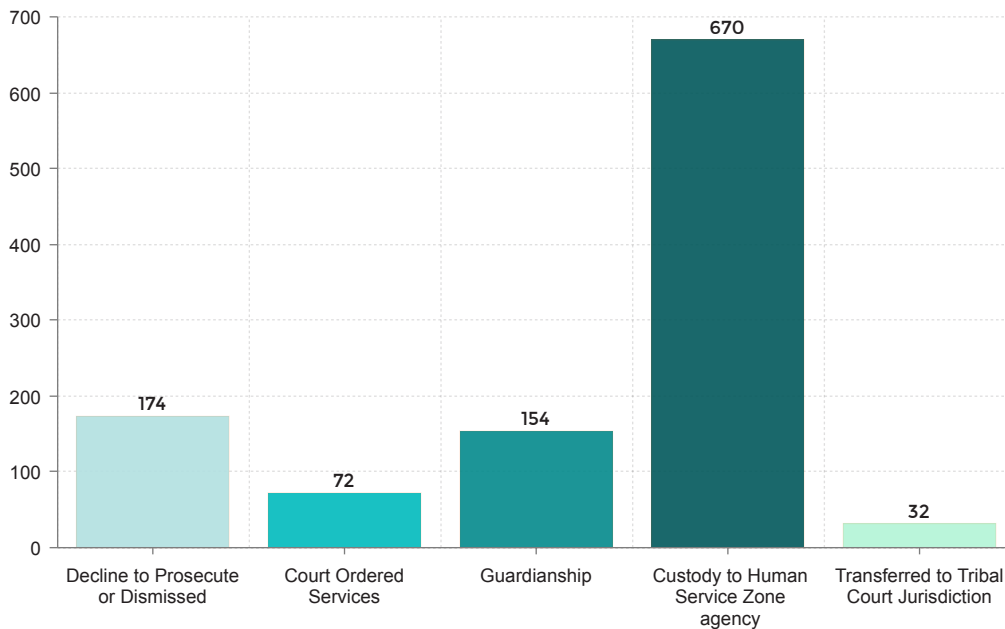
Continued Foster Care: Since 2011, youth ages 18 to 21 who currently or have previously been in foster care may choose to stay in foster care. The goal is to support them in continuing with education and make a successful transition to adulthood. In 2018, there were 37 continued foster care cases filed in North Dakota, and in 2019 there were 29 cases.

Disposition Types: : Under North Dakota law, if a child is found to be deprived, the court may order services for the family, place the child with a willing relative or guardian (guardianship), or place the child with a local county social services agency for foster care placement.



North Dakota law defines a deprived child as a child who is without proper parental care or control necessary for the child’s physical, mental or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child’s parents, guardian or other custodian. §27-20-02(8) N.D.C.C.

DEPRIVED DISPOSITIONS 2019



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DUAL STATUS YOUTH INITIATIVE

The North Dakota Dual Status Youth Initiative (DSYI) is a result of a multi-year study by the Robert F. Kennedy Foundation. This study found that lifetime prospects for youth in our state were significantly impaired if they were involved simultaneously in the child welfare and juvenile justice systems. Nearly half of all of the youth referred to juvenile court in North Dakota have had previous involvement with child welfare.

The initiative is a collective effort of the North Dakota Department of Human Services, the North Dakota Division of Juvenile Services, the North Dakota Supreme Court, and the North Dakota Association of Counties. The DSYI is staffed by three individuals in the Administrative Office of the Courts. These positions are funded from the federal Court Improvement Program designed to support improvements in the court processes for handling child abuse and neglect cases.

The DSYI protocol was implemented on Jan. 1, 2019. An independent evaluator was hired to assess the effectiveness of the project and that evaluation phase began March 1, 2019.

Training was provided to the juvenile court officers and child welfare workers involved in the protocol and a web page was assembled to reference all necessary documentation and address questions for those working in the field. The DSYI team also visited eight regions throughout the state to reinforce the protocol and to gather staff and judicial officer feedback.

A computer program pulls data biweekly from both the court management system and the child welfare information system to flag youth involved in both of those agencies. The DSYI coordinator places those files into a master database and tracks various demographics and referrals. Each county receives emails up to twice a week with those DSYI listed.

It is a goal of the North Dakota DSYI to reduce or, ideally, avoid

recidivism for these youth. All DSYI require immediate information sharing between the court and child welfare staff after the email notification is received. Involved youth (those simultaneously involved in both the judicial system and the child welfare system) are required to have a meeting with a representative from the child welfare system and the judicial system, along with their parents and any other supports (extended family, siblings, school representatives, therapists, etc.). These Multi-Disciplinary Team Meeting (MDT) or Family Child Engagement (FCE) meetings are held to address strengths, identify weaknesses and provide community supports that the youth may have been lacking. The meeting facilitator distributes surveys to gather family feedback. FCE's are currently available in 17 counties. The DSYI team hopes to see these offered in more counties by year-end 2020.

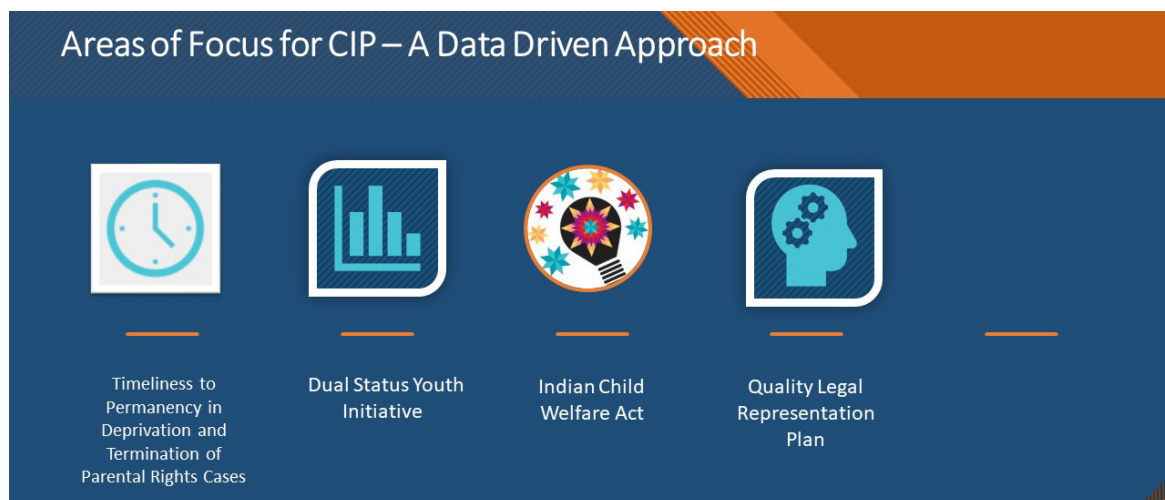
Between the start of the DSYI evaluation phase on March 1, 2019, and Jan. 31, 2020, there were 1,325 Dual Status Youth (DSYI) in North Dakota. Youth simultaneously involved in both the judicial system and the child welfare system are considered "involved" youth. "Identified" youth consist of youth that have an open case in one system and a history of involvement in the other. Of the 1,325 DSYI between those dates, 550 (42 percent) were involved and 775 (58 percent) were identified. Three hundred (approximately 23 percent) had at least one MDT meeting or FCE meeting.

Results from the 6-month evaluation are positive. It shows DSYI are much more likely today than in 2015 (baseline data) to have their cases diverted and less likely to be taken into the custody of the courts or social services.

The last formal executive committee meeting of the DSYI Initiative will be held on February 14, 2020 but the work will continue under the direction of the Court Improvement Program (CIP) and a new working group will be formed under the CIP committee.

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COURT IMPROVEMENT PROGRAM



The Court Improvement Program (CIP) grants were reinstated in January 2019 to provide resources to North Dakota's state courts allowing them to enhance and assess the response of judicial processes to the needs of children in foster care. The CIP consists of three separate federal grants provided by the Administration of Children and Families Children's Bureau.

The basic CIP grant enables state courts to conduct assessments of the role, responsibilities and effectiveness of courts in carrying out laws relating to child welfare proceedings. It also allows courts to make improvements to provide for the safety, well-being, and permanency planning for children in foster care. The CIP data grant supports court data collection and analysis and promotes data sharing between courts, child welfare agencies and tribes. The CIP training grant is used to increase child welfare expertise within the legal community and facilitate cross-training opportunities among agencies, tribes, courts and other key stakeholders.

The Court Improvement Program funds and oversees the North Dakota's Dual Status Youth Initiative (DSYI) to address issues related to dual status youth – those youth who have been involved in both the child welfare and juvenile justice systems in North Dakota. Between March 1, 2019 and Jan 31, 2019 the DSYI served 1,325 youth.

In May of 2019, a CIP multidisciplinary team was formed to consider issues, review data, develop plans and promote system enhancements in order to improve outcomes for children and families in the North Dakota court and child welfare systems. The team reviews data related to Dual Status Youth, termination of parental rights and Indian Child Welfare Act cases quarterly and oversees the implementation of the goals of the Court Improvement Program grant and the Dual Status Youth Initiative. Using data from an identified county the CIP worked with child welfare, states attorneys and the court to implement strategies to address issues regarding

COURT IMPROVEMENT PROGRAM

the termination of parental rights process. Strategies implemented included holding two stakeholder meetings with fifteen participants to review data and revise termination of parental rights case practice guidelines. Results of the process review assisted in the change of requirements in information gathered by state's attorneys and child welfare, a reduction in thirty backlogged termination cases and improved time to permanency and adoption for North Dakota's youth.

Recently the Office of State Court Administrator contracted with the American Bar Association's Center for Children and the Law to provide technical assistance and expertise in the development of a quality legal representation plan for children and parents involved in the child welfare system. Through working with the ABA it is the goal of the CIP to develop a legal representation subcommittee to research models of high-quality legal representation, determine action priorities and explore the utilization of Family First Title IV-E funds to pay for legal representation for parents and children, including multidisciplinary team legal representation models.

Over the past year, the CIP provided funding for twelve stakeholders including state's attorneys, indigent defense attorneys, Guardians ad litem and judicial officers to complete a course in the National Association of Counsel for Children (NACC) Child Welfare Law and Practice Red Book training which offers an in-depth analysis on child welfare law topics including constitutional basics of child abuse and neglect law, permanency planning, appellate practice and techniques to address secondary trauma. The CIP also provides funding for the certification for interested attorneys to become certified as a Child Welfare Law Specialist, signifying an attorney's specialized knowledge, skill and verified expertise in the field of child welfare and law. Although North Dakota attorneys do not advertise themselves as specialists, the certification process provides them an in-depth education in child welfare practice. Upcoming continuing education opportunities for judicial officers and attorneys provided by the CIP include a training on the American Bar Association's Child Safety Guide and an onsite (NACC) Child Welfare Law and Practice Red Book training in July.



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GUARDIANSHIP OF A CHILD

The 66th Legislative Assembly passed a bill that moved jurisdiction of all minor child guardianships, with the exception of those created via a testamentary appointment, under the exclusive original jurisdiction of the juvenile court. This new chapter of the North Dakota Century Code, Chapter 27-20.1, consolidated the petition and review process with the court most familiar with the

unique needs and concerns of minor children. Under the new law, the director of juvenile court receives and examines petitions to establish, modify or terminate a juvenile guardianship of a minor child. Since the law went into effect on August 1, 2019, there were 154 guardianships filed in juvenile court.

FAMILY FIRST PREVENTION ACT

The Family First Prevention Act was implemented on October 1, 2019 as a result of a Congressional Act passed in February of 2018 to change how services and support for children in foster care are delivered. This act included the use of qualified residential treatment programs or what is known as a QRTP for children being placed in group homes. In response, the North Dakota Supreme Court adopted Rule 18.1 of the Rules of Juvenile Procedure to create a process by which placement of youth at qualified residential treatment programs will be reviewed by the

court. Qualified residential treatment programs must be licensed and accredited through and the North Dakota Health and Human Services Department use a trauma-informed treatment model. Presently, the assessments to determine appropriate level of care are reviewed by a juvenile court director or a district court judge upon request.

Since the rule change on October 1, 2019, the juvenile court directors have reviewed 85 assessments for placement at a qualified residential treatment program.

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COMMUNITY SUPERVISION

North Dakota juvenile court officers are dedicated professionals who believe that all young persons who break the law have the ability to change their behavior. They are dedicated to protecting the safety of the public while holding youth accountable. Court officers also assist in and restoring youth and their families to become strong, productive individuals who contribute to the strength of their communities. For that reason, probation is the most widely-used community-based juvenile court program. During the period of probation supervision, a juvenile offender remains in the community and continues normal activities such as school and work while complying with individualized probation rules such as curfew, community service, payment of restitution, and attendance at classes or counseling. The supervision of offenders in their

communities enhances community safety and prevents the need for costly out-of-home placement. Juvenile court officers use a system of graduated responses to ensure compliance with informal adjustment agreements or formal court orders and treatment goals. In October 2019, Juvenile Court began tracking probation violations to ensure that responses to violations or noncompliance are appropriate and beneficial to the youth's treatment and rehabilitation for the offense committed. In addition to monitoring compliance, court officers coordinate rehabilitative and treatment services for youth and families. Court officers evaluate the youth's progress toward achieving probation goals and recommend release from probation at the appropriate time.



Making smart choices means
providing the right sanctions and
services to the right juveniles at the
right time without regard to biases
or prejudices but based upon each
child's unique risks and needs.

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YOUTH ASSESSMENTS

Assessment of Risk and Needs: The assessment of risk and needs is a core component of evidenced-based practices associated with community probation supervision. Effective supervision requires a reliable and valid offender assessment to assist the court officer in determining an appropriate supervision level, supervision strategy and proper matching of treatment programming.

North Dakota Juvenile Court adopted the Youth Assessment and Screening Inventory (YASI) as its primary tool in 2002 to assess the likelihood of recidivism and the specific needs of each child. This is used in conjunction with other assessments such as mental health and trauma screens. By using the YASI, court officers make decisions about supervision levels, programs, and treatment needs. Based on each youth's risks and needs, the juvenile court officer develops a case plan in order to focus resources on the area(s) most likely to cause the youth to reoffend and to refer youth to appropriate programming.

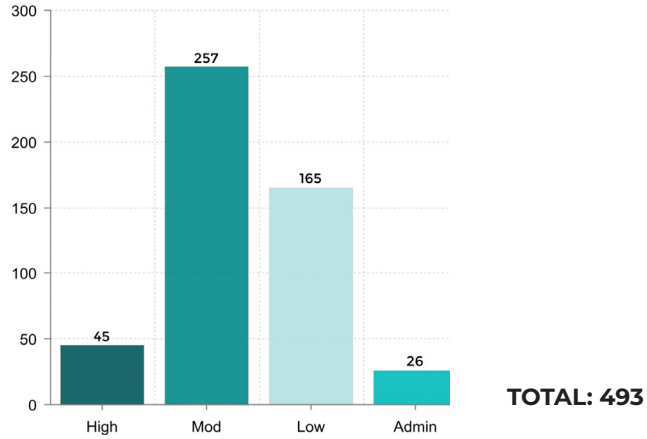


2019 RISK ASSESSMENT: AN ESSENTIAL TOOL

Actuarial risk assessments divide youth into low, moderate, or high risk for repeat offending by assigning numerical scores to a series of risk factors known to correlate with subsequent delinquent behaviors.

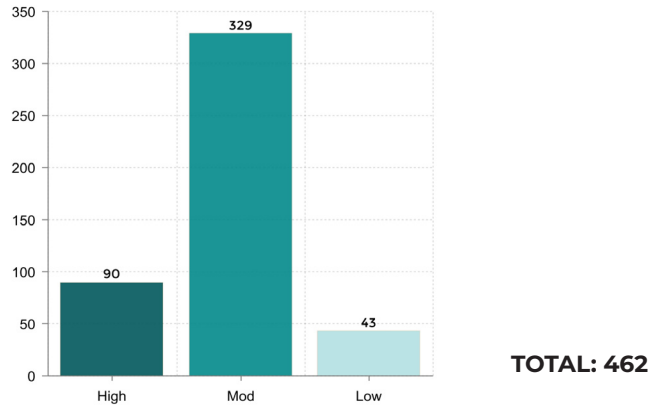
Pre-Screens

The YASI Pre-Screen is primarily used for risk classification, estimating an individual's likelihood to be referred again to the juvenile court for a delinquent referral. The pre-screen is performed by juvenile court officers at the informal adjustment conference or as a predisposition assessment.



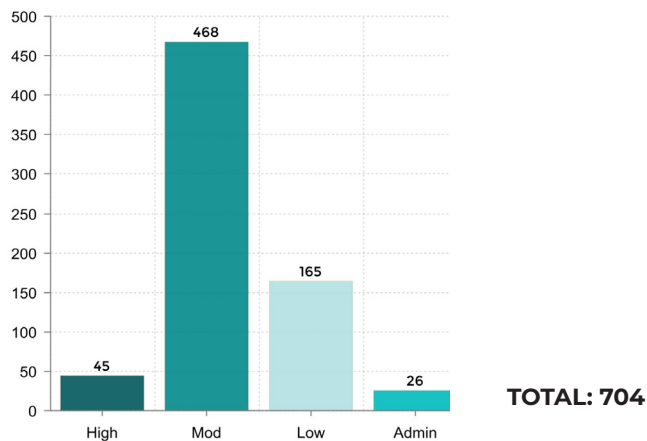
Full Screens

The YASI Full Assessment gives greater depth to provide a more detailed needs assessment for prioritizing treatment goals and is used to guide pretrial recommendations and create comprehensive probation plans.



Re-Assessments

YASI reassessments are conducted every three months while a youth is on probation and supervision or services are adjusted as needed. A final assessment is completed at case closure.



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YASI VALIDATION STUDY

In 2019, Juvenile Court participated in a study of North Dakota's use of the Youth Assessment Screening Instrument (YASI). The study was conducted by the University of North Dakota's Department of Criminal Justice with the final report and recommendations were presented to the Juvenile Policy Board in September, 2019. The validation study supported the court's continued use of the YASI as a predictive screening and assessment tool for juveniles under community supervision.

Shawn Peterson, Director of Juvenile Court Services in Unit 1, is currently completing a research project for the Institute for Court Management's Fellows Program. The project, set to be

completed in May 2020, is also focused on the Juvenile Court's use of the YASI and its predictive accuracy.

Behavioral Health Assessments: A mental health assessment called the MAYSI-2 is used to assess a broad scope of possible mental health needs. These assessments are conducted immediately upon entry into probation and re-administered as needed during probation. Referrals to behavioral health services, including crisis intervention, are made as appropriate. Court officers also assess for signs of sex or labor trafficking and make referrals to appropriate services.

2019 TRAUMA SCREENING (TSSCA) SUMMARY

In 2018, a trauma screening was added to assess youth for trauma histories and trauma symptoms in order to connect them with appropriate trauma-based therapy. The goal of trauma screening is to identify traumatized youth who have emotional, behavioral, learning or relationship difficulties due to traumatic stress reactions and need further trauma assessment. Screenings take place as early as possible and at

least within the first 30 days of being placed on probation or upon order of the court.

Competency Development: In addition to contracted programs available to youth, North Dakota juvenile court officers teach skills and cognitive restructuring programming to probation youth and their families. Examples of staff facilitated cognitive restructuring programming include: Decision Making 101, Risks and Decisions, Anger Management, Relationships & Communication Group, Boundaries Classes, Girls and Boys Groups, and SPARCS, a trauma-based program. Court officers also use one-on-one coaching interactions with youth on probation through use of the Carey Guides, a skills and tool-based youth curriculum.

Total Screens Performed
388

Score of 1 to 5
169
Indicates some level of trauma related symptomatology

Score of 6 or higher
35
Indicates moderate to severe traumatic stress symptomatology

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YOUTH CULTURAL ACHIEVEMENT PROGRAM (YCAP):



These are regional specific programs with the goal to examine and address justice system disparate impact on minority youth.

Bismarck YCAP: The Bismarck region has had a cultural liaison program since 2009. The primary focus of the Bismarck YCAP program is mentoring, wraparound services, and individual mentoring. In 2019, 49 youth were served by the program.

Fargo YCAP: The Fargo program began in 2015 and the primary focus has been gathering and assessing disproportionate minority contact data, assisting families in navigating the justice system, creation and support of a Fargo Police Department diversion program, and ongoing education on minority justice issues for community professionals. In 2019, 136 youth were served by the Fargo program and over 65 community professionals received continuing education on issues of implicit bias and cultural competency.

Devils Lake YCAP: In 2018, the Juvenile Court contracted with The Village Family Service Center in Devils Lake to create the Youth Cultural Liaison Program. The program focuses on reducing the over-representation of Native American and other minority youth in the juvenile justice system. YCLP provides case management services for early/low risk offenders in the juvenile court. It provides services such as crisis management, assessments, and referrals to community-based services. The program helps families navigate the court process and can assist with barriers such as transportation. In 2019, 21 youth were served by the program. A goal 2020 is to expand YCLP to the Turtle Mountain area.

These programs will continue to examine disparate impacts for minority youth in Fargo, Bismarck and Devils Lake through data collection, analysis, and will intentionally focus on

system policies and practices to increase the level of trust and decrease any unintended discrimination in the juvenile justice system.

TRIBAL JUVENILE SERVICES PILOT PROGRAM

Youth in delinquency cases under tribal court jurisdictions often do not have access to, or receive, the same rehabilitative services as youth adjudicated in juvenile court. The passage of Senate Bill 2153 in the 66th North Dakota Legislative Assembly resulted in a new statute, N.D.C.C. 27-20-61, Tribal Juvenile Services Cooperative Agreement, which took effect August 1, 2019. The statute provides that state agencies serving delinquent youth may enter into memorandums of understanding with tribal governments in the state to provide services for the treatment and rehabilitation of youth adjudicated in tribal court under tribal or federal laws.

A stakeholder group led by Northeast Judicial District Judge Donovan Foughty and Spirit Lake Tribal Court Chief Judge Joe Vetsch, developed a Memorandum of Understanding under this statute. Representatives from the Spirit Lake Tribal Court, the Division of Juvenile Services, Juvenile Court, and the ND Indian Affairs Commission drafted the agreement to allow these agencies to share information, resources, and data collection in an effort to better address the needs of delinquent youth adjudicated in tribal court. The group has now assembled a multi-disciplinary team of professionals who will meet regularly to discuss cases, share information, create case plans, and explore additional services that could be provided to youth.

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RESTORING JUSTICE TO VICTIMS AND COMMUNITIES

Victim Rights in Juvenile Cases: Although Juvenile Court cases are closed to the general public, state law allows victims of juvenile crime the same rights as victims of adult crimes. In petitioned proceedings, it is the state's attorney who is tasked with giving all victims notice of the charges filed, hearings scheduled, and their right to give input as to the disposition. Non-petitioned proceedings result in the juvenile court staff contacting victims, informing them of their rights, and seeking their active input in the resolution of a case. Victims are invited to attend the Informal Adjustment conference. Some cases are referred to an offender accountability conference for resolution.

New Victim Legislation: Juvenile court staff are involved in the carrying out of some of the court required mandates of "Natalee's Law", House Bill 1520, which created statutory requirements for courts, law enforcements and the human service zone departments around cases involving sexual offenses. Some of these new responsibilities include specific steps to ensure timely assessments and treatment, accountability to the victim, and safety of the community. The Act also addresses the appropriate use of secure detention and the right of the victim or victim's guardian to access to the police report. (See specifically §§27-20-14(2), 27-20-31(1) and (3), and 27-20-51(1)(j) and (9) N.D.C.C.)

Restitution: Youth are required by the Court to pay for the harm they have caused their victims. In 2019, \$232,790 was ordered as restitution. The total amount of restitution collected by juvenile court staff and returned to the victims at of the end of the calendar year was \$80,564. Restitution collection from youth is challenging with young people as some are unable to work due to age or placement out of the home. In some cases, victims elect to pursue a civil action

against parents as a more viable means of being repaid for losses.

\$80,564 in restitution was collected by probation staff and returned to victims

Community Service: Offenders may also be required to perform community service as a way to repay the victims and the community for any harm suffered because of the youth's behavior. The amount of community service hours completed by youth in 2019 was 4,207 hours.

Victim Empathy Seminars and Offender Accountability Conferences: In support of the balanced and restorative justice mission, the courts contract with Lutheran Social Services of North Dakota to provide victim empathy classes and offender accountability conferences. The four-hour victim empathy class is educational and helps juveniles and their parents to understand how delinquent behavior impacts others. Accountability Conferences bring together the offender, victim, key supporters and a trained facilitator to discuss the impact of the juvenile's behavior and ways to repair the harm caused. The City of Fargo has a Youth Court that is run by Lutheran Social Services of North Dakota. Youth Court receives diversion referrals from the court and other sources. A panel of trained teenagers act as the court staff and jury for each youth referred

In 2019, 332 juveniles were referred to participate in an Offender Accountability Conference, and 180 juveniles completed a Victim Empathy Seminar in their community.

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2019 DIRECTOR'S SUMMARY

In 2018 a significant statewide initiative, The Dual Status Youth Initiative, brought together several state entities to review and revise practice in order to improve outcomes for children and families in both the child welfare and juvenile justice system. The Initiative completed its work in the fall of 2018 and implemented new case protocols in 2019. An evaluation of the Initiative is underway to ensure the initiative is successfully implemented and produces the intended outcomes. Though several other groups have addressed effective practices with dual status youth locally, North Dakota is the first state to look at this issue on a statewide level.

The North Dakota Juvenile Court also participated in a study of the YASI risk assessment tool. This study was conducted by the criminal justice department at the University of North Dakota and provided information on the validity of the tool in assessing risk.

These two initiatives and accomplishments listed below keep the juvenile court continuing to innovate and improve its response to the needs of youth, families, and communities.

Key Accomplishments:

1. Implementation and evaluation of the Dual Status Youth Initiative occurred this past year. The Dual Status Youth Initiative was designed to identify services for children and families who are involved in both the juvenile court and the child welfare system. This was accomplished through improved collaboration among the agencies that serve these families. Dual status youth have been identified as one of the most vulnerable populations as they have complex needs associated with mental health issues related to trauma, as well as abuse, and neglect issues.
2. Participation in the validation of North Dakota's use of the Youth Assessment Screening Instrument. The validation study supported the court's continued use of the YASI as a predictive screening, assessment, and case management instrument for juveniles in the community.
3. Implementation of the court's oversight role in the Families First Preventions Service Act that began October 1, 2019. The Courts adopted Rule 18.1 of the ND Rules of Juvenile Procedure which created a process by which placement of youth at qualified residential treatment facilities is reviewed a juvenile court director or a district judge upon request.
4. Developed a means within the court database to track court officer use of the graduated response grid for probation violations. This will ensure that responses to violations are appropriate, respond to community safety concerns, and are beneficial to the youth's treatment and rehabilitation. This also encourages the use of incentives to encourage successful completion of probation.
5. Juvenile Court provided a detention screening tool to North Dakota law enforcement agencies in response to legislative law changes in 2019. Subsequently, Juvenile Court has provided training to law enforcement across the state regarding the use and implementation of the tool.
6. Continued use of the statewide childhood trauma checklist for all youth on probation to identify mental health needs for youth in the juvenile justice system.

7. Through the cooperative work of the juvenile court and the Division of Juvenile Services a tribal juvenile services cooperative agreement was implemented with Spirit Lake Tribe to provide treatment and rehabilitation services for adjudicated tribal court youth.
8. Continued the philosophy of restoring justice to victims and communities through upholding victim's rights, collecting restitution, community services, and victim conferencing. In 2019, \$80,564 was collected by Juvenile Court and returned to victims. Victims also have the ability to register through the Statewide Automated Victim Information and Notification (SAVIN) which provides victims and other concerned citizens free, prompt, and confidential notification and status information.
9. Continued efforts to address disproportionate minority contact (DMC) to include data collection and analysis, the Fargo Police diversion or civil citation program, objective detention screening tool, court cultural liaison programs (Bismarck, Fargo, Devils Lake), training and materials for patrol officers on attendant care, training for patrol officers and community members regarding implicit bias (attitudes and stereotypes that influence our decisions) and adolescent development, and participation in the Vera Institute's study on the Initiative to End Girls' Incarceration in North Dakota.
10. Implemented the required changes to guardianship of minor children that came into effect in August. The statutory duties of juvenile court directors include receiving and examining petitions to establish, modify or terminate a juvenile guardianship of a minor child filed under the new Chapter 27-20.1
11. Participated in the planning for the use of the Court Improvement Program Basic, Training, and Data Grants.

2020 Goals:

1. Conduct a staffing study to ensure juvenile court is adequately staffed to meet the needs of youth and families.
2. Finalize the evaluation of the Dual Status Youth Initiative and implement any recommendations.
3. Participate in the juvenile justice system study through chairing, advising, and participating in the Children's Cabinet and the Commission on Juvenile Justice.
4. Pursue the purchase and implementation of a new juvenile court data system which will better allow the juvenile court to track outcome data.
5. Study the development of a multisystem model of legal representation for families in the child welfare system.
6. Review and implement the recommendations of VERA Institute of Justice regarding the incarceration of girls in North Dakota.
7. Assist in the provision of information to legislative management and assess the feasibility of the expansion of the tribal juvenile services pilot.

Respectfully Submitted,

North Dakota Directors of Juvenile Court