

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1486

Introduced by

Representatives Kerzman, Froelich, S. Meyer

Senator Krauter

1 A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota
2 Century Code, relating to placement of juveniles in in-state residential care or residential
3 treatment facilities; and to provide for a report.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 27-20 of the North Dakota Century Code is
6 created and enacted as follows:

7 **In-state placement of juveniles - Exception.**

- 8 1. Except for cases in which the specific necessary treatment is unavailable in the
9 state or cases in which the appropriate treatment or services cannot be provided in
10 a timely manner in the state, all juveniles in need of residential treatment or
11 residential care placement must be placed in in-state residential facilities.
- 12 2. The admission criteria for a state facility must include a requirement that the
13 county of referral consider all appropriate local or regional placements and exhaust
14 potential in-state placements in the geographic region. The county agency shall
15 state on the record that this effort was made and placement was rejected before
16 ordering a placement or commitment in an out-of-state facility. The county agency
17 shall determine whether the child meets the established admission criteria for an
18 in-state facility. If the child meets the admission criteria, the county agency shall
19 place the child at a state facility, unless the agency makes a finding on the record
20 that the safety of the child or the safety of the community is best met by placement
21 in an out-of-state facility.
- 22 3. A county agency that places a child in an out-of-state facility shall report the
23 following information to the department of human services:

- 1 a. The out-of-state facility at which the child was placed and the reasons for the
- 2 placement;
- 3 b. The in-state facilities at which placement was considered;
- 4 c. The reasons for not choosing an in-state facility;
- 5 d. The reasons why the child did not meet the established admissions criteria for
- 6 in-state facilities; and
- 7 e. If the child met the admission criteria, the reasons why the safety of the child
- 8 or the safety of the community could not be met at an in-state facility.

9 **SECTION 2. REPORT TO LEGISLATIVE COUNCIL.** The department of human
10 services shall compile the child placement information received from the county agencies
11 pursuant to subsection 3 of section 1 of this Act. Before July first of each year, the department
12 shall report this information, together with facility placement and education costs, to the
13 legislative council.