

June 2007

## **TITLE 27**

### **Judicial Branch of Government**

### **Summary of Bills Enacted by 2007 Legislative Assembly**

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code Title 27. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

**House Bill No. 1002** provides for the salaries for the justices of the Supreme Court and for the district court judges for the 2007-09 biennium.

**House Bill No. 1083** eliminates the electronic filing administration fund and the continuing appropriation of money in that fund to the judicial branch.

**House Bill No. 1092** makes changes to the Uniform Juvenile Court Act. The bill allows a juvenile drug court to order a child participating in drug court to be detained twice during the period of participation but for not more than four days in a one-year period. The bill provides that a child, if determined indigent, is entitled to appointed counsel during informal adjustments and provides that a parent is entitled to appointed counsel only during the dispositional stage if a petition alleges delinquency or unruliness. The bill does not change the requirement that an indigent parent is entitled to counsel at all stages if deprivation is alleged. The bill also addresses the federal Indian Child Welfare Act requirement that "active efforts" to preserve the Indian family be shown before a court may place an Indian child in foster care or terminate parental rights with respect to an Indian child. The bill allows the court to establish a guardianship for a child if a child is found to be delinquent, unruly, or deprived and sets forth the procedures for establishing and terminating the guardianship.

**House Bill No. 1097** extends the expiration date of the temporary court of appeals from January 1, 2008, to January 1, 2012.

**House Bill No. 1122** corrects references to the appointment of indigent defense by the court. The bill provides that the indigent defense is to be provided at public expense by the Commission on Legal Counsel for Indigents.