

SB 2345

Senate Appropriations Committee

**Testimony Presented by Sally Holewa
State Court Administrator
November 9, 2021**

Chairman Holmberg and members of the Appropriations Committee, for the record, my name is Sally Holewa and I am the North Dakota State Court Administrator.

Section 25 of SB 2345 includes an appropriation of \$2,020,000 to the judicial branch for the purpose of replacing the supreme court docket system. This is a critical need for us. The supreme court currently uses a custom-built docket system that a local vendor built for us in 1993. In 2019, this vendor closed its business. They had a single employee who worked with the docket system. When the business closed, this employee chose to pursue full-time work elsewhere and is no longer available to provide support for our docket system. This puts the Supreme Court at risk for loss of its current and historical records and its ability to create and maintain new court records. To mitigate this risk, the most prudent course of action is to migrate to a new, commercially-available case management system as soon as possible. The need to replace the current system soon has been heightened because we are expecting an influx of appeals from district court cases that were backlogged due to the pandemic.

Migration to a new system will provide advantages well beyond risk management. Because of the design and functionality limitations of our current system, we had to create another custom-built system, the justice's communication and collaboration system (JCCS), to work parallel to the docket system. This system cost \$76,000 to build and has an average monthly maintenance

cost of \$1,300.00. We anticipate that purchase of a commercial case management system will replace both JCCS and the docket system. Moving to one of the new case management systems will have the added benefit of advances in technology which include electronic filing and document storage, automated workflow processes, an integrated accounting package, better data retrieval and the collaboration and communication tools that the justices currently obtain through JCCS.

The funding for this project was requested in the 67th Legislative Assembly but was denied due to projected revenue shortfalls. The project will rely on existing staff and therefore does not include the use of any temporary staff or the addition of any new FTEs for future support of the system. We are confident in our cost estimate since it was based on an RFI released in December 2020. The anticipated cost of \$2.02 million includes the estimated \$1.75 million for software, licensing, customization, and integration quoted by the vendor, plus an estimated \$260,000 for infrastructure and technology, and NDIT project management oversight fee of \$10,000. The anticipated annual maintenance fee for the new case management system ranges from \$132,000 in year one (July 1, 2025) and rising to \$148,500 in year five (July 1, 2030). An appropriation from the General Fund will be used to cover these future maintenance and support costs. The projected completion date of this project, if funded, is June 30, 2024. We do not anticipate any issue with meeting this deadline.

I believe this is a good use of ARPA dollars. This project meets the ARPA criteria for funds allocated to courts and would use one-time federal funding to cover the total cost of a project that the state will inevitably have to fund in the very near future.

Supreme Court Docket System

Cost Component	2021-2023 Biennium	2023-2025 Biennium	Total Cost Estimate
Software license	\$300,000	\$300,000	\$600,000
Technology and Infrastructure	\$200,000	\$60,000	\$260,000
Support, Configuration and Installation	\$450,000	\$450,000	\$900,000
Administrative and Technical Training	\$0	\$20,000	\$20,000
Conversion of Data and Documents	\$100,000	\$100,000	\$200,000
Travel	\$15,000	\$15,000	\$30,000
NDIT Project Oversight	\$5,000	\$5,000	\$10,000
Total Spending Authority Requested	\$1,070,000	\$950,000	\$2,020,000

Total does not include annual maintenance cost of \$132,000 starting July 1, 2025.

In addition to Section 25, I would like to take this time to offer an explanation of amendment 21.1123.02001 to SB 2345 which was added by Rep. Klemin on behalf of the Court. For your convenience, I have attached a copy of the amendment (Attachment A).

Let me begin by explaining procedurally how these amendments came to be added to this bill and what is included in the amendment.

To put it in a nutshell, it is an attempt to fix a timing issue that resulted in two newly-enacted pieces of legislation being repealed before they could go into effect. It is in front of you now because the issue was not caught in time to be fixed in the technical corrections bill at the end of last session or to be introduced as a delayed bill for this special session. We do not believe it can wait for the regular session because the repeal of one part of that legislation directly impacts a current cooperative agreement we have with the Spirit Lake tribe and removes the authority for us to enter into a cooperative agreement with the Turtle Mountain tribe. The repeal of another part of that legislation creates a two-year delay of a project entered into with the State Longitudinal Data Study. You may be asking why this technical fix is included as an amendment to this particular bill. The only answer I have to that question is that when Rep. Klemin agreed to assist the Court in resolving this issue he was advised by Legislative Council that this bill would be the most appropriate vehicle to do so.

Here are the specifics of what occurred. For your convenience I have attached the enrolled copy of the two bills I will reference below, along with the legislative history of each (Attachment B and Attachment C).

During the regular session, there were three separate bills related to the juvenile court. **HB 1047 was a bill related to inspection of juvenile court records.** It amended 27-20-61 to allow the Court to provide data to the State Longitudinal Data System for the purpose of studying the long-term outcomes of students who had been involved with the juvenile court system and to research factors that could assist with prevention and intervention. This bill was signed into law on March 9, 2021.

HB 1052 was a bill related to cooperative agreements for the state to provide services to juveniles adjudicated in tribal courts. The primary purpose of this bill was to amend 27-20-51 to extend the sunset clause of the statute from July 31, 2021 to July 31, 2023. The bill also corrected an oversight by adding the Department of Corrections as a party to a Memorandum of Understanding that is entered into under this statute. This authority was included in section 1 of the statute but was inadvertently left out in the enumerated subsections of the same section. This bill was signed into law on March 9, 2021.

HB 1035 was a complete re-write and re-codification of the Juvenile Court Act. It created a new Juvenile Court Act as three new chapters, 27-20.2, 27-20.3 and 27-20.4, and it repealed the existing Uniform Juvenile Court Act codified at chapters 27-20 and 27-21-03. This bill was signed into law on April 26, 2021.

When they were filed HB 1047 and HB 1052 referenced current statutes since they obviously could not reference a potential future statute. It was our understanding that if the re-write of the juvenile code (HB 1035) was enacted that the statutory references contained in HB 1047 and HB 1052 would be renumbered as technical corrections to fit within the new chapters. It was not until October 18, 2021 that we learned that this was an incorrect understanding.

According to the Code Revisor, because HB 1047 and HB 1052 were passed into law before HB 1035, the provisions of HB 1047 and HB 1052 were included in the old statutes and then, because a repeal trumps an amendment, they were repealed along with everything else in that chapter. We were also advised that since we had missed the deadline for introduction of a delayed bill our remaining option was to seek an amendment to an existing bill. This brings us to where we are today with these amendments.

In regard to the amendments in SB 2345, the statutory citations have been updated but otherwise **Section 3** is the exact same language from enrolled HB 1047 and **Section 4** is the exact same language from enrolled HB 1052. Because both bills were fully debated during the regular session and both passed with an overwhelming majority, I will not go into any further written detail on these provisions. However, I am happy to answer any questions the committee may have about them.

Since it was clearly the legislative intent that both HB 1047 and HB 1052 go into effect, and because their delayed passage will have an immediate impact on our ability to continue to work with the tribes and the state longitudinal data study, we are requesting your support for amendment 21.1123.02001.

Attachment A: Amendment 21.1123.02001

Attachment B: Enrolled HB 1047 and legislative history

Attachment C: Enrolled HB 1052 and legislative history

Attachment D: Enrolled HB 1035 (initial page and signature page only) and legislative history

Attachment E: Summary Information on HB 1047 and HB 1052

21.1123.02001
Title.

Prepared by the Legislative Council staff for
Representative Klemin
November 4, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2345

Page 1, line 1, after the first semicolon insert "to create and enact a new section to chapter 27-20.4 of the North Dakota Century Code, relating to records and cooperative agreements to provide services to juveniles adjudicated in tribal court; to amend and reenact section 27-20.2-21 of the North Dakota Century Code, relating to the inspection of juvenile court files;"

Page 1, line 2, remove "and"

Page 1, line 2, after "date" insert "; and to provide an expiration date"

Page 9, after line 14, insert:

"SECTION 3. AMENDMENT. Section 27-20.2-21 of the North Dakota Century Code is amended and reenacted as follows:

27-20.2-21. Inspection of court files and records - Penalty. (Effective through August 31, 2022)

1. Except as provided in this section, all files and records of the juvenile court, whether in the office of the clerk of court or juvenile court, of a proceeding under this chapter are closed to the public. Juvenile court files and records are open to inspection only by:
 - a. The judge and staff of the juvenile court.
 - b. The parties to the proceeding or the parties' counsel or the guardian ad litem of any party.
 - c. A public or private agency or institution providing supervision or having custody of the child under order of the juvenile court which must be given a copy of the findings and order of disposition when the agency or institution receives custody of the child. If a case involves the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the child shall serve the appropriate Indian Child Welfare Act service agent, tribe or tribal designee, or an Indian Child Welfare Act qualified expert witness with the findings and order of disposition.
 - d. Any court and the court's probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who, before the criminal case, had been a party to the proceeding in juvenile court.
 - e. The professional staff of the uniform crime victims compensation program if necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
 - f. A staff member of the division of children and family services of the department of human services or a law enforcement officer if necessary for the performance of that staff member's duties under

section 50-11.1-06.2 or the federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119 et seq.].

- g. An employee or agent of the department of human services if necessary for performance of that individual's duty under chapter 50-11 or 50-11.1 to investigate the background of an individual living or working in the facility, home, or residence for which licensure is sought.
 - h. A criminal justice agency if the juvenile is required to register under section 12.1-32-15.
 - i. The staff of a children's advocacy center if the juvenile or a victim of the child has been referred for or has received services at the children's advocacy center.
 - j. A victim of the delinquent child or the victim's guardian. All records including medical, educational, and school information must be redacted before inspection. For purposes of this subdivision, only records pertaining to the specific offense between the victim and the delinquent child may be inspected.
 - k. The information technology department to the extent authorized by the supreme court for use in the statewide longitudinal data system.
2. Juvenile court files and records are also open to inspection with written leave of a juvenile court judge or judicial referee to whom juvenile court matters have been referred:
- a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of the juvenile court, but only to the extent necessary to respond to the legitimate interest; and
 - b. By the principal of any public or private school that is a member of the North Dakota high school activities association, or the superintendent of any school district that has one or more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association.
3. In a proceeding under this chapter, if the juvenile court finds a child committed a delinquent act that constitutes a violation of a law or local ordinance governing the operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide caused by the child's operation of a motor vehicle, the juvenile court shall report the finding to the director of the department of transportation within ten days.
4. Following an adjudication of delinquency for an offense that would be a felony if committed by an adult, the child's school principal, chief administrative officer, or designated school guidance counselor, if requested, must be allowed access to the disposition order. Any other juvenile court files and records of a child may be disclosed to a superintendent or principal of the school in which the child is currently enrolled or in which the child wishes to enroll if the child's documented behavior appears to present a danger to self or to the students or staff of the school.

5. Following an adjudication of delinquency for an offense that results in the prohibitions included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement officer must be allowed access to the disposition order.
6. The juvenile court may notify a referring agency of the disposition of a case.
7. Notwithstanding that juvenile court records are closed to the public, nothing in this section may be construed to limit the release upon request of general information not identifying the identity of any juvenile, witness, or victim in any proceeding under this chapter. Files in the clerk of court's office are open to public inspection if the related hearing was open to the public under section 27-20.3-13.
8. To the extent necessary to provide victim services or benefits under chapter 12.1-41, the judge and staff of the juvenile court may disclose information to refer a child, who may be a victim of human trafficking, to a program for runaway and homeless children located in the state and approved by the juvenile court of jurisdiction. Information disclosed under this subsection must remain confidential.
9. An individual with access or authorization to inspect juvenile court files and records under this section may not share the information contained in the files and records with any other person not authorized by law. An individual who violates this subsection is guilty of a class B misdemeanor.

Inspection of court files and records - Penalty. (Effective after August 31, 2022)

1. Except as provided in this section, all files and records of the juvenile court, whether in the office of the clerk of court or juvenile court, of a proceeding under this chapter are closed to the public. Juvenile court files and records are open to inspection only by:
 - a. The judge and staff of the juvenile court.
 - b. The parties to the proceeding or the parties' counsel or the guardian ad litem of any party.
 - c. A public or private agency or institution providing supervision or having custody of the child under order of the juvenile court which must be given a copy of the findings and order of disposition when the agency or institution receives custody of the child. If a case involves the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the child shall serve the appropriate Indian Child Welfare Act service agent, tribe or tribal designee, or an Indian Child Welfare Act qualified expert witness with the findings and order of disposition.
 - d. Any court and the court's probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who, before the criminal case, had been a party to the proceeding in juvenile court.

- e. The professional staff of the uniform crime victims compensation program if necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
 - f. A staff member of the division of children and family services of the department of health and human services or a law enforcement officer if necessary for the performance of that staff member's duties under section 50-11.1-06.2 or the federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119 et seq.].
 - g. An employee or agent of the department of health and human services if necessary for performance of that individual's duty under chapter 50-11 or 50-11.1 to investigate the background of an individual living or working in the facility, home, or residence for which licensure is sought.
 - h. A criminal justice agency if the juvenile is required to register under section 12.1-32-15.
 - i. The staff of a children's advocacy center if the juvenile or a victim of the child has been referred for or has received services at the children's advocacy center.
 - j. A victim of the delinquent child or the victim's guardian. All records including medical, educational, and school information must be redacted before inspection. For purposes of this subdivision, only records pertaining to the specific offense between the victim and the delinquent child may be inspected.
 - k. The information technology department to the extent authorized by the supreme court for use in the statewide longitudinal data system.
2. Juvenile court files and records are also open to inspection with written leave of a juvenile court judge or judicial referee to whom juvenile court matters have been referred:
 - a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of the juvenile court, but only to the extent necessary to respond to the legitimate interest; and
 - b. By the principal of any public or private school that is a member of the North Dakota high school activities association, or the superintendent of any school district that has one or more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association.
 3. In a proceeding under this chapter, if the juvenile court finds a child committed a delinquent act that constitutes a violation of a law or local ordinance governing the operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide caused by the child's operation of a motor vehicle, the juvenile court shall report the finding to the director of the department of transportation within ten days.
 4. Following an adjudication of delinquency for an offense that would be a felony if committed by an adult, the child's school principal, chief administrative officer, or designated school guidance counselor, if requested, must be allowed access to the disposition order. Any other

juvenile court files and records of a child may be disclosed to a superintendent or principal of the school in which the child is currently enrolled or in which the child wishes to enroll if the child's documented behavior appears to present a danger to self or to the students or staff of the school.

5. Following an adjudication of delinquency for an offense that results in the prohibitions included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement officer must be allowed access to the disposition order.
6. The juvenile court may notify a referring agency of the disposition of a case.
7. Notwithstanding that juvenile court records are closed to the public, nothing in this section may be construed to limit the release upon request of general information not identifying the identity of any juvenile, witness, or victim in any proceeding under this chapter. Files in the clerk of court's office are open to public inspection if the related hearing was open to the public under section 27-20.3-13.
8. To the extent necessary to provide victim services or benefits under chapter 12.1-41, the judge and staff of the juvenile court may disclose information to refer a child, who may be a victim of human trafficking, to a program for runaway and homeless children located in the state and approved by the juvenile court of jurisdiction. Information disclosed under this subsection must remain confidential.
9. An individual with access or authorization to inspect juvenile court files and records under this section may not share the information contained in the files and records with any other person not authorized by law. An individual who violates this subsection is guilty of a class B misdemeanor.

SECTION 4. A new section to chapter 27-20.4 of the North Dakota Century Code is created and enacted as follows:

Tribal juvenile services cooperative agreement - Report to legislative management.

1. The department of corrections and rehabilitation, through the division of juvenile services; the supreme court, through the office of the state court administrator; and the Indian affairs commission may negotiate and enter a memorandum of understanding with the tribal government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for, in accordance with this chapter, the treatment and rehabilitation of tribal juveniles who have been adjudicated in tribal court under tribal or federal laws. Under the pilot program and terms of a memorandum of understanding:
 - a. The tribal government, the department of corrections and rehabilitation, and the juvenile court may exchange information relevant to the treatment and rehabilitation needs of a tribal juvenile and the juvenile's family, including tribal court orders, medical and

psychiatric reports, law enforcement reports, and other information pertinent to the referral:

- b. The juvenile court and the department of corrections and rehabilitation shall provide services based on the individualized need of each tribal juvenile referred to and accepted by the tribal court, juvenile court, and department of corrections and rehabilitation;
 - c. The juvenile court and the department of corrections and rehabilitation shall maintain regular contact with the tribe regarding each tribal juvenile who has been placed in the supervision of the respective agency; and
 - d. The juvenile court and the department of corrections and rehabilitation may limit the number of tribal juveniles accepted based on criteria developed by the juvenile court and the availability of state resources and services.
2. Before July first of each even-numbered year, the department of corrections and rehabilitation, the juvenile court, and the Indian affairs commission shall report and make recommendations to the legislative management on the status, effectiveness, performance, and sustainability of a memorandum of understanding established under this section."

Page 9, after line 15, insert:

"SECTION 6. EXPIRATION DATE. Section 4 of this Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1047
(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact subsection 1 of section 27-20-51 of the North Dakota Century Code, relating to inspection of juvenile court files and records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 27-20-51 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in this section, all files and records of the juvenile court, whether in the office of the clerk of district court or juvenile court, of a proceeding under this chapter are closed to the public. Juvenile court files and records are open to inspection only by:
 - a. The judge and staff of the juvenile court.
 - b. The parties to the proceeding or their counsel or the guardian ad litem of any party.
 - c. A public or private agency or institution providing supervision or having custody of the child under order of the juvenile court, which must be given a copy of the findings and order of disposition when it receives custody of the child.
 - d. Any court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who, prior to the criminal case, had been a party to the proceeding in juvenile court.
 - e. The professional staff of the uniform crime victims compensation program when necessary for the discharge of their duties pursuant to chapter 54-23.4.
 - f. A staff member of the division of children and family services of the department of human services or a law enforcement officer when necessary for the performance of that person's duties under section 50-11.1-06.2 or the National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119 et seq.].
 - g. An employee or agent of the department of human services when necessary for performance of that individual's duty under chapter 50-11 or 50-11.1 to investigate the background of an individual living or working in the facility, home, or residence for which licensure is sought.
 - h. A criminal justice agency if the juvenile is required to register under section 12.1-32-15.
 - i. The staff of a children's advocacy center if the juvenile or a victim of the juvenile has been referred for or has received services at the children's advocacy center.
 - j. A victim of the delinquent child or the victim's guardian. All records including medical, educational, and school information must be redacted before inspection. For purposes of this subdivision, only records pertaining to the specific offense between the victim and the delinquent child may be inspected.
 - k. The information technology department to the extent authorized by the supreme court for use in the statewide longitudinal data system.

Kim A. Hoopes
Speaker of the House

[Signature]
President of the Senate

Buell J. Reich
Chief Clerk of the House

[Signature]
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1047.

House Vote: Yeas 91 Nays 0 Absent 3
Senate Vote: Yeas 47 Nays 0 Absent 0

Buell J. Reich
Chief Clerk of the House

Received by the Governor at 12:32 PM. on March 9, 2021.
Approved at 1:11 PM. on March 9, 2021.

[Signature]
Governor

Filed in this office this 10th day of March, 2021,
at 11:08 o'clock A. M.

[Signature]
Secretary of State

HB 1047 Summary

Measure Title: AN ACT to amend and reenact subsection 1 of section 27-20-51 of the North Dakota Century Code, relating to inspection of juvenile court files and records.

Date of Introduction: 01/05/2021

Primary Sponsor: Judiciary

Co-Sponsors:

(At the request of the Supreme Court)

Related Information: [Vote Summary](#) | [Scratch Pad](#) | [Testimony](#) | [View Video](#) | [Add to Bill Tracking LAWS-List](#)

History

Date	Chamber	Action	Journal	Measure Version	FN
01/05/2021	H	Introduced, first reading, referred Judiciary Committee	HJ 152	21.8011.01000	
01/11/2021	H	Committee Hearing 09:00			
01/11/2021	H	Reported back, do pass, place on calendar 11 2 1	HJ 186		
01/12/2021	H	Second reading, passed, yeas 91 nays 0	HJ 216	21.8011.01000	
01/13/2021	S	Received from House	SJ 181		
02/02/2021	S	Introduced, first reading, referred Judiciary Committee	SJ 353	21.8011.01000	
02/08/2021	S	Committee Hearing 03:30			
03/03/2021	S	Reported back, do pass, place on calendar 7 0 0	SJ 744		
03/04/2021	S	Second reading, passed, yeas 47 nays 0	SJ 771	21.8011.01000	
03/05/2021	H	Returned to House	HJ 1056		
03/08/2021	S	Signed by President	SJ 807	21.8011.02000	
03/09/2021	H	Signed by Speaker	HJ 1085		
03/09/2021	H	Sent to Governor	HJ 1085		
03/10/2021	H	Signed by Governor 03/09	HJ 1097		
03/11/2021		Filed with Secretary Of State 03/10			

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No upcoming committee hearings scheduled.

November 5, 2021

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1052
(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact section 27-20-61 of the North Dakota Century Code, relating to cooperative agreements to provide services to juveniles adjudicated in tribal court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-20-61 of the North Dakota Century Code is amended and reenacted as follows:

27-20-61. Tribal juvenile services cooperative agreement - Report to legislative management. (Effective through July 31, 2024-2023)

1. The department of corrections and rehabilitation, through the division of juvenile services; the supreme court, through the office of the state court administrator; and the Indian affairs commission may negotiate and enter a memorandum of understanding with the tribal government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for, in accordance with this chapter, the treatment and rehabilitation of tribal juveniles who have been adjudicated in tribal court under tribal or federal laws. Under the pilot program and terms of a memorandum of understanding:
 - a. The tribal government, the department of corrections and rehabilitation, and the juvenile court may exchange information relevant to the treatment and rehabilitation needs of a tribal juvenile and the juvenile's family, including tribal court orders, medical and psychiatric reports, law enforcement reports, and other information pertinent to the referral;
 - b. The juvenile court and the department of corrections and rehabilitation shall provide services based on the individualized need of each tribal juvenile referred to and accepted by ~~both the tribal and court~~, juvenile court, and department of corrections and rehabilitation;
 - c. The juvenile court and the department of corrections and rehabilitation shall maintain regular contact with the tribe regarding each tribal juvenile who has been placed in the supervision of the ~~juvenile court and shall provide quarterly case plans and more frequent reports if the juvenile's behavior warrants~~respective agency; and
 - d. The juvenile court and the department of corrections and rehabilitation may limit the number of tribal juveniles accepted based on criteria developed by the juvenile court and the availability of state resources and services.
2. Before July first of each even-numbered year, the department of corrections and rehabilitation, the juvenile court, and the Indian affairs commission shall report and make recommendations to the legislative management on the status, effectiveness, performance, and sustainability of a memorandum of understanding established under this section.

Kim Lyndee
Speaker of the House

Burdick
President of the Senate

Bruce J. Reier
Chief Clerk of the House

Alvin Meyer
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1052.

House Vote: Yeas 89 Nays 2 Absent 3

Senate Vote: Yeas 46 Nays 0 Absent 1

Bruce J. Reier
Chief Clerk of the House

Received by the Governor at 9:38 AM. on March 8, 2021.

Approved at 3:04 PM. on March 8, 2021.

Doug Burgum
Governor

Filed in this office this 9th day of March, 2021,

at 8:24 o'clock A. M.

Alvin Meyer
Secretary of State

HB 1052 Summary

Measure Title: AN ACT to amend and reenact section 27-20-61 of the North Dakota Century Code, relating to cooperative agreements to provide services to juveniles adjudicated in tribal court.

Date of Introduction: 01/05/2021

Primary Sponsor: Judiciary

Co-Sponsors:

(At the request of the Supreme Court)

Related Information: [Vote Summary](#) | [Scratch Pad](#) | [Testimony](#) | [View Video](#) | [Add to Bill Tracking LAWS-List](#)

History

Date	Chamber	Action	Journal	Measure Version	FN
01/05/2021	H	Introduced, first reading, referred Judiciary Committee	HJ 153	21.8023.01000	FN
01/11/2021	H	Committee Hearing 10:00			
01/11/2021	H	Reported back, do pass, place on calendar 13 1 0	HJ 186		
01/12/2021	H	Second reading, passed, yeas 89 nays 2	HJ 217	21.8023.01000	FN
01/13/2021	S	Received from House	SJ 181		
02/02/2021	S	Introduced, first reading, referred Judiciary Committee	SJ 354	21.8023.01000	FN
02/09/2021	S	Committee Hearing 08:30			
02/22/2021	S	Reported back, do pass, place on calendar 7 0 0	SJ 722		
03/03/2021	S	Second reading, passed, yeas 46 nays 0	SJ 737	21.8023.01000	FN
03/04/2021	H	Returned to House	HJ 1049		
03/05/2021	S	Signed by President	SJ 791	21.8023.02000	
03/08/2021	H	Signed by Speaker	HJ 1074		
03/08/2021	H	Sent to Governor	HJ 1074		
03/09/2021	H	Signed by Governor 03/09	HJ 1082		
03/11/2021		Filed with Secretary Of State 03/09			

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No upcoming committee hearings scheduled.

November 5, 2021

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1035
(Legislative Management)
(Judiciary Committee)

AN ACT to create and enact chapters 27-20.2, 27-20.3, and 27-20.4 of the North Dakota Century Code, relating to the Juvenile Court Act; to amend and reenact subsection 16 of section 11-16-01, section 12.1-32-15, subsections 1 and 3 of section 12.1-41-12, subsection 2 of section 14-02.1-03.1, subsection 2 of section 14-02.1-08, subdivision c of subsection 2 of section 14-07.1-18, section 14-15-11, subsections 1 and 2 of section 15.1-09-33.4, sections 15.1-19-15, 20.1-13.1-01, 20.1-15-01, 26.1-36-20, and 26.1-40-11.1, subsection 2 of section 27-05-30, section 27-20.1-01, paragraph 4 of subdivision n of subsection 2 of section 27-20.1-06, subsection 1 of section 27-20.1-10, subdivision d of subsection 1 of section 27-20.1-11, subsection 3 of section 27-20.1-11, subsection 2 of section 27-20.1-17, section 27-20.1-22, section 27-20.3-05 as created by section 23 of this Act, section 27-20.4-06 as created by section 25 of this Act, subsections 2 and 3 of section 27-21-02, subsection 3 of section 27-21-02.1, section 27-21-09, subsections 2 and 5 of section 27-21-12, section 30.1-27-02, subsection 3 of section 30.1-27-06, section 39-06-32.1, subsection 2 of section 39-20-01, section 39-24.1-01, subsection 5 of section 50-06-05.1, subdivision a of subsection 4 of section 50-06-43.2, subsection 1 of section 50-11.3-01, sections 50-25.1-02 and 50-25.1-06, subsection 4 of section 50-25.1-15, subsection 2 of section 54-12-34, and sections 54-23.4-17 and 62.1-02-01 of the North Dakota Century Code, relating to juvenile justice; to repeal chapter 27-20 and section 27-21-03 of the North Dakota Century Code, relating to the Uniform Juvenile Court Act; to provide a penalty; to provide an appropriation; to provide a legislative management report; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 16 of section 11-16-01 of the North Dakota Century Code is amended and reenacted as follows:

16. Institute and defend proceedings under sections 14-09-12 and 14-09-19 and chapters 14-15, ~~27-20~~27-20.2, 27-20.3, 27-20.4, and 50-01 upon consultation with the human service zone director or the executive director of the department of human services.

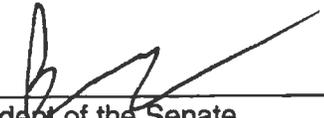
SECTION 2. AMENDMENT. Section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

12.1-32-15. Offenders against children and sexual offenders - Sexually violent predators - Registration requirement - Penalty. (Contingent effective date - See note)

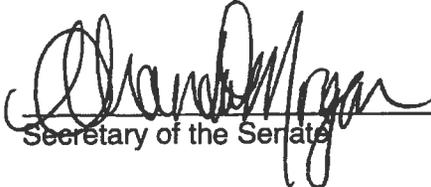
1. As used in this section:

- a. ~~"A crime against a child" means a violation of chapter 12.1-16, section 12.1-17-01.1 if the victim is under the age of twelve, 12.1-17-02, 12.1-17-04, subdivision a of subsection 6 of section 12.1-17-07.1, section 12.1-18-01, 12.1-18-02, 12.1-18-05, chapter 12.1-29, or section 14-09-22, subsection 3 of section 12.1-41-02, subsection 3 of section 12.1-41-03, or an equivalent offense from another court in the United States, a tribal court, or court of another country, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt or conspiracy to commit these offenses.~~
- b. ~~"Department" means the department of corrections and rehabilitation.~~
- e. ~~"Homeless" means an individual who is physically present in this state, but is living in a park, under a bridge, on the streets, in a vehicle or camper, or is otherwise without a~~


Speaker of the House


President of the Senate


Chief Clerk of the House


Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1035.

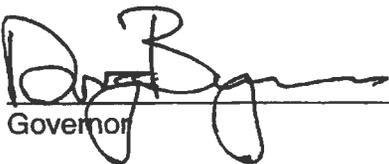
House Vote: Yeas 88 Nays 5 Absent 1

Senate Vote: Yeas 45 Nays 2 Absent 0


Chief Clerk of the House

Received by the Governor at 3:01 PM. on April 26, 2021.

Approved at 3:28 PM. on April 28, 2021.


Governor

Filed in this office this 29th day of April, 2021,
at 8:56 o'clock A. M.


Secretary of State

HB 1035 Summary

Measure Title: AN ACT to create and enact chapters 27-20.2, 27-20.3, and 27-20.4 of the North Dakota Century Code, relating to the Juvenile Court Act; to amend and reenact subsection 16 of section 11-16-01, section 12.1-32-15, subsections 1 and 3 of section 12.1-41-12, subsection 2 of section 14-02.1-03.1, subsection 2 of section 14-02.1-08, subdivision c of subsection 2 of section 14-07.1-18, section 14-15-11, subsections 1 and 2 of section 15.1-09-33.4, sections 15.1-19-15, 20.1-13.1-01, 20.1-15-01, 26.1-36-20, and 26.1-40-11.1, subsection 2 of section 27-05-30, section 27-20.1-01, paragraph 4 of subdivision n of subsection 2 of section 27-20.1-06, subsection 1 of section 27-20.1-10, subdivision d of subsection 1 of section 27-20.1-11, subsection 3 of section 27-20.1-11, subsection 2 of section 27-20.1-17, section 27-20.1-22, section 27-20.3-05 as created by section 23 of this Act, section 27-20.4-06 as created by section 25 of this Act, subsections 2 and 3 of section 27-21-02, subsection 3 of section 27-21-02.1, section 27-21-09, subsections 2 and 5 of section 27-21-12, section 30.1-27-02, subsection 3 of section 30.1-27-06, section 39-06-32.1, subsection 2 of section 39-20-01, section 39-24.1-01, subsection 5 of section 50-06-05.1, subdivision a of subsection 4 of section 50-06-43.2, subsection 1 of section 50-11.3-01, sections 50-25.1-02 and 50-25.1-06, subsection 4 of section 50-25.1-15, subsection 2 of section 54-12-34, and sections 54-23.4-17 and 62.1-02-01 of the North Dakota Century Code, relating to juvenile justice; to repeal chapter 27-20 and section 27-21-03 of the North Dakota Century Code, relating to the Uniform Juvenile Court Act; to provide a penalty; to provide an appropriation; to provide a legislative management report; and to provide an effective date.

Date of Introduction: 01/05/2021

Primary Sponsor: Legislative Management

Co-Sponsors:

(Judiciary Committee)

Related Information: [Vote Summary](#) | [Scratch Pad](#) | [Testimony](#) | [View Video](#) | [Tracked in LAWS-List](#)

History

Date	Chamber	Action	Journal	Measure Version	FN
01/05/2021	H	Introduced, first reading, referred Judiciary Committee	HJ 150	21.0150.03000	FN
01/26/2021	H	Committee Hearing 09:00			
02/02/2021	H	Reported back amended, do pass, amendment placed on calendar 12 1 1	HJ 434	21.0150.03003	
02/03/2021	H	Amendment adopted	HJ 459		
02/03/2021	H	Rereferred to Appropriations	HJ 459		
02/05/2021	H	Reported back, do pass, place on calendar 21 0 0	HJ 507		
02/15/2021	H	Second reading, passed, yeas 90 nays 4	HJ 627	21.0150.04000	FN
02/16/2021	S	Received from House	SJ 564		
02/17/2021	S	Introduced, first reading, referred Judiciary Committee	SJ 605	21.0150.04000	FN
03/23/2021	S	Committee Hearing 08:30			
03/23/2021	S	Committee Hearing 02:30			
03/24/2021	S	Reported back amended, do pass, amendment placed on calendar 5 1 1	SJ 977	21.0150.04001	
03/24/2021				21.0150.05000	FN
03/25/2021	S	Amendment adopted	SJ 993		
03/25/2021	S	Rereferred to Appropriations	SJ 993		
03/31/2021	S	Committee Hearing 09:00			
04/05/2021	S	Reported back amended, do pass, amendment placed on calendar 14 0 0	SJ 1171	21.0150.04003	
04/06/2021	S	Amendment adopted, placed on calendar	SJ 1182		
04/06/2021	S	Amendment proposed on floor	SJ 1182	21.0150.04002	
04/06/2021	S	Amendment failed	SJ 1182	21.0150.04002	
04/06/2021	S	Second reading, passed as amended, yeas 45 nays 2	SJ 1182	21.0150.06000	FN
04/06/2021	H	Returned to House (12)	HJ 1454		
04/12/2021	H	Refused to concur	HJ 1587		
04/12/2021	H	Conference committee appointed Meier Bellew Kempenich	HJ 1587		
04/13/2021	S	Conference committee appointed Larson Heitkamp Bakke	SJ 1411		

Date	Chamber	Action	Journal	Measure Version	FN
04/19/2021	S	Appoint Sen. Hogue to replace Sen. Heitkamp on conference committee	SJ 1527		
04/22/2021	H	Reported back from conference committee, amend, placed on calendar	HJ 1862	21.0150.04004	
04/22/2021	H	Conference committee report adopted	HJ 1864		
04/22/2021	H	Second reading, passed, yeas 88 nays 5	HJ 1864	21.0150.07000	FN
04/22/2021	S	Reported back from conference committee, amend, placed on calendar	SJ 1630	21.0150.04004	
04/23/2021	S	Conference committee report adopted	SJ 1638		
04/23/2021	S	Second reading, passed as amended, yeas 45 nays 2	SJ 1638	21.0150.07000	FN
04/26/2021	S	Signed by President	SJ 1681	21.0150.08000	
04/26/2021	H	Signed by Speaker	HJ 1994		
04/26/2021	H	Sent to Governor	HJ 1995		
04/29/2021	H	Signed by Governor 04/28	HJ 2078		
05/05/2021		Filed with Secretary Of State 04/29			

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Upcoming Committee Hearings [Go to Top](#)

No upcoming committee hearings scheduled.

November 5, 2021

Tribal Juvenile Services Pilot Program (HB 1052)

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.

Representatives from the Spirit Lake Tribal Court, the Division of Juvenile Services, Juvenile Court, and the ND Indian Affairs Commission entered into a memorandum of understanding to allow these agencies to share information, resources, and data collection to better address the needs of delinquent youth adjudicated in the Spirit Lake Tribal Court. The multi-disciplinary team staffed the first youth in February 2020.

As of April 1, 2021, a total of 16 youth have been served since the MOU was put in place. In addition, 4 youth have been referred to the Northeast Judicial District Drug Court and 2 have been accepted into the court.

The team meets regularly to discuss cases, create case plans, and explore additional services that could be provided to youth. This past year, a highlight

was assisting the Spirit Lake Tribal Court in implementing the YASI Risk and Needs Assessment as a regular tool for their probation staff.

State Longitudinal Data Study (HB 1047)

The North Dakota Dual Status Youth Initiative is committed to identifying pathways from child welfare into the juvenile justice system and shoring up the gaps wherever possible. The SLDS will be a critical resource to potentially link K12, postsecondary, and workforce data to the Juvenile Justice data. Access to the SLDS data would allow juvenile justice entities to research what positive youth outcomes are present for the youth who do not recidivate. It might also help us to better understand what elements are associated with those positive outcomes. We know that youth who build social, emotional, behavioral, cognitive, and moral competencies typically possess the skills necessary to move into productive adulthood. Since we know that the majority of justice-involved youth, even those in the deep end, go on to lead lives that do not include criminal prosecution, what elements are associated with greater self-efficacy and how can those elements be identified and harnessed?

In addition to informing the deep end of the juvenile justice system about the elements that may be associated developmental success, there would be significant advantage to researching the SLDS data for information that can be used for building prevention and early intervention capacity. If we follow the trajectory over the course of childhood and reverse identify what characteristics in early grade school result most often in later involvement in the juvenile justice system, it would significantly contribute to our knowledge about what specifically

puts children at risk. Risk factors may be identified in the areas of attendance, eligibility for free or reduced lunch, poor history of immunization, presence of a reading disability, or a number of other factors. Research into the SLDS data would provide valuable insights for practitioners who are working to develop policies and procedures that prevent crossover youth.