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

HOUSE BILL NO. 1427
(Representatives Klemin, Devlin, Hanson, Karls, Meier, Schneider, Weisz)
(Senators Dever, Larson)

AN ACT to provide for duties of the commission on juvenile justice and the children's cabinet and to create a juvenile justice planning committee, a planning committee for children in need of services, and a planning committee for alternatives to juvenile detention.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. COMMISSION ON JUVENILE JUSTICE AND CHILDREN'S CABINET. During the 2021-23 biennium, the commission on juvenile justice shall establish planning committees under the supervision of the commission to research and develop recommendations and strategies to implement best practices for juvenile justice. During the 2021-23 biennium, the children's cabinet and the commission on juvenile justice shall review and approve recommendations made by the planning committees under the supervision of the commission on juvenile justice.

SECTION 2. JUVENILE JUSTICE PLANNING COMMITTEE.

1. During the 2021-23 biennium, a juvenile justice planning committee is created under the supervision of the commission on juvenile justice. The planning committee is created to assess, identify, and develop opportunities to build a service continuum designed to safely maintain youth under system supervision in the community.

2. By August 15, 2021, the commission on juvenile justice, in collaboration with the heads of the respective entities, shall appoint members to serve on the juvenile justice planning committee with cross-system and cross-government branch representation, including juvenile justice, child welfare, behavioral health, education, workforce development, service providers, and tribal representatives. The presiding officer of the commission on juvenile justice shall appoint the presiding officer of the juvenile justice planning committee. The committee shall meet at least quarterly, and more often as necessary to carry out the duties of the committee.

3. The juvenile justice planning committee shall:

   a. Facilitate strengthening and expansion of evidence-based community services for moderate- to high-risk juvenile offenders;

   b. Identify gaps in services and a plan to fill those gaps;

   c. Develop a plan for blending or braiding funding across systems and branches which would allow for youth to be served in a coordinated way and limited resources to be used efficiently and effectively;

   d. Develop strategies for improving service access in rural and tribal communities;

   e. Establish standardized information sharing and case planning protocols between providers and system entities;

   f. Identify shared outcome measures that all youth serving agencies and service providers receiving state funds shall track and report, including a common definition of recidivism;

   g. Develop a plan for how data must be collected as part of contracting requirements;

   h. Establish policies for evaluating the effectiveness of service providers, including time frames and who is responsible for conducting the evaluations;

i. Develop a plan for the outcome measures to be reported to the children's cabinet; and

j. Report to and be subject to the oversight of the commission on juvenile justice.

4. The department of corrections and rehabilitation shall provide the juvenile justice planning committee with staffing and administrative services.

5. The committee shall recommend changes to laws, appropriations, rules, or standards that need to be made before fully implementing the committee's recommendations. Recommendations must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures.

SECTION 3. PLANNING COMMITTEE FOR CHILDREN IN NEED OF SERVICES.

1. During the 2021-23 biennium, a planning committee for children in need of services is created under the supervision of the commission on juvenile justice. The planning committee is created to access, guide, and coordinate the transition of children in need of services being referred to the human service zones.

2. By August 15, 2021, the children's cabinet, in collaboration with the heads of the respective entities, shall appoint members to serve on the planning committee for children in need of services which represent the department of human services, human service zones, human services centers, juvenile court, law enforcement, education or school representation or both, health districts, tribal representatives, parents, and service providers. The presiding officer of the commission on juvenile justice shall appoint the presiding officer of the planning committee for children in need of services. The committee shall meet at least quarterly, and more often as necessary to carry out the duties of the committee.

3. The planning committee for children in need of services shall:

a. Develop strategies to provide for a continuum of care in the delivery of services to children in need of services and their families without formal court involvement;

b. Ensure the cooperation and coordination of entities involved with the family of children in need of services;

c. Establish policies and protocols for schools, law enforcement, and other entities for making referrals of children in need of services to the human service zones;

d. Develop the required documentation needed for referrals;

e. Provide recommendations on the process when temporary shelter care is needed;

f. Determine specific requirements of the case plan related to children in need of services;

g. Determine how children in need of services data will be tracked and reported;

h. Establish a plan for educating key stakeholders about the recommendations; and

i. Report to and be subject to the oversight of the children's cabinet.

4. The department of human services shall provide the planning committee for children in need of services with staffing and administrative services.

5. Recommendations must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures.

SECTION 4. PLANNING COMMITTEE FOR ALTERNATIVES TO JUVENILE DETENTION.

1. During the 2021-23 biennium, a planning committee for alternatives to juvenile detention is created under the supervision of the commission on juvenile justice. The planning committee is created to access and develop alternatives to juvenile detention. Community-based alternatives to detention must be based on the principle of using the least-restrictive setting possible and returning a child to the child's home, family, or other responsible adult whenever possible consistent with public safety. Detention must be limited to only those who pose a substantial risk of serious harm to others or themselves or who are a flight risk from prosecution.

2. Before August 15, 2021, the commission on juvenile justice, in collaboration with the heads of the respective entities, shall appoint members to serve on the planning committee for alternatives to juvenile detention which must include representatives of juvenile court, law enforcement, indigent defense, juvenile court judges and referees, county government, parents, private service providers, and other community interests. The presiding officer of the commission on juvenile justice shall appoint the presiding officer of the planning committee for alternative to juvenile detention. The committee shall meet at least quarterly, and more often as necessary to carry out the duties of the committee.

3. The planning committee for alternatives to juvenile detention shall:

    a. Explore pre-adjudication service options that could serve as alternatives to juvenile detention and the criteria for juveniles served through alternative services;

    b. Identify gaps in services for those youth who are not able to return home;

    c. Consider what funds are available to cover the costs of alternative options;

    d. Explore validation of the detention screening tool;

    e. Establish statewide scoring override policies that minimize the subjective decisions to place a juvenile in a detention facility, while allowing for local flexibility; and

    f. Report to and be subject to the oversight of the commission on juvenile justice.

4. The department of corrections and rehabilitation shall provide the planning committee for alternatives to juvenile detention with staffing and administrative services.

5. Recommendations must be approved and implemented within twelve months of committee formation, as applicable, but may not circumvent the processes in place for the adoption of rules, policies, or procedures.

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. 1427.

House Vote:	Yeas 90	Nays 4	Absent 0
Senate Vote:	Yeas 43	Nays 4	Absent 0

Chief Clerk of the House

Received by the Governor at _____M. on _____, 2021.

Approved at _____M. on _____, 2021.

Governor

Filed in this office this _____day of _____, 2021,

at _____ o'clock _____M.

Secretary of State