

HOUSE BILL NO. 1427

Introduced by

Representatives Klemin, Devlin, Hanson, Karls, Meier, Schneider, Weisz

Senators Dever, Larson

1 A BILL for an Act to provide for duties of the commission on juvenile justice and the children's
2 cabinet and to create a juvenile justice planning committee, a planning committee for children in
3 need of services, and a planning committee for alternatives to juvenile detention.

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

5 **SECTION 1. COMMISSION ON JUVENILE JUSTICE AND CHILDREN'S CABINET.**

6 During the 2021-23 biennium, the commission on juvenile justice shall establish planning
7 committees under the supervision of the commission to research and develop
8 recommendations and strategies to implement best practices for juvenile justice. During the
9 2021-23 biennium, the children's cabinet and the commission on juvenile justice shall review
10 and approve recommendations made by the planning committees under the supervision of the
11 commission on juvenile justice.

12 **SECTION 2. JUVENILE JUSTICE PLANNING COMMITTEE.**

13 1. During the 2021-23 biennium, a juvenile justice planning committee is created under
14 the supervision of the commission on juvenile justice. The planning committee is
15 created to assess, identify, and develop opportunities to build a service continuum
16 designed to safely maintain youth under system supervision in the community.
17 2. By August 15, 2021, the commission on juvenile justice, in collaboration with the
18 heads of the respective entities, shall appoint members to serve on the juvenile justice
19 planning committee with cross-system and cross-government branch representation,
20 including juvenile justice, child welfare, behavioral health, education, workforce
21 development, service providers, and tribal representatives. The presiding officer of the
22 commission on juvenile justice shall appoint the presiding officer of the juvenile justice
23 planning committee. The committee shall meet at least quarterly, and more often as
24 necessary to carry out the duties of the committee.

- 1 3. The juvenile justice planning committee shall:
- 2 a. Facilitate strengthening and expansion of evidence-based community services
- 3 for moderate- to high-risk juvenile offenders;
- 4 b. Identify gaps in services and a plan to fill those gaps;
- 5 c. Develop a plan for blending or braiding funding across systems and branches
- 6 which would allow for youth to be served in a coordinated way and limited
- 7 resources to be used efficiently and effectively;
- 8 d. Develop strategies for improving service access in rural and tribal communities;
- 9 e. Establish standardized information sharing and case planning protocols between
- 10 providers and system ~~agencies~~entities;
- 11 f. Identify shared outcome measures that all youth serving agencies and service
- 12 providers receiving state funds shall track and report, including a common
- 13 definition of recidivism;
- 14 g. Develop a plan for how data must be collected as part of contracting
- 15 requirements;
- 16 h. Establish policies for evaluating the effectiveness of service providers, including
- 17 time frames and who is responsible for conducting the evaluations;
- 18 i. Develop a plan for the outcome measures to be reported to the children's
- 19 cabinet; and
- 20 j. Report to and be subject to the oversight of the commission on juvenile justice.

21 4. The department of ~~human services~~corrections and rehabilitation shall provide the

22 juvenile justice planning committee with staffing and administrative services.

23 5. The committee shall recommend changes to laws, appropriations, rules, or standards

24 that need to be made before fully implementing the committee's recommendations.

25 Recommendations ~~by the committee will be effective twelve months after approval by~~

26 ~~the commission on juvenile justice and the children's cabinet~~must be approved and

27 implemented within twelve months of committee formation, as applicable, but may not

28 circumvent the processes in place for the adoption of rules, policies, or procedures.

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

30 1. During the 2021-23 biennium, a planning committee for children in need of services is

31 created under the supervision of the commission on juvenile justice. The planning

- 1 committee is created to access, guide, and coordinate the transition of children in
2 need of services being referred to the human service zones.
- 3 2. By August 15, 2021, the ~~executive director of the department of human~~
4 ~~services~~children's cabinet, in collaboration with the heads of the respective entities,
5 shall appoint members to serve on the planning committee for children in need of
6 services which represent the department of human services, human service zones,
7 human services centers, juvenile court, law enforcement, education or school
8 representation or both, health districts, tribal representatives, parents, and service
9 providers. The presiding officer of the commission on juvenile justice shall appoint the
10 presiding officer of the planning committee for children in need of services. The
11 committee shall meet at least quarterly, and more often as necessary to carry out the
12 duties of the committee.
- 13 3. The planning committee for children in need of services shall:
- 14 a. Develop strategies to provide for a continuum of care in the delivery of services
15 to children in need of services and their families without formal court involvement;
- 16 b. Ensure the cooperation and coordination of ~~agencies~~entities involved with the
17 family of children in need of services;
- 18 c. Establish policies and protocols for schools, law enforcement, and other entities
19 for making referrals of children in need of services to the human service zones;
- 20 d. Develop the required documentation needed for referrals;
- 21 e. Provide recommendations on the process when temporary shelter care is
22 needed;
- 23 f. Determine specific requirements of the case plan related to children in need of
24 services;
- 25 g. Determine how children in need of services data will be tracked and reported;
- 26 h. Establish a plan for educating key stakeholders about the recommendations; and
- 27 i. Report to and be subject to the oversight of the ~~commission on juvenile~~
28 ~~justice~~children's cabinet.
- 29 4. The department of human services shall provide the planning committee for children in
30 need of services with staffing and administrative services.

- 1 5. Recommendations ~~made by the committee will be effective twelve months after~~
2 ~~approval by the commission on juvenile justice and the children's cabinet~~must be
3 approved and implemented within twelve months of committee formation, as
4 applicable, but may not circumvent the processes in place for the adoption of rules,
5 policies, or procedures.

6 **SECTION 4. PLANNING COMMITTEE FOR ALTERNATIVES TO JUVENILE DETENTION.**

- 7 1. During the 2021-23 biennium, a planning committee for alternatives to juvenile
8 detention is created under the supervision of the commission on juvenile justice. The
9 planning committee is created to access and develop alternatives to juvenile
10 detention. Community-based alternatives to detention must be based on the principle
11 of using the least-restrictive setting possible and returning a child to the child's home,
12 family, or other responsible adult whenever possible consistent with public safety.
13 Detention must be limited to only those who pose a substantial risk of serious harm to
14 others or themselves or who are a flight risk from prosecution.
- 15 2. Before August 15, 2021, the commission on juvenile justice, in collaboration with the
16 heads of the respective entities, shall appoint members to serve on the planning
17 committee for alternatives to juvenile detention which must include representatives of
18 juvenile court, law enforcement, indigent defense, juvenile court judges and referees,
19 county government, parents, private service providers, and other community interests.
20 The presiding officer of the commission on juvenile justice shall appoint the presiding
21 officer of the planning committee for alternative to juvenile detention. The committee
22 shall meet at least quarterly, and more often as necessary to carry out the duties of the
23 committee.
- 24 3. The planning committee for alternatives to juvenile detention shall:
- 25 a. Explore pre-adjudication service options that could serve as alternatives to
26 juvenile detention and the criteria for juveniles served through alternative
27 services;
- 28 b. Identify gaps in services for those youth who are not able to return home;
- 29 c. Consider what funds are available to cover the costs of alternative options;
- 30 d. Explore validation of the detention screening tool;

- 1 e. Establish statewide scoring override policies that minimize the subjective
2 decisions to place a juvenile in a detention facility, while allowing for local
3 flexibility; and
- 4 f. Report to and be subject to the oversight of the commission on juvenile justice.
- 5 4. The department of ~~human services~~corrections and rehabilitation shall provide the
6 planning committee for alternatives to juvenile detention with staffing and
7 administrative services.
- 8 5. Recommendations ~~made by the committee will be effective twelve months after~~
9 ~~approval by the commission on juvenile justice and the children's cabinet~~must be
10 approved and implemented within twelve months of committee formation, as
11 applicable, but may not circumvent the processes in place for the adoption of rules,
12 policies, or procedures.