

<b>STATUS OFFENSES</b> Formerly known as “unruly behavior”	<b>DELINQUENT ACTS</b> “Designated a crime under law”
---	--

**WHAT (IF ANYTHING) HAS CHANGED? (pre- and post- Juvenile Justice Reform)**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <b>Change: Shift in responsibility.</b> We made a systemic decision to stop criminalizing “unruly behavior” by shifting “connection to services” from Juvenile Court to Human Service Zones.</li> <li>• <b>Change: Who to call.</b> Referrals are going to a CHINS central intake staffed by Human Service Zones rather than individual calls to regional Juvenile Court offices.</li> <li>• <b>No change: # staff.</b> Cases are being processed by the HSZ CHINS team (8 staff); prior, cases were processed by designated Juvenile Court staff (8).</li> <li>• <b>Change: Location of staff.</b> Juvenile Court had one staff in each region; HSZs have 2 staff each in Bismarck and Fargo with 4 covering other areas of state.</li> <li>• <b>No change: Action after referral.</b> 85% of the CHINS-eligible cases (formerly to Juv Ct) receive low intensity diversion svc referrals; services have never been compulsory (either when handled by HSZ or by JC).</li> <li>• <b>Change: Contracted services.</b> Prior to 2017, JC had funds to contract for diversion services (which they then referred families to); there are currently no funds budgeted for juvenile justice diversion services (referrals are made to community resources).</li> </ul> | <ul style="list-style-type: none"> <li>• <b>Change:</b> Formalize processes to identify “alternatives to detention”.</li> <li>• <b>Change:</b> Juvenile Court implemented the use of a detention screening tool to assess child for risk and placement (detention, shelter care, or home)</li> <li>• <b>Change:</b> Juvenile Court implements use of a pre-dispositional assessment to determine risk of a child to re-offend before court issues final disposition of the case by the court.</li> </ul> <p>Today, Court’s final disposition of case always looks for alternatives to detention. <i>Is there an alternative to detention? Level of safety/security? What is the risk of recidivism? What is the level of supervision a child needs? Options include:</i></p> <ul style="list-style-type: none"> <li>• Juvenile Detention (Juvenile Court)</li> <li>• Probation – formal and informal (Juvenile Court)</li> <li>• Custody to Division of Juvenile Svc (DJS)</li> <li>• Family / Kin, most often with court-ordered services (ex. Kinship navigator, IV-E prevention, HSC, private provider)</li> </ul> |
|---|---|

**WHAT IS THE POTENTIAL CONSEQUENCE(S) FOR THE CHILD?**

- |  |  |  |  |
|--|--|--|--|
| <ul style="list-style-type: none"> <li>• No formal consequence unless behavior becomes a delinquent act or the child is in need of protection (27-20.3-01(5))</li> </ul> | <ul style="list-style-type: none"> <li>• Suspension (in-school or out-of-school)</li> <li>• Expulsion</li> <li>• Loss of academic credit</li> <li>• Losing social connection to school / privileges related to extra-curricular</li> </ul> | <ul style="list-style-type: none"> <li>• Placement outside of home (detention, shelter care)</li> <li>• Probation (informal or formal)</li> <li>• Drug testing, community service</li> <li>• Court-ordered services/classes</li> <li>• Custody to Division of Juvenile Services</li> <li>• Based on offense:             <ul style="list-style-type: none"> <li>○ Loss of driving privileges</li> <li>○ Restitution</li> <li>○ Drug Court</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Placement outside of home (detention, shelter care)</li> <li>• Probation (informal or formal)</li> <li>• Drug testing, community service</li> <li>• Court-ordered services/classes</li> <li>• Custody to Division of Juvenile Services</li> <li>• Based on offense:             <ul style="list-style-type: none"> <li>○ Loss of driving privileges</li> <li>○ Restitution</li> <li>○ Drug Court</li> </ul> </li> <li>• Suspension (in-school or out-of-school)</li> <li>• Expulsion</li> <li>• Loss of academic credit</li> <li>• Losing social connection to school / privileges related to extra-curricular</li> </ul> |
|--|--|--|--|

**WHAT IS THE CONSEQUENCE(S) FOR THE PARENT?**

- |  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>• Instability in the home</li> <li>• Service referrals</li> </ul> | <ul style="list-style-type: none"> <li>• Can be charged with “compulsory attendance” violation (15.1-20-03)</li> <li>• Family disruption (called in to school, missing work, etc)</li> </ul> | <ul style="list-style-type: none"> <li>• Pay for classes</li> <li>• Come to appointments / miss work</li> <li>• Arrange for student’s transportation (if lose driver’s license)</li> </ul> |
|--|--|--|



## WHO TO CALL IF A CHILD IS “ACTING OUT”

STATUS OFFENSES		DELINQUENT ACTS	
Formerly known as “unruly behavior” <i>An act that is illegal for a minor but not for an adult. They are not crimes but are prohibited under the law.</i>		“Designated a crime under law” <i>An act that would be considered a crime if committed by an adult, meaning it is illegal regardless of age.</i>	
<b>Home / Community Environment</b> <u>Child’s behaviors may include:</u> <ul style="list-style-type: none"> <li>• Truant from school (youth is old enough to get self to/from school and is willfully absent)</li> <li>• Possession/use of tobacco &amp; related products (age 10-13)</li> <li>• Disobeying parents</li> <li>• Running away</li> <li>• Curfew violations</li> </ul>	<b>School Environment</b> <u>Child’s behaviors may include:</u> <ul style="list-style-type: none"> <li>• Truant from school (youth is old enough to get self to/from school and is willfully absent) (27-20.3-1(6))</li> <li>• Possession/use of tobacco &amp; related products (age 10-13)</li> </ul>	<b>Home / Community Environment</b> <u>Child’s behaviors (ages 10-18) may include:</u> <ul style="list-style-type: none"> <li>• Assault of either another child or an adult (12.1-17-01)</li> <li>• Theft of property (12.1-23-02)</li> <li>• Possession/use of alcohol or drugs</li> </ul>	<b>School Environment</b> <u>Child’s behaviors (ages 10-17) may include:</u> <ul style="list-style-type: none"> <li>• Assault (another student or school staff) (12.1-17-01)</li> <li>• Theft of property (12.1-23-02)</li> <li>• Possession/use of alcohol or drugs</li> <li>• Damage to Property / Vandalism (criminal mischief) (12.1.21.05)</li> <li>• Possession of a weapon</li> <li>• Disorderly Conduct (12-1-31-01)</li> <li>• Disruption of a public school (15.1-06-15)</li> </ul>
CONTACT <a href="#">CHINS</a> team	CONTACT <a href="#">CHINS</a> team	CONTACT Local Law Enforcement	CONTACT Local Law Enforcement <u>or</u> make a referral directly to Juvenile Court <u>after</u> attempts are made under 27-20.4
<b>WHY CONTACT?</b>			
<ul style="list-style-type: none"> <li>• Connect children and families to helpful community services where participation is voluntary and at the discretion of the family</li> <li>• Divert children/youth from getting involved with the juvenile justice system or from out of home placements</li> </ul>		<ul style="list-style-type: none"> <li>• Local law enforcement addresses commission of crime, including crimes committed by juveniles.</li> <li>• Local police/sheriff will refer cases to Juvenile Court per NDCC 27-20.4.</li> <li>• Juvenile Court is designed to address the unique needs of youth who have committed an unlawful act.</li> </ul>	
<b>WHY THIS APPROACH?</b>			
<ul style="list-style-type: none"> <li>• Most status offenses are handled through diversion programs (<i>Diversion = being held accountable for misbehavior by parents, schools &amp; others in community without resorting to legal sanctions, court oversight or threat of confinement</i>)</li> <li>• Interventions focus on rehabilitation and prevention, with a goal of helping young people develop coping mechanisms and decision-making skills.</li> <li>• Unlike delinquent offenses, which are illegal for both adults and minors, status offenses are considered non-criminal.</li> <li>• While most children who commit status and other minor offenses never progress to more serious behavior, for some children, status-offending behavior can be a sign of underlying issues such as mental health needs, family conflict, or lack of positive support systems and can contribute to delinquency later in life. Most children will age out of this behavior with the proper services that can be provided in their home community</li> </ul>		<ul style="list-style-type: none"> <li>• Promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community.</li> <li>• Provide right level of structure and service interventions to the child to reduce risk and prevent future delinquent activity</li> <li>• Prevention of costly out of home placements.</li> </ul>	