

2009 HOUSE HUMAN SERVICES

HB 1089

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1089

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: January 14, 2009

Recorder Job Number: 6964

Committee Clerk Signature



Minutes:

Chairman Weisz called the hearing to order on HB 1089.

Lisa Bjergaard, Director of Juvenile Services presented testimony in support of bill. See attached Testimony.

Rep. Nathe: The sections 6 and 7, are you creating a separate bank account then so when child leaves YCC to forward that money on to them or is it all in same bank account?

Lisa Bjergaard: Not always same way. Might want money to go to youth or may want it to go to a parent. Want ability to convert money from us the payee to whoever should have the money. Fiscal manager informed me we need to do this in the Bank of ND.

NO OPPOSITION.

Chairman Weisz closed the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1089

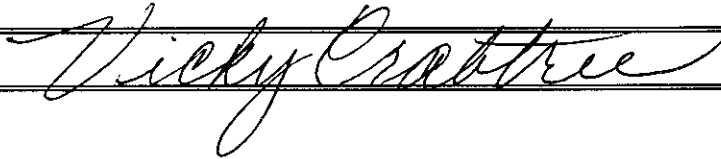
House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: January 19, 2009

Recorder Job Number: 7232

Committee Clerk Signature



Minutes:

Chairman Weisz: Let's look at HB 1089.

Rep. Conrad: Motion for a DO PASS.

Rep. Uglem: Second.

Rep. Porter: There are some amendments on this one.

Rep. Conrad: Withdraw motion.

Rep. Uglem: Second.

Chairman Weisz: Amendment on page 4 line 10 regarding social security records. Need proper notification.

Rep. Potter: Move amendments be accepted.

Rep. Pietsch: Second.

Voice Vote: 13 yeas, 0 nays, 0 absent.

Motion is carried.

Rep. Conrad: Motion for a DO PASS as amended.

Rep. Uglem: Second.

Roll Call Vote: 13 yes, 0, 0 absent

DO PASS as amended.

Page 2
House Human Services Committee
Bill/Resolution No. 1089
Hearing Date: January 19, 2009

Bill Carrier: Rep. Potter.

FISCAL NOTE
Requested by Legislative Council
12/22/2008

Bill/Resolution No.: HB 1089

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

No Fiscal Impact

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

n/a

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

n/a

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

n/a

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

n/a

Name:	Dave Krabbenhoft	Agency:	DOCR
Phone Number:	328-6135	Date Prepared:	12/22/2008

VR
1/20/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1089

Page 1, line 1, replace the second "a" with "two"

Page 1, line 2, replace "subsection" with "subsections"

Page 4, line 6, replace "A" with "Two" and replace "subsection" with "subsections"

Page 4, line 7, replace "is" with "are"

Page 4, line 8, replace "a child" with "an individual"

Page 4, line 10, replace "child" with "individual"

Page 4, after line 10, insert:

"The records of the division relating to an individual who is or has been in the custody of the division may be disclosed to the United States social security administration upon written authorization for disclosure by the individual's parent or legal guardian if the individual is a child, or if the individual is no longer a child, by the individual."

Renumber accordingly

Date: 1-19-09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1089

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Rep. Potter Seconded By Rep. Pietsch

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ			REP. TOM CONKLIN		
VICE-CHAIR VONNIE PIETSCH			REP. KARI L CONRAD		
REP. CHUCK DAMSCHEN			REP. RICHARD HOLMAN		
REP. ROBERT FRANTSVOG			REP. ROBERT KILICHOWSKI		
REP. CURT HOFSTAD			REP. LOUISE POTTER		
REP. MICHAEL R. NATHE					
REP. TODD PORTER					
REP. GERRY UGLEM					

Total (Yes) 13 No 0

Absent 0

Bill Carrier _____

If the vote is on an amendment, briefly indicate intent:

*Motion to accept amendments.
Motion Carried*

Date: 1-19-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1089

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Conrad Seconded By Uglen

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 13 No 0

Absent 0

Bill Carrier Rep. Potter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1089: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1089 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "a" with "two"

Page 1, line 2, replace "subsection" with "subsections"

Page 4, line 6, replace "A" with "Two" and replace "subsection" with "subsections"

Page 4, line 7, replace "is" with "are"

Page 4, line 8, replace "a child" with "an individual"

Page 4, line 10, replace "child" with "individual"

Page 4, after line 10, insert:

"The records of the division relating to an individual who is or has been in the custody of the division may be disclosed to the United States social security administration upon written authorization for disclosure by the individual's parent or legal guardian if the individual is a child, or if the individual is no longer a child, by the individual."

Renumber accordingly

2009 SENATE JUDICIARY

HB 1089

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1089

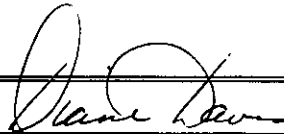
Senate Judiciary Committee

☐ Check here for Conference Committee

Hearing Date: 2/17/09

Recorder Job Number: 9611

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

Relating to the powers and duties and files and records of the division of juvenile services.

Lisa Bjergaard – Director, ND Division of Juvenile Services – See written testimony.

Senator Fiebiger – Asks about appointment of officers. Are you comfortable with the way the bill reads about removal?

Bjergaard – She said she is happier with the tougher language to hold people accountable.

Senator Fiebiger – He questions why they changed the administrator may make rules to administrator shall make rule, does it matter which we use.

Bjergaard – Doesn't believe that it does.

Ken Sorenson – Attorney General's Office – Counsel for Juvenile Services – The reason for the language change is this is the statutory language used in rules and regulations. What they do in terms of their operational system is done by their performance based policy and procedure instead of formal rule making.

Senator Fiebiger – Questions why they removed members of the public from the disciplinary committee.

Bjergaard – The broader capacity for discipline, the advisory body for the Youth Correction Center is the state advisory group, which does have representation from a broad array of citizenry as well as youth members. The broader oversight rests with that committee.

Senator Schneider – Asks if the current superintendent, sees this as a change in his duties or does he not see this as important.

Bjergaard – He agrees his job has changed significantly and is aware.

Close the hearing on HB1089

Senator Olafson moves do pass

Senator Fiebiger seconds

Vote – 6-0

Senator Schneider will carry

REPORT OF STANDING COMMITTEE

HB 1089, as engrossed: Judiciary Committee (Sen. Nethling, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1089 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1089

#1

HOUSE HUMAN SERVICES COMMITTEE
Representative Robin Weisz, Chairman
January 14, 2009

North Dakota Department of Corrections and Rehabilitation
Division of Juvenile Services
Lisa Bjergaard, Director

TESTIMONY IN SUPPORT OF HOUSE BILL 1089

Chairman Weisz and members of the House Human Services Committee, the North Dakota Department of Corrections and Rehabilitation, through its Division of Juvenile Services requested the introduction of this bill and urges your support.

For the record, I am Lisa Bjergaard, Director of the Division of Juvenile Services and present this testimony in support of House Bill 1089, which relates to the operations of the Division of Juvenile Services and the North Dakota Youth Correctional Center.

1. Amendments to N.D.C.C. Chapter 12-46.

The North Dakota Division of Juvenile Services (DJS) is the state youth corrections agency, and is a division of the Department of Corrections and Rehabilitation. At the order of the District Court, DJS assumes legal care, custody and control of delinquent youth. DJS operates community corrections case management services through regional offices located across the state, and operates secure correctional services and detention at the North Dakota Youth Correctional Center.

Prior to 1989, delinquent youth were case managed through the State Youth Authority under the direction of the Department of Human Services. The

Youth Correctional Center (YCC), then known as the State Industrial School, operated under the Director of Institutions. When community and institutional services were combined into one division under the Department of Corrections and Rehabilitation, the agency was placed under the direction of a single administrator.

The administrator oversees all services, programs and activities at the YCC. YCC provides assessment services for all youth entering DJS custody. In addition, youth are placed for long term behavioral treatment, detention and time out. YCC operates the following specific treatment programs designed to assist youth that have been placed at the facility:

Educating for Quality by Understanding Interpersonal Potential (EQUIP) – a treatment approach focusing on cognitive restructuring, anger management, social skills, and social decision-making;

Drug and Alcohol Programming – licensed addiction counselors provide counseling through a drug and alcohol program that has been licensed by the State Division of Substance Abuse as an Intensive Outpatient and Low Intensive Outpatient Program;

Psychiatric and Psychological Services – the purchase of a service contract provides psychiatric evaluations, medication assessments, consultations, extensive individual therapy and staff training;

Pre-Treatment Program for Sex Offenders – juveniles identified as either sexual victims or perpetrators receive pre-treatment programming by a YCC counselor in the effort to prepare them for more intensive therapy upon release;

Special Management Program (SMP) – a highly structured, therapeutic, secure living and education environment is provided for those juveniles who have been assessed as needing intensive behavioral programming, and for those high-risk juveniles who may be a danger to themselves or to others;

Security Intervention Group (SIG) – a zero-tolerance approach to gangs and gang activity is maintained at the facility and this program provides information, education and alternatives to gang activity and affiliation.

Frequently, youth placed at YCC for treatment have a serious emotional disorder which requires specialized mental health treatment services. Each youth is screened for potential mental health issues using a standardized, reliable youth screening instrument that is being used by over 400 facilities nationwide. YCC staff are committed to addressing and monitoring the mental health needs of all youth placed at the institution.

YCC also provides educational programming, career preparation and vocational counseling through Marmot Schools, which is fully accredited by North Central Association of Colleges and Schools, the State Department of Public Instruction, and the State Board of Career and Technical Education. YCC participates in Performance-based Standards (PbS), a self-improvement and accountability system used in 26 states to better the quality of life for youths in custody. PbS sets national goals and provides the blueprint and technique to achieve improvement and success in treating confined youths.

Sections 1 through 6 of HB 1089 amend and reenact sections of Chapter 12-46 of the North Dakota Century Code. This chapter governs the operations of

the North Dakota Youth Correctional Center in Mandan, North Dakota. Primarily, the amendments replace the title "superintendent" with the director of the Division of Juvenile Services. Under the 1989 legislation that established the Division of Juvenile Services, the North Dakota Youth Correctional Center became part of the Division of Juvenile Services. The Division's proposed amendments to replace "superintendent" with "the director of juvenile services" brings the administration of the North Dakota Youth Correctional Center into accord with actual practice, which is that the director of the Division of Juvenile Services is the administrator of the North Dakota Youth Correctional Center.

Some of the sections in Chapter 12-46 have inconsistent terminology and use "student" or "person" The proposed amendments change "student" and "person" to "child" or "children" to make the language consistent within Chapter 12-46, with the Juvenile Court chapter, N.D.C.C. ch. 27-20, and with the Division of Juvenile Services chapter, N.D.C.C. ch. 27-21.

A number of the sections in Chapter 12-46 used obsolete or archaic language that has been around sixty years or more. The changes in those sections are to streamline and update the language to reflect present administration and operations.

In Section 9 of HB 1089, the Division of Juvenile Services asks for the repeal of NDCC Sections 12-46-03, 12-46-05, 12-46-06, 12-46-11, 12-46-20, and 12-46-22 of the North Dakota Century Code. Copies of these statutes are attached to this testimony. Section 12-46-03 is not necessary because all staff are now employed under the guidance of the department human resources

division. Section 12-46-05 is no longer necessary as an oath is not required for the division administrator. Section 12-46-06 is not necessary because salaries are addressed through the state compensation system. Section 12-46-11 is not necessary as internal policy and procedure govern the performance and duties conducted by staff, and this section is redundant and obsolete. 12-46-20 is not necessary because youth are not referred to as inmates, and this section does not reflect modern practice. No youth has successfully escaped from the youth correctional center in many years. Section 12-46-22 is not necessary because it is no longer necessary to spell out the service of process, as other policy and procedure govern this action.

2. Amendments to N.D.C.C. Chapter 21-21.

a. Section 7 of HB 1089

Section 7 of HB 1089 creates a new subsection to North Dakota Century Code Section 27-21-02. The Division of Juvenile Services places children in a variety of settings across the available continuum of care. Children in the Division's custody receive treatment and medical services funded through a complicated formula involving federal, state and local dollars. In the vast majority of instances, funding mechanisms work smoothly. However, there are unusual situations in which the Division, as the payee for a child, receives monies that must be used for the child's benefit. These monies usually occur in the form of excess child support enforcement dollars or social security administration dollars. The Division has designated one staff person to handle these situations. The staff person has to take her state identification and her personal identification to

her personal bank and have the check converted to a money order which is then given to the child or the parent.

This is a cumbersome work-around process that puts the staff and the Division at risk for losing the money, and the Division needs a better mechanism for paying these monies to the children. The proposed subsection will allow the Division to establish an account in the Bank of North Dakota for the child's benefit in these unusual but difficult situations.

b. Section 8 of HB 1089.

Section 8 of HB1089 creates a new subsection to section 27-21-12 of the North Dakota Century Code. Section 27-21-12 protects the confidentiality of records relating to youth in the custody of the Division of Juvenile Services, and provides for the careful release of information in prescribed situations. Absent from the list of provisions for release is the presentence investigation situation. Such a provision does exist in the juvenile court statutes for juvenile court records. See North Dakota Century Code. At this time, if information from the Division is required for a presentence report, an order authorizing disclosure must be obtained from the juvenile court. This results in delaying the transfer of information that then delays the criminal proceedings and affects the preservation of public safety. HB1089 adds the presentence investigation to the list of conditions under which the Division may release information.

c. Proposed Amendment to HB 1089

The Division has dealt with the Social Security Administration on a case-by-case basis with juveniles in the custody of the Division. After the Division submitted its bill draft with the Legislative Council in early December, the Division has been working more extensively with the Social Security Administration, it is in the process of entering into a Memorandum of Understanding with the Social Security Administration, and anticipates the need to more frequently provide juvenile information to the Social Security Administration on behalf of juveniles in its custody. Rather than applying to the Juvenile Court for authorization to disclose information in each case, the Division requests a statutory change to allow disclosure to the Social Security Administration. The Adult Services Division of the Department of Corrections and Rehabilitation presently has this authority under N.D.C.C. Section 12-47-36.

Please give HB 1089 a "Do Pass" recommendation.

**Sections of 12-46 Proposed for Repeal
HOUSE BILL 1089**

*Same
handout given
to Senate.*

12-46-03. Officers of the North Dakota youth correctional center. The officers of the North Dakota youth correctional center must be a superintendent and such teachers and assistants as may be deemed necessary and recommended by the superintendent and approved by the director of the division of juvenile services.

12-46-05. Oath of superintendent. The superintendent, before entering upon the duties of the office, shall take the oath prescribed for civil officers. The oath must be filed and retained in the office of the state treasurer.

12-46-06. Salary of superintendent, officers, and employees. The superintendent shall receive a salary to be fixed by the director of the division of juvenile services with the approval of the director of the department of corrections and rehabilitation within the limits of legislative appropriations. All other officers and employees of the school shall receive salaries determined by the superintendent and approved by the director of the division of juvenile services.

12-46-11. Duties of subordinates and teachers. All officers, teachers, and persons employed about the North Dakota youth correctional center shall perform such duties in the oversight and charge thereof, the use and care of the property belonging thereto, and the custody, government, instruction, discipline, and employment of the persons committed to said institution as shall be required of them by the superintendent in conformity with law and the rules and regulations of the school.

12-46-20. Forfeiture of earnings on escape or violation of parole. In case any inmate escapes or violates his parole, the money credited to such inmate's account which remains unexpended at the time of his escape or violation of parole may be used to pay the expense of his apprehension, capture, and return. In case there remains money to the credit of such inmate after deducting said expenses, such money shall revert back immediately to the fund from which it was drawn originally.

12-46-22. Service of process. All process to be served within the grounds or premises of the North Dakota youth correctional center, either upon persons detained thereat or committed thereto or upon officers or persons, except the superintendent, employed within the grounds or premises thereof, shall be served and returned by the superintendent. All officers or persons in charge of or caring for any inmate or person committed to the North Dakota youth correctional center, at any place, shall be deemed to be within its grounds and premises.

SENATE JUDICIARY COMMITTEE
Senator David Nething, Chairman
February 17, 2009

North Dakota Department of Corrections and Rehabilitation
Division of Juvenile Services
Lisa Bjergaard, Director

TESTIMONY IN SUPPORT OF ENGROSSED HOUSE BILL 1089

Chairman Nething and members of the Senate Judiciary Committee, the North Dakota Department of Corrections and Rehabilitation, through its Division of Juvenile Services, requested the introduction of this bill and urges your support.

For the record, I am Lisa Bjergaard, Director of the Division of Juvenile Services, and I am presenting this testimony in support of House Bill 1089, which relates to the operations of the Division of Juvenile Services and the North Dakota Youth Correctional Center.

1. Amendments to N.D.C.C. Chapter 12-46.

The North Dakota Division of Juvenile Services (DJS) is the state youth corrections agency, and is a division of the Department of Corrections and Rehabilitation. At the order of the District Court, DJS assumes legal care, custody and control of delinquent youth. DJS operates community corrections case management services through regional offices located across the state, and operates secure correctional services and detention at the North Dakota Youth Correctional Center.

Prior to 1989, delinquent youth were case managed through the State Youth Authority under the direction of the Department of Human Services. The

Youth Correctional Center (YCC), then known as the State Industrial School, operated under the Director of Institutions. When community and institutional services were combined into one division under the Department of Corrections and Rehabilitation, the agency was placed under the direction of a single administrator.

The administrator oversees all services, programs and activities at the YCC. YCC provides assessment services for all youth entering DJS custody. In addition, youth are placed for long term behavioral treatment, detention and time out. YCC operates the following specific risk reduction programs designed to assist youth that have been placed at the facility:

Educating for Quality by Understanding Interpersonal Potential (EQUIP) – a treatment approach focusing on cognitive restructuring, anger management, social skills, and social decision-making;

Drug and Alcohol Programming – licensed addiction counselors provide counseling through a drug and alcohol program that has been licensed by the State Division of Substance Abuse as an Intensive Outpatient and Low Intensity Outpatient Program;

Psychiatric and Psychological Services – the purchase of a service contract provides psychiatric evaluations, medication assessments, consultations, extensive individual therapy and staff training;

Pre-Treatment Program for Sex Offenders – juveniles identified as either sexual victims or perpetrators receive pre-treatment programming by a YCC counselor in the effort to prepare them for more intensive therapy upon release;

Special Management Program (SMP) – a highly structured, therapeutic, secure living and education environment is provided for those juveniles who have been assessed as needing intensive behavioral programming, and for those high-risk juveniles who may be a danger to themselves or to others;

Security Intervention Group (SIG) – a zero-tolerance approach to gangs and gang activity is maintained at the facility and this program provides information, education and alternatives to gang activity and affiliation.

Frequently, youth placed at YCC for treatment have a serious emotional disorder which requires specialized mental health treatment services. Each youth is screened for potential mental health issues using a standardized, reliable youth screening instrument that is being used by over 400 facilities nationwide. YCC staff is committed to addressing and monitoring the mental health needs of all youth placed at the institution.

YCC also provides educational programming, career preparation and vocational counseling through Marmot Schools, which is fully accredited by North Central Association of Colleges and Schools, the State Department of Public Instruction, and the State Board of Career and Technical Education. YCC participates in Performance-based Standards (PbS), a self-improvement and accountability system used in 26 states to better the quality of life for youths in custody. PbS sets national goals and provides the blueprint and technique to achieve improvement and success in treating confined youths.

Sections 1 through 6 of HB 1089 amend and reenact sections of Chapter 12-46 of the North Dakota Century Code. This chapter governs the operations of

the North Dakota Youth Correctional Center in Mandan, North Dakota. Primarily, the amendments replace the title "superintendent" with the director of the Division of Juvenile Services. Under the 1989 legislation that established the Division of Juvenile Services, the North Dakota Youth Correctional Center became part of the Division of Juvenile Services. The Division's proposed amendments to replace "superintendent" with "the director of juvenile services" brings the administration of the North Dakota Youth Correctional Center into accord with actual practice, which is that the director of the Division of Juvenile Services is the administrator of the North Dakota Youth Correctional Center.

Some of the sections in Chapter 12-46 have inconsistent terminology and use "student" or "person" The proposed amendments change "student" and "person" to "child" or "children" to make the language consistent within Chapter 12-46, with the Juvenile Court chapter, N.D.C.C. ch. 27-20, and with the Division of Juvenile Services chapter, N.D.C.C. ch. 27-21.

A number of the sections in Chapter 12-46 used obsolete or archaic language that has been around sixty years or more. The changes in those sections are to streamline and update the language to reflect present administration and operations.

2. Amendments to N.D.C.C. Chapter 21-21.

a. Section 7 of HB 1089

Section 7 of HB 1089 creates a new subsection to North Dakota Century Code Section 27-21-02. The Division of Juvenile Services places children in a variety of settings across the available continuum of care. Children in the

Division's custody receive treatment and medical services funded through a complicated formula involving federal, state and local dollars. In the vast majority of instances, funding mechanisms work smoothly. However, there are unusual situations in which the Division, as the payee for a child, receives monies that must be used for the child's benefit. These monies usually occur in the form of excess child support enforcement dollars or social security administration dollars. The Division has designated one staff person to handle these situations. The staff person has to take her state identification and her personal identification to her personal bank and have the check converted to a money order which is then given to the child or the parent.

This is a cumbersome work-around process that puts the staff and the Division at risk for losing the money, and the Division needs a better mechanism for paying these monies to the children. The proposed subsection will allow the Division to establish an account in the Bank of North Dakota for the child's benefit in these unusual but difficult situations.

b. Section 8 of HB 1089.

Section 8 of HB1089 creates a new subsection to section 27-21-12 of the North Dakota Century Code. Section 27-21-12 protects the confidentiality of records relating to youth in the custody of the Division of Juvenile Services, and provides for the careful release of information in prescribed situations. Absent from the list of provisions for release is the pre-sentence investigation situation. Such a provision does exist in the juvenile court statutes for juvenile court records. See North Dakota Century Code 27-20-51. At this time, if information

from the DJS is required for a pre-sentence report, an order authorizing disclosure must be obtained from the juvenile court. This results in delaying the transfer of information that then delays the criminal proceedings and affects the preservation of public safety. HB1089 adds the pre-sentence investigation to the list of conditions under which the Division may release information.

The Division has worked with the Social Security Administration on a case-by-case basis with juveniles in the custody of the Division. After the Division submitted its bill draft with the Legislative Council in early December, the Division has been working more extensively with the Social Security Administration. It is in the process of entering into a Memorandum of Understanding with the Social Security Administration, and anticipates the need to more frequently provide juvenile information to the Social Security Administration on behalf of juveniles in its custody. Rather than applying to the Juvenile Court for authorization to disclose information in each case, the Division requests a statutory change to allow disclosure to the Social Security Administration. The Adult Services Division of the Department of Corrections and Rehabilitation presently has this authority under N.D.C.C. Section 12-47-36.

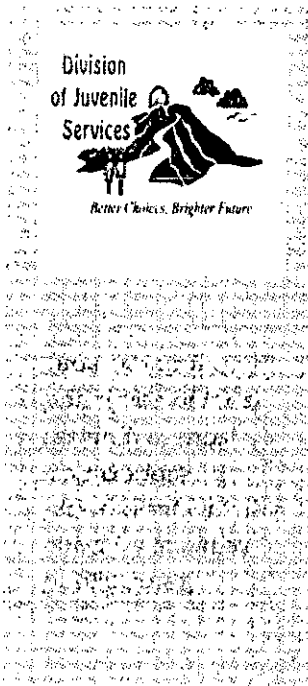
3. Section 9 Repeal N.D.C.C. Sections 12-46-03, 12-46-05, 12-46-06, 12-46-11, 12-46-20, and 12-46-22.

In Section 9 of HB 1089, the Division of Juvenile Services asks for the repeal of NDCC Sections 12-46-03, 12-46-05, 12-46-06, 12-46-11, 12-46-20, and 12-46-22 of the North Dakota Century Code. Copies of these statutes are attached to this testimony. Section 12-46-03 is not necessary because all staff is

now employed under the guidance of the human resources management division (HRMS). Section 12-46-05 is no longer necessary as an oath is not required for the division administrator. Section 12-46-06 is not necessary because salaries are addressed through the state compensation system, again through the human resource management division (HRMS). Section 12-46-11 is not necessary as internal policy and procedure govern the performance and duties conducted by staff, and this section is redundant and obsolete. 12-46-20 is not necessary because youth are not referred to as inmates, and this section does not reflect modern practice. No youth has successfully escaped from the youth correctional center in many years. Section 12-46-22 is not necessary because it is no longer necessary to spell out the service of process, as other policy and procedure govern this procedure

Please give Engrossed HB 1089 a "Do Pass" recommendation.

ND Division Juvenile Services



Operational Overview

The Division of Juvenile Services (DJS) provides intensive case management for youth committed to the agency's care, custody and control. Juvenile Courts operating within the District Courts are able to transfer custody to DJS as a disposition option for delinquent youth.

Once committed, youth go through a thorough assessment process in order for the agency to make informed decisions related to services and placement. The assessment is conducted at the Youth Assessment Center, located on the ND Youth Correctional Center campus. The assessment period concludes with a staffing to discuss the assessment findings and present the Treatment and Rehabilitation Plan. This plan is submitted to the committing court and a progress report follows every 90 days.

Each youth under agency custody is assigned to a Juvenile Corrections Specialist (JCS). The JCS will supervise the case and work to further the goals of the treatment plan. The JCS develops a community placement agreement for youth who remain in their home or arranges for a suitable out-of-home placement somewhere along the continuum of care. Over the course of their treatment, youth might make use of a number of programs in multiple levels of care. DJS operates under the philosophy that services should be provided in the least restrictive environment consistent with the practice of assuring safety of society and the well being of the youth.

Youth Assessment Process

Youth committed to the DJS will initially go through a 14-21 day assessment period at the Youth Assessment Center. The assessment center provides a centralized point for processing, evaluation, and referral. Staff use a number of tools for assessment to develop a comprehensive treatment plan that best links the juvenile to services and interventions that will provide them the treatment, skills and competencies to live a crime-free life.

Suicide Risk Assessment
• Questionnaire conducted to determine the level of risk related to self-injury or suicide
Massachusetts Youth Screening Inventory
• Screening instrument designed to identify potential mental health needs, using a combination of mental, emotional, and behavioral dimensions
Compass Risk Assessment
• Comprehensive risk/needs and case planning instrument that effectively links research-based principles of criminogenic risk assessment to proven intervention strategies
School Testing
• Test of Adult Basic Education (academic-based testing) and Peabody Picture Vocabulary (intellectual-based testing)
• School Learning Styles Inventory
• Gray Silent Reading Test

Goals of the Assessment Center:

1. To develop a more comprehensive assessment of needs for each juvenile
2. To provide for a more comprehensive treatment plan
3. To improve case management and prevent future problem behaviors
4. To make a more efficient use of resources
5. To enable better monitoring of system performance

Community-Based Correctional Services

Case Management

Community-based services operate through eight regional offices across the state. The JCS works collaboratively with the local juvenile court, county social services, law enforcement, private human service agencies and schools to provide individualized rehabilitative programming for youth under custody.

In order to individualize treatment planning, it is critical that staff have a range of placement services from which to choose. DJS, together with other state agencies, private providers and local entities have collaborated time, talent, and funding in order to build a basic continuum of services. These collaborative efforts cannot be underestimated in their significance to the system as a whole.

The placement continuum spans from remaining in the parental home, to family foster care homes, and residential foster care facilities, to the North Dakota Youth Correctional Center.

The JCS makes a minimum of two contacts per month with youth who are under supervision in the community. Contacts may be increased/decreased depending on the needs and progress of the individual youth. Youth who are placed in the foster care system, including psychiatric residential treatment facility placement, are seen a minimum of once per month. Any youth who are placed at the Youth Correctional Center are also visited by their JCS on a monthly basis.

When a youth is in the community, **Tracking Services** may be used. Tracking is a program which pairs youth with an adult para-professional (termed "tracker"). The tracker helps the youth work toward more positive behavior and assists with vocational, living and social skills. Trackers act as an agent of the referring worker and provide the "hands and feet" needed to move the treatment plan along.

The agency's philosophy is that case supervision should maintain connection to the home community as much as possible, and if placed out of the home, successful community reentry should remain the focus for the duration of the court order.

Therapeutic Approach

Several community-based services with a therapeutic approach are utilized to enable youth to stay in their home community and avoid out-of-home placement.

Intensive In-Home Services uses high quality professionals to provide family-based services that will strengthen the family unit and promote self-

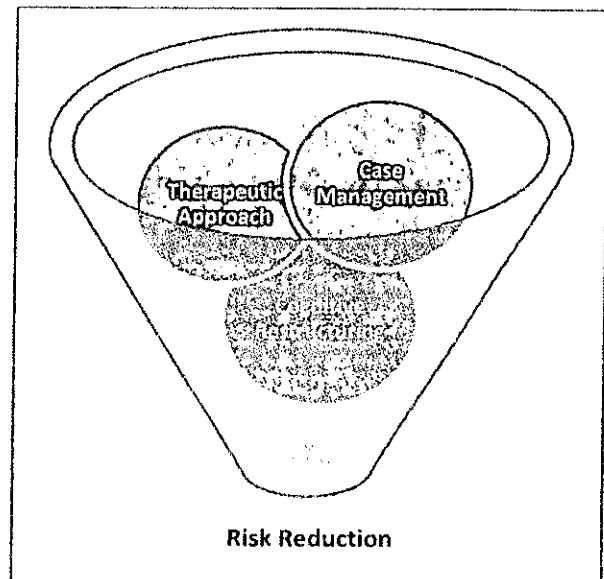
sufficiency. The program has been viewed positively by families and has a high success ratio based on the prevention of out-of-home placements and/or further involvement with the juvenile justice system.

Day Treatment Programming provides school-based treatment for students who are at-risk of out-of-home placement or more restrictive placement because of their behaviors. The program provides assessment, counseling, anger management, social skills training, behavior management, and academic remediation.

Cognitive Restructuring

DJS trains its entire staff to deliver a cognitive restructuring program termed the **EQUIP Program**, which teaches youth to think and act responsibly through a peer-helping approach. In doing so, all staff address behaviors, attitudes, and social skill challenges and opportunities in a similar manner. Many of the private residential providers who work with corrections youth have adopted EQUIP as well, unifying and streamlining the service delivery system.

EQUIP is a three-part intervention method for working with antisocial or behavior disordered adolescents. The approach includes training in moral judgment, anger management/correction of thinking errors, and prosocial skills. Youth involved in the EQUIP training program participate in two types of group sessions - *Equipment Meetings* (in which the leader teaches specific skills) and *Mutual Help Meetings* (in which the leader coaches students as they use the skills they've learned to help each other).



Facility-Based Correctional Services: ND Youth Correctional Center

Mission:
To provide
professional team-
oriented juvenile
correctional services
to troubled
adolescents in a safe
environment

The North Dakota Youth Correctional Center (YCC) consists of four cottages that house juveniles. Each cottage is staffed with a cottage director and a team of counselors who are responsible for the activities, programming and behavioral management of the juveniles.

Youth placed at the facility require considerable programming in order to sufficiently develop the behavioral controls necessary for them to be released to a lesser level of care. Youth can also be placed for "time-out", which provides a brief period of time for youth to regroup themselves and recommit themselves to their treatment

goals. This is for those youth who are in the community or group home setting and their behavior has deteriorated to the degree that their placement is jeopardized.

As YCC also serves as a licensed juvenile detention facility for surrounding counties, youth can be placed at the facility by law enforcement or the courts to be held in detention on a pre-adjudicatory basis. These youth are housed separately from the general correctional population.

Risk Reduction Programs

The programs at YCC focus on criminal attitudes and behaviors with an additional emphasis on recovery and transition. The approach assists youth with issues of substance abuse, criminal thoughts and behavior, stress and violence, lifestyle (work, leisure, and health), and spirituality.

The programs include:

EQUIP (Cognitive Restructuring Program)
Drug and Alcohol Programming
Security Threat Group
Victim Impact Program
Pre-Treatment Sexual Offender Program
Grief/Loss (Growing through Loss)
Special Management Program
Roger Sorenson Challenge TREK
Circle of Courage Ropes Course
Family Workshops
Mental Health Services
Spirituality Services
Native American Programming

The composition of these programs allow for integration of learned concepts into applied behavior. Staff works together to assess progress, address behaviors, and solicit change. Significant focus is maintained on how behavior impacts others.

Juveniles at YCC are prepared to return to a less restrictive placement in their communities with the skills to choose more appropriate behavior.

A TYPICAL YCC INTAKE STUDENT

Kevin was adjudicated delinquent in Juvenile Court on charges of Disorderly Conduct, Assault, Criminal Trespass, Truancy and Possession of Marijuana. Legal care, custody and control was given to the Division of Juvenile Services.

Kevin completed a 21- day assessment, at which point it was recommended that Kevin complete programming at YCC. During the time that Kevin was at YCC he learned respect and earned trust. Kevin completed the EQUIP program, Intensive Outpatient Drug and Alcohol Programming, Victim Impact Programming and earned his high school diploma. YCC gave Kevin the chance to work through his problems. Initially, Kevin didn't want to participate; he thought it was really stupid. The changes came slowly.

After eight months, Kevin was ready to leave the facility. Leaving was difficult as he had made some positive changes and things were going well. Going home meant leaving that all behind. Although he would remain in the custody of DJS, he was nervous, anxious and scared.

Upon arriving home, adjustment was difficult; however, Kevin's JCS made sure that the necessary supports were in place to assist with the transition and continue to address the needs identified in his case plan. Kevin completed six months of additional supervision in the community before his commitment with DJS ended. That time allowed for Kevin, his family, and his JCS to prepare him for a successful transition from supervision.

Like most youth who have received state correctional services, Kevin understands that without those days he wouldn't have the outlook on life that he has today. Without DJS and YCC, Kevin doesn't think he would have been able to get his life right.

YCC EDUCATIONAL PROGRAMMING: MARMOT SCHOOL

A central focus of activity at the North Dakota Youth Correctional Center is educational programming. The junior high and high school is approved and accredited by the North Dakota Department of Public Instruction. In addition, the school has earned the highest level of accreditation recognized by the North Central Association Commission on Accreditation and School Improvement.

During the last academic year, educational staff worked with more than 30 different local school districts to gather the necessary information for student school admission. The following reflects a typical student profile upon admission:

Student Profile at Admission

- ❖ Students arrive on average 3.02 grades behind their age group
- ❖ Approximately 30% of students have special education needs, compared to just under 13% statewide
- ❖ Students often have attended several different schools and experienced several out-of-home placements before arrival

Schedules are designed for each student utilizing transcripts from all schools the youth has attended, in addition to a review of the academic battery of tests given to all intake students.

Scheduling options include:

- Regular Education Required Courses
- Elective Courses
- Special Education
- Career and Technical Education
- General Education Development (GED)
- Work Experience

Education Enhancement

Efforts have been made to enhance educational opportunities. These efforts have included implementing a program termed "Read Right" and an increased focus on improving writing skills.

The **Read Right Program** employs the constructivist theory within a concise reading module to be implemented within the program. YCC has a certified on-site trainer as well as three on-site tutors within this program. The program has demonstrated a high success rate, with 90% of the students that have completed the program testing 2+ grades higher and 95% reporting an improved attitude toward school.

Language Arts classes commit at least 2 class periods per week to the development of **writing skills**. A composition class has been added to the slate of electives. Students whose skills are below grade level

are assigned a composition class. This composition class uses brain-researched methods of writing as well as spelling to achieve excellence. Of those students who have exited the course, 92% demonstrated using writing skills consistently on the post-test, compared to 31% on the pre-test.

Enrichment Activities

Enrichment activities are encouraged for the development of well-rounded students and include:

- Veteran's Day Awareness
- Christmas Tea
- Real Life Fair
- Career Day
- Cultural Sharing Week
- Career and Technical Education Month
- Health and Awareness
- Myriad of Guest Speakers

Educational student services include a dynamic career development program and transitional support.

Academic Success

The Staff are committed to improving each student's academic success. Three hundred and ninety-six (396) youth were served during the 2007-2008 school term by creating for each student a course of study which meets multiple individual needs.

Graduation culminates each school year in May. Families are invited to attend this celebration with their children who are sometimes the first in their family to graduate.

There are circumstances in which youth cannot finish their high school education or GED through YCC as they would no longer be eligible for foster care placement.

"When I first got here, I wasn't really excited about school. But, I got down in gear and got serious about what I'm doing. Now, I'm taking my GED to learn how to be independent. So, when I get out on my own, I can have my own place and a steady job. What I'm doing and still learning here is using my Equip skills better, becoming more of a social person, and learning to live a positive life."

Gerald S.