



JUVENILE JUSTICE COMMITTEE

Tuesday, March 19, 2024
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Claire Cory, Acting Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Karen A. Anderson, Claire Cory, Jayme Davis, Karla Rose Hanson, Lawrence R. Klemin, Shannon Roers Jones, Lori VanWinkle; Senators David A. Clemens, Kathy Hogan, Diane Larson, Judy Lee

Members absent: Representatives Michelle Strinden, Zachary Ista

Others present: Michael Wilber*, Grand Forks Central High School; Jay Hepperle*, Red River High School; Russ Riehl, Simle Middle School; Steven Hall, Department of Corrections and Rehabilitation; Mary Soucie, State Library; Darin Meschke, Vital Records; Mark Heinert, Youthworks; Julie Hoffman, Department of Health and Human Services; Natalece Washington*, National Association of Counsel for Children; Jey Rajaraman*, American Bar Association Center on Children and the Law; Sheldon Spotted Elk, Casey Family Programs; Kati Mikulski, The Lighthouse; and Lorraine Davis, Native American Development Center

See [Appendix A](#) for additional persons present.

**Attended remotely*

It was moved by Senator Larson, seconded by Senator Hogan, and carried on a voice vote that the minutes of the November 9, 2023, meeting be approved as distributed.

JUVENILE DELINQUENCY CODE STUDY

Ms. Karen Kringlie, Director of Juvenile Court, Administrative Unit Two, provided testimony ([Appendix B](#)) regarding the new process for making a delinquency referral to juvenile court for an infraction or misdemeanor offense on school property under North Dakota Century Code Section 27-20.4-05.1.

Mr. Michael Wilber, Associate Principal, Grand Forks Central High School, and Mr. Jay Hepperle, Associate Principal, Red River High School, provided testimony ([Appendix C](#)) regarding the new process for making a delinquency referral to juvenile court for an infraction or misdemeanor offense on school property.

Mr. Russ Riehl, Principal, Simle Middle School, provided testimony ([Appendix D](#)) regarding the new process for making a delinquency referral to juvenile court for an infraction or misdemeanor offense on school property. He noted:

- Juvenile court or schools with adequate restorative justice options are best suited to handle restitution. Offensive behaviors can be addressed at the school level with appropriate resources.
- 39 out of 47 students were held accountable by participating in the school's restorative practices program in lieu of receiving a citation. Eight students required more intensive intervention.
- New teachers are fearful of student behavior and veteran teachers are exhausted. Recruitment and retention might improve if more support is provided.

Mr. Luke Schaefer, Director, Central Regional Education Association, provided testimony ([Appendix E](#)) regarding the implementation of the statutory process for making a delinquency referral to juvenile court for an infraction or misdemeanor offense on school property.

RE-ENTRY OUTCOMES STUDY

Mr. Steven Hall, Director of Transitional Planning Services, Department of Corrections and Rehabilitation, provided testimony ([Appendix F](#)) regarding the re-entry workgroup's progress on improving re-entry outcomes for incarcerated adults and youth. He noted:

- The working group is comprised of representatives from nonprofit organizations that assist with re-entry, community members with re-entry experience, and representatives from the Department of Corrections and Rehabilitation, county jails, the Behavioral Health Division of the Department of Health and Human Services, Job Service, tribal nations, state attorneys, and the Governor's office.
- The goal of the working group is to gain an understanding of re-entry services and provide evidence-based recommendations to the Legislative Management by late fall 2024.
- Several members attended the National Summit to Advance States' Criminal Justice Priorities in Atlanta, Georgia, in December 2023 to learn how states are addressing re-entry and criminal justice issues.

Mr. Christopher S. Joseph, Assistant Legal Division Director, Legislative Council, presented testimony ([Appendix G](#)), regarding the efforts, strategies, and programs implemented in other states to reduce recidivism.

REPORTS

Ms. Mary Soucie, State Librarian, provided an aggregate report ([Appendix H](#)) on the implementation of collection development and relocation of materials policies to ensure explicit sexual material is not maintained in the public library's children's collection inventory.

Ms. Lindsey Burkhardt, Director, Child Sexual Abuse Prevention Task Force; and Dr. Christopher Johnson, Chairman, Child Sexual Abuse Prevention Task Force, and Chief Executive Officer, Rape and Abuse Crisis Center, provided an annual report ([Appendix I](#)) on the findings and recommendations of the task force. They noted:

- The task force was established to develop and implement a comprehensive statewide approach to the prevention of child sexual abuse.
- 1 in every 10 children in North Dakota will be a victim of sexual abuse by age 18 and approximately 65 percent will be female victims. Children are sexually abused by someone they know in 90 percent of cases.
- In January 2023, the Otto Bremer Trust Foundation awarded \$130,000 to Prevent Child Abuse North Dakota to conduct a year-long multilevel child sexual abuse prevention pilot project in Richland County.

CHILD WELFARE STUDY

Mr. Darin Meschke, State Registrar, Director, Vital Records, provided testimony ([Appendix J](#)) regarding the process established by Senate Bill No. 2379 (2023) to request birth certificates on behalf of homeless youth.

Mr. Mark Heinert, Assistant Executive Director, Youthworks, provided testimony ([Appendix K](#)) regarding background information and issues with the availability of vital statistics information for youth estranged from their parents.

Mr. Cory Pedersen, Director, Children and Family Services, and Ms. Julie Hoffman, Adoption Services Administrator, Department of Health and Human Services, provided testimony ([Appendix L](#)), regarding an overview of the laws and practices of the state's adoption system. They noted:

- Senate Bill No. 2080 (2023) provided that a child-placing agency would obtain and consider the foster care study of an applicant who is also a licensed, certified, or approved family foster home for children, and that an adoptive home is presumed suitable to adopt if the prospective adoptive parent is continuously licensed, certified, or approved as a family foster home for children for more than 1 year without a correction order, fiscal sanction, or license revocation.
- The average time from termination of parental rights to finalization of an adoption is 14 months ranging from a low of 6.6 months to a high of 39 months.
- The average time from adoptive placement to finalization is 2.2 months.

Ms. Natalece Washington, Policy Counsel, National Association of Counsel for Children, and Ms. Jey Rajaraman, Associate Director, Legal Representation Projects, American Bar Association Center on Children and the Law, provided testimony ([Appendix M](#)) regarding using Title IV-E funding to support high-quality legal representation and promote child and family well-being.

Ms. Heather Traynor, Court Improvement Program Coordinator, Supreme Court; and Mr. Sheldon Spotted Elk, Senior Director, Judicial National Engagement, Casey Family Programs, provided testimony ([Appendix N](#)) regarding the Indian Child Welfare Act (ICWA) courts and a review of their impact for Indian families. They noted:

- The Indian Child Welfare Court is a state court that specializes in ICWA legal practice through compliance with the law and the spirit of keeping children connected to family, community, and culture.
- The ICWA of 1978 did not prevent the American Indian and Alaskan Native family from being separated. Many state jurisdictions, including North Dakota, experience high levels of disproportionality of American Indian and Alaskan Native children in the foster care system.
- There is a total of 23 ICWA courts with jurisdiction over approximately 2,500 American Indian and Alaskan Native children. Many of these courts take a unique approach to addressing the needs of Tribes, legal procedure, court rules, data collection, and service providers.

Mr. Tim Gienger, Senior Director of Residential Partnerships, Dakota Boys and Girls Ranch, provided testimony ([Appendix O](#)) regarding common overarching or reoccurring issues impacting today's youth.

Ms. Kati Mikulski, Executive Director, The Lighthouse, provided testimony ([Appendix P](#)) regarding common overarching or reoccurring issues impacting today's youth. She noted:

- The degradation of the traditional family, the lack of empathy for mankind, and the dissolution of absolute truths are the most common issues impacting today's youths.
- Research indicates economic well-being, educational attainment, and the behavior of children at school correlate to family structure.
- Boys are two to three times more likely to be incarcerated before age 30 when raised apart from their fathers.
- Girls raised without fathers through the age of 6 are five times more likely to become pregnant as teenagers compared to girls with fathers present.

Ms. Lorraine Davis, Chief Executive Officer, Native American Development Center, provided testimony ([Appendix Q](#)) regarding common overarching or reoccurring issues impacting today's youth.

No further business appearing, Acting Chairman Cory adjourned the meeting at 4:40 p.m.

Christopher S. Joseph
Assistant Legal Division Director

ATTACH:17