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## JUVENILE JUSTICE COMMITTEE

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

~~Representative Michelle Strinden, Chairman, appointed Representative Claire Cory as Chairman for this meeting.~~

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:** See Appendix A

**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 referrals 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:

- ~~Having schools handle restitution or making victims go to small claim's court is not an appropriate response and restitution is better placed with juvenile court or with schools that have adequate restorative justice options.~~ 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.
- ~~Simle Middle School's final year of Restorative Practices, 39 out of 47 students were found to have been able to receive citable offenses but were alternatively held accountable by participating in a restorative process and therefore did not receive citations. Meaning these behaviors can be addressed at the school level with appropriate resources and Simle still has 8 students who need a more intensive intervention; beyond restorative practices.~~ 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. ~~If interventions are continued and support is received for some of the more challenging behaviors in schools, an unintended consequence is teacher r~~Recruitment and retention ~~may~~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 ~~a status update on the~~ Re-entry Work Group's working group's progress on improving re-entry outcomes for incarcerated adults and youth. He noted:

- The ~~Reentry Work G~~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 ~~O~~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 ~~of the work group~~ attended the National Summit to Advance States' Criminal Justice Priorities in Atlanta, Georgia, in ~~early~~ December 2023. ~~The experience provided some insight into~~ to learn how ~~other~~ states are addressing re-entry and criminal justice issues.
- ~~all 2024.f late by in Legislative Management the and provide evidence-based recommendations to in North Dakota entry services understanding of recomprehensive n again have r~~oup is to working g ~~Reentry Work G~~The goal of the-

Mr. Christopher 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, PhD, Chairman, ~~North Dakota Task Force on the Prevention of~~ Child Sexual Abuse of Children Prevention Task Force, and Chief Executive Officer, Rape and Abuse Crisis Center, provided an annual report (Appendix I) on the ~~Task Force's~~ findings and recommendations of the task force. They noted:

- The ~~Child Sexual Abuse Prevention Task Force~~ North Dakota task force was established to develop and implement a comprehensive statewide approach to the prevention of child sexual abuse.
- One in every 10 ~~North Dakota~~ children in North Dakota will be a victim of ~~child~~ sexual abuse by their 18th birthday age 18 and. ~~A~~ approximately 65 percent ~~of those victims~~ will be female victims. ~~and in as many as 90 percent of cases,~~ Children are sexually abused by someone they know in 90 percent of cases.
- ~~In 2022, the North Dakota Child Sexual Abuse Prevention Task Force and Prevent Child Abuse North Dakota requested funding from the Otto Bremer Trust Foundation to conduct a multi-level child sexual abuse prevention project in Richland County, North Dakota.~~ In January ~~of~~ 2023, the Otto Bremer Trust Foundation Prevent Child Abuse North Dakota was awarded \$130,000 to Prevent Child Abuse North Dakota to conduct ~~the 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, Department of Health and Human 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 ~~one~~1 year without a correction order, fiscal sanction, or license revocation.
- The average time from termination of parental rights to finalization of an adoption ~~in North Dakota~~ is 14 months. ~~The range within this average was ranging~~ from a low of 6.6 months to a high of 39 months.
- The average time from adoptive placement to finalization ~~was~~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, JD, 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 ~~federal~~ ICWA ~~passed in of~~ 1978 ~~failed in its implementation to did not~~ prevent the American Indian and Alaskan Native family from being ~~broken up~~separated. Many state jurisdictions, including North Dakota, experience high levels of disproportionality of American Indian and Alaskan Native children in the foster care system, ~~including North Dakota~~.
- There ~~are~~is a total of 23 ICWA courts ~~having total with~~ jurisdiction ~~of 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 biggest issues facing today's youth are t~~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.
- ~~Current~~Recent ~~r~~Research indicates ~~the~~ economic well-being, educational attainment, and ~~school the~~ behavior of children at school ~~are more tightly linked~~ correlate to family structure ~~than ever~~.

- ~~Boys raised apart from their fathers are two to three times more likely to end up in jail before they turn 30 and girls whose fathers disappeared before the girls turned 6 years old are five times more likely to end up pregnant as teenagers compared to their peers raised with fathers in the home.~~ 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 ~~before age of 6 with absent fathers~~ 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.

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Christopher S. Joseph  
Senior Counsel

ATTACH: