

# JCO GUIDE FOR RELEASE OF YOUTH FROM DETENTION OR NONSECURE CARE (1/22/24)

**Situation:** Parent cannot be found or is refusing to pick up child from detention or nonsecure care and Section 27-20.4-07 NDCC may be applicable.

**STEP ONE:** If unable to release to a parent, JCO looks for "other responsible adult able and willing to assume custody" as allowed under 27-20.4-07(1)(b) NDCC.

## STEP TWO:

### Responsible Adult, Able & Willing, is Found

1. JCO does an Odyssey look up on that adult
2. JCO files a 960 if facts indicate that the child is need of protection (CHIPS)

3. JCO sets a detention hrg to request release to that adult using an assumption of responsibility form; OR may release without a hearing upon parental consent documented in ESUP

### Responsible Adult, Able & Willing, is NOT found

1. JCO documents attempts to locate a responsible adult in ESUP
2. JCO files a 960 with CPS and case becomes DSY

3. MDT is held and agencies collaborate on a solution
4. If solution is found, release with plan
5. If no solution found, shelter care hearing is set under 27-20.4-09(5) NDCC \*

### Parent(s) found but refusing to pick youth up

1. JCO asks parent to put in writing the specific refusal reasons
2. JCO files 960 if CHIPS indicated and requests Zone complete safety assessment of the home within 48 hours and inform the court of the results

**HOME FOUND SAFE:** Youth is DSY so FCE or MDT held and release plan completed. If parents uncooperative, JCO recommends to the court to order the parents to pick up the child or find the parents in contempt if they refuse

**HOME UNSAFE:** Youth is DSY so FCE or MDT held before the shelter care hrg if possible. Zone files affidavit and creates CHIPS file and CHIPS shelter care hrg is held.\*

**STEP THREE:** The delinquent referral is addressed by juvenile court via delinquent intake matrix and the occurring delinquent behavior upon admission or adjudication of the offense(s) per Ch. 27-20.4 NDCC. Safety (CHIPS) issues are addressed by the zone through zone procedures or Ch. 27-20.3 NDCC. Collaboration between juvenile court and zone staff is critical. Hearing deadlines are set by Rule 2, NDRJP and these may impede an FCE or MDT because of the 24-hour deadline for a detention hearing or 96-hour deadline from entering nonsecure care. Parents properly served who fail to appear may be held in contempt of court or bench warrant issued under Rule 10(a)(3) NDRJP.

#### Referral for Services

- Child Protection – File SFN 960 or call CPS Intake at 1-833-958-3500 (8:00am – 5:00pm)
- ND Dual Status Youth Initiative
- Family Centered Engagement Meetings
- Kinship ND
- Title IV-E Prevention Services
- Family Centered Partnering Agencies
- Behavioral Health Services
- Voluntary Treatment Program

If an emergency shelter placement or respite services are warranted, contact a local Zone to gain access to a licensed foster care provider family home or certified shelter setting.

\*Zones could avoid receiving custody by using certified shelter or certified foster care or contacting the mobile crisis unit, as applicable.



My name is Cathy Ferderer, and I am the Director of Juvenile and Family Services for the ND Court Administrators' Office. As part of the role, I oversee policy and practice for the Juvenile Court. The Juvenile Court Directors and I would like to respond to the testimony and information shared at the hearing on March 26 regarding HB 1556, as we believe some of the information provided was inaccurate and didn't reflect how and why these cases are becoming Child in Need of Protection (CHIP) cases. I apologize for not being able to attend the hearing. I participated in a national convening of Juvenile Courts across the country earlier this week, which took place in Omaha. I would have sent someone in my place, but I was not aware that juvenile court practice would be discussed and amendments addressing our practice would be proposed.

As you are aware, a revision of the Juvenile Court Act took effect in 2021. The workgroup that provided the language for this rewrite consisted of representatives from all three branches of government and all major partners in the juvenile justice and child welfare system. That legislation removed the juvenile court's jurisdiction over unruly behavior, which includes truancy, ungovernable behavior, running away from home, and tobacco violations. According to testimony provided, "The overarching goal is to allow families to access these same services without the necessity of an arrest and creation of a juvenile court record for these types of behaviors. This aligns our code with what works and is most effective to prevent a child from being drawn deeper into the criminal justice system. It also allows families to proactively reach out for help much earlier, rather than waiting for behavior that merits an arrest or law enforcement citation." The implementation was delayed until August 1, 2022. According to testimony, "This allows time for planning and ensuring that services are available through this other pathway."

We disagree with the testimony and information shared with the committee that juvenile court procedures regarding the filing of 960s, which may lead to custody given to the Human Service Zone, particularly in cases involving unsafe situations that do not involve delinquent actions, are being viewed as a "new practice." This practice has been occurring since before the rewrite. Between 2016 and 2020, prior to the rewrite, the Human Service Zone received custody on average 37 times per year. These were in both unruly and delinquent case types. Custody was given to the Department of Human Services so that out-of-home placements could be used to address behavioral and mental health needs and risky behaviors, such as chronic running away or ungovernable behavior, as juvenile court officers do not have the authority to make out-of-home placements. Additionally, the Juvenile Court and Children and Family Services collaborated on a protocol that addressed one aspect of this practice: parental refusal to pick up a youth from detention or attendant care. The protocol was created in 2022 and revised in 2024. I have attached that protocol.

Currently, juvenile court officers consult with the human service zone or file a 960 report when the youth's nondelinquent behaviors, such as running away, or the parent's inability to control or refusal to pick up a child from detention or attendant care, put the child at risk of harm. Again, juvenile court officers do not have the authority to place a child in a treatment facility, and few parents have access to private treatment. If the parents cannot provide treatment privately, the only source of treatment and also placement is through a Child in Need of Protection case.

We completely agree with the testimony and discussion regarding gaps in services and the need for good placement options for these youth, and we understand the Human Service Zones' request for assistance with this issue. We support the opening of the Life Skills Center and encourage further discussion on practices and resources to address the needs of these youth. We believe your proposal to study these issues is a good one and would appreciate the opportunity to participate if the study proceeds.

Thank you for allowing us to provide you with additional information on the concerns that were addressed. We felt it was essential to do so, as our juvenile court officers work diligently to guide delinquent youth on a path that leads to becoming successful adults while also ensuring community safety. At times, this involves partnering with and engaging other agencies to address the multiple issues this youth is facing. We are proud to say that our officers are making efforts to address both the delinquent offenses and engage other partners when the youth's safety is endangered due to nondelinquent behaviors.

We would also like to reach out to the Governor's Office to provide this information and obtain their perspective on the current situation, as well as address any concerns they may have. Could you please provide me with the contact information for the person who contacted you?

Finally, we would like to be part of any further committee work that may occur on Monday and will make ourselves available to attend and answer any questions you may have.

Cathy Ferderer, Director of Juvenile and Youth Services  
Shawn Peterson, Juvenile Court Director – Unit 1  
Nicole Leitner, Juvenile Court Director – Unit 2  
Carrie Hjellming, Juvenile Court Director – Unit 3  
Sean Anderson, Juvenile Court Director – Unit 4