

# JUVENILE JUSTICE COMMITTEE

The Juvenile Justice Committee was assigned four studies:

- House Bill No. 1195 (2023) directed a study of the criminal code to ensure equitable application to youths charged with juvenile delinquencies. The study required consideration of the desirability and feasibility of a separate juvenile delinquency offense code, whether a separate and unique classification of criminal offenses for juveniles should be created, and which criminal offenses should receive a distinct classification for juvenile offenders, if any.
- Section 6 of Senate Bill No. 2080 (2023) directed a study of the laws and practices of the child welfare system. The study required a review of the implementation of the revisions in juvenile court procedures and the new model of practice; the laws, administrative rules, and practices of the foster care and adoption systems; the timeliness of termination of parental rights; the timeliness of permanency; and the availability of resources to support children and families at risk of or experiencing out-of-home placement.
- Section 1 of Senate Bill No. 2238 (2023) directed a study of the statewide criminal history record check process. The study required a comparison between the statewide and nationwide criminal history record check standards, a review of the average processing time of a requested criminal history record check, and an evaluation of methods to improve efficiency and processing times of the statewide criminal history record check process.
- House Concurrent Resolution No. 3026 (2023) directed a study of improving re-entry outcomes for incarcerated adults and youth. The study required an assessment of current public and private re-entry services, policies, practices, statutes, data, and resource allocation with the goal of identifying opportunities to implement research-based strategies proven to reduce recidivism, improve education and employment outcomes, and maximize resources for the greatest public safety and return on taxpayer dollars. The study also required an examination of re-entry services in the areas of correctional supervision, employment, job training, housing, transportation, support services, and behavioral health services; levels of collaboration across service systems; and current disparities in re-entry outcomes. The study allowed the Legislative Management to develop a working group to oversee the study.

The Legislative Management assigned the committee the responsibility to receive six reports:

- A report from the Department of Health and Human Services (DHHS) on the department's findings and recommendations on the department's study and implementation of a standard framework for youth services for children impacted or potentially impacted by human trafficking, pursuant to Senate Bill No. 2341 (2023).
- A report from the Attorney General on the status and results of the human trafficking victims grant program, pursuant to Section 7 of Senate Bill No. 2003 (2023).
- A report from DHHS on the progress of the study to review the option of reinstating parental rights that have been terminated by a court, pursuant to Section 20 of House Bill No. 1091 (2023).
- A report from each public library regarding 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, pursuant to North Dakota Century Code Section 12.1-27.1-03.5.
- Annual reports from the Task Force on the Prevention of Sexual Abuse of Children with any findings and recommendations, pursuant to Senate Bill No. 2257 (2023).
- A report from the Commission on Juvenile Justice with the commission's findings and recommendations, which may include a legislative strategy to implement the recommendations, pursuant to Section 50-06-43.2.

Committee members were Representatives Michelle Strinden (Chairman), Karen A. Anderson, Claire Cory, Jayme Davis, Karla Rose Hanson, Zachary Ista, Lawrence R. Klemin, Shannon Roers Jones, and Lori VanWinkle and Senators David A. Clemens, Kathy Hogan, Diane Larson, and Judy Lee.

## JUVENILE DELINQUENCY CODE STUDY

House Bill No. 1195 (2023) directed a study of the criminal code to ensure equitable application to youths charged with juvenile delinquencies. The study required consideration of whether a separate juvenile delinquency offense code is desirable and feasible, whether a separate and unique classification of criminal offenses for juveniles should be created, and which criminal offenses should receive a distinct classification for juvenile offenders, if any.

## Background

### House Bill No. 1195

The legislative history of House Bill No. 1195 indicates the purpose of the study stemmed from the often difficult and unintentional inequitable application of the adult criminal code to youths charged with juvenile delinquency. The focus in most criminal code sections usually is to prohibit a certain type of adult behavior. The varied manner in which those criminal sections apply in juvenile court can result in extreme consequences in some cases. Testimony received for House Bill No. 1195 indicated the historical purpose of creating the juvenile court in the United States in 1899 was to separate children from the abuses and consequences of adult criminal procedure. However, the juvenile system defers to the adult criminal offense codes and adult crime classifications as the basis for the charging document in juvenile court. The classification of offenses for adults is a daily point of discussion in charging youths, disposing of juvenile cases, assigning offender risk levels, and considering the transfer of youths into the adult system for the most serious crimes.

### Juvenile Court

Section 12.1-04-01 provides the age of criminal responsibility begins at age 10. When a child aged 10 to 17 allegedly violates the criminal laws of this state, all proceedings concerning that child must be conducted in juvenile court according to the Juvenile Court Act, Chapter 27-20.2, and the companion chapter on delinquency, Chapter 27-20.4. These chapters do not contain juvenile-specific criminal offenses, but rather the definition of "delinquent act," which refers to acts "...designated a crime under law." This has been the case since the juvenile courts in North Dakota were first established.

Juvenile courts were established in North Dakota in 1911 and encompass a small subset of the district courts. The juvenile court protects the best interests of children and addresses the unique characteristics and needs of children who come before the court. The juvenile court handles cases involving:

- Proceedings for the guardianship of a child;
- Children in need of services due to behavior adverse to their own well-being;
- Children in need of protection or when termination of parental rights is sought;
- Children ages 10 to 17 accused of delinquent acts or behavior that if committed by an adult would be considered a crime;
- Children who are subject to the Interstate Compact on Juveniles or Interstate Compact on the Placement of Children; and
- Children seeking judicial consent to marriage, employment, enlistment in the armed services, or certain medical procedures, but only if consent by the court is required by law.

The mission of the juvenile court in a delinquency case is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community.

The juvenile court has three options for handling or disposing of delinquent child cases. The first option, which is known as diversion, allows for the referral of the juvenile to a private agency or program. The second option, which is known as an informal adjustment, allows the child and parents to enter an informal adjustment agreement that sets conditions for the child to be accountable for the charges through informal court probation. The third option is a formal adjudication in which a petition is filed in the district court and the case proceeds through the court system. The option selected is determined based on the seriousness of the offense, the age of the juvenile, previous offense history, and reliability of evidence.

### Distinct Offenses

There are criminal offenses for which the age of the victim or the location of the crime is an aggravating factor, meaning there is a heightened severity of classification for the adult defendant because of the type of victim or the place of the offense. Examples include the statutory domestic violence provisions as applied to sibling or parent-child conflicts, assault offenses, and sexual offenses in which both the offender and victim are under the age of 18. Many of the offenses carry collateral consequences, which can impact a youth well beyond the age of legal adulthood. Examples of collateral consequences include barriers to entering the military, pursuing certain types of careers, or obtaining financial aid or public housing. Collateral consequences of past juvenile adjudications impacting occupational licensing can add to workforce shortages in areas such as home health care, day care, nursing home care, and education.

When a child commits a delinquent act, the juvenile petition refers to the criminal code. The adult criminal code often focuses more on the age of the victim rather than on the person who is alleged to have committed the act. For example, the age of the alleged perpetrator is not considered in an allegation of terrorizing against a child. The only age-related consideration is whether the alleged victim is a child. An offender who is found guilty of terrorizing against a child is required to register as an offender against children under Section 12.1-32-15(1)(a). Thus, the law disregards whether it

is a 10-year-old child frustrated at recess who threatens to kill a classmate, whether the 10-year-old child truly intended to kill the classmate, or an adult who threatens to kill the same child on the playground.

Offenses for which either the age of the victim is considered, but not the age of the actor, and offenses for which the actor's age may be relevant in relation to the offense committed include--gross sexual imposition; domestic violence; simple assault, assault, and aggravated assault; terrorizing; possession of child pornography; and unauthorized use of a vehicle.

### **Testimony**

The committee received testimony from representatives of the Commission on Juvenile Justice, Juvenile Court, North Dakota Association of Counties, and Commission on Legal Counsel for Indigents indicating the juvenile court received 4,103 delinquency referrals in 2022. A total of 2,190 of the delinquency referrals were addressed by diversion to services, 525 were addressed using informal adjustment, and 862 were addressed through formal court proceedings. Juvenile court mainly focuses on two criminal philosophies--rehabilitation and restoration. According to the testimony, because the brain is not fully developed until individuals reach their mid-20's, other philosophies such as deterrence, retribution, and incapacitation, are less effective.

Testimony indicated the criminal code is overcomplicated when it comes to adjudicating juvenile offenders and practitioners require years of experience to become proficient at helping children. The testimony contended the current system of punishment is constructed to treat juvenile offenders as adults, which creates collateral consequences with devastating effects. For example, child and sex offender registration are meant for adult criminal conduct. Juvenile conduct in many circumstances meets the legal criteria for registration, but registration may not be appropriate when dealing with juvenile cases.

Testimony indicated domestic violence is an optional add-on to an underlying assault offense, but juveniles often are detained, arrested, and put in detention based on the family relationship. Domestic violence offenses typically result in many collateral consequences, including mandatory arrests and firearm restrictions. In addition, in juvenile cases, domestic violence often provides a perception of conduct that may not have occurred. Felony and misdemeanor charges and adjudications may lead to juveniles being removed from their homes and placed in a facility for longer than an adult would be for similar conduct. Also, unlike adults, juveniles are not entitled to bail.

The committee was informed the federal Juvenile Justice and Delinquency Prevention Act was established in 1974, and most recently was authorized in 2018 through the federal Juvenile Justice Reform Act. The Act is based on a broad consensus that children, youth, and families involved with the juvenile and criminal courts should be guided by federal standards for care and custody, while also upholding the interests of community safety and the prevention of victimization.

The committee received testimony from the Attorney General indicating a separate juvenile code is not needed and would introduce unnecessary complications. Laws in other states appear to have chapters on juvenile delinquency similar to the current statutory juvenile provisions in North Dakota.

The committee received testimony from the Department of Defense indicating federal prosecutors routinely decline to prosecute juvenile-on-juvenile sexual assault cases, and local prosecutors lack the legal authority to apply state laws to juvenile criminal conduct on federal lands. To address this issue, most states have ceded exclusive legislative jurisdiction to the federal government over lands on which military installations are located. The federal system lacks an effective mechanism for handling juvenile offenses. Without concurrent jurisdiction, there is a lack of juvenile justice on federal installations.

### **Committee Considerations**

Committee members expressed concerns regarding the hardship faced by those who practice in juvenile court to refer to offense language intentionally focused on adult criminal behaviors. The committee considered a bill draft relating to juvenile court proceedings, collateral consequences the juvenile court may order, delinquent acts, and child registration requirements. Testimony received in support of the bill draft indicated the bill draft amends the statutory juvenile provisions relating to age-based sex offenses, sexual offender registration, child offender registration, domestic violence laws, and criminal responsibility to improve and simplify the adjudication of juvenile offenders. The committee did not receive any testimony in opposition to the bill draft. The committee expressed an understanding of the need to be equitable, forcing state attorneys and courts to consider reducing certain types of charges because the language does not fit or the collateral consequences would not be in the best interest of the child or the best interest of the community or victim.

The committee considered a bill draft relating to juvenile fitness to proceed and remediation of juveniles. Testimony received in support of the bill draft indicated the bill draft codifies due process rights, provides a method for juvenile competency remediation, and allows the court to deflect cases based on prior judicial findings of a lack of fitness to

proceed. The committee did not receive any testimony in opposition to the bill draft. The committee expressed support for legislation to prevent adverse impacts to the health, safety, and welfare of juveniles, and the need to ensure equitable application of the criminal code to youths charged with juvenile delinquencies.

The committee considered a bill draft to establish concurrent jurisdiction on military installations to remedy the concern. Testimony received in support of the bill draft indicated the state's juvenile court can adjudicate juvenile offenses when concurrent jurisdiction is established between state and federal authorities, allowing for more appropriate sentencing and case management outcomes. The committee did not receive any testimony in opposition to the bill draft.

### **Recommendations**

The committee recommends the following bill drafts relating to the juvenile delinquency code study:

- A bill draft [\[25.0271.01000\]](#) relating to establishing concurrent jurisdiction on military installations.
- A bill draft [\[25.0324.02000\]](#) relating to juvenile fitness to proceed and remediation of juveniles.
- A bill draft [\[25.0272.02000\]](#) relating to juvenile court proceedings, collateral consequences the juvenile court may order, delinquent acts, and child registration requirements.

### **CHILD WELFARE STUDY**

Section 6 of Senate Bill No. 2080 (2023) directed a study of the laws and practices of the child welfare system. The study required a review of the implementation of the revisions in juvenile court procedures and the new model of practice; the laws, administrative rules, and practices of the foster care and adoption systems; the timeliness of termination of parental rights; the timeliness of permanency; and the availability of resources to support children and families experiencing or at risk of out-of-home placement.

### **Background**

#### **Juvenile Justice and Court Procedure**

Juvenile courts were established in North Dakota in 1911 and encompass a small subset of the district courts. The juvenile court protects the best interests of children and addresses the unique characteristics and needs of children who come before the court. Cases handled by the juvenile court include matters involving proceedings for the guardianship of a child, children in need of services due to behavior adverse to their own well-being, children in need of protection or when termination of parental rights is sought, and children ages 10 to 17 accused of delinquent acts or behavior that, if committed by an adult, would be considered a crime. The mission of the juvenile court in a delinquency case is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community.

The juvenile court has several options for handling or disposing of delinquent child cases. The first option is known as diversion and allows for the referral of the juvenile to a private agency or program. The second option, under Section 27-20.2-09, is known as an informal adjustment and allows the child and parents to enter an informal adjustment agreement that sets conditions for the child to be accountable for the charges through informal court probation. The third option is a formal adjudication in which a petition is filed in the district court and the case proceeds through the court system. The option selected is determined based on the seriousness of the offense, the age of the juvenile, previous offense history, and reliability of evidence.

#### **Adoption System**

Adoption is a civil court process in North Dakota state district court which creates the relationship of parent and child between the individual petitioning to adopt and the adopted individual. The adopted individual is considered a legitimate blood descendant for all purposes, including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, which do not expressly exclude an adopted individual from the document's operation or effect.

In North Dakota, all adoptions are facilitated through private adoption agencies. A private adoption agency is supported by private funds and must be licensed or approved by the state in which it operates. A private adoption agency also may receive public funds if the agency has a contract with the state to provide adoption services. In North Dakota, private agencies facilitate the adoption of infants and foreign-born children. Private agencies also facilitate "public agency adoptions,"...which is the adoption of children from the foster care system. North Dakota contracts with three private agencies to provide adoption services for children being adopted from the foster care system, as well as services for the families who adopt those children. This collaborative effort is called the Adults Adopting Special Kids Program.

#### **Foster Care System**

Foster care is 24-hour out-of-home care for children whose parents are unable to provide for their children's needs. Foster care includes the provision of food, clothing, shelter, security, safety, guidance, and comfort. In nearly all cases,

a child in foster care has been removed from their home by court order, with custody given to a public agency, such as the Division of Juvenile Services, a human service zone, or tribal social service offices. The Department of Health and Human Services licenses foster care homes and facilities to maintain a standard of safety and well-being for children in foster care.

### **Termination of Parental Rights**

Chapter 27-20.3 governs the termination of parental rights as it relates to child welfare. Section 27-20.3-20 provides a court may terminate the parental rights of a parent with respect to the parent's child if:

- The parent has abandoned the child;
- The child is subjected to aggravated circumstances;
- The child is in need of protection and the court finds:
  - The conditions and causes of the need for protection are likely to continue or will not be remedied and for that reason the child is suffering or will probably suffer serious physical, mental, moral, or emotional harm; or
  - The child has been in foster care, in the care, custody, and control of the department or human service zone for at least 450 out of the previous 660 nights;
- The written consent of the parent acknowledged before the court has been given; or
- The parent has pled guilty or nolo contendere to, or has been found guilty of, engaging in a sexual act under Section 12.1-20-03 or 12.1-20-04, the sexual act led to the birth of the parent's child, and termination of the parental rights of the parent is in the best interests of the child.

Under Section 27-20.3-21, a petition for termination of parental rights must be prepared, filed, and served upon the parties by the state's attorney. Section 27-20.3-23 provides an order terminating the parental rights of a parent terminates all the parent's rights and obligations with respect to the child and of the child to or through the parent arising from the parental relationship.

### **Permanency Hearing**

Section 27-20.3-01 defines a permanency hearing as "a hearing, conducted with respect to a child who is in foster care, to determine the permanency plan for the child...." The hearing includes several factors, including whether and when the child will be returned to the parent, whether and when the child will be placed for adoption and the state will file a petition for termination of parental rights, and in the case of a child who has attained age 14, the services needed to assist the child to make the transition to successful adulthood.

The overall objective of child welfare and placement is to use reasonable efforts to preserve families, reunify families, and maintain family connections before the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home, and to place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that such a joint placement would be contrary to the safety or well-being of any of the siblings. If the court or the child's custodian determined that continuation of reasonable efforts is inconsistent with the permanency plan for the child, reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete the steps necessary to finalize the permanent placement of the child.

### **Testimony**

The committee received testimony from representatives of human service zones and several other public and private organizations involved in child welfare, protection, and advocacy. Testimony indicated the child welfare system operates with public and private sector partners, including the Division of Juvenile Services, private human service agencies, tribal social service offices, and human service zones. Safe children and strong families is the mission of the state's child welfare system. The system carries out its mission by providing home visitation, child protection, foster care, family reunification, behavioral health and substance abuse services, guardianship, and family preservation services. Nearly 1,100 cases of child abuse or neglect are confirmed in the state each year. The leading reason for removal of a child from a parental home is a parent's unaddressed mental health needs and substance use.

The committee was informed human service zones have 19 administrative hubs, 51 local service locations, and 895 team members statewide to provide safety net services and programs to support strong and healthy children, families, individuals, and communities. The human service zones provide child welfare services and economic assistance programs, including child protective services, foster care services, in-home services, food assistance, and child care assistance. Human service zones account for 77 percent of foster care placements in North Dakota.

Testimony indicated private and publicly funded organizations specializing in child welfare, protection, and advocacy provide services such as:

- Advocacy assistance, advocacy representation, and legal representation in situations involving child abuse, neglect, and exploitation.
- Investigation, intervention, forensic interviews, mental health care, and medical evaluations in cases of child abuse allegations.
- Christ-centered residential treatment and an educational center for children and their families, including in-class psychiatric therapy, trauma-informed care, and trauma-sensitive education.
- Bible clubs, Bible camps, and church youth groups.
- Improving economic and support services and cultural education and programs to Native Americans by addressing behavioral health via curriculums that are inclusive of intertribal values, beliefs, traditions, incorporating tribal kinship, and healthy lifestyles demonstrated to increase tribal identities.

Testimony received from a representative of DHHS indicated about 1 in 3 North Dakota children are eligible for Medicaid. North Dakota Medicaid covers a range of services and supports for youth who are experiencing or at risk of out-of-home placement. The services provided include community services, residential services, and transitional services. The Family Support Program consists of community-based services lasting up to 1 year to prevent out-of-home placement, including mentoring services to the household and relief care to the Medicaid-eligible child.

Testimony indicated 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. The department's goal is for adoption finalization to occur within 60 days of termination of parental rights in 80 percent of cases. According to the testimony, reaching the target will require those involved in the foster care and adoption process to adhere to the new processes and protocols implemented in February 2024.

Testimony indicated the department's goals related to child welfare include reducing foster care numbers, reducing institutional placements, increasing evidence-based supports for children, and reducing the severity of school-based behaviors.

Testimony from representatives of DHHS, human service zones, and public and private organizations involved in child welfare, protection, and advocacy indicated parental substance use or abuse accounts for 34 percent of child removals. Prevention services and community-based services are lacking outside of major cities. Parents lack representation in child in need of protection cases. The testimony contended human service zones are severely understaffed, leading to high caseloads that impact the ability of staff to assess and determine safety. Human service zones also have long onboarding periods before a new employee becomes proficient in assessing and providing services to families in the community.

### **Committee Considerations**

The committee expressed concern regarding the 1,100 confirmed cases of child abuse or neglect each year and the leading reason for removal of a child from a parental home being a parent's unaddressed mental health needs and substance use. The committee toured Pride Manchester House and the Dakota Boys and Girls Ranch and expressed appreciation for the clinical, educational, therapy, and residential services provided to children and adolescents with chronic psychiatric and behavioral health issues. The committee expressed support for human service zones partnering with other human service zones and with state partners to provide workforce stability to combat the lack of workforce.

### **Conclusion**

The committee makes no recommendation regarding its study of the laws and practices of the child welfare system.

## **CRIMINAL HISTORY RECORD CHECK STUDY**

Section 1 of Senate Bill No. 2238 (2023) directed a study of the statewide criminal history record check process. The study required a comparison between the statewide and nationwide criminal history record check standards, a review of the average processing time of a requested criminal history record check, and an evaluation of methods to improve efficiency and processing times of the statewide criminal history record check process.

### **Background**

#### **North Dakota Law**

Chapter 12-60 establishes the procedure for the creation and dissemination of criminal history record information. Section 12-60-16.2 provides each criminal justice agency is required to report information to the Bureau of Criminal Investigation (BCI) regarding all felonies as well as certain misdemeanors, which are known as "reportable offenses." Section 12-60-16.5 provides criminal history record information may be disclosed and exchanged among criminal justice agencies and courts, by subpoena, and as otherwise expressly required by law.

Section 12-60-16.6 allows for the dissemination of criminal history record information to parties not described in Section 12-60-16.5 if certain requirements are met. Section 12-60-16.9 requires BCI to impose a \$15 fee for each state record check, a \$5 fee for record checks for certain nonprofit charitable organizations, and a \$15 fee for processing fingerprints necessary for a nationwide criminal history record check. The section also requires BCI to waive the fees for any criminal justice agency or court.

Section 12-60-24 identifies the agencies and entities required to conduct criminal history record checks on certain individuals. The section requires the agencies and entities named in that section to "require each applicant, employee, or petitioner for adoption or name change to consent to a statewide and nationwide criminal history record check for the purpose of determining suitability or fitness for a permit, license, registration, employment, or adoption." The section also requires the agency or entity to obtain two sets of fingerprints from each applicant, employee, or petitioner for adoption or name change. The agency or entity is required to submit the fingerprints to BCI for a nationwide criminal history record check that includes the submission of the fingerprints to the Federal Bureau of Investigation (FBI).

### **Senate Bill No. 2238**

As introduced, Senate Bill No. 2238 sought to shorten the time to receive criminal background checks for child care providers under Section 50-11.1-06.2. Based on testimony received for Senate Bill No. 2238, the fingerprinting process and criminal background check delays arise during multiple steps in the process. First, it is difficult to schedule an appointment to get fingerprinted (with an average wait of 12 days in Fargo). When the fingerprint is returned to the provider and mailed to DHHS, the average response time is 11 days. This results in a 3- to 4-week delay from the time of initial referral for fingerprinting to the time results for an in-state applicant are received. As a result of the delays, as much as 50 percent of child care applicants in some areas of the state have obtained alternate employment by the time the background checks are completed.

Senate Bill No. 2238, as introduced, attempted to streamline the criminal background check process for child care providers under Section 50-11.1-06.2 by amending the section to require DHHS to ensure access to fingerprinting is readily available for an individual required to obtain fingerprinting. The bill defined readily available as "within a fifty-mile radius and within forty-eight hours of an individual scheduling a request." The addition to Section 50-11.1-06.2 would have established a criminal background check infrastructure for child care employees which is timely and responsive to providers and applicants.

### **Criminal History Records**

The Bureau of Criminal Investigation is the state's central repository for criminal history information. The system compiles records of arrests and prosecutions of individual offenders for use by law enforcement, the courts, and the public. Criminal history information is submitted to BCI by local law enforcement agencies, state's attorneys, the courts, and parole and probation.

A background check is a search of publicly available online records, such as court records, sex offender registries, and other sources, which cross-references records by a person's name, or name and date of birth. These public records may have data for more than one person with the same name or may be out of date. A state criminal history record check is a search of confidential law enforcement databases which cross-references the person's name, date of birth, social security number, and other specific identifiers, including fingerprints. Extensive cross-referencing ensures the result relates only to that person, even if the person has had different names or there are other individuals with the same name. By law, only BCI can supply a criminal history record check.

A North Dakota criminal history record check may be name based or fingerprint based. A name-based search will not identify records if the subject was arrested under a different name from the name or names listed on the request form. A fingerprint-based search will identify arrest records even if the subject used an unknown alias. If a fingerprint-based search is requested, fingerprints must be provided.

It takes approximately 7 to 10 business days to process and complete a criminal history record check. The Bureau of Criminal Investigation provides an option for expedited record checks, which requires the applicant to include a prepaid, self-addressed, overnight, or priority mail envelope and payment only in the form of a certified cashier's check or money order. Although BCI begins processing requests upon receipt, some boards and agencies submit requests to BCI only on a monthly basis. The Bureau of Criminal Investigation returns the record check to the board or agency as soon as the record check is completed, but the board or agency may not review the completed record checks until its next scheduled board meeting.

A request for criminal history record information only provides North Dakota records. For individuals required by state or federal law to obtain a national FBI record check, including applicants for professional licenses, foster care providers, potential adoptive parents, and others listed in Section 12-60-24, the request must be made through BCI. The FBI can provide individuals with an Identity History Summary, often referred to as a criminal history or "rap sheet," listing certain

information taken from fingerprint submissions kept by the FBI and related to arrests and, in some instances, federal employment, naturalization, or military service. If the fingerprint submissions are related to an arrest, the Identity History Summary includes the name of the agency that submitted the fingerprints to the FBI, the date of the arrest, the arrest charge, and the disposition of the arrest, if known. All arrest information included in an Identity History Summary is obtained from fingerprint submissions, disposition reports, and other information submitted by authorized criminal justice agencies. If the request is received online, the current processing time for an Identity History Summary is 5 to 10 days after the FBI receives the fingerprint card. If the request is received through the mail, the processing can take up to 2 months.

### **Testimony**

Testimony from representatives of Boys and Girls Clubs and the YMCA indicated scheduling appointments for fingerprinting may take up to 2 weeks or longer due to the limited number of appointment openings and fingerprinting systems available. The long wait time is negatively affecting North Dakota's child care industry because applicants are unable to wait that long for employment. If an applicant for a criminal history background check has lived in another or several other states, it may take up to 3 months to receive the results of a criminal history record check because the results of the criminal history record check cannot be finalized until each state the candidate has resided in responds to the request for the candidate's criminal history record.

Testimony indicated timely completion of criminal history background checks is crucial for ensuring the safety and smooth operation of child care services. According to the testimony, the wait times for processing criminal history background checks poses a challenge for staffing and scheduling, which reduces the state's workforce by limiting the number of child care openings while waiting for completion of the background check so new staff can begin work and parents can return to work.

Testimony indicated possible solutions to long wait times and staffing challenges could include establishing additional fingerprinting locations or appointment availability and implementing provisional hiring policies, including allowing staff to begin work under supervised conditions while waiting for comprehensive background check results.

Testimony from a representative of the Insurance Department indicated the department is seeking avenues to expedite the process for an insurance producer to receive the producer's insurance license. The department has required fingerprinting for resident insurance producers since 2013, which allows the department to conduct background checks on resident producers who will be representing North Dakota. Fingerprints are submitted to BCI via interoffice mail for the applicant's background check to be completed by the state. Most background checks with results indicating there is no criminal record for the applicant can be completed within 3 to 5 business days. The average time from receipt of fingerprints to issuance of a North Dakota producers license is 8 days. Representatives of the department indicated the department is interested in collaborating with other state agencies using fingerprinting processes to expedite the process to get producers licensed and working in the insurance field.

Testimony received from a representative of DHHS indicated the average wait time of 11 calendar days for completion of an early childhood services criminal history background check. The department's central background check unit is in the process of selecting a vendor to automate the criminal history background check forms submittal process, allowing for greater efficiency, a significant reduction in errors on submissions, and timelier processing. In addition, the Legislative Assembly provided an appropriation to the department during the 2023 legislative session to add two live scan fingerprinting systems and the staff to support those systems. The department identified funding within the child care grant to support the addition of eight mobile live scan fingerprinting systems that will be used by the child care licensors in rural communities to expedite the fingerprinting process by eliminating the need to travel to one of the human service centers.

Testimony received from representatives of BCI indicated the reasons a criminal history record check may be delayed include fingerprints being rejected by the FBI, a missing disposition, the appearance of duplicate charges, or the need to contact a law enforcement agency or a state's attorney to clarify charges or dates on a record.

The testimony indicated the criminal history record check process could be improved or streamlined by creating an online bill pay mechanism, establishing an automated system for criminal history record check requests and responses, which is under the control of BCI, and expanding the number of live scan fingerprinting systems.

### **Committee Considerations**

Committee members expressed concern regarding the wait times to schedule fingerprinting due to the limited number of appointment openings and fingerprinting systems available in the state. Background check delays are having a negative impact on the child care industry and limiting workforce opportunities. The committee acknowledged the allocation of funds for additional and automated equipment and additional staff has shortened the wait time for scheduling fingerprints. Committee members expressed support for legislation to provide additional solutions but concluded legislation addressing the issue goes beyond the scope of the study. Although the committee determined any legislation



related to the study should not be in the form of an interim committee bill draft, some committee members expressed interest in pursuing a comprehensive solution independently to improve the statewide criminal history record check process.

### **Conclusion**

The committee makes no recommendation regarding its study of the statewide criminal history record check process.

## **RE-ENTRY OUTCOMES STUDY**

House Concurrent Resolution No. 3026 (2023) directed a study of improving re-entry outcomes for incarcerated adults and youth. The study allowed the Legislative Management to develop a working group to oversee the study. The study required an assessment and examination of the efforts, strategies, and programs implemented in other states to reduce recidivism; current public and private re-entry services, policies, practices, statutes, data, and resource allocation; re-entry services in the areas of correctional supervision, employment, job training, housing, transportation, support services, and behavioral health services; levels of collaboration across service systems; and current disparities in re-entry outcomes.

### **Background**

#### **Justice Reinvestment**

Since 2015, the Legislative Assembly has attempted to reform the state criminal justice system with the objective of maximizing public safety, using taxpayer dollars more efficiently, and helping people who are justice involved become more productive citizens. In 2017, the Legislative Assembly passed House Bill No. 1041, which aimed to temper the state's rapidly growing spending on correctional facilities and reinvest a portion of the savings into strategies to reduce recidivism and increase public safety. The bill reduced penalties for certain low-level, nonviolent offenses, and created Free Through Recovery, an outcomes-driven program to address the fact that a large majority of incarcerated individuals have addiction and mental health issues.

Following the passage of House Bill No. 1041, the Legislative Assembly shifted its focus to the juvenile system. The newly created Juvenile Justice Commission partnered with the Council of State Governments' Justice Center to conduct an in-depth analysis of practices and policies related to North Dakota youth who were justice involved. The group reviewed data, statutes, and policies, and worked with a broad group of stakeholders, including states attorneys, public defenders, court staff, law enforcement, educators, tribal representatives, behavioral health professionals, and child welfare officials. These efforts resulted in House Bill No. 1035 (2021), which modernized state laws related to juvenile justice. The bill created distinct categories for juvenile delinquency, deprivation, and child welfare to clearly delineate between these populations to allow each type of case to be handled more consistently and to better enable youth to access social services without formal involvement in the justice system.

House Concurrent Resolution No. 3026 (2023) continues efforts to achieve reform by directing a study of improving re-entry outcomes for incarcerated adults and youth. Re-entry outcomes refer to a wide variety of services to help individuals successfully transition back to society, including education and job training, the removal of barriers to employment and stable housing, transportation, mental health services, recovery support, parenting, and other personal skill building. In North Dakota, about 1,400 prisoners are released each year from state prisons and thousands more are released from county jails. Formerly incarcerated individuals have access to a range of public and private programs to assist in their transition back to society, including services related to employment, housing, and behavioral health. According to testimony related to the study, House Concurrent Resolution No. 3026 seeks to review these services and identify needed improvements in re-entry services which could reduce North Dakota's 40.3 percent recidivism rate to save taxpayer dollars and improve lives.

#### **Department of Corrections and Rehabilitation**

Section 54-23.3-01 provides for the creation, duties, and programs of the Department of Corrections and Rehabilitation (DOCR). The section provides the department is responsible for the direction, guidance, and planning of adult and juvenile correctional facilities and programs within the state. Included within the purview of the department are the state penitentiary and any of its affiliated facilities, parole and probation for adult offenders, the Youth Correctional Center, community programs and services for juvenile offenders under the Division of Juvenile Services, and any other programs developed by the department.

Section 54-23.3-02 establishes the purpose of DOCR which includes:

- Providing for the care, custody, discipline, training, and treatment of persons committed to state correctional facilities and programs.
- Coordinating and providing a continuum of correctional services to both adult and juvenile clients.

- Working with local and state entities to develop alternatives to conventional incarceration for those offenders who can be handled more effectively in less-restrictive, community-based facilities and programs.

In 2003, DOCR applied to the National Institute of Corrections for technical assistance to implement the Transition from Prison to Community Initiative. Formal assistance from the National Institute of Corrections ended in 2009. The Department of Corrections and Rehabilitation and other stakeholders involved in the Transition from Prison to Community Initiative adopted the philosophy of recidivism reduction and focused efforts on implementing research-based strategies to reduce recidivism. Recidivism was defined as reducing the number of people released from prison who return to prison within 12, 24, and 36 months following their release.

In 2007, DOCR invited federal, state, local, and community-based agency leaders to work on re-entry issues. These leaders studied several issues and commissioned a steering committee to develop strategies to address barriers to successful re-entry. North Dakota also adopted the Transition from Prison to Community Initiative model, focusing on different decision points spanning the period of a person's incarceration and community supervision to make system improvements. Re-entry planning starts upon an individual's arrival in prison where assessments, treatment, and education services are offered to incarcerated individuals. Release planning starts approximately 6 months before an individual's release date. Individuals are released from prison to parole supervision for those eligible and granted, probation supervision for those ordered by the district court, or to expiration of sentence where no community supervision will take place.

As of February 27, 2023, of the 95 individuals incarcerated in DOCR with a life sentence, 52 were incarcerated with a life without parole sentence and 43 were incarcerated with a life with the possibility of parole sentence. The remaining 96 percent of DOCR's prison population who are not serving a life sentence, a total of 1,754 individuals, will be released back into their local communities.

From 2013 to 2022, the United States adult prison population fell by more than 21 percent, but the adult prison population in North Dakota grew by over 15 percent. Prison admissions in North Dakota increased 24 percent from 2020 to 2023 and the prison population grew by 45 percent.

## **Testimony**

### **Efforts in Other States to Reduce Recidivism**

The committee received testimony indicating employment is a key factor in avoiding recidivism. Reducing recidivism increases community safety, decreases victimization rates, reduces criminal justice costs, and fosters family preservation. Twenty-one states have laws aimed at helping previous offenders receive identification either at release or immediately following. Seventeen states provide permanent identification cards to those being released, while Utah and New York both provide temporary identification cards. Mississippi, North Carolina, Nevada, and Wisconsin explicitly provide for driver's licenses, allowing those who receive them to drive immediately. Ten states (Alabama, Alaska, Arizona, California, Florida, Georgia, Hawaii, Illinois, Texas, and Washington) provide state identification cards. Testimony indicated other efforts to reduce recidivism enacted in other states included:

- Alabama requiring its department of corrections to provide an inmate with a social security card and birth certificate upon release from incarceration.
- Louisiana removing eligibility restrictions for participation in the workforce development sentencing program. Those who have been deemed "habitual offenders" and those with sentences longer than 10 years can now participate in the program.
- Illinois providing that, during the first 180 days following an individual's release from a penal institution, the court may not order the individual to pay any outstanding fines, taxes, or costs arising from a criminal proceeding involving the individual.
- Tennessee providing an incarcerated individual who is ordered to pay child maintenance and is unable to pay with up to 1 year after the release from incarceration to begin payment, including entering a payment plan to address any arrearage.

### **Behavioral Health**

The committee was informed DHHS offers direct services for behavioral health needs through the department's eight regional human services centers. In addition, services are provided through the department's Free Through Recovery Program. The program, created in 2017, has served nearly 5,000 people over 5 years and has reduced recidivism for those at higher criminogenic risk.

The Free Through Recovery Program is a community-based behavioral health program designed to increase recovery support services to individuals involved with the criminal justice system who have behavioral health concerns. The mission of Free Through Recovery is to improve health care outcomes and reduce recidivism by delivering

high-quality community behavioral health services linked with community supervision. Free Through Recovery participants work with local providers to receive care coordination, recovery services, and peer support.

### **Working Group**

A working group, consisting of legislators, representatives from nonprofit organizations that assist with re-entry, community members with re-entry experience, and representatives from DOCR, county jails, the Behavioral Health Division of DHHS, the North Dakota Supreme Court, Job Service North Dakota and the business community, adult and postsecondary education institutions, and tribal nations, reported to the committee regarding its deliberations. The testimony indicated the purpose of the re-entry study workgroup was to facilitate assessment of current re-entry practices and community resources available for adults and youth transitioning from incarceration into communities throughout the state and provide essential information to the committee to assist the 69<sup>th</sup> Legislative Assembly with decisionmaking regarding criminal justice reform and reducing recidivism in the state. The goal of the workgroup was to gain a comprehensive understanding of re-entry services in North Dakota and provide evidence-based recommendations to the committee.

The workgroup's first meeting was September 20, 2023, which focused on the history of criminal justice reform in North Dakota and workgroup charter development. Crime and Justice Institute (CJI) staff met with the workgroup to gain more knowledge about North Dakota's correctional system and the status of re-entry in the state. Crime and Justice Institute staff also met with DOCR business analysts to discuss the data sharing that will be requested for the study to provide a venue for CJI staff to review in detail how they will be conducting the study of re-entry in the state. Several members of the workgroup attended the National Summit to Advance States' Criminal Justice Priorities in Atlanta, Georgia. The experience provided a comprehensive understanding of how other states are addressing re-entry, key data findings related to national re-entry services, and important methods to improve re-entry outcomes and reduce recidivism.

Testimony indicated the workgroup, in conjunction with CJI, focused on defining re-entry and exploring the intersection of behavioral health and criminal legal systems through a review of trends, research, and best practices. The committee was informed reducing recidivism is not linear and takes many different forms of preparation to accomplish, including front-end diversion, treatment while in custody, release and re-entry planning, community supervision, family support, housing, and employment. Continuing treatment after release also is vital because an unaddressed behavioral health condition such as mental illness, persistent substance abuse, and unaddressed trauma complicate re-entry and increase the likelihood of recidivism.

Testimony indicated the workgroup's key data findings led to five overall goals to reduce recidivism and improve re-entry outcomes in the state. The first goal is expanding pathways to alternatives to incarceration through community-based interventions by authorizing citations in lieu of arrest for nontraffic offenses, expanding presumptive probation, establishing court-led pre-adjudicatory diversion programs and incentivizing counties to establish prosecution-led diversion programs, and limiting use of cash bail for cases released to pretrial supervision and evaluating savings from pretrial supervision.

The second goal is decreasing the number of individuals entering prison due to a drug or alcohol offense, or revocation from supervision, by including second-time possession offenses within the misdemeanor offense class, establishing clear definitions for absconding and technical violations in statute, updating data collection practices relating to revocations, and limiting or eliminating imposition of fines and fees for probation.

The third goal is reducing racial disparities in the criminal justice system by employing a Native American liaison or liaisons within parole and probation, identifying culturally responsive training opportunities for officers through consultation with tribal system partners, and designing a re-entry program in conjunction with tribal partners which is responsive to the specific needs of the Native American population.

The fourth goal is increasing cross-agency collaboration between system partners by creating regional coordinating councils comprised of re-entry partners and agencies, partnering with the Department of Transportation to provide access to driver's licenses for incarcerated individuals, convening a council or commission to develop solutions to data-sharing challenges, including the collection and dissemination of court, prison, community supervision, and Free Through Recovery data, and developing a standard practice of coordination between probation or parole officers, care coordinators, and peer supporters to support people on supervision and respond to supervision challenges.

The fifth goal is to further support a successful transition back into the community by increasing access to housing and health care by providing vouchers for people being released from incarceration to pay for housing, reducing liability for landlords to lease dwellings to people with criminal convictions, expanding access to expungement, and applying for the Medicaid Section 1115 waiver.

## **Committee Considerations**

Although committee members acknowledged legislation may be needed to improve recidivism rates and re-entry outcomes, the committee determined any legislation on the topic should not be in the form of an interim committee bill draft because several committee members showed interest in collaborating with CJI and introducing legislation addressing recidivism and improving re-entry outcomes. The committee also was supportive of the continued work of the workgroup and the continuous efforts of DOCR, DHHS, Job Service North Dakota, and several private organizations in their mission to improve re-entry outcomes.

## **Conclusion**

The committee makes no recommendation regarding its study of improving re-entry outcomes for incarcerated adults and youth.

## **HUMAN TRAFFICKING REPORT**

The committee received a report from DHHS regarding the department's study and implementation of a standard framework for youth services for children impacted or potentially impacted by human trafficking, pursuant to Senate Bill No. 2341 (2023). According to the report, trafficking cases often are not prosecuted due to the difficulty of proving the offense. In many circumstances, traffickers are not charged with human trafficking but may be charged with a drug-related or other crime that is easier to prove. The report indicated the state has an inconsistent understanding of how often human trafficking is occurring and needs consistent data to inform decisionmaking. Data collection has been a long-standing issue with discrepancies among agencies and definitions used. There is disparity in documenting whether a child or adult is determined "at-risk" or "of concern" versus a child being "suspected" or "confirmed" as a victim of human trafficking. There is no statewide consistency in data collection or reporting, and each service provider or agency tracks data independently and differently.

The report indicated the state should continue to build sustainable, statewide human trafficking prevention and community-based services for children and families, identify a consistent data tracking mechanism to monitor needs, and make informed, data-driven decisions while continuing to locate an evidence-based model that supports child placement in long-term residential treatment settings. The creation of a new residential level of foster care should be considered only after North Dakota identifies how to consistently track data and build community-based services, including ongoing training and prevention strategies for victims of human trafficking.

The North Dakota Human Trafficking Task Force recommended training and education to ensure all state agencies are aware of the intricacies of human trafficking cases. The report also recommended the Attorney General and the North Dakota Human Trafficking Task Force provide initial and ongoing training and technical assistance to local, state, and federal law enforcement officials and the North Dakota court system.

## **HUMAN TRAFFICKING VICTIMS GRANT PROGRAM REPORT**

The committee received a report from the Attorney General regarding the status and results of the human trafficking victims grant program pursuant to Section 7 of Senate Bill No. 2003 (2023). According to the report, Section 7 of Senate Bill No. 2003 appropriated \$1,105,404 to the Attorney General from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs. The report indicated the grants may be used for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims.

According to the report, grant applications were reviewed by the Drug and Violent Crime Policy Board and award recommendations were submitted to the Attorney General for final approval. At the end of the grant period, 11 grant applicants were awarded a total of \$1,101,879 and \$185 was returned to the general fund.

## **REINSTATEMENT OF PARENTAL RIGHTS REPORT**

### **Background**

The committee received a report from DHHS regarding the progress of the study being conducted to review the option of reinstating parental rights that have been terminated by a court pursuant to Section 20 of House Bill No. 1091 (2023). According to the report, the department's study included input from the Supreme Court, human service zone directors, and the North Dakota Association of Counties. As of May 31, 2024, of the 1,028 children in foster care, 244 did not have a legal connection to their biological parents due to a termination of parental rights.

The department reviewed a publication by the National Conference of State Legislatures that summarized legislation enacted in 22 states establishing a court process for reinstating parental rights that have been terminated. The department concluded a similar statutory procedure for reinstatement of parental rights was warranted in North Dakota because 80 of the 244 children in human service zone custody potentially would be eligible to have a court consider

reinstating parental rights under such a procedural framework. The department proposed a bill draft relating to reinstating parental rights that have been terminated by a court which specified the interested parties entitled to petition the court for reinstatement of parental rights; included consideration by the court of the child's preference regarding the re-establishment of parental rights and the child's age, maturity, and ability to express a preference; required the appointment of counsel for the child regardless of income; imposed as the burden of proof a "clear and convincing" evidence standard for the petitioner; and allowed the court to issue a written order barring the filing of subsequent petitions by the genetic parent if the court denies a petition after a hearing.

### **Committee Considerations**

The committee expressed a concern regarding 24 percent of children in foster care not having any legal connection to their biological parents due to terminated parental rights with no means of reinstating the parental rights. Testimony in support of the bill draft proposed by the department indicated the bill draft could make 33 percent of children in the custody of the human service zones eligible for reinstating their parent's terminated parental rights. The committee did not receive any testimony in opposition to the bill draft.

### **Recommendation**

The committee recommends a bill draft [\[25.0273.01000\]](#), relating to reinstating parental rights that have been terminated by a court.

### **PUBLIC LIBRARY REPORT**

The committee received an aggregate report from the State Library on the implementation of collection development and relocation of materials policies to ensure explicit sexual material is not maintained in the children's collection inventory of each public library in the state pursuant to Section 12.1-27.1-03.5. The report indicated there are 83 public libraries in North Dakota and all 83 libraries provided their updated policies to the State Library to ensure compliance with Section 12.1-27.1-03.5, regarding the state's prohibition on public libraries having in their children's collection inventory books that contain explicit sexual material. The updated policies provided to the State Library include the public libraries' updated selection criteria, collection maintenance, and librarian guidelines for selection, management, and maintenance of the resources offered by the library.

The report indicated five public libraries have moved books within the collection, two public libraries have created a separate young adult collection, and some libraries have different sections within the collection which include children's, young adult, and adult, while a few libraries also have a separate section for grades 4 through 6.

### **TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN REPORT**

The committee received a report from the Task Force on the Prevention of Sexual Abuse of Children pursuant to Senate Bill No. 2257 (2023). According to the report, the purpose of the North Dakota Child Sexual Abuse Prevention Task Force is to develop and implement a comprehensive statewide approach to the prevention of child sexual abuse with the four main goals of the task force being prevention of child sexual abuse, strengthening intervention, strengthening the network, and strengthening offender programming. According to the report, 1 in 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.

The report indicated the North Dakota Child Sexual Abuse Task Force's primary prevention subcommittee initiated an environmental scan in 2022, regarding the processes and perspectives of the prevention of child sexual abuse for the state. The 13-question scan polled the importance of providing child sexual abuse prevention education. Among those surveyed, there was a strong desire to provide child sexual abuse education to all stakeholder groups. Sixty-four to 95 percent (depending on the child age group that would be receiving the child sexual abuse education) of respondents indicated providing child sexual abuse education to children is very important; 93 percent of respondents indicated providing child sexual abuse education to teachers and coaches is very important; and 90 percent of respondents indicated providing child sexual abuse education to parents and caregivers is very important.

According to the report, 60 percent of respondents identified a lack of established curriculum as the greatest barrier to providing child sexual abuse prevention education to children, youth, and adults in their local community. Additionally, the respondents reported other barriers as including the social implications of providing the training due to the topic being uncomfortable or sensitive in nature. Less than a quarter of institutions surveyed indicated they are providing child sexual abuse education to children.

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.

## **COMMISSION ON JUVENILE JUSTICE REPORT**

The committee received a report from the Commission on Juvenile Justice with the commission's findings and recommendations, which may include a legislative strategy to implement the recommendations, pursuant to Section 50-06-43.2. According to the report, the Commission on Juvenile Justice is a time limited, 16-member working group tasked with gathering information, receiving reports, and making recommendations regarding effective interventions, resources, and services for children involved in the juvenile justice system.

The report indicated the 2019-2020 interim Judiciary Committee was assigned a study related to juvenile justice, and that committee and the Commission on Juvenile Justice worked in collaboration. Neither the commission nor the committee were appropriated funds to support their work. A request was made to the Justice State Advisory Group for funding to secure a preliminary assessment of North Dakota's juvenile justice system. The Juvenile Justice State Advisory Group approved the request, and that group completed a procurement process to select a consultant. The Council of State Governments' Justice Center was selected to complete the assessment. The Justice Center completed a review of the Century Code and held interviews with various stakeholders in late 2019 and early 2020. The Council of State Governments' Justice Center delivered a summary of recommendations to the commission in June 2020. Many of the recommendations involved modernizing the Uniform Juvenile Court Act, which had been adopted in 1969 and had not since been substantially updated.

The report indicated the 2019-2020 interim Judiciary Committee worked closely with the Commission on Juvenile Justice to craft House Bill No. 1035 to ensure youths at a low risk of reoffending can quickly and easily receive services outside the juvenile justice system. House Bill No. 1035 repealed Chapter 27-20 and replaced it with Chapter 27-20.2, which is referred to as the Juvenile Court Act. House Bill No. 1035 also created Chapter 27-20.3, relating to child welfare, and Chapter 27-20.4, relating to delinquency. Before the passage of House Bill No. 1035, the Uniform Juvenile Court Act consisted of the law relating to unruly or deprived children, now child welfare, and delinquency in a single chapter that was difficult to navigate and contained outdated definitions without reflecting the modern tools and phrases used in the juvenile justice system.

The report indicated the commission has had the flexibility to organize work groups in a way that was not available to the interim Judiciary and Juvenile Justice committees, and therefore could address a large task and devote sufficient time to complete the work product. Frequent reporting between the commission, interim Judiciary and Juvenile Justice committees, Children's Cabinet, and Juvenile Justice State Advisory Group, as well as the development of online meeting formats, allowed diverse groups of stakeholders to stay informed about the work of the commission.

According to the report, another critical support to the infrastructure was the large federal grant that allowed the commission to retain the expertise of the Council of State Governments. The committee was informed the grant proved to be an effective, productive approach to a complex set of issues, and this model should be replicable if the Juvenile Justice Committee should choose to apply these strategies to a different topic, such as child welfare.