

North Dakota Juvenile Court Annual Report 2016



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THE FUTURE OF THE JUVENILE COURT

Fundamental to the work of the judiciary is doing individual justice in individual cases, providing a forum for the resolution of legal disputes, deterring criminal behavior and helping to rehabilitate those found responsible for crimes. The work of the juvenile court aligns perfectly with those goals. We are a small subset of the district court and yet our work is critical to the overall mission and core purpose of the judicial branch.

We know that the most important work we perform each day is assessing youth by risk level, assessing individual needs, building a continuum of evidence-based services that can be delivered across urban and rural North Dakota communities and matching youth with the programs that will benefit them, and their communities, the most. We are relied upon by local law enforcement, county prosecutors, social service workers and school teachers to identify root causes of societal issues such as opioid use, child trafficking, and family violence and seek ways to prevent these societal problems from damaging lives and communities.

High performance courts are always looking to identify problems, collect and analyze data and take action. The juvenile court must be flexible, creative and open to new evidence-based solutions such as early assessments, structured decision-making tools and community-based supervision and delivery of services. In 2016, the North Dakota site visit and recommendations of the Council of State Governments has already resulted in many improvements.

North Dakota Juvenile Court is the front line of societal issues such as child abuse and neglect, addiction, behavioral health

“ Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection and to ensure due process of law.

and delinquency prevention. The dedicated work of juvenile court staff protects communities, saves lives and saves tax payer dollars that would otherwise be spent on expensive residential treatment or correction confinement. Investing “upstream”, in the juvenile court process of youth assessment, service delivery and supervision that keeps youth out of the correction system altogether makes good sense. We know that keeping youth at home and engaged in school and family life produces better outcomes for youth, families and our communities.

Most youth who run afoul of the law are not on a pathway that leads to adult criminal careers. Most delinquency is self-correcting as youth age and juvenile court intake must assess the likelihood that a youth will become a serious, violent, or chronic offender, identify those pathways early and seek to interrupt them. You cannot escape the responsibility of tomorrow by evading it today.



MISSION STATEMENT

The Juvenile Court protects the best interests of children and addresses the unique characteristics and needs of children that come before the court as deprived, unruly and delinquent matters. Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. The courts empower victims, encourage community participation, and support parental responsibility.

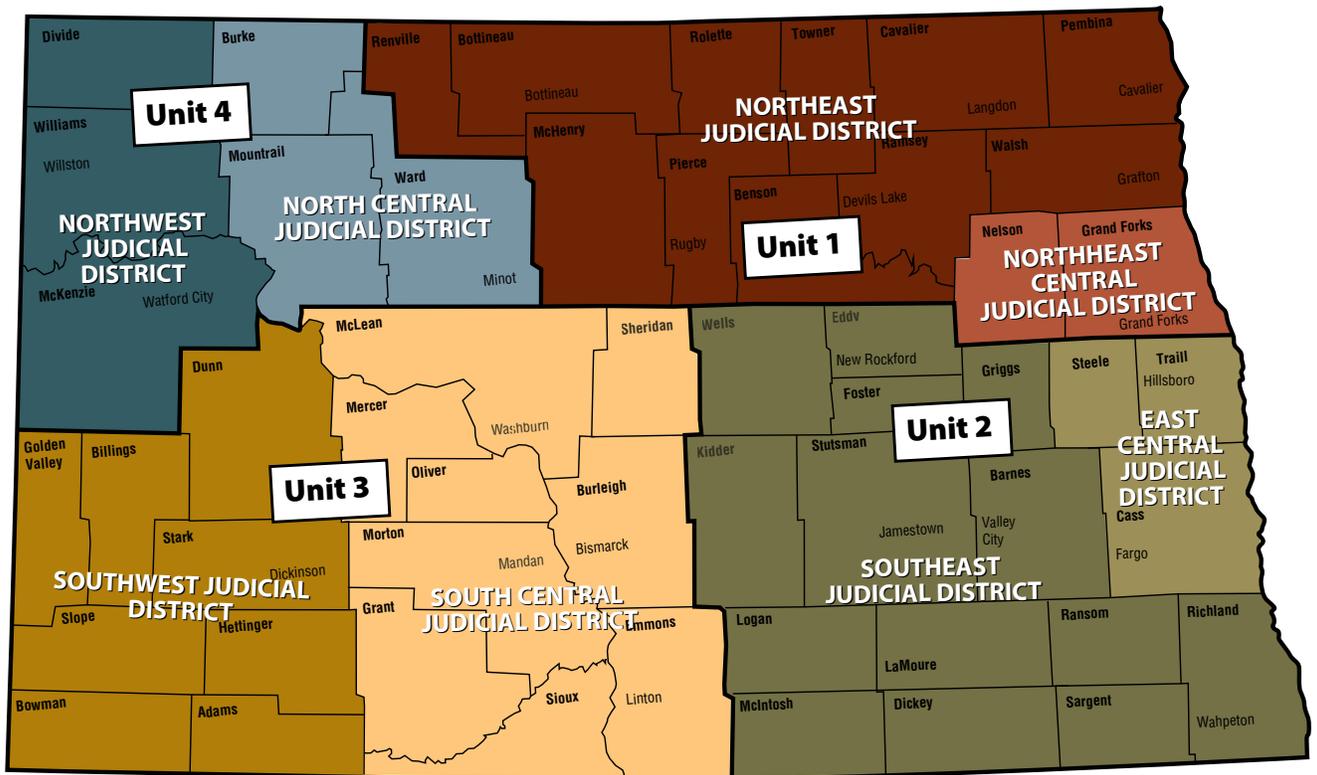
REPAIRING HARM, REDUCING RISK AND CREATING OPPORTUNITIES



North Dakota Juvenile Court

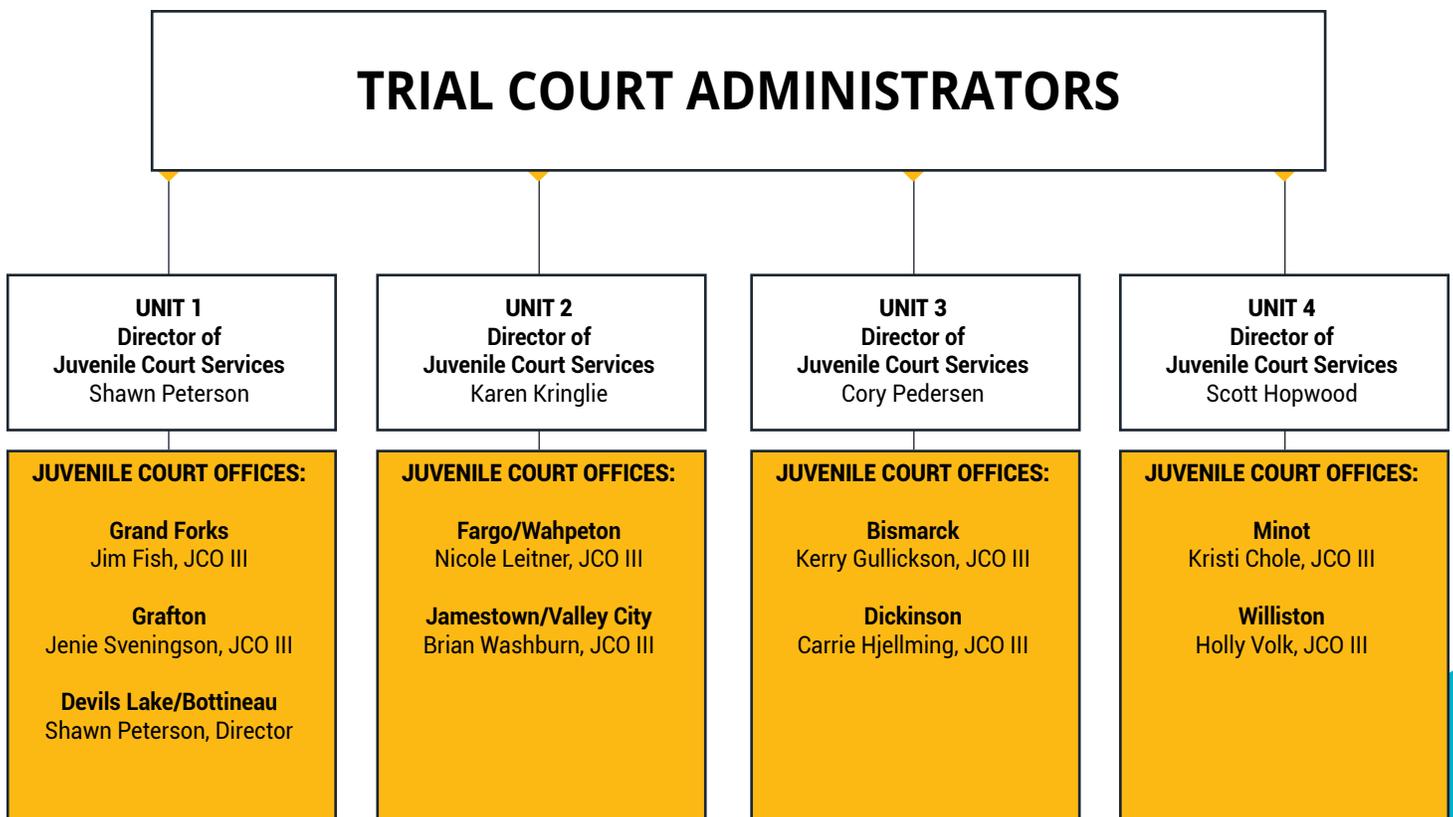
North Dakota Juvenile Court Structure:

Since 2004, the administration of the Juvenile Courts in North Dakota has been divided into four administrative units, each under the supervision of a Unit Court Administrator.



Organizational STRUCTURE

Within each unit, there is a Director of Juvenile Court who supervises the juvenile court staff and is responsible for the planning and directing of all juvenile court services in the unit. Under the direction of the Director of Juvenile Court, the JCO III assists in providing advanced investigative, diagnostic, supervisory, and probation services in their designated juvenile court office as well as provides supervision of juvenile court officers and staff.



North Dakota Juvenile Court Jurisdiction Services

Delinquent and Unruly Case Referrals: In North Dakota, the Juvenile Court has exclusive jurisdiction over youth ages seven to seventeen who are alleged to have committed a delinquent or an unruly act. A delinquent act would be a crime if committed by an adult, while an unruly act is behavior such as truancy from school, runaway, ungovernable behavior, or minor consuming alcohol, all of which are based on age.

Deprived Case Referrals: The Juvenile Court also has exclusive jurisdiction over children from birth until age seventeen who are alleged to be deprived of proper care or control by their parent, guardian, or other custodian. More commonly known as child abuse and neglect, these cases are referred to the courts by the county social service agencies after a child abuse and neglect investigation.



2016 Referrals to Juvenile Court

Juvenile Court referrals are received from law enforcement, schools, social services agencies, and parents. Juvenile Court Officers screen referrals from law enforcement, schools, and agencies determining how they should be processed; making detention or emergency shelter care decisions on some of them, preparing court recommendations on those that proceed to the formal courts, and processing the vast majority of the cases via an informal adjustment conference or diversion.

Total referrals to the North Dakota Juvenile Courts were virtually unchanged in the past year, decreasing just 25 referrals (0.25%) to 9,767. Nationally, both adult and juvenile crime is at an all-time low. North Dakota has seen similar decreases in unruly and delinquent referrals over the past several years. Deprived referrals, however, remain at high levels as compared to recent years and the 5% increase from 2015 to 2016 is significant. The chart below reflects the total number of charges referred to the juvenile courts over the past five years in the three legal categories of unruly, delinquent, and deprived.

TOTAL REFERRALS BY YEAR

	UNRULY	DELINQUENT	DEPRIVATION
2012	3510	5473	1969
2013	2792	4817	2282
2014	2572	4433	2269
2015	2492	4586	2714
2016	2467	4461	2839

*Note that referral data in this chart changed slightly as compared to prior ND Juvenile Court Annual Reports due to a change in the way the data is categorized.

Intake decisions are a critical function of the juvenile court:

Intake of all juvenile referrals is required by North Dakota law to be conducted by the Director of Juvenile Court. Juvenile Court intake staff is knowledgeable about North Dakota criminal and juvenile law as well as the techniques of juvenile treatment and rehabilitation. They screen for probable cause and make decisions regarding the appropriate manner to handle the case whether via diversion, informal adjustment or the formal court process. Whether to detain a delinquent youth or take an unruly or deprived child into protective custody are also authorized powers of the Juvenile Court under the Century Code.

2016 Juvenile Referrals by Case Type

Delinquent Referrals:

Of all the delinquent referrals received in 2016, 89% were misdemeanors, 10% were felonies, and 1% were infractions. In 2016, the most common delinquent referrals received by the Juvenile Courts were Theft of Property and Shoplifting totaling 14%, followed by Disorderly Conduct which made up 12% of referrals. Possession of Drug Paraphernalia comprised 9% of delinquent referrals, Possession of a Controlled Substance was 9%, and Simple Assault at 7% rounded out the five most common delinquent referrals.

Unruly Referrals:

Of all the unruly referrals received in 2016, 26% were for runaway, 25% were referrals of unlawful possession/consumption of alcohol, 25% were for ungovernable behavior, 15% were for school truancy, and 9% were for other unruly referrals including tobacco and curfew violations.

Deprivation Referrals:

39% of deprivation referrals resulted in a formal petition to the Court, 6% involved the filing of a termination of parental rights petition, 1% of cases were youth 18 years and older who chose to remain in foster care or re-enter foster care, and 54% involved cases where the families cooperated with services or the matter was otherwise diverted by social services from the formal court system.

Total Referrals by Case Type

The chart below reflects the total number of charges referred to the juvenile courts, grouped by case type over the past five years. In 2016, Deprivation referrals made up 29% of the total referrals to the Juvenile Court, while Unruly offenses (offenses which only a child can commit) made up 25% of referrals. Property Offenses comprised 13% of referrals, Drug-related Offenses 11%, Public Order Offenses 10%, Offenses Against Persons 9%, and Traffic Offenses 3 % of the total referrals to juvenile courts.

	2012	2013	2014	2015	2016
AGAINST PERSON OFFENSES	886	845	684	750	834
PROPERTY OFFENSES	1996	1676	1380	1441	1327
PUBLIC ORDER	1177	960	942	1029	980
UNRULY	3510	2792	2572	2492	2467
DEPRIVATION	1969	2282	2269	2714	2839
TRAFFIC	413	365	315	355	261
DRUG RELATED OFFENSES	1001	971	1112	1011	1059

Against person offenses

all assaults, menacing, harassment, terrorizing, gross sexual imposition, robbery

Property offenses

shoplifting, burglary, criminal mischief/vandalism, criminal trespass, all theft

Public order

disorderly conduct, disturbance of a public school, failure to appear, resisting arrest

Unruly

curfew, runaway, possession/use of tobacco, truancy, ungovernable behavior, minor in possession/use of alcohol

Deprivation

abuse/neglect of a child, deprived, no fault deprivation, termination of parental rights

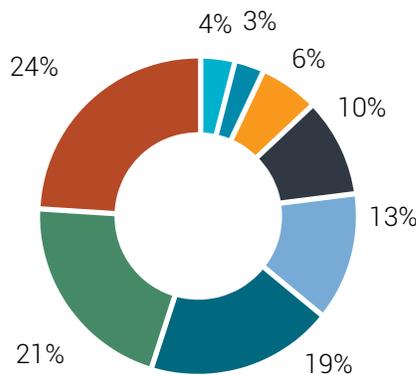
Analysis of Juvenile Offenders

The age of criminal responsibility in North Dakota begins at 7 years old. At that age, the legislature has determined that youth can be referred to the North Dakota Juvenile Courts on charges of unruly or delinquent behavior.

In 2016, the most common age of youth referred to the juvenile courts for delinquent or unruly behavior was 17 years of age. Juveniles age 13 and younger accounted for 23% of all referrals to the courts, a percentage that increased by 1% from the previous year.

AGE AT TIME OF REFERRAL TO JUVENILE COURT

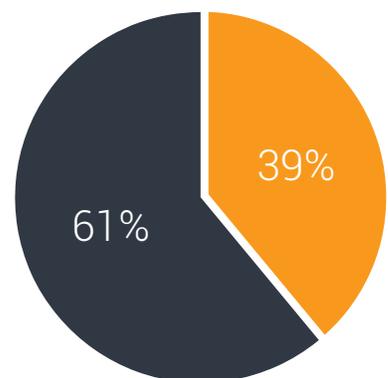
- 10 and under
- 11 years
- 12 years
- 13 years
- 14 years
- 15 years
- 16 years
- 17 years



In 2016, males committed 61% of delinquent and unruly acts referred to the juvenile courts, while females accounted for 39% of referrals.

MALE
2978

FEMALE
1865



Community Safety



DETENTION SCREENING TOOL

- The detention risk screening tool is a written checklist of criteria that are applied to rate each youth brought to secure detention to assess if the risk to community is so high as to warrant use of secure detention. The overall score guides the law enforcement officer or intake court officer in making the critical decision of whether to securely detain the youth. The purpose is to ensure release of appropriate youth back into the community with the minimum risk of re-offending or not appearing for a scheduled hearing. The score of the detention screen does not tell the user exactly what course of action should be taken but rather provides objective information, grounded in research, to enhance the decision-making process.

North Dakota law requires that youth securely detained have a detention hearing held within twenty-four hours, excluding weekends and holidays, and on average, most youth spend only hours to a few days in secure detention before lesser restrictive options are achieved.

ALTERNATIVES TO DETENTION

- Since the use of the detention assessment tool is to help guide the decision to determine whether to place a youth in detention or not, it is important to establish and maintain viable alternatives to detention that are available in communities to maintain community safety and assure that youth will appear for future court hearings on the pending charge or charges. In addition to simple release to parent or non-secure attendant care, another alternative to pre-adjudicatory detention is the use of house arrest either monitored by a Juvenile Court Officer using a voice verification system to confirm a youth's location or in conjunction with GPS electronic monitoring systems. Electronic monitoring is a continuous monitoring device that attaches around a youth's ankle and allows them to stay at home pending further court hearing. Voice monitoring and GPS electronic monitoring have been increasingly used by North Dakota Juvenile Court staff as an alternative to detention. Electronic monitoring can cost as little as \$4.25 per day which is much lower than the cost of secure detention and allows the youth to remain in their home and in their community.

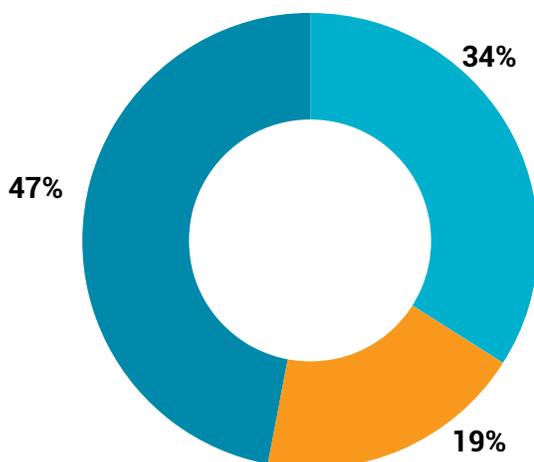
2016 Juvenile Court Dispositions for Delinquent and Unruly Case Types

North Dakota law provides a system whereby the vast majority of juvenile cases are handled quickly and efficiently by juvenile court officers. All juvenile referrals are screened by a juvenile court officer for diversion to a program such as an educational class or counseling, informal adjustment (a meeting of the youth, parents, court officer and victim, if the victim so chooses), or for formal court processing by referring the matter to the States Attorney for the filing of a petition and proceedings before a judge. Most low-level offenses and early offenders are handled via diversion or informal adjustment. This is an advantage for youth, family and victim as diversion and the consent-driven informal adjustment process can address the matter quickly after an offense occurs. Intake occurs consistently across the state as decisions about diversion or use of informal adjustment are guided by adopted state-wide criteria. Typically, felony-level cases, youth requiring placement, and contested matters are heard by a District Court Judge or Judicial Referee.

Juvenile Court Processes for Delinquent & Unruly Case Types

- Diversion to Programs** 1,940
- Informal Adjustment** 1,399
- Formal Court Process** 791

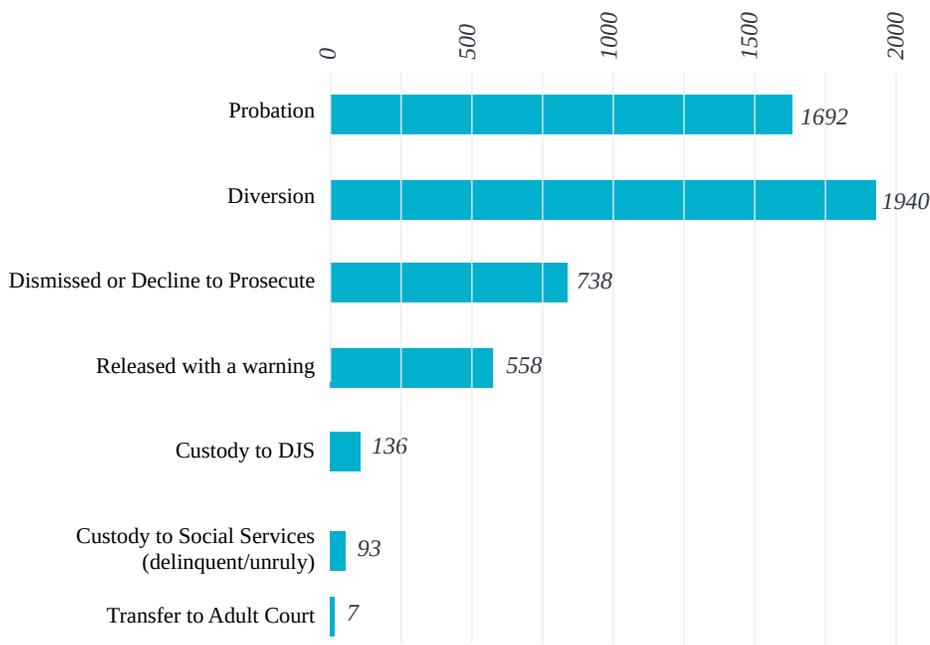
81% of all juvenile cases were handled outside of the courtroom through either a diversion to programming or an informal adjustment conference conducted by a juvenile court officer.



2016 Juvenile Court Dispositions for Delinquent and Unruly Case Types

Disposition Types: North Dakota law allows a great deal of flexibility in outcomes once a juvenile has admitted or been found to have committed a delinquent or unruly offense. This allows justice to be administered on an individual basis depending on the child’s needs and risks as well as the needs of the victim and community and custody is removed from a parent only as a last resort.

DELINQUENT/UNRULY DISPOSITIONS 2016



2016 Juvenile Court

Dispositions for Delinquent and Unruly Case Types

COMMUNITY SUPERVISION

- Juvenile probation is the oldest and most widely used means of delivering a range of court-ordered service while supervising the youth within the community. Staff engages behavior change, hold the youth accountable, and increase offender competency at one-tenth of the cost of out-of-home placements. For youth whose primary issue is with addiction, Juvenile Drug Court is an option in six North Dakota cities and the youth are supervised by juvenile court staff.

TRANSFER TO ADULT COURT

- Studies have shown that transferred youth quickly reoffend and at much higher rates than juveniles kept in the juvenile system. Further, national studies have shown that transferred youth detained pretrial in adult jails are at serious risk of rape, assault, death or suicide. Transfer is an option of last resort but some youth do request transfer to adult court as a matter of legal strategy.

In 2016, only 1 youth was transferred to adult court involuntarily. That case involved serious property crimes committed by a youth who had failed to respond to all available juvenile programs including a prior commitment to the Division of Juvenile Services. There were 6 youth who voluntarily requested transfer. In 2015, there were 9 total transfers to adult court, 4 of these were involuntary and the remainder was granted at the request of the child.



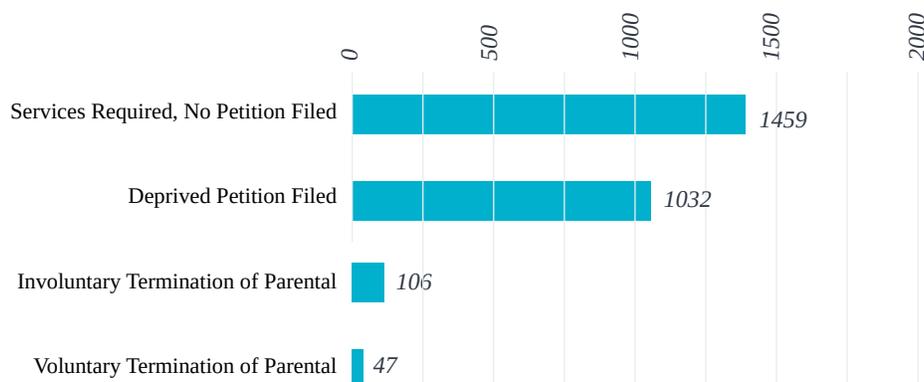
2016 Juvenile Court Dispositions in Deprived Child Cases

Deprivation Cases Referred: In North Dakota, deprivation cases are referred to the Juvenile Court by local county social service departments. The referrals are received after a child abuse or neglect investigation is conducted by a child protective worker. If services are found to be required, the case is referred to Juvenile Court and a decision whether to file a petition is made by the County State’s Attorney’s office based on information gathered in the investigation. In 2016, 54% of all deprivation cases referred to the juvenile court did not result in a petition for a variety of reasons such as the family was already cooperating with services or the State’s Attorney declined to file a petition. In 39% of the

cases referred, the States Attorney determined it necessary to file a petition and a court hearing was scheduled and held before the court. In 6% of all 2016 cases, a termination of parental rights petition was filed, and of those, 2% was at the request of the parents or child’s legal custodian.

Continued Foster Care: Since 2011, youth ages 18 to 21 who have previously (or are currently) been in foster care may choose to stay in foster care to support them in continuing with education and make a successful transition to adulthood. In 2015, there were 18 continued foster cases filed in North Dakota, and in 2016 there were 36 cases.

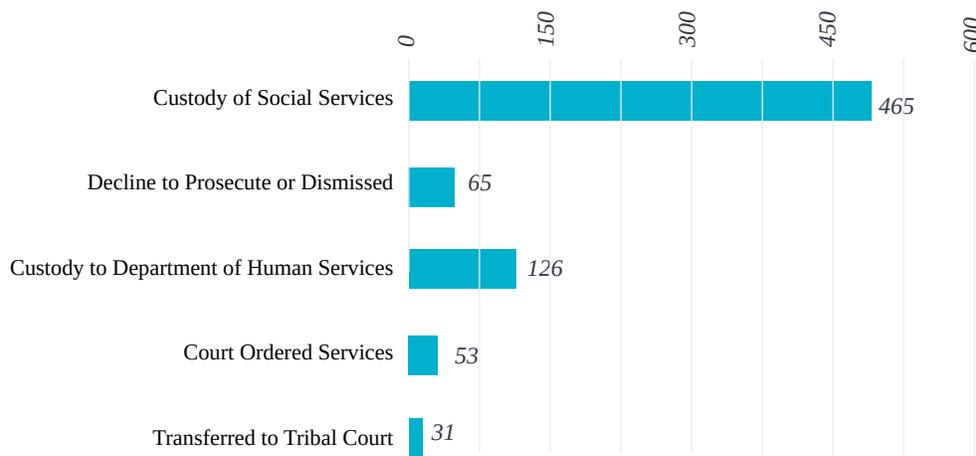
DEPRIVED CASES 2016



2016 Juvenile Court Dispositions in Deprived Child Cases

Disposition Types: Under North Dakota law, if a child is found to be deprived, the court may order services for the family, place the child with a willing relative or guardian, or place the child with a local county social services agency for foster care placement.

DEPRIVED DISPOSITIONS 2016



North Dakota law defines a deprived child as a child who is without proper parental care or control necessary for the child’s physical, mental or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child’s parents, guardian or other custodian. §27-20-02(8) N.D.C.C.



Community Supervision

Probation is the most widely-used community-based juvenile court program. During the period of probation supervision, a juvenile offender remains in the community and continues normal activities such as school and work while complying with individualized probation rules such as curfew, community service, payment of restitution, and attendance at classes or counseling. The supervision of offenders in their communities enhances community safety and prevents the need for costly out-of-home placement. Juvenile court officers use a system of graduated responses to ensure compliance with informal adjustment agreements or formal court orders and treatment goals. In addition to monitoring compliance, court officers coordinate rehabilitative and treatment services for youth and families.

Screening and assessing youth is a critical step in effectively allocating supervision and service resources

Court officers evaluate the youth's progress toward achieving probation goals and recommend release from probation at the appropriate time.

N.D. juvenile court officers are dedicated professionals who believe that all young persons who break the law have the ability to change their behavior. They are dedicated to protecting the safety of the public, while holding youth accountable and restoring them and their families as strong, productive individuals who contribute to the strength of their communities.

Making smart choices means providing the right sanctions and services to the right juveniles at the right time without regard to biases or prejudices but based upon each child's unique risks and needs.

Risk and Needs Assessments: Effective community supervision requires reliable and valid offender assessments to assist the court officer to determine appropriate supervision level, supervision strategies and ensure proper matching of treatment programming. North Dakota Juvenile Court has adopted the Youth Assessment Screening Inventory or YASI to assess the likelihood of recidivism and the specific needs of each child. By using the YASI, court officers make decisions about supervision levels, programs, and treatment needs. Based on each youth's risks and needs, the juvenile court officer develops a case plan in order to focus resources on the area(s) most likely to cause the youth to reoffend and to refer youth to appropriate programming.

Behavioral Health Assessments: A mental health assessment called the MAYSI-2 is used to assess a broad scope of possible mental health needs. These assessments are conducted immediately upon entry into probation and re-administered as needed. Referrals to behavioral health services, including crisis intervention, are made as appropriate. Court officers also assess for signs of sex or labor trafficking and make referrals to appropriate services. In 2017, a trauma assessment will also be used to assess youth for trauma histories and trauma symptoms in order to connect them with appropriate trauma-based therapy.



Competency Development: In addition to contracted programs available to youth, North Dakota Juvenile Court Officers teach skills and cognitive restructuring programming to probation youth and their families. Examples of some of the staff facilitated cognitive restructuring programming include: Decision Making 101, Risks and Decisions, Anger Management, Relationships & Communication Group, Boundaries Classes, Girls and Boys Groups, and SPARCS, a trauma-based program.

Restoring Justice to Victims and Communities

Victim Rights in Juvenile Cases: Despite the fact that Juvenile Court cases are closed to the public in North Dakota, state law allows victims of juvenile crime the same rights as victims of adult crimes. In petitioned proceedings it is the state's attorney who is tasked with giving all victims notice of the charges filed, hearings scheduled, and their ability to give input as to the disposition. Non-petitioned proceedings result in the juvenile court staff contacting victims, informing them of their rights, and seeking their active input in the resolution of a case. Victims are invited to attend the Informal Adjustment conference. Some cases are referred to an offender accountability conference for resolution.

Restitution: Youth are required by the Court to pay for the harm they have caused their victims. In 2016, \$242,567 was ordered as restitution. The total amount of restitution collected by juvenile court staff and returned to the victims at the end of the calendar year was \$158,628. Restitution collection is challenging with young people as some are unable to work due to age or placement out of the home. In some cases, victims elect to pursue a civil action against parents as a more viable means of being repaid for losses.

\$158,628 in restitution was collected by probation staff and returned to victims

Community Service: Offenders may also be required to perform community service as a way to repay the victims and the community for any harm suffered because of the youth's behavior. The amount of community service hours completed by youth referred to juvenile courts in 2016 was 11,571 hours.

Victim Empathy Seminars and Offender

Accountability Conferences: In support of the balanced and restorative justice mission, the courts contract with Lutheran Social Services of North Dakota to provide victim empathy classes, offender accountability conferences, and community circles. The four-hour victim empathy class is educational and helps juveniles and their parents to understand how delinquent behavior impacts others. Accountability Conferences bring together the offender, victim, key supporters and a trained facilitator to discuss the impact of the juvenile's behavior and ways to repair the harm caused.

In 2016, 273 juveniles were referred to participate in an Offender Accountability Conference, and 161 juveniles completed a Victim Empathy Seminar in their community.

Director's Summary

Using the guiding mission of Balanced and Restorative Justice, North Dakota Juvenile Court Officers improve and impact the lives of the youth, families, and communities in which they work. Repairing harm to the victim, and monitoring compliance with programming geared toward reducing the risk of the offender while increasing the overall competency of the offender to contribute to society are priorities for the Juvenile Courts. During 2016, the North Dakota Juvenile Courts collaborated with local agencies to implement a statewide indicator tool to assist in identifying children who may be victims of human trafficking. A statewide adoption of a presumption against the use of restraints in the courtroom on detained youth was created through Rule 20 of the North Dakota Rules of Juvenile Procedure, Use of Restraints. In conjunction with the State Juvenile Justice Advisory Group, the Juvenile Court Directors from the Fargo and Bismarck offices lead teams at Georgetown University's Reducing Racial and Ethnic Disparities in Juvenile Justice Certificate program. The two teams will analyze and develop capstone projects to address disproportionate minority contact in their communities. Also, in March, 2016 staff from the Council of State Governments Justice Center conducted a series of meetings with key actors from across North Dakota to learn more about the state's juvenile justice system.

At the conclusion they provided recommendations with the specific goal of identifying and targeting policies and practices which could assist in reducing recidivism and improving other outcomes for the state's youth. Many of those recommendations will be worked on over the next year and are included in our goals for 2017.

Goals for 2017 include the following:

1. Adopt a state-wide trauma-informed screening instrument and conduct trauma screening on all youth placed on a probation caseload.
2. Use the state-wide recidivism definition and recidivism report to enhance the reporting of outcomes. Use the information on effectiveness of services and interventions to guide practice and identify opportunities to improve efficiency.
3. Implement state-wide intake and disposition matrixes as recommended by the Council of State Governments Justice Center and study the impact of structured decision-making on case outcomes.
4. Use the YASI pre-screen at an even earlier stage in the youth's interaction with the court intake staff and have the score guide outcomes.

Respectfully Submitted,
Directors of Juvenile Court Services