

UNIFIED JUDICIAL SYSTEM

Policy 401

September 11, 2015

JUVENILE COURT PROCEDURE; AUTHORITY; POLICY

I. Authority and Intent of Policy

The Supreme Court adopted Rules of Juvenile Procedure effective March 1, 2010. Under Administrative Rule 35, the Supreme Court has the authority to adopt administrative policies governing the actions of juvenile courts and personnel of the juvenile courts in North Dakota, including policies assisting the implementation of procedures set out in the juvenile rules. Policy 401 is intended to outline authority and court policies underlying the juvenile rules.

II. Drug and Alcohol Tests or Screenings

- A. Authority. Section 27-20-31, N.D.C.C., gives the juvenile court the authority to conduct drug and alcohol testing. N.D.R.Juv.P. 18(c) set out a drug screen procedure.
- B. Implementation. The court administrator has authority to establish policies and training requirements as necessary to implement the Rule 18(c) drug screen procedure. Juvenile court officers in each office must provide the necessary training to new staff in the proper collection and testing methods for all types of drug and alcohol testing.

III. Juvenile Court Records

Section 27-20-51, N.D.C.C., gives the state court system the authority to keep juvenile court records confidential and to limit disclosure of juvenile court information. N.D.R.Juv.P. 19 sets out procedures for appropriate handling of juvenile court records. N.D. Sup. Ct. Admin. R. 41 provides general information on access to court records.

IV. Restitution and Community Service

- A. Policy. The North Dakota judicial system recognizes that restitution and community services programs may be effective in reducing recidivism rates of juvenile offenders and in increasing a sense of satisfaction in the justice system on the part of victims. Therefore, it is the policy of the courts to include restitution and/or community service whenever appropriate.

- B. Authority. The juvenile court has inherent powers to issue orders affecting the conduct and care of children within its jurisdiction. Specific legal authority related to restitution and community service is provided in Section 27-20-31.2, N.D.C.C., while N.D.R.Juv.P. 18(a) sets out procedures for ordering restitution and community service in juvenile court matters.
- C. Payment. Policies for handling payment of restitution must be in writing and be approved by the fiscal department of the State Court Administrator's Office.
 - 1. Restitution is collected in the form of a money order and received by the juvenile court. The juvenile court enters the information into the electronic database. The juvenile court dispenses the money order to the victim along with a cover letter. The child paying the restitution receives a receipt at the time of payment.
 - 2. Any collected restitution for a victim whose whereabouts become unknown must be sent to the North Dakota Unclaimed Property Fund, as maintained by the North Dakota State Treasurer's Office.

V. Detention Hearings and Alternatives to Detention

- A. Policy. Decisions regarding secure detention must be made using the most appropriate level of care consistent with the circumstances of the individual case. When the admission of a child to a secure detention facility is being considered by a judge or referee, preference should be given to non-secure alternatives that could reduce the risk of flight or danger to the child or community. House arrest and electronic monitoring are alternatives to detention.
- B. Authority. A detention hearing must be conducted under the conditions in Section 27-20-17, N.D.C.C. N.D.R.Juv.P. 2 sets out time standards for hearings in juvenile court. N.D.R.Juv.P. 18(d) sets out procedures for house arrest and electronic monitoring.
- C. Implementation.
 - 1. The juvenile court administration must establish procedures and training requirements as necessary to implement this policy.
 - 2. The case aide, juvenile court officer, child and parent must meet to discuss electronic monitoring services.

3. The case aide or juvenile court officer will install the monitoring equipment, answer and investigate violation alarms, supplement electronic monitoring with personal visits and phone contacts, and the juvenile court officer will have authority to authorize predefined orders of the court.

VI. Juvenile Court Officer.

Under Section 27-02-05.1(3), N.D.C.C., the Supreme Court has authority to provide rules for qualifications and duties of court personnel. Under this authority, a person who is classified as a juvenile court officer II or a juvenile court officer III may carry out the duties of a “director of juvenile court” for purposes of Chapter 27-20, N.D.C.C., or as otherwise mentioned in the North Dakota Century Code. Specifically, a juvenile court officer II or a juvenile court officer III is a “director of juvenile court” for purposes of Sections 27-20-06 and 54-12-01.3, N.D.C.C.

Approved by the Supreme Court 10/27/93; amended 05/01/15; amended 09/11/15