

UNIFIED JUDICIAL SYSTEM

Policy 409

July 6, 2022

JUVENILE COURT TIME STANDARDS

I. Authority

Under Administrative Rule 35, the Supreme Court has the authority to issue administrative policies relating to the juvenile court which are to be followed by all courts in the state. The authority to keep records confidential and to release information is found in N.D.C.C. § 27-20.2-21.

II. Applicability

The timeframes established in this policy apply to all juvenile courts in this state. This policy sets out time standards for processing cases unless otherwise directed in statute or rule.

III. Time Standards

Delinquent

Event	Non-Custodial	Admitted to Nonsecure Case/Attendant Care	Detained
Hearing	N/A	Within 96 hours, (N.D.C.C. § 27-20.4-09(3)(b), N.D.R.Juv.P. 2(a)(2))	Within 24 hours, excluding holidays and weekends in N.D.C.C. § 27-20.4-09(3)(a) (N.D.R.Juv.P. 2(a)(1)(A))
Petition must be filed (promptly made & presented)	The state’s attorney determines whether to file a petition	The state’s attorney determines whether to file a petition	Within 5 days of detention hearing, excluding holidays and weekends (N.D.C.C. § 27.20-4-07(3))
Initial hearing on petition or adjudication hearing	Within 30 days after the filing of petition (N.D.R.Juv.P. 2(a)(3)(A))	Within 30 days after the filing of petition (N.D.R.Juv.P. 2(a)(3)(A))	Within 14 days from first day of custody (N.D.R.Juv.P. 2(a)(3)(B))
Adjudication hearing (if initial hearing used)	30 days after initial hearing (N.D.R.Juv.P. 2(a)(3)(D))	30 days after initial hearing (N.D.R.Juv.P. 2(a)(3)(D))	Within 30 days of initial hearing (N.D.R.Juv.P. 2(a)(3)(D))
SUBTOTAL	60 days	60 days	44 days

Disposition	At the court's discretion based on completion of predispositional assessment and any other evaluations as required	At the court's discretion based on completion of predispositional assessment and any other evaluations as required	At the court's discretion based on completion of predispositional assessment and any other evaluations as required
TOTAL	150 days (A.R. 12 sec (2)(a))	150 days (A.R. 12 sec (2)(a))	60 days (N.D.R.Juv.P. 2(a)(1)(C) or if continued for good cause, N.D.R.Juv.P. 9, A.R. 12 sec (2)(a))

Child in Need of Protection Case

Event	Non-Custodial	Admitted to Shelter Care	ICWA May Apply
Shelter care hearing	No hearing necessary	Within 96 hours of the initial placement (N.D.C.C. § 27-20.3-10(2), N.D.R.Juv.P. 2(a)(2))	Within 96 hours of the initial placement (N.D.C.C. § 27-20.3-10(2), N.D.R.Juv.P. 2(a)(2))
Petition must be filed (promptly made & presented)	The state's attorney determines whether to file a petition	Within 30 days of shelter care placement (N.D.C.C. § 27-20.2-06(2), N.D.R.Juv.P. 2(a)(3)(C))	Promptly to be in compliance with N.D.C.C. § 27-20.3-10, 25 U.S.C. § 1912(a)
Initial hearing on petition or adjudication hearing	30 days after filing petition (N.D.R.Juv.P. 2(a)(3)(A))	Within 30 days after filing petition (N.D.C.C. § 27-20.2-06(2), N.D.R.Juv.P. 2(a)(3)(A))	Within 30 days of shelter care placement (N.D.C.C. § 27-20.3-10)
Adjudication hearing (if initial hearing used)	30 days after initial hearing (N.D.R.Juv.P. 2(a)(3)(A))	Within 60 days of the initial removal (N.D.R.Juv.P. 2(a)(3)(A))	30 days after initial hearing (N.D.C.C. § 27-20.3-10(1)*)
SUBTOTAL	60 days	60 days	30 days
Disposition	At the court's discretion	At the court's discretion	30 days after initial hearing (N.D.C.C. § 27-20.3-10(1)*)
TOTAL	150 days (A.R. 12 sec (2)(a))	120 days (A.R. 12 sec (2)(a))	90 days (N.D.C.C. § 27-20.3-10(3))

*No fostercare placement or termination of parental rights proceeding shall be held until at least 10 days after receipt of notice by the parent or Indian custodian and the tribe or the secretary; provided, that the parent or Indian custodian or tribe shall, upon request, be granted up to 20 additional days to prepare for such proceeding 25 U.S.C. § 1912(a).

Termination of Parental Rights Cases

Event	Foster Care	Private/Voluntary
Initial hearing on petition or adjudication hearing	30 days after filing petition (N.D.R.Juv.P. 2(a)(3)(A))	30 days after filing petition (N.D.R.Juv.P. 2(a)(3)(A))
Adjudication hearing (if initial hearing used)	150 days of the initial hearing (N.D.R.Juv.P. 2(a)(3)(E))	150 days of the initial hearing (N.D.R.Juv.P. 2(a)(3)(E))
SUBTOTAL	180 days	180 days
Disposition	At the court's discretion	At the court's discretion
TOTAL	180 days (A.R. 12 sec (2)(a))	180 days (A.R. 12 sec (2)(a))

Juvenile Guardianship

Event	Guardianship with Request for Emergency Guardianship	Summons w/ Hearing Waived	Non-emergency Guardianship
Director review of contents	N/A	Within 10 working day of case filing (N.D.C.C. § 27-20.2-05(1)(1))	Within 10 working days of case filing (N.D.C.C. § 27-20.2-05(1)(1))
Emergency hearing	96 hours of filing the petition or the emergency appointment (N.D.C.C. § 27.20.1-18(2))	N/A (N.D.C.C. § 27-20.1-18(2))	N/A
Initial hearing on petition	30 days after approval of petition (N.D.R.Juv.P. 2(a)(3)(A))	N/A (N.D.C.C. § 27-20.1-08(3)(a))	30 days after approval of the petition (N.D.R.Juv.P. 2(a)(3)(A))
Disposition	At the court's discretion	At the court's discretion	At the court's discretion
TOTAL	150 days (A.R. 12 sec (2)(a))	150 days (A.R. 12 sec (2)(a))	150 days (A.R. 12 sec (2)(a))
Review	1-3 years (N.D.C.C. § 27-20.1-17)	1-3 years (N.D.C.C. § 27-20.1-17)	1-3 years (N.D.C.C. § 27-20.1-17)

A. Definitions.

1. Detention.

For purposes of N.D.C.C. § 27-20.4-01(9), detention means a physically secure facility with locked doors. The term does not include shelter care, attendant care, or home confinement.

2. Shelter Care.

For purposes of N.D.C.C. § 27-20.3-01(16) and 27-20.4-01(33), shelter care means temporary care of a child in physically unrestricted facilities.

Approved by Supreme Court 01/22/03; amended 3/12/14 effective 6/1/14; amended 7/6/22