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State of North Dakota
SUPREME COURT

CHAMBERS OF
Mary Muehlen Maring
JUSTICE

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Chief Justice
Supreme Court

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The Honorable Gerald W. Vandewalle
Chief Justice
North Dakota Supreme Court
600 E. Boulevard Avenue
Bismarck, ND 58505-0530

STATE OF
NORTH DAKOTA

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Re: Proposed Administrative Rule - Juvenile Drug Court Advisory Committee

Dear Chief Justice Vandewalle:

At the October 4, 2012, meeting of the Juvenile Drug Court Advisory Committee, the Committee approved the attached administrative rule, which I forward for consideration and adoption by the North Dakota Supreme Court.

The proposed administrative rule formalizes the establishment of the Juvenile Drug Court Advisory Committee and provides for its committee structure and for the authority and responsibilities of the Committee, its membership, and its staff in developing and monitoring the operational aspects of the statewide juvenile drug court program.

The Committee appreciates the Supreme Court's consideration and adoption of this administrative rule.

Sincerely,

Mary Muehlen Maring
Chair, Juvenile Drug Court Advisory Committee

Enc.

DRAFT ADMINISTRATIVE RULE

Administrative Rule _____

1 Juvenile Drug Court Advisory Committee

2

3 Section 1. Statement of Authority and Intent.

4 Under Article VI, Section 3, of the North Dakota Constitution, the Supreme Court has the
5 authority to adopt rules of procedure to be followed by all courts of the state, and to establish the
6 powers, duties, and qualifications of court officials. Under N.D.C.C. § 27-02-05.1, the Supreme
7 Court has administrative responsibility over all courts of the state and may establish rules to exercise
8 that administrative authority as it deems necessary or desirable.

9 It is the intent of the North Dakota Judicial System to establish a Juvenile Drug Court
10 Advisory Committee to serve as a mechanism for the development of policies and procedures
11 regarding the establishment and operation of a statewide juvenile drug court program comprised of
12 individual drug courts and to provide regular guidance and monitoring of the juvenile drug courts
13 to ensure compliance with applicable laws, policies, and procedures.

14 The Juvenile Drug Court Advisory Committee is responsible for the development of policies
15 and procedures and for the regular review of the performance, administration, and management of
16 the juvenile drug court program.

17 Section 2. Membership.

18 The Juvenile Drug Court Advisory Committee shall consist of a supreme court justice, the
19 judicial officer assigned to each juvenile drug court and members, appointed by the Chief Justice,
20 after consultation with the Supreme Court, from a list submitted by the chair of the committee as

1 follows: a defense attorney, a prosecuting attorney, a person involved in secondary education, a
2 juvenile court officer, a law enforcement officer, a local drug court coordinator, a juvenile court
3 director, a legislator, and a treatment provider. An appointed member must have current or
4 immediate past experience as a team member in a juvenile drug court. The Chief Justice appoints
5 the chair of the committee.

6 Except for terms of judicial officer members, initial terms will be established by lot at the
7 first meeting: two members will be appointed for one year, two members will be appointed for two
8 years, and two members will be appointed for three years. Thereafter, each appointment is for a
9 three-year term. Each appointed member is eligible for reappointment, but may not serve more than
10 three consecutive terms. Each member serves until the member's successor is appointed. A former
11 member who served three consecutive terms is eligible for reappointment after a six-year break in
12 service.

13 Section 3. Committee Responsibilities.

14 The Juvenile Drug Court Advisory Committee shall:

- 15 a. Develop, approve, and maintain a program manual that governs the administration,
16 management, and operation of the statewide juvenile drug court program.
- 17 b. Develop and facilitate a process for submission and review of applications for the
18 establishment of new juvenile drug courts for consideration and approval of the
19 Supreme Court.
- 20 c. Develop methods to evaluate the success of existing drug courts.
- 21 d. Review and approve forms for use throughout the juvenile drug court program.
- 22 e. Review issues regarding program operations submitted to the Committee.
- 23 f. Cooperate with other governmental agencies or tribal governments to pursue
24 mutually beneficial relationships and activities that further the operation of the
25 juvenile drug court program.

1 g. Report annually at the end of the fiscal year to the Supreme Court concerning the
2 operation of the statewide juvenile drug court program.

3 h. Develop a budget for the operation of the statewide juvenile drug court program, for
4 the Supreme Court's consideration and approval.

5 Section 4. Program Manual - Scope - Accountability.

6 The program manual developed and approved by the Juvenile Drug Court Advisory
7 Committee under this rule applies to and governs the operation of the juvenile drug courts in the
8 state. Policies and procedures included in the manual must identify areas in which individual drug
9 courts have the opportunity for flexibility and experimentation, consistent with manual objectives,
10 in the implementation of the juvenile drug court program. Proposed policies, procedures, or other
11 drug court operational components must be distributed to all juvenile drug court team members for
12 comment before final action by the Juvenile Drug Court Advisory Committee.

13 Section 5. Juvenile Drug Court Program Manager.

14 The State Juvenile Drug Court Program Manager shall serve as staff for the Juvenile Drug
15 Court Advisory Committee. The program manager coordinates and manages activities related to the
16 state juvenile drug court program and assists the Juvenile Drug Court Advisory Committee in
17 ensuring individual court compliance with the program manual and other Juvenile Drug Court
18 Advisory Committee directives.