State of North Dakota
SUPREME COURT

CHAMBERS OF
Mary Muehlen Maring
JUSTICE

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Chief Justice
Supreme Court
APR 16 2013
STATE OF
NORTH DAKOTA

April 16, 2013

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

Re: Proposed amendment to N.D. Sup. Ct. Admin. Rule 56

Dear Chief Justice VandeWalle:

As Chair of the Juvenile Drug Court Advisory Committee, I am submitting a proposed amendment to N.D. Sup. Ct. Admin. Rule 56 for approval by the Supreme Court. The proposed amendment is necessary to correct the provisions regarding the establishment of members under Section 2(B) to provide: "initial terms will be established by lot at the first meeting: ~~two~~ three members will be appointed for one year, ~~two~~ three members will be appointed for two years, and ~~two~~ three members will be appointed for three years."

Thank you for your consideration of this amendment.

Sincerely,

Mary Muehlen Maring

Mary Muehlen Maring
Chair

cc: Marilyn Moe, Program Manager

Rule 56. Juvenile Drug Court Advisory Committee.

Section 1. Statement of Authority and Intent.

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

B. A Juvenile Drug Court Advisory Committee is established to serve as a mechanism for the development of policies and procedures regarding the establishment and operation of a statewide juvenile drug court program comprised of individual drug courts and to provide regular guidance and monitoring of the juvenile drug courts to ensure compliance with applicable laws, policies, and procedures.

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

Section 2. Membership.

A. The Juvenile Drug Court Advisory Committee shall consist of a supreme court justice, the judicial officer assigned to each juvenile drug court and members, appointed by the Chief Justice, after consultation with the Supreme Court, from a list submitted by the chair of the committee as follows: a defense attorney, a prosecuting attorney, a person involved in secondary education, a juvenile court officer, a law enforcement officer, a local drug court coordinator, a juvenile court director, a legislator, and a treatment provider. Other than the legislator, an appointed member must have current or immediate past experience as a team member in a juvenile drug court. The Chief Justice appoints the chair of the committee.

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

Section 3. Committee Responsibilities.

A. The Juvenile Drug Court Advisory Committee shall:

a. Develop and maintain, subject to Supreme Court approval, a program manual that governs the administration, management, and operation of the statewide juvenile drug court program.

b. Develop and facilitate a process for submission and review of applications for the establishment of new juvenile drug courts for consideration and approval of the Supreme Court.

c. Develop methods to evaluate the success of existing drug courts.

d. Review and approve forms for use throughout the juvenile drug court program.

e. Review issues regarding program operations submitted to the Committee.

f. Cooperate with other governmental agencies or tribal governments to pursue mutually beneficial relationships and activities that further the operation of the juvenile drug court program.

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

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

Section 4. Program Manual -- Scope -- Accountability.

1 The program manual governs the operation of the juvenile drug courts in the state.
2 Policies and procedures included in the manual must identify areas in which individual drug
3 courts have the opportunity for flexibility and experimentation, consistent with manual
4 objectives, in the implementation of the juvenile drug court program. Proposed policies,
5 procedures, or other drug court operational components must be distributed to all juvenile drug
6 court team members for comment before final action by the Juvenile Drug Court Advisory
7 Committee.

8 **Section 5. Juvenile Drug Court Program Manager.**

9 The State Juvenile Drug Court Program Manager shall serve as staff for the Juvenile
10 Drug Court Advisory Committee. The program manager coordinates and manages activities
11 related to the state juvenile drug court program and assists the Juvenile Drug Court Advisory
12 Committee in ensuring individual court compliance with the program manual and other Juvenile
13 Drug Court Advisory Committee directives.
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15 **EXPLANATORY NOTE**

16 Rule 56 was adopted, effective January 1, 2013.
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