

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**ORDER OF ADOPTION**

Supreme Court No. 20190133

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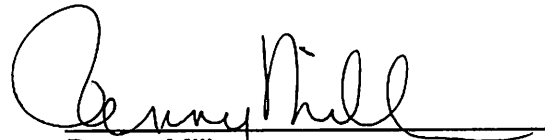
**Amendments to North Dakota Supreme Court Administrative  
Rule 35 Regarding the Juvenile Policy Board**

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[¶ 1] On April 24, 2019, the Supreme Court was advised the Juvenile Court Association voted to disband and discontinue the Association effective March 31, 2019. In light of that action an amendment to North Dakota Supreme Court Administrative Rule 35 regarding the Juvenile Policy Board is necessary to delete the reference to the Association in the rule. The Court considered the matter, and

[¶ 2] ORDERED, that the amendments to North Dakota Supreme Court Administrative Rule 35 are ADOPTED effective immediately.

[¶ 3] The Supreme Court of the State of North Dakota convened the 24th day of April, 2019, with the Honorable Gerald W. VandeWalle, Chief Justice, the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, the Honorable Jerod E. Tufte, and the Honorable Jon J. Jensen, Justices, directing the Clerk of the Supreme Court to enter the above order.



Penny Miller  
Clerk  
North Dakota Supreme Court



1                                   **Administrative Rule 35 - JUVENILE POLICY BOARD**

2       **Section 1. Statement of Authority and Intent.**

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

8       It is the intent of the North Dakota Judicial System to establish a mechanism for the development  
9       of administrative policies and procedures which will define the mission of juvenile court services  
10      consistent with 27-20-01, NDCC; to provide the administrative mechanism and authority to  
11      ensure the implementation of the policies; and to ensure the full involvement of judges and  
12      personnel of the North Dakota Judicial System in the development of such policies and  
13      procedures.

14      **Section 2. Effect of Policies.**

15      The administrative policies adopted by the Supreme Court pursuant to this rule govern the  
16      actions of the juvenile courts and personnel of the juvenile courts in North Dakota.

17      **Section 3. Membership.**

18      The Juvenile Policy Board shall consist of three district judges appointed by the North Dakota  
19      Judges' Association, one district judge and one judicial referee appointed by the Administrative  
20      Council, one district judge or supreme court justice appointed by the Chief Justice, one juvenile

21 court officer appointed by the Chief Justice ~~from a list submitted by the Juvenile Court~~  
22 ~~Association~~, and one juvenile director appointed by the Chief Justice. Terms of the members  
23 shall be for a three-year period and shall be staggered in such a manner to ensure that at least two  
24 members shall be up for election or appointment annually. A member may not serve more than  
25 three consecutive terms. A former member who served three consecutive terms is eligible for  
26 reappointment after a six-year break in service. The Chief Justice may appoint members to fill  
27 vacancies which occur for an unexpired term. The membership shall reflect the geographic and  
28 population diversities of the state and no more than two judges may be from any one judicial  
29 district.

30 **Section 4. Development of Long Term Planning for Delivery of Juvenile Court Services.**

31 Prior to the end of the first fiscal year of each biennium, the Juvenile Policy Board shall forward  
32 to the Supreme Court recommendations to update a continuing five-year plan for the delivery of  
33 juvenile court services. The plan shall establish priority for the delivery of services, identify  
34 program needs, recommend cooperative agreements with other state, local or private agencies,  
35 and may recommend specific budget items to be included in the judicial system budget  
36 request.

37 **Section 5. Establishment or Amendment of Juvenile Court Policies and Procedures.**

38 A. The Juvenile Policy Board may recommend to the Supreme Court policies relating to the  
39 operation of the juvenile court, pursuant to the following:

- 40 1. The policies shall be consistent with state law and court rules.
- 41 2. The operation of the juvenile court shall be defined to include:
  - 42 a. intake;
  - 43 b. diversion;

- 44 c. probation;
- 45 d. placement;
- 46 e. workload standards;
- 47 f. training standards.
- 48 g. child welfare

49 3. Any matter relating to pleadings, practice, or procedure including Appellate  
50 Procedure, Rules of Evidence, Rules of Criminal Procedure, Rules of Civil  
51 Procedure, or special rules of Procedure for the conduct of formal juvenile court  
52 hearings shall be forwarded to the Joint Procedure Committee, for its  
53 consideration, approval and recommendation to the Supreme Court.

54 *B. Operating Procedures.*

55 The Juvenile Policy Board may issue operating procedures and guidelines to be followed by the  
56 juvenile courts in implementing state law or administrative policies which have been approved  
57 by the Supreme Court.

58 *C. Notice.*

59 Before forwarding a recommended policy or adopting a procedure, the Juvenile Policy Board will  
60 solicit comments by notifying all district court judges and appropriate district court personnel of  
61 the proposed policy or procedure. The notice shall be at least 30 days prior

- 62 1) to forwarding the recommendation to the Supreme Court or the Joint Procedure  
63 Committee, or
- 64 2) to adopting a procedure to implement state law or approved policy.

65 If it is determined that immediate action is required, the timeframe for comment may be

66 suspended and the recommended policy may be forwarded to the Supreme Court along with the  
67 justification of expedited recommendation, or the procedure may be adopted by the Juvenile  
68 Policy Board on an interim basis pending comment.

69 **Section 6. Administration.**

70 A. It is the intent of this rule to leave the direct supervision of juvenile court employees at the  
71 district court level.

72 It is also the intent to assure the consistent delivery of programs and services through the Policy  
73 Board and the State Juvenile Services Coordinator (or such other person within the State Court  
74 Administrator's Office assigned the juvenile portfolio regardless of title).

75 B. The State Juvenile Services Coordinator shall have the responsibility and authority to assure  
76 implementation of policies as approved by the Supreme Court and procedures approved by the  
77 Board. The coordinator will work with the juvenile courts on a statewide basis and on an  
78 individual basis to assure implementation. The Coordinator shall make recommendations and  
79 reports to the judges of the district, the Policy Board, or the Supreme Court in matters relating to  
80 budget, staffing, personnel, programs, performance and other related matters.

81 **EXPLANATORY NOTE**

82 Rule 35 was adopted as an emergency rule effective June 24, 1992; amended and readopted July  
83 27, 1992; amended and readopted effective January 1, 1995; amended effective April 1, 2006  
84 (Supreme Court No. 20060059); amended effective August 15, 2007; amended effective March  
85 6, 2013; amended effective April 1, 2014; amended effective January 1, 2018; amended effective  
86 April 24, 2019.

87 SOURCE: N.D.Const., Art. VI, Sec. 3; Sec. 27-02-05.1, NDCC; Sec. 27-20-01.