

**NORTH
DAKOTA**
**JUVENILE
COURT**
ANNUAL REPORT 2015



**NORTH DAKOTA
JUVENILE COURT**

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MISSION STATEMENT

Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. The courts empower victims, encourage community participation, and support parental responsibility.

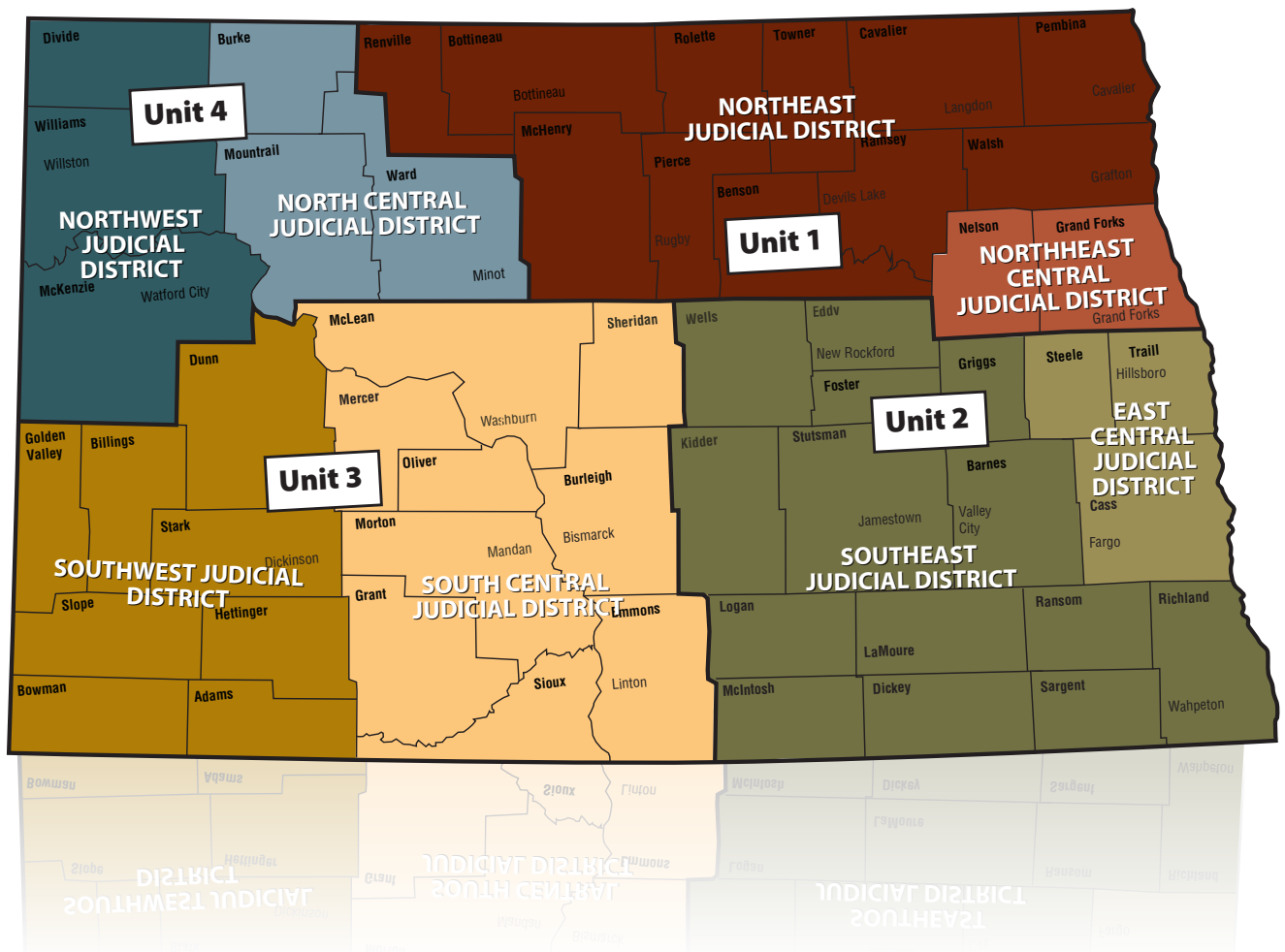
REPAIRING HARM, REDUCING RISK AND CREATING OPPORTUNITIES



NORTH DAKOTA JUVENILE COURT

North Dakota Juvenile Court Structure:

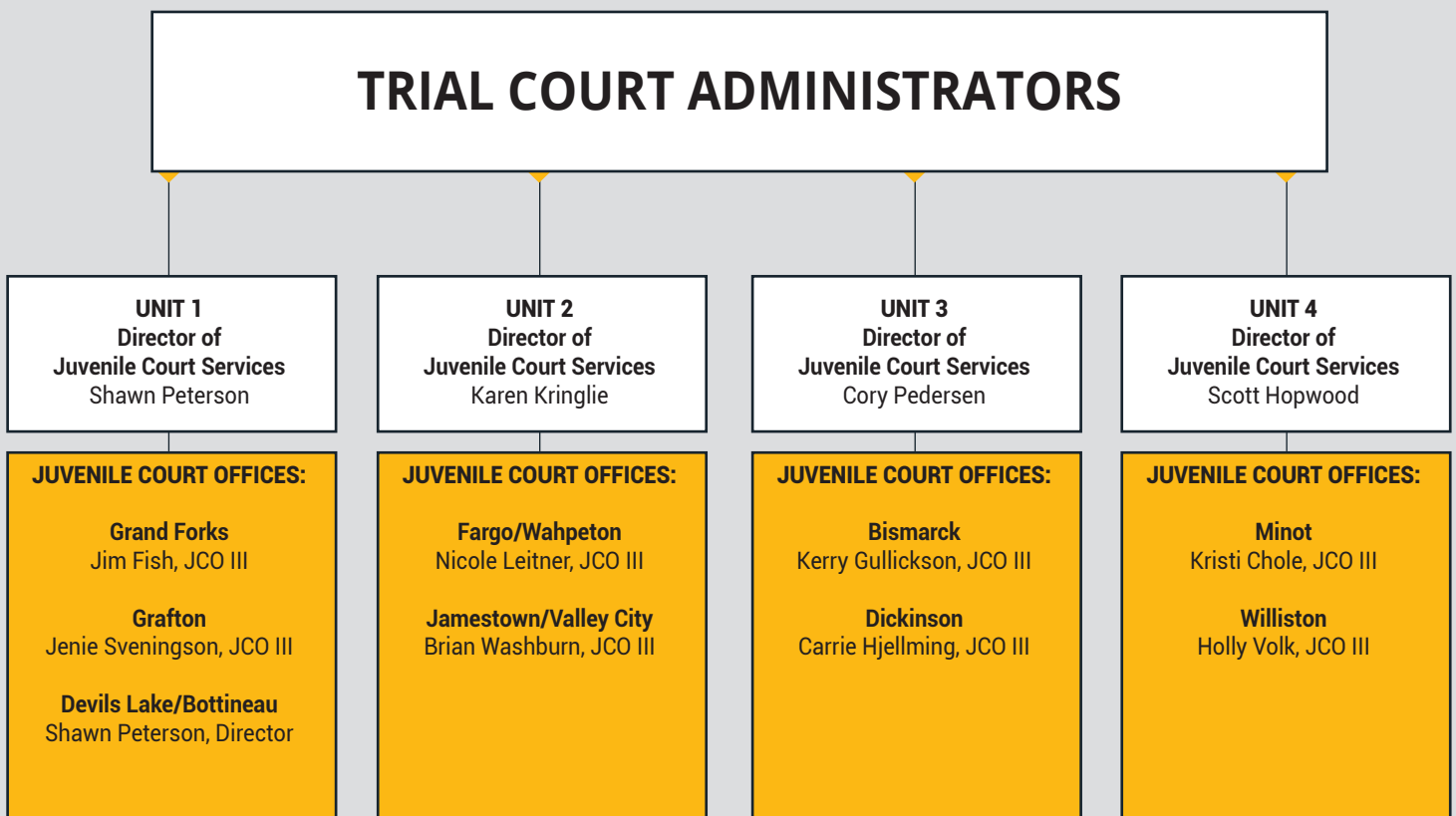
Since 2004, the administration of Juvenile Courts in North Dakota has been divided into four administrative units, each under the supervision of a Unit Court Administrator.



ORGANIZATIONAL STRUCTURE

Within each unit, a Director of Juvenile Court supervises juvenile court staff and is responsible for the planning and directing of all juvenile court services in the unit.

Under the direction of the Director of Juvenile Court, the Juvenile Court Officer (JCO) III assists in providing advanced investigative, diagnostic, supervisory, and probation services in their designated juvenile court office as well as provides supervision of juvenile court officers and staff.



NORTH DAKOTA JUVENILE COURT JURISDICTION

Delinquent and Unruly Case Referrals:

In North Dakota, Juvenile Court has exclusive jurisdiction over youth ages seven to seventeen who are alleged to have committed a delinquent or an unruly act. A delinquent act would be a crime if committed by an adult, while an unruly act is behavior such as truancy from school, runaway, ungovernable behavior, or a minor consuming alcohol – all of which are based on age.

Deprived Case Referrals:

Juvenile Court also has exclusive jurisdiction over children from birth until age seventeen who are alleged to be deprived of proper care or control by their parent, guardian or other custodian. More commonly known as child abuse and neglect, these cases are referred to court by county social service agencies after a child abuse and neglect investigation.



2015 REFERRALS TO JUVENILE COURT

Juvenile Court referrals are received from law enforcement, schools, social services agencies, and parents. Juvenile Court Officers screen referrals from law enforcement, schools, and agencies determining how they should be processed; making detention or emergency shelter care decisions on some of them; preparing court recommendations on those cases that are formalized, and processing the vast majority of the cases via an informal adjustment conference or diversion.

Total referrals of all case types to North Dakota Juvenile Courts increased 6% in the past year to 9,792. Adult and juvenile crime is at an all-time low nationally and North Dakota has seen similar decreases in unruly and delinquent referrals over the past several years. Deprived referrals, however, remain at high levels as compared to recent years. A 20% increase from 2014 to 2015 is significant. The chart below reflects the total number of charges referred to the juvenile courts over the past five years in the three legal categories of unruly, delinquent, and deprived.

TOTAL REFERRALS BY YEAR

	UNRULY	DELINQUENT	DEPRIVATION
2011	3469	5678	1879
2012	3510	5473	1969
2013	2792	4817	2282
2014	2572	4433	2269
2015	2507	4571	2714

*Note that referral data in this chart changed slightly as compared to prior ND Juvenile Court Annual Reports due to a change in the way the data is categorized.

INTAKE DECISIONS: A CRITICAL FUNCTION OF JUVENILE COURT

Intake of all juvenile referrals is required by North Dakota law to be conducted by the Director of Juvenile Court or a designated JCO. Intake staff are knowledgeable about North Dakota criminal and juvenile law as well as the techniques associated with juvenile treatment and rehabilitation. They screen for probable cause and make decisions regarding the appropriate manner to handle the case whether via diversion, informal adjustment or the formal court process. Detaining a delinquent youth or taking an unruly or deprived child into protective custody are also authorized powers of the Juvenile Court.

2015 JUVENILE REFERRALS BY CASE TYPE

Delinquent Referrals:

Of all the delinquent referrals received in 2015, 85% were misdemeanors, 13% were felonies, and 2% were infractions. In 2015, the most common delinquent referrals received by the Juvenile Courts were theft of property and shoplifting totaling 16%, followed by disorderly conduct, 13%. Possession of drug paraphernalia comprised 9% of delinquent referrals, possession of a controlled substance was 9%, and simple assault at 7% rounded out the five most common delinquent referrals.

Unruly Referrals:

Of the unruly referrals received in 2015, 28% were for unlawful possession/consumption of alcohol, 26% were for ungovernable behavior, 24% for runaway, 12% were for school truancy, and 10% were for other unruly referrals including tobacco and curfew violations.

Deprivation Referrals:

41% of deprivation referrals resulted in a formal petition to the court, 5% involved the filing of a termination of parental rights petition, 1% of cases were youth 18 years and older who chose to remain in foster care or re-enter foster care. Fifty-three percent of cases referred involved families cooperating with services or the matter was diverted by social services from the court system.

The chart below reflects the total number of charges referred to juvenile courts, grouped by case type over the past five years. In 2015, deprivation referrals made up 28% of all total referrals to Juvenile Court. Unruly offenses (offenses which only a child can commit) made up 25% of referrals. Property offenses comprised 15% of referrals, public order offenses 11%, drug-related offenses 10%, offenses against persons 8%, and traffic offenses 3 % of the total referrals to juvenile courts.

TOTAL REFERRALS BY CASE TYPE

	2011	2012	2013	2014	2015
Against Person Offenses	845	886	845	684	750
Property Offenses	2137	1996	1676	1380	1441
Public Order	1163	1177	960	942	1029
Unruly	3469	3510	2792	2572	2492
Deprivation	1879	1969	2282	2269	2714
Traffic	418	413	365	315	355
Drug Related Offenses	1115	1001	971	1112	1011

REFERRAL TYPES

Against person offenses

all assaults, menacing, harassment, terrorizing, gross sexual imposition, robbery

Property offenses

shoplifting, burglary, criminal mischief/vandalism, criminal trespass, all theft

Unruly

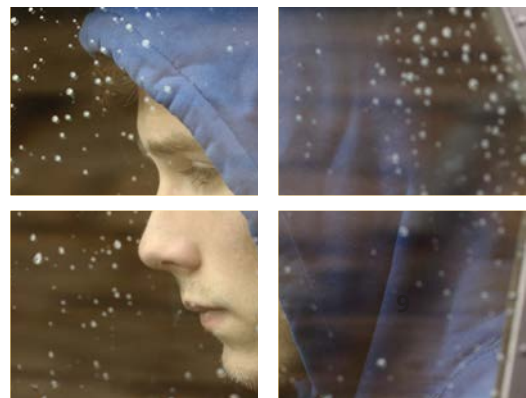
curfew, runaway, possession/use of tobacco, truancy, ungovernable behavior, minor in possession/use of alcohol

Public order

disorderly conduct, disturbance of a public school, failure to appear, resisting arrest

Deprivation

abuse/neglect of a child, deprived, no fault deprivation, termination of parental rights



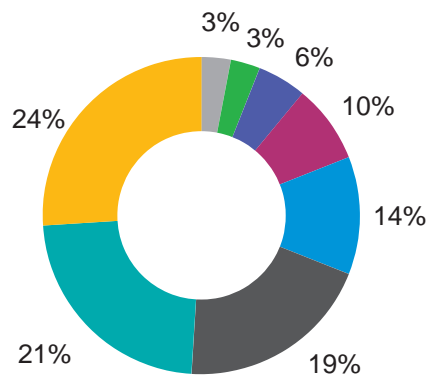
ANALYSIS OF JUVENILE OFFENDERS

The age of criminal responsibility in North Dakota begins at 7 years old. At that age, the legislature has determined that youth can be referred to Juvenile Court on charges of unruly or delinquent behavior.

In 2015, the most common age of youth referred to juvenile courts for delinquent or unruly behavior was 17 years of age. Juveniles age 13 and younger accounted for 22% of all referrals to the courts, which is an increase of 3% from the previous year.

AGE AT TIME OF REFERRAL TO JUVENILE COURT

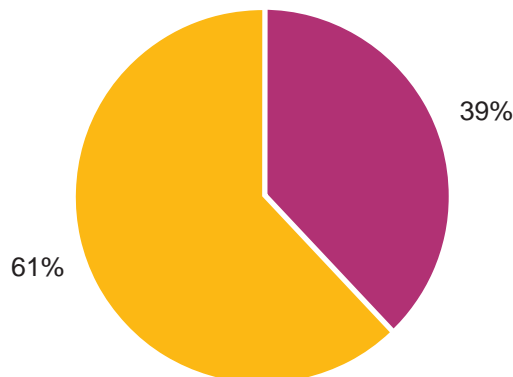
- 10 and under
- 11 years
- 12 years
- 13 years
- 14 years
- 15 years
- 16 years
- 17 years



In 2015, males committed 61% of delinquent and unruly acts referred to the juvenile courts, while females accounted for 39% of referrals.

Male 2981

Female 1877



COMMUNITY SAFETY

Detention Screening Tool:

In January of 2015, the screening of detention youth began statewide in North Dakota. The detention screening tool is a checklist containing criteria which are applied to youth brought to secure detention. The tool assesses risk to community. If risk is high, the use of secure detention is warranted.

The purpose of the test is to ensure release of appropriate youth back into the community with a minimum risk of re-offending or non-appearance at a scheduled hearing. The assessment score does not direct the user to a specific course of action. Rather, it provides objective information, grounded in research, to enhance the decision-making process.



Alternatives to Detention:

Since the use of the detention screening tool is to help guide the decision to determine whether to place a youth in detention or not, it is important to establish and maintain viable alternatives to detention that are available in communities. Alternatives maintain community safety and assure that youth will appear for future court hearings on the pending charge or charges.

In addition to simple release to parent or non-secure attendant care, another alternative to pre-adjudicatory detention is the use of house arrest. Youth on house arrest are electronically monitored by a JCO using a voice verification system to confirm a youth's location. Additionally, Global Positioning Satellite (GPS) systems are utilized to monitor a child's whereabouts. A GPS device continuously monitor an individual and allows he or she to stay at home pending a further court hearing. North Dakota juvenile court staff have increased use of voice and GPS monitoring as an alternative to detention. Electronic monitoring can cost as little as seven dollars per day which is much lower than the cost of secure detention and allows the youth to remain in their home and community.

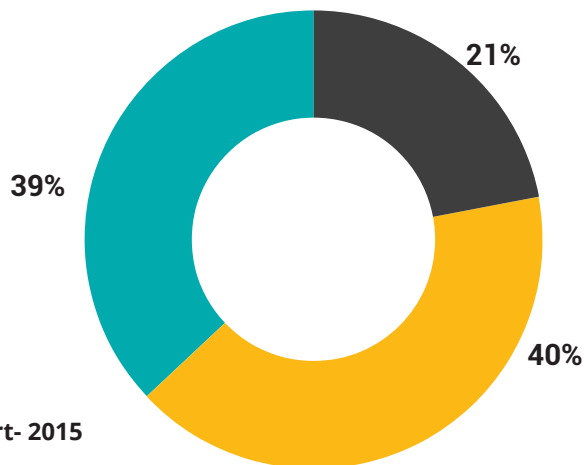
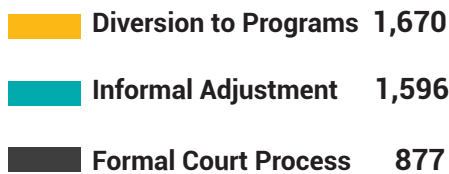
North Dakota law requires that youth securely detained have a detention hearing held within twenty-four hours, excluding weekends and holidays, and on average, most youth spend only hours to a few days in secure detention before lesser restrictive options are achieved.

2015 JUVENILE COURT DISPOSITIONS FOR DELINQUENT AND UNRULY CASE TYPES

North Dakota law provides a system whereby the vast majority of juvenile cases are handled effectively by juvenile court officers. All juvenile referrals are screened by a JCO for diversion to a program such as an educational class, counseling, informal adjustment (a meeting of the youth, parents, court officer and victim, if the victim so chooses), or for formal court processing by referring the matter to the States Attorney for the filing of a petition and proceedings before a judge. Most low-level offenders are handled

via diversion or informal adjustment. This process is advantageous for youth, family and victims. Diversion and consent-driven informal adjustment process can address the matter in a timely fashion after an offense occurs. Intake occurs consistently across the state as decisions about diversion or use of informal adjustment are guided by state-wide criteria. Typically, felony-level cases, youth requiring placement, and contested matters are heard by a District Court Judge or Judicial Referee.

JUVENILE COURT PROCESSES FOR DELINQUENT & UNRULY CASE TYPES



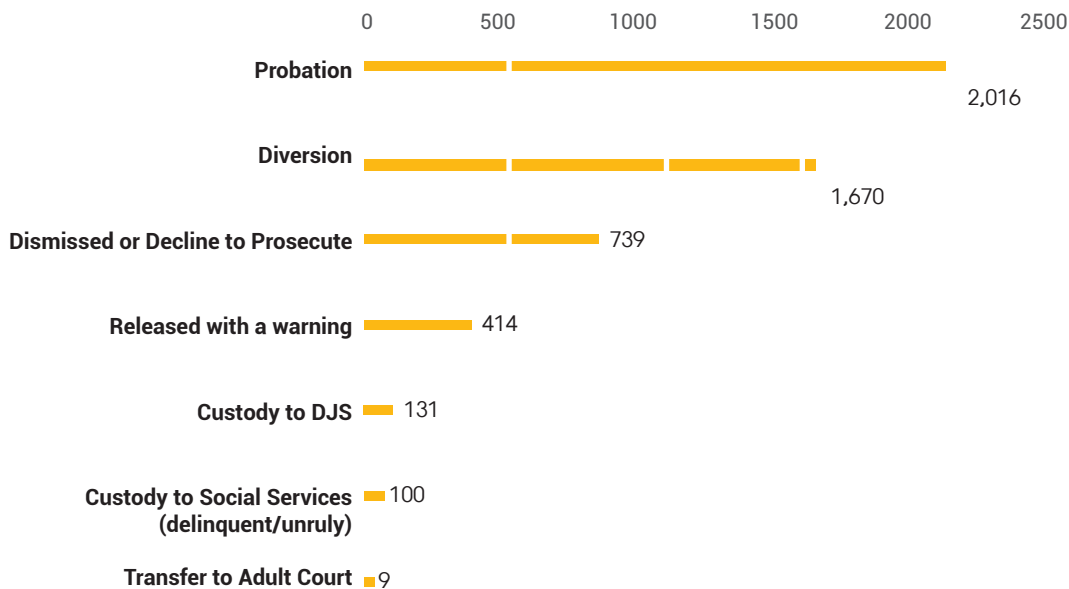
79% of all juvenile cases were handled outside of the courtroom through either a diversion to programming or an informal adjustment conference conducted by a juvenile court officer.

2015 JUVENILE COURT DISPOSITIONS FOR DELINQUENT AND UNRULY CASE TYPES

Disposition Types:

North Dakota law allows a great deal of flexibility in outcomes once a juvenile has admitted or been found to have committed a delinquent or unruly offense. This allows justice to be administered on an individual basis depending on the child's needs and risks as well as the needs of the victim and community and custody is removed from a parent only as a last resort.

DELINQUENT/UNRULY DISPOSITIONS 2015



2015 JUVENILE COURT DISPOSITIONS FOR DELINQUENT AND UNRULY CASE TYPES

Community Supervision:

Juvenile probation is the oldest and most widely used means of delivering a range of court-ordered services while supervising youth within the community. Staff engages youth in behavior change, holds youth accountable, and increases offender competency at one-tenth of the cost of out-of-home placements. For youth whose primary issue is with addiction, Juvenile Drug Court is an option in six North Dakota cities and the youth are supervised by juvenile probation staff.

Transfer to Adult Court:

Studies have shown that transferred youth quickly reoffend and at much higher rates than juveniles kept in the juvenile system. Further, national studies have shown that transferred youth detained pretrial in adult jails are at serious risk of rape, assault, death or suicide. Transfer is an option of last resort but some youth do request transfer to adult court as a matter of legal strategy.



2015 JUVENILE COURT REFERRALS IN DEPRIVED CHILD CASES

Deprivation Cases Referred:

Deprivation cases are referred to the Juvenile Court by local county social service departments. Referrals are received after a child abuse or neglect investigation is conducted by a child protection worker. If services are found to be required, the case is referred to juvenile court and a decision whether to file a petition is made by the county State's

Attorney's office based on information gathered in the investigation.

In 2015, 53% of all deprivation cases referred to the juvenile court did not result in a petition for a variety of reasons such as the family was already cooperating with social services or the State's Attorney declined to file a petition. In 41% of the cases referred, the States Attorney determined that it was necessary to file a petition and a court hearing was held. In 5% of all 2015 cases, a termination of parental rights petition was filed, and of those, 1% was at the request of the parents or child's legal custodian.



Continued Foster Care:

Since 2011, youth ages 18 to 21 who have previously been (or are currently) in foster care may choose to stay in foster care for support in continuing with education and making a successful transition to adulthood. In 2014, there were 28 continued foster cases filed and in 2015, there were 18 cases.

2015 JUVENILE COURT REFERRALS IN DEPRIVED CHILD CASES

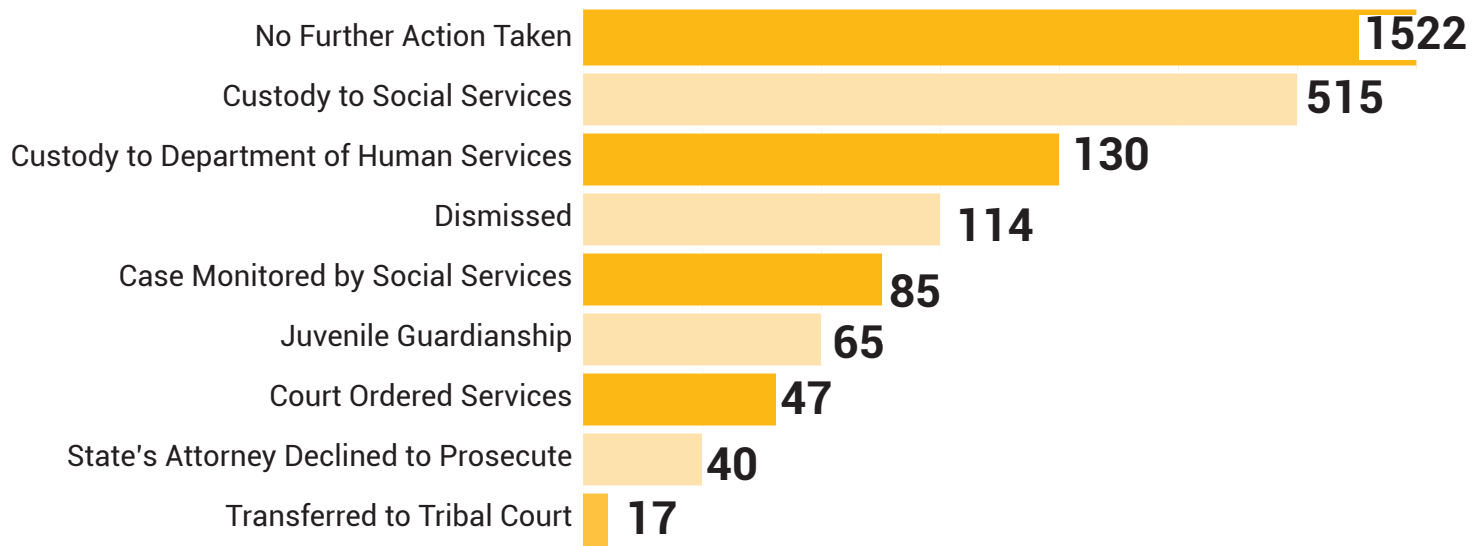
Services Required, No Petition Filed	1387
Deprived Petition Filed	1141
Involuntary Termination of Parental Rights Filed	167
Voluntary Termination of Parental Rights Filed	19

2015 JUVENILE COURT DISPOSITIONS IN DEPRIVED CHILD CASES

Disposition Types:

Under North Dakota law, if a child is found to be deprived, the court may order services for the family, place the child with a willing relative or guardian, or place the child with a county social services agency for foster care placement.

DEPRIVED DISPOSITIONS 2015



No further action are cases where a child protection assessment is completed and there was a finding of "services required" by a child protection team. Social services works with the family to resolve the issue. This also includes situations where a Temporary Custody Order has been issued and social services return the child safely prior to a petition being filed with the court.

There were 179 cases pending disposition at the end of 2015.

North Dakota law defines a deprived child as a child who is without proper parental care or control necessary for the child's physical, mental or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian or other custodian. §27-20-02(8) N.D.C.C.

PROBATION SUPERVISION

Probation is the most widely-used community-based juvenile court program. During the period of probation supervision, a juvenile offender remains in the community and continues normal activities such as school and work while complying with individualized probation rules such as curfew, community service, payment of restitution, and attendance at classes or counseling. The supervision of offenders in their communities enhances community safety and prevents the need for costly out-of-home placement.

JCOs use a system of graduated responses to ensure compliance with informal adjustment agreements or formal court orders and treatment goals. In addition to monitoring compliance, court officers coordinate rehabilitative as well as treatment services for youth and families. Court officers evaluate the youth's progress toward achieving probation goals and recommend release from probation at the appropriate time.

Risk and Needs Assessments: Effective probation supervision requires a reliable and valid offender assessment to assist a court officer with decision-making. The assessment tool assists with determining appropriate supervision level, supervision strategies as well as treatment programming. The juvenile court system has adopted the Youth Assessment Screening Inventory (YASI) to assess the likelihood of recidivism and the specific needs of each child. Based on each youth's risks and needs, the JCO develops a case plan in order to focus resources on the area(s) most likely to cause the youth to reoffend and to refer youth to appropriate programming.

Behavioral Health Assessment: A mental health assessment called the Massachusetts Youth Screening Instrument (MAYSI-2) is used to assess a broad scope of possible mental health needs. Assessments are conducted immediately upon entry into probation and re-administered as needed. Referrals to behavioral health services, including crisis intervention, are made as appropriate.

Competency Development: In addition to contracted programs available to youth, JCOs teach skills and cognitive restructuring programming to probation youth and their families. Examples include the following: Decision Making 101, Risks and Decisions, Anger Management, Relationships & Communication Group, Boundaries Classes, Girls and Boys Groups, and SPARCS (a trauma-based program).

Making smart choices means providing the right sanctions and services to the right juveniles at the right time without regard to biases or prejudices but based upon each child's unique risks and needs.

RESTORING JUSTICE TO VICTIMS AND COMMUNITIES

Victim Rights in Juvenile Cases:

Despite the fact that juvenile court cases are closed to the public, state law allows victims of juvenile crime the same rights as victims of adult crimes. In petitioned proceedings, the state's attorney is tasked with providing victims notice of the charges filed, hearings scheduled, and their ability to give input regarding a disposition. Non-petitioned proceedings result in juvenile court staff contacting victims, informing them of their rights, and seeking their active input in the resolution of a case. Victims are invited to attend an informal adjustment conference. Some cases are referred to an offender accountability conference for resolution.

Restitution: Youth are required by the court to pay for the harm they have caused their victims. In 2015, \$118,176 was ordered as restitution. The total amount of restitution collected by juvenile court staff and returned to the victims at the end of the calendar year was \$79,693. Restitution collection is challenging with young people as some are unable to work due to age or placement out of the home. In some cases, victims elect to pursue a civil action against the child's parents as a more viable means of being repaid for losses incurred.

\$79,693 in restitution was collected by probation staff and returned to victims.

Community Service: Offenders may also be required to perform community service as a way to repay the victims and the community for any harm suffered because of the youth's behavior. The amount of community service hours completed by youth referred to juvenile courts in 2015 was 12,083 hours.

Victim Empathy Seminars and Offender Accountability Conferences: In support of the balanced and restorative justice mission, the courts contract to provide victim empathy classes, offender accountability conferences, and community circles. A four-hour victim empathy class is educational and assists juveniles and their parents with understanding how delinquent behavior impacts others. Accountability conferences bring together the offender, victim, key supporters and a trained facilitator to discuss the impact of the juvenile's behavior and ways to repair the harm caused.

In 2015, 226 juveniles were referred to participate in an offender accountability conference, and 219 juveniles completed a victim empathy seminar in their community.

DIRECTORS' SUMMARY

Using the guiding mission of balanced and restorative justice, JCOs improve and impact the lives of the youth, families, and communities in which they work. Repairing the harm to the victim and compliance with programming geared at reducing the risk of the offender, while increasing the overall competency of the offender, are priorities for the juvenile courts.

The directors strongly believe that the most important task performed each day is discerning the most appropriate path of response to juveniles who come in conflict with the law either by their own behavior or by that of the adults charged with taking care of them. Juvenile court staff are committed to this work despite challenges such as lack of services in rural areas, a diverse and growing state population and the misconception that “locking up” delinquent youth is the only way to protect a community from crime.

Staff understand that the length of court supervision is not related to outcomes. Rather the job of the juvenile court is to help youth build the skills and sense of responsibility needed to avoid further interaction with the justice system.

During 2015, North Dakota juvenile courts collaborated with others stakeholders to deliver adolescent mental health training to all juvenile court officers; to enhance multi-systemic family therapy to all regions of the state; and to begin addressing disproportionate arrest and detention rates in the urban areas. We continue to review and train staff on the Indian Child Welfare Act (ICWA) and the new ICWA Guidelines in order to enhance compliance with the Act.

Goals for 2016 include the following:

1. Adoption and implementation of a statewide indicator tool to identify children who may be victims of human trafficking.
2. Statewide adoption of a presumption against the use of restraints in the courtroom on detained juvenile respondents.
3. In conjunction with the State Juvenile Justice Advisory Group, analyze and develop projects in Fargo, Devils Lake and Bismarck to address disproportionate minority contact.

