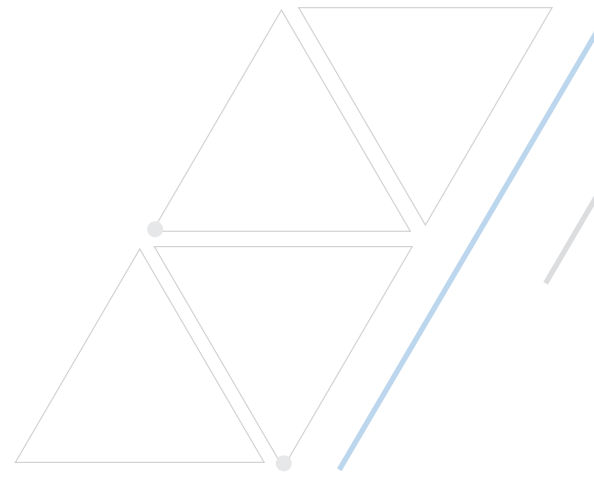


NORTH DAKOTA JUVENILE COURT



2020 ANNUAL REPORT

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THE FUTURE OF THE JUVENILE COURT



Courts exist to do justice, to guarantee liberty, to enhance social order, to resolve disputes, to maintain rule of law, to provide for equal protection and to ensure due process of law.

Fundamental to the work of the judiciary is doing individual justice in individual cases, providing a forum for the resolution of legal disputes, deterring criminal behavior and helping to rehabilitate those found responsible for crimes. The work of the juvenile court aligns perfectly with those goals. We are a subset of the district court and our work is critical to the overall mission and core purpose of the judicial branch.

We know that the most important work we perform each day is helping youth find the path to a meaningful life and teaching families how to support each other. To do this we assess individual needs, build a continuum of evidence-based services that can be delivered across urban and rural North Dakota communities, and match youth with the programs that will benefit them and their communities. We are relied upon by local law enforcement, county prosecutors, social service workers, and school teachers to identify root causes of societal issues such as opioid use, child trafficking, and family violence and seek ways to prevent these societal problems from damaging lives and communities.

High performance courts are always looking to identify problems, collect and analyze data, and take action. The juvenile court is flexible, creative, and open to new evidence-based solutions such as early assessments, structured decision-making tools, and community-based supervision and delivery of services.

The North Dakota Juvenile Court is on the front line of societal issues such as child abuse and neglect, addiction, behavioral health and delinquency prevention. The dedicated work of juvenile court staff protects communities, saves lives and saves taxpayer dollars that would otherwise be spent on expensive residential treatment or correction confinement. Investing “upstream” in the juvenile court process of youth assessment, service delivery and supervision that keeps youth out of the correction system altogether makes good sense. We know that keeping youth at home and engaged in school and family life produces better outcomes for youth, families and our communities.

Most youth who run afoul of the law are not on a pathway that leads to adult criminal careers. Most delinquency is self-correcting as youth age and juvenile court intake must assess the likelihood that a youth will become a serious, violent, or chronic offender, identify those pathways early and seek to interrupt them.



MISSION STATEMENT

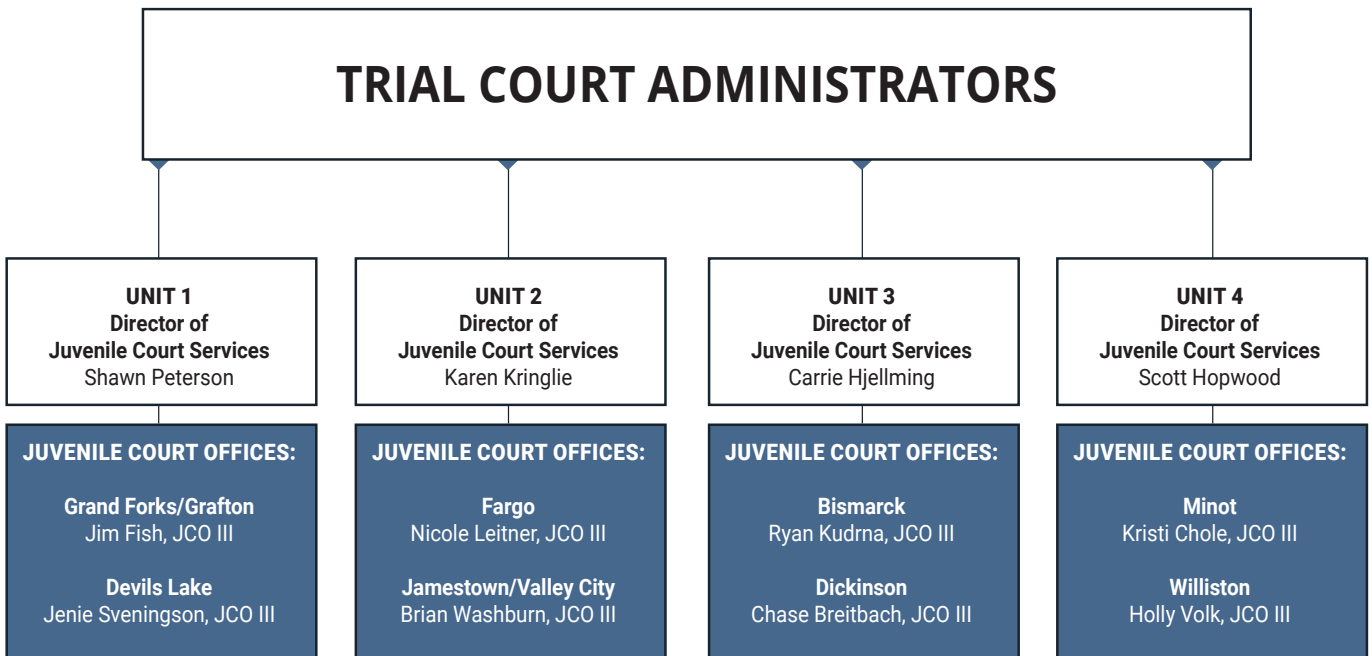
The Juvenile Court protects the best interests of children and addresses the unique characteristics and needs of children that come before the court as deprived, unruly, and delinquent matters. Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court 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**



ORGANIZATIONAL STRUCTURE

Within each unit, there is a Director of Juvenile Court who supervises the 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 JCO III assists in providing advanced investigative, diagnostic, supervisory, and probation services in their designated juvenile court office as well as providing supervision of juvenile court officers and staff.





NORTH DAKOTA JUVENILE COURT JURISDICTION

Delinquent and Unruly Case Referrals: In North Dakota, the Juvenile Court has exclusive jurisdiction over youth ages ten 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 minor consuming alcohol, all of which are based on age.

Deprived Case Referrals: The 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 the courts by social workers employed

by the human service zones (formerly social services) after a child abuse and neglect investigation.

Reviews of Placement in Residential Treatment: Rule 18.1 of the North Dakota Rules of Juvenile Procedure requires the juvenile court director to complete a review of all child assessments for placement in a qualified residential treatment program (QRTP) in order to ensure that the placement is appropriate.

Guardianship of a Child Referrals: Since August 2019, all filings for guardianship of a child, with the exception of those created as part of a probate case, are filed in juvenile court and receive preliminary review and monitoring by court service officers.

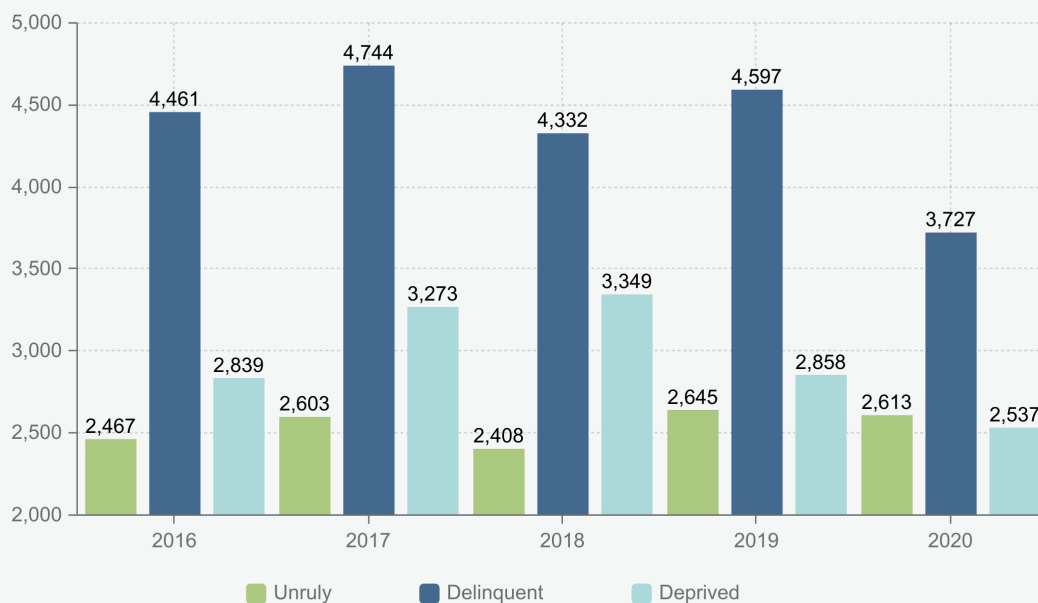
2020 REFERRALS TO JUVENILE COURT

Juvenile Court referrals are received from law enforcement, schools, human service zones, parents, and people seeking guardianship of a minor child. Juvenile Court Officers screen referrals to determine how they should be processed; make detention or emergency shelter care decisions on some of them, prepare court recommendations on those that proceed to the formal courts, and process the vast majority of the cases via an informal adjustment conference or diversion.

Total referrals to the North Dakota Juvenile Courts decreased from the previous year by 1,223 referrals (12%) to 8,877. Deprived referrals account for 11% of the decrease. Schools and other social services providers typically account for a large portion of juvenile court referrals. As such, during times of school closure, such as summer break, there is usually a reduction in reports. The closure of in-person classes in March 2020 correlates with the declines seen in 2020. 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



*Note that the referral data in this chart has changed slightly since 2014 due to a change in the way the data was categorized.

INTAKE DECISIONS ARE A CRITICAL FUNCTION OF THE JUVENILE COURT:

Intake of all juvenile referrals is required by North Dakota law to be conducted by the Director of Juvenile Court. Juvenile Court intake staff are knowledgeable about North Dakota criminal and juvenile law as well as the techniques of juvenile treatment and rehabilitation. They screen for probable cause to believe that a child has been involved in a violation of law or is the victim of abuse or neglect and make decisions regarding the appropriate manner to handle the case by the use of diversion to services, informal adjustment, or the formal court process. Whether to detain or release from detention a delinquent youth or to take an unruly or deprived child into protective custody are statutory duties of the Juvenile Court directors and assigned staff.



2020 JUVENILE REFERRALS BY CASE TYPE



Delinquent Referrals: Of all the delinquent referrals received in 2020, 84% were misdemeanors, 14% were felonies, and 2% were infractions. The most common delinquent referrals received by the Juvenile Courts were Simple Assault (11%) followed by Disorderly Conduct (10%), Possession of Controlled Substance, Possession of Drug Paraphernalia and Theft of Property/Shoplifting each made up 9% of the referrals.

Unruly Referrals: Of all the unruly referrals received in 2020, 27% were runaways, 26% were for ungovernable behavior, 24% were referrals of unlawful possession/consumption of alcohol, 10% were for school truancy, 9% were for curfew violations, and 4% were for tobacco violations.

Deprivation Referrals: Deprivation referrals resulted in a formal petition in 39% of the cases, 9% involved the filing of a termination of parental rights petition, and less than 1 % of cases were youth from 18-21 years of age who chose to remain in foster care. Families cooperated with services, or the matters were otherwise diverted by human service zones from the formal court system in 51% of cases referred.

Guardianship of a Child Referrals: The creation of Chapter 27-20.1 brought most of the civil guardianships within the jurisdiction of the juvenile courts and requires review of preliminary pleadings by the director or designee. In 2020, there were 209 filings for guardianships in the juvenile courts.





The chart below reflects the total number of charges referred to the juvenile courts, grouped by case type over the past five years. In 2020, Deprivation referrals made up 29% of the total referrals to the Juvenile Court, while Unruly offenses (offenses which only a child can commit) also made up 29% of referrals. Delinquent offenses made up 42% of referrals and are broken down into the following case types: Property Offenses (28%), Drug-related Offenses (23%), Offenses against Persons (23%), Public Order (20%), and Traffic Offenses (6%) of the total delinquent referrals to juvenile courts.

TOTAL REFERRALS BY CASE TYPE

	2015	2016	2017	2018	2019	2020
Against Person Offenses	750	834	907	1047	1048	871
Property Offenses	1441	1327	1449	1010	1341	1035
Public Order	1029	980	1051	992	1149	749
Unruly	2492	2467	2603	2408	2645	2613
Deprivation	2714	2839	3273	3349	2858	2537
Traffic	355	261	239	243	201	216
Drug Related Offenses	1011	1059	1098	1040	858	856
TOTAL	9792	9767	10620	10089	10100	8877

REFERRAL TYPES

Against Person Offenses

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

Property Offenses

Shoplifting, burglary, criminal mischief/vandalism, criminal trespass, all thefts

Public Order

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

Unruly

Curfew, runaway, tobacco, truancy, ungovernable behavior, minor in possession/consumption of alcohol

Deprivation

Abuse/neglect of a child, deprived, services required informational only, termination of parental rights, guardianship of a minor

Traffic

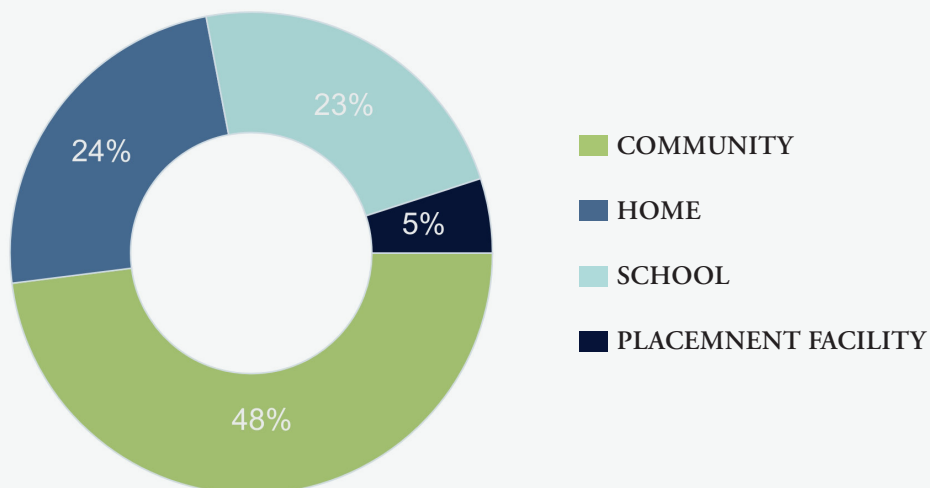
Driving without a license, driving without liability insurance, leaving the scene of an accident

DELINQUENT OR UNRULY REFERRALS TO COURT BY LOCATION

Starting in 2018, the juvenile court began to capture data regarding the location of where the delinquent or unruly offense occurred. It was found that in 2020, 48% of all delinquent and unruly referrals were the result of law violations that occurred out in the community such as stores, streets, parks etc., 24% occurred in the home, 23% were from acts reported to have occurred at a school building or grounds, and 5% occurred at juvenile placement facilities located in the state. Given the COVID-19 pandemic and resulting use of hybrid or distance learning, it is believed the numbers of truancy referrals and delinquency offenses occurring on school grounds were likely reduced during this unusual year.



TOTAL REFERRALS BY CASE TYPE

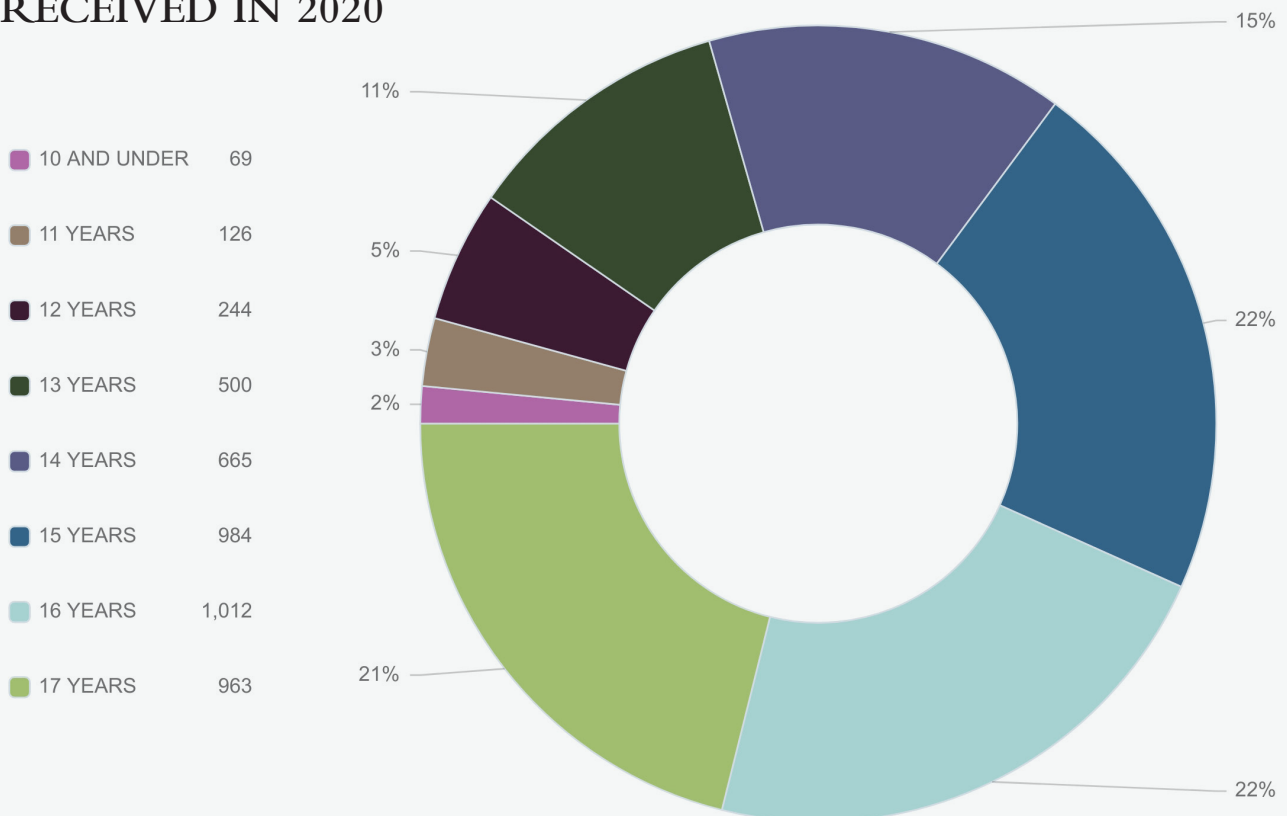


ANALYSIS OF JUVENILE OFFENDERS

In 2020, the most common age of youth referred to the juvenile courts for delinquent or unruly behavior was 16 years of age. Juveniles age 13 and younger accounted for 21% of all referrals to the courts, a percentage that remained consistent from the previous year. The age of criminal responsibility in North Dakota was raised in 2019 from 7 to 10 years of age. This increased age better reflects the current science and understanding of the adolescent brain when it comes to criminal culpability, as well as best practices nationally.



AGE AT TIME OF REFERRAL TO JUVENILE COURT AND NUMBER OF REFERRALS RECEIVED IN 2020

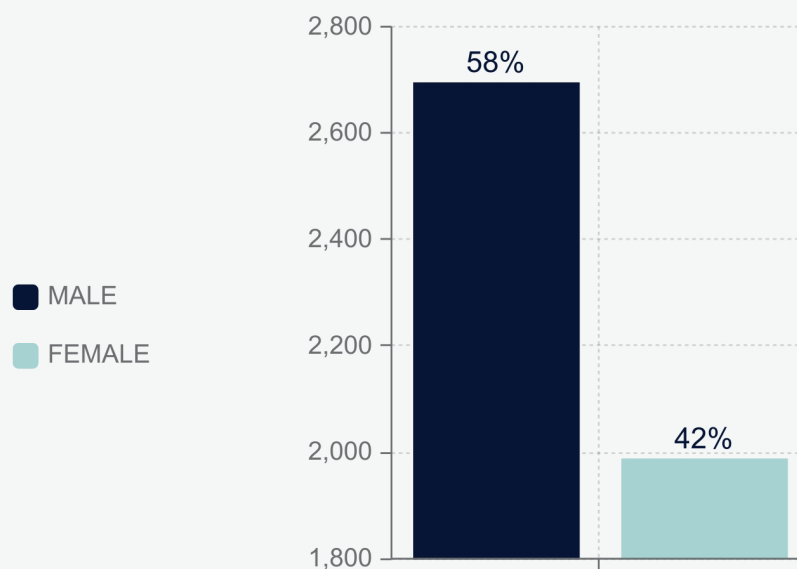




In 2020, males committed 58% of delinquent and unruly acts referred to the juvenile courts, while females accounted for 42% of referrals.

North Dakota is currently participating in a Vera Institute of Justice study of gender-based differences in juvenile delinquency referrals, detention rates, and access to services.

PRIMARY CHARGE DELINQUENT & UNRULY REFERRALS % BY GENDER 2020





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 a few hours to a few days in secure detention before being released or other placement options are used.

Detention Screening Tool: In order to place a child in secure detention, law enforcement must use a detention screening tool to assure the appropriate use of detention and whether the child poses a risk to public safety. The detention risk screening tool is an objective checklist of criteria that is applied to each youth brought to or considered for secure detention. The overall score guides the law enforcement officer or the intake court officer in making the critical decision of whether to securely detain the youth. The purpose is to ensure release of appropriate youth back into the community with the minimum risk of re-offending or not appearing for a scheduled hearing. The score of the detention screen does not tell the user exactly what course of action should be taken but rather provides objective information, grounded in research, to enhance the decision-making process.

Alternatives to Detention: Since the use of the detention assessment 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 to 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 a parent or non-secure attendant care, another alternative to pre-adjudicatory detention is the use of house arrest. House arrest can be either monitored by a Juvenile Court Officer using a voice verification system to confirm a youth's location or in conjunction with GPS electronic monitoring systems. Electronic monitoring is a continuous monitoring device that attaches around a youth's ankle and allows the youth to stay at home pending further court hearings. Voice monitoring and GPS electronic monitoring have been increasingly used by North Dakota Juvenile Court staff as an alternative to detention. Electronic monitoring can cost as little as five dollars per day which is much lower than the cost of secure detention and allows the youth to remain in his or her home and community.



2020 JUVENILE COURT DISPOSITIONS FOR DELINQUENT AND UNRULY CASE

North Dakota law provides a system where the vast majority of juvenile cases are handled by juvenile court intake officers. On average this occurs within five days of the referral. Court staff recognize that it is critical to divert from the traditional or formal court process those children with little to no delinquent history, who have committed a minor offense and who are at low to medium risk of re-offending. In conjunction with that, diversion meets the need to provide immediate in-time sanctions, address the behavior and meet the needs of victims, along with providing services or skills-based programs for youth and their families. Intake occurs consistently across the state as decisions about diversion or use of informal adjustment are guided by state-wide criteria.

All juvenile referrals are screened using an objective intake matrix for diversion, informal adjustment, 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 offenses and early offenders are handled via diversion or informal adjustment. This is an advantage for the youth, family and victim as diversion and the consent-driven informal adjustment process can address the matter quickly and effectively after an offense occurs.

Diversion is an intervention strategy that redirects youth away from formal processing in the juvenile justice system while still holding them accountable for their actions and connecting them to appropriate services.

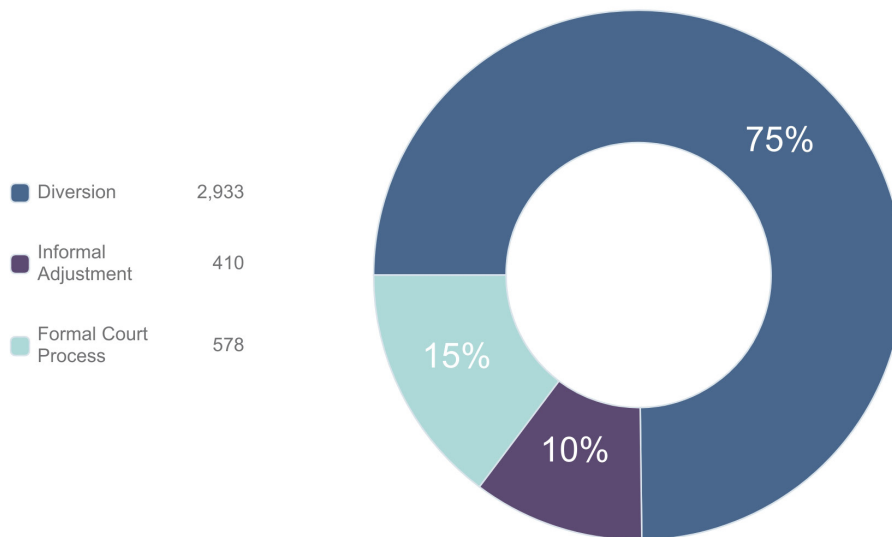
An **Informal Adjustment** is a dispute resolution meeting held by the director of juvenile court or designee to resolve low-level delinquent or unruly referrals and is an alternative to the filing of a petition for formal court proceeding. Participants include the youth referred for the offense, the youth's parents, the juvenile court officer, and the victim, if the victim chooses to participate. If the youth admits to the behavior, an agreement to resolve the matter is reached and compliance is tracked by juvenile staff. Unlike diversion, a pre-screen risk assessment is conducted and the results are used to guide the outcome. A juvenile's participation in an informal adjustment agreement is typically six to nine months but by statute cannot exceed 15 months.

Typically, felony-level cases, youth requiring placement, and contested matters are heard by a District Court Judge or Judicial Referee after the filing and service of a formal court petition by the state's attorney.

85% of all juvenile disputes were resolved outside of the courtroom through either a diversion to programming or an informal adjustment conference conducted by a juvenile court officer.

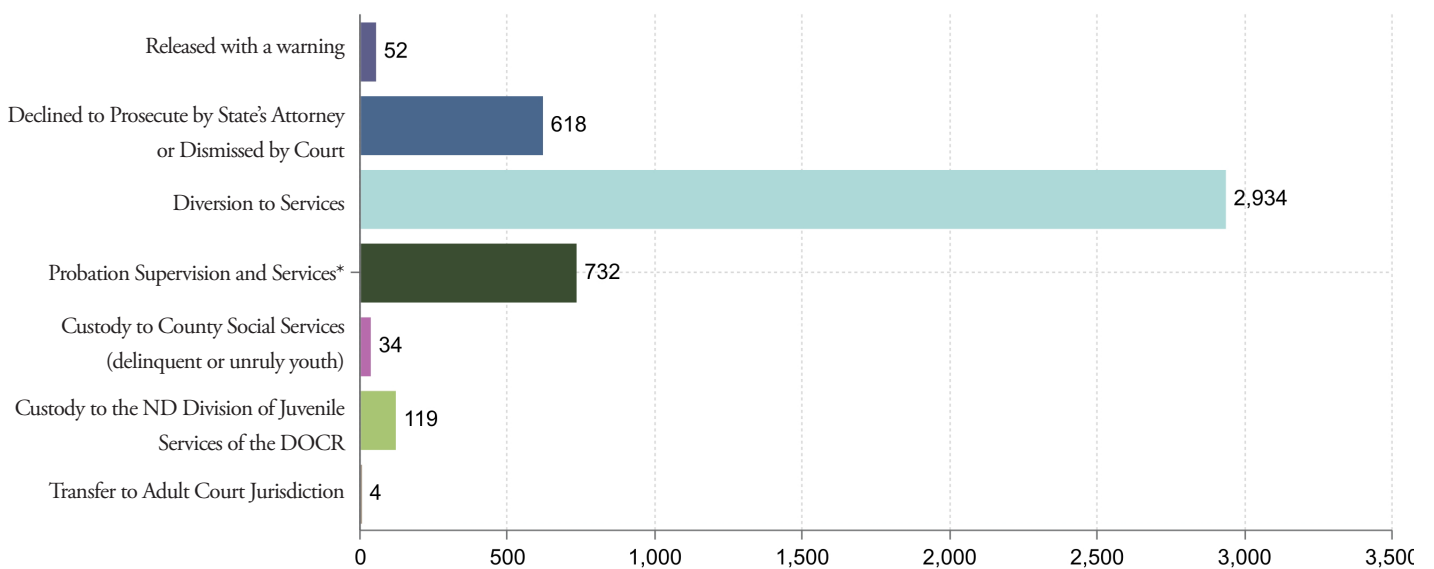


JUVENILE COURT PROCESSES FOR DELINQUENT & UNRULY CASE TYPES



Disposition Types: North Dakota law allows flexibility in disposition 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, case-by-case, basis depending on the child’s needs and risks as well as the needs of the victim and community. Custody is removed from a parent only as a last resort or when public safety requires such a measure.

DELINQUENT/UNRULY DISPOSITIONS 2020



*87 probation cases included youth participation in a juvenile drug court in the regions with a drug court and where youth met criteria for drug court admission

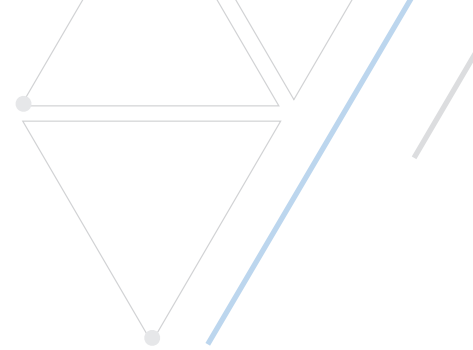


Community Supervision: Juvenile probation is the most widely used means of delivering a range of court-ordered service while supervising the youth within the community. Staff work to change behavior, hold the youth accountable, and increase offender competency at one-tenth of the cost of out-of-home 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 court staff.

Transfer to Adult Court: Studies have shown that transferred youth quickly re-offend and at much higher rates than youth 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 legal strategy.

In 2020, only two youth were transferred to adult court. Of those, one youth chose to voluntarily transfer their charges to adult court, and the other youth had their charges involuntarily transferred. These cases all involved serious charges of against person felonies, including simple assault on peace officer/correctional officer, terrorizing, robbery, and burglary. In 2019, only three youth were transferred to adult court involuntarily. All involved serious charges of against person felonies, including murder, conspiracy to commit robbery, and gross sexual imposition.

2020 JUVENILE COURT DISPOSITIONS IN DEPRIVED CHILD CASES

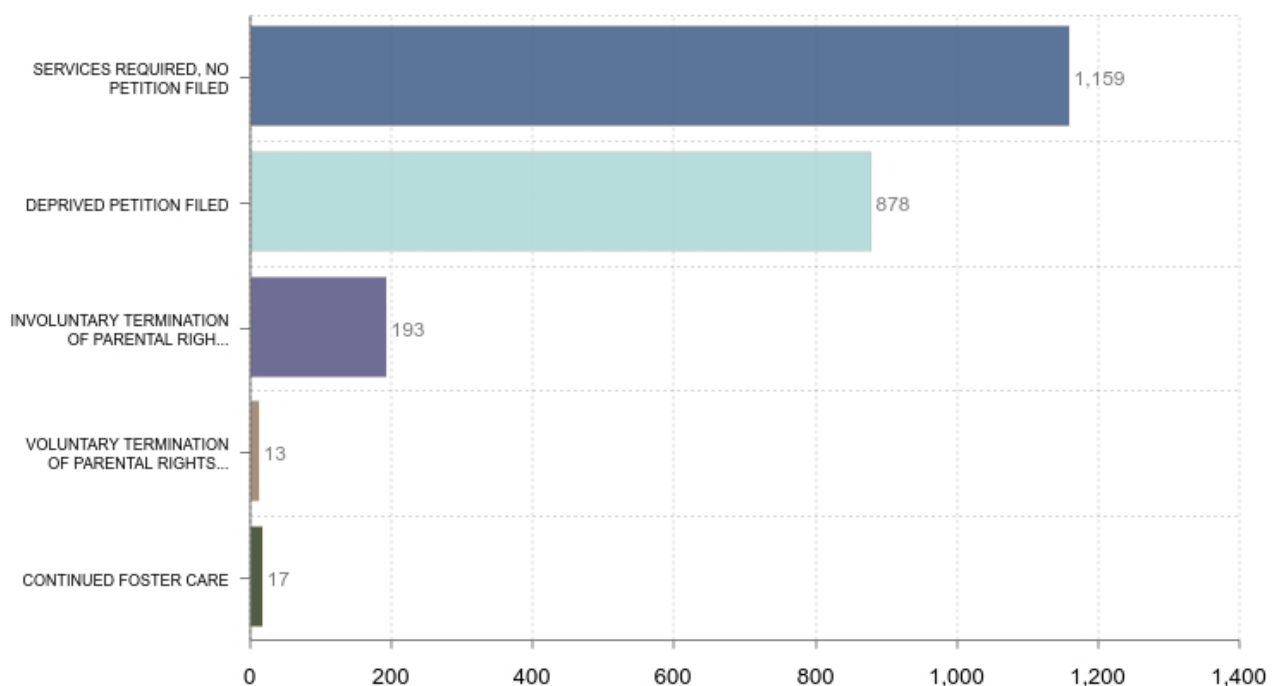


Deprivation Cases Referred: In North Dakota, deprivation cases are referred to the Juvenile Court by local county human service zone departments. The referrals are received after a child abuse or neglect investigation is conducted by a child protection worker. If services are found to be required, the case is referred to Juvenile Court, and a decision on whether to file a petition is made by the County State’s Attorney’s office based on information gathered in the investigation.

In 2020, 51% of all deprivation cases referred to the juvenile court did not result in a petition for various reasons, such

as the family was already cooperating with services or the state’s attorney declined to file a petition. In 39% of the cases referred, the County States Attorney determined it necessary to file a deprivation petition, and a court hearing was scheduled and held. In 9% of the deprivation cases, a termination of parental rights petition was filed, and of those, 94% were brought by the state (involuntary), while 6% were at the request of parent (voluntary). Less than 1% involved youth between the ages of 18-21 who requested to remain in or return to foster care.

DEPRIVED CASES 2020

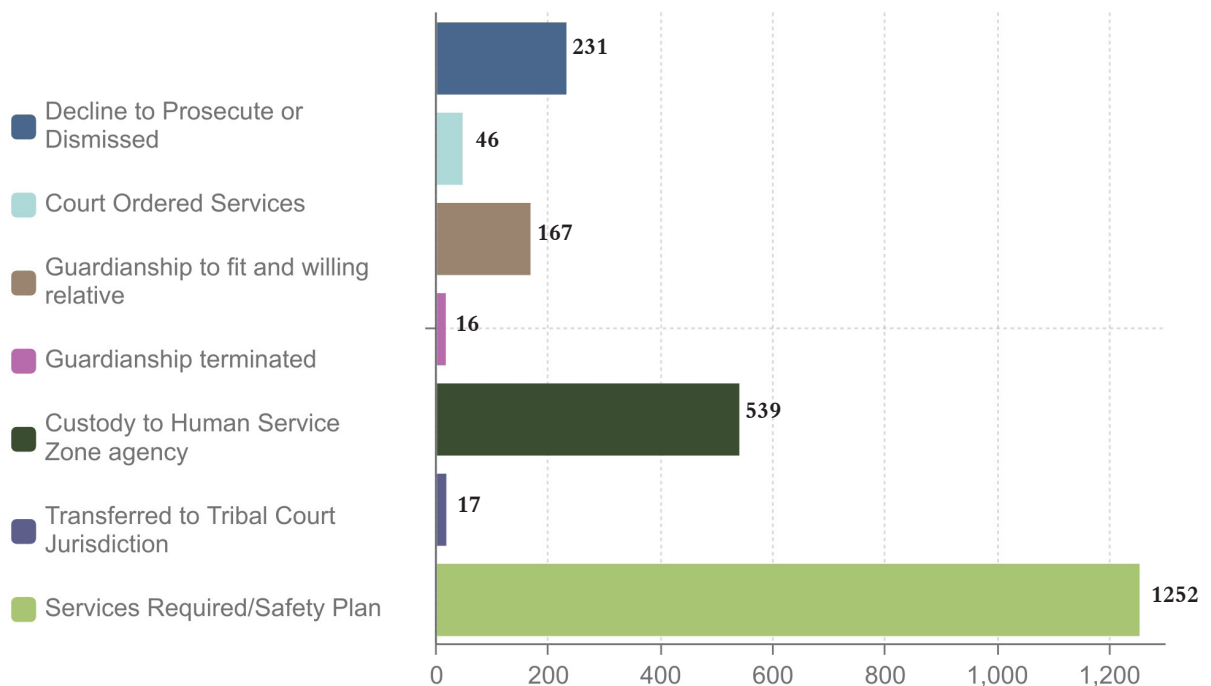


North Dakota law defines a deprived child as a child who is without proper parental care or control necessary for the child’s physical, mental or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child’s parents, guardian or other custodian. §27-20-02(8)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

Continued Foster Care: Since 2011, youth ages 18 to 21 who currently or have previously been in foster care may choose to stay in foster care. The goal is to support them in continuing with education and make a successful transition to adulthood. In 2019, there were 29 continued foster care cases filed in North Dakota, and in 2020 there were 17 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 (guardianship), or place the child with a local human service zone for foster care placement.

DEPRIVED DISPOSITIONS 2020



DUAL STATUS YOUTH INITIATIVE



The North Dakota Dual Status Youth Initiative (DSYI) was implemented because the life prospects of North Dakota's youth are significantly impaired if they are simultaneously involved in the state's child welfare and juvenile justice systems. Youth in this situation are referred to as dual status youth. The Initiative is a collective effort of the North Dakota Department of Human Services child welfare division, the North Dakota Division of Juvenile Services, the North Dakota Court System juvenile court division, and the North Dakota Association of Counties.

Once a child has been identified as a dual status youth, child welfare and juvenile court work together to share information between agencies and engage with the family to coordinate and participate in Family Centered Engagement meetings (FCEs). Participants include parents, extended family, children, service providers, child welfare staff, and juvenile court staff. These meetings are conducted by the Village Family Service Center and help the team make critical decisions regarding the child's safety and well-being to achieve the safest and least restrictive outcomes in the best interest of the dual status youth.

Between January 1, 2020, and December 31, 2020, there were 1,052 Dual Status Youth (DSY) in North Dakota. Youth simultaneously involved in both the judicial and child welfare systems are considered "involved" youth. "Identified" youth consist of youth with an open case in one system with a case history in the other. Of the 1,052 DSY between those dates, 458 (44%) were involved, and 594 (56%) were identified.

A one-year evaluation of the Initiative's programmatic outcomes was completed in July. The evaluation stated that the DSYI successfully prevented dual status youth from going deeper into the juvenile justice and social services systems. More specifically, compared to baseline data from 2015, North Dakota dual status youth are less likely to be placed in foster care, more likely to have their cases diverted,

and less likely to be in the custody of juvenile corrections or the social service system. Though the analysis shows some promising outcomes, some challenges and obstacles were reported as well. The North Dakota Court Improvement Program continues to work with a dual status workgroup to update the field protocol and address issues noted in the evaluation. An updated protocol and practice guide will be provided to the field in early 2021.



COURT IMPROVEMENT PROGRAM



The Court Improvement Program (CIP) is used to assess the court system's response to child abuse and neglect issues. It is funded by three separate federal grants provided by the Administration of Children and Families Children's Bureau.

In light of the COVID-19 public health emergency, the CIP collaborated with the Juvenile Policy Board on how to best balance statutory requirements for child safety with public health mandates. Guidance was provided to the district courts regarding flexible means of convening required hearings and managing juvenile cases.

Over the past year, the CIP continued to work with the American Bar Association's Center for Children and the Law (ABA). The ABA provided technical assistance and expertise in developing a legal representation plan for children and parents involved in the child welfare system whose children are at risk of being placed in foster care. Through collaboration with Legal Services of North Dakota and North Dakota Children and Family Services, the CIP has drafted a plan to develop and implement a model pre-petition legal representation program. By providing representation before a court case is filed, the

program aims to prevent removals based on poverty and combat the disproportionately high number of American Indian children in the child welfare system.

In the summer of 2020, the CIP provided funding for thirty stakeholders, including state's attorneys, indigent defense attorneys, Guardians ad litem, and judicial officers to complete a course in the National Association of Counsel for Children (NACC) Child Welfare Law and Practice Red Book training. This training provides an in-depth analysis of child welfare topics, including constitutional basics of child abuse and neglect law, permanency planning, appellate practice, and techniques to address secondary trauma. In December, the CIP also provided an opportunity for judicial officers and attorneys to receive training on assessing child safety. The child safety training provided an overview of the North Dakota Department of Human Services new safety practice model for child welfare cases. The training also included information on legal advocacy strategies and effective judicial decision-making to keep children safe when removal from the home or family reunification is being considered.

Areas of Focus for CIP – A Data Driven Approach



Timeliness to Permanency in Deprivation and Termination of Parental Rights Cases



Dual Status Youth Initiative



Indian Child Welfare Act



Quality Legal Representation Plan

COMMUNITY SUPERVISION

North Dakota juvenile court officers are dedicated professionals who believe that all young persons who break the law can change their behavior. They are committed to protecting the safety of the public while holding youth accountable. Court officers also assist youth and their families to become healthy, productive individuals who contribute to their communities' strength. For that reason, probation is the most widely-used community-based juvenile court program. During 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 counseling.

The supervision of offenders in their communities enhances community safety and prevents the need for costly out-of-home placement. Juvenile court officers use a graduated response system to ensure compliance with informal adjustment agreements or formal court orders and treatment goals. In October 2019, Juvenile Court began tracking probation violations to ensure that responses to violations or noncompliance are appropriate and beneficial to the youth's treatment and rehabilitation for the offense committed. In addition to monitoring compliance, court officers coordinate rehabilitative and 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.



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.

YOUTH ASSESSMENTS



Assessment of Risk and Needs: The assessment of risk and needs is a core component of evidence-based practices associated with community probation supervision. Effective supervision requires a reliable and valid offender assessment to help the court officer determine an appropriate supervision level, supervision strategy, and proper matching of treatment programming.

North Dakota Juvenile Court adopted the Youth Assessment and Screening Inventory (YASI) as its primary

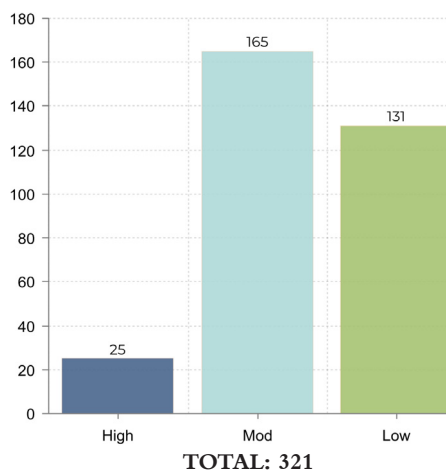
tool in 2002 to assess the likelihood of recidivism and each child's specific needs. This is used in conjunction with other assessments such as mental health and trauma screens. By using the YASI, court officers make decisions about supervision levels, programs, and treatment needs. Based on each youth's risks and needs, the juvenile court officer develops a case plan to focus resources on the area(s) most likely to cause the youth to re-offend and refer youth to appropriate programming.



2020 RISK ASSESSMENT: AN ESSENTIAL TOOL



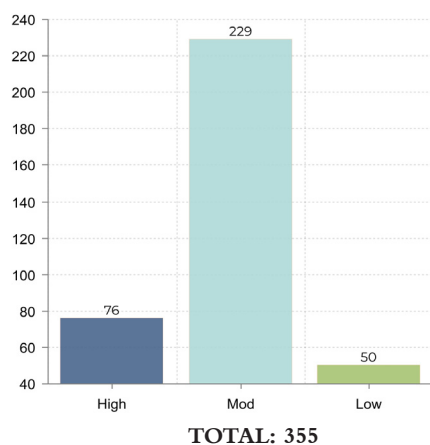
Pre-Screens: The YASI Pre-Screen is primarily used for risk classification, estimating an individual’s likelihood to be referred again to the juvenile court for a delinquent referral. The pre-screen is performed by juvenile court officers at the informal adjustment conference or as a predisposition assessment.



Actuarial risk assessments divide youth into low, moderate, or high risk for repeat offending by assigning numerical scores to a series of risk factors known to correlate with subsequent delinquent behaviors.

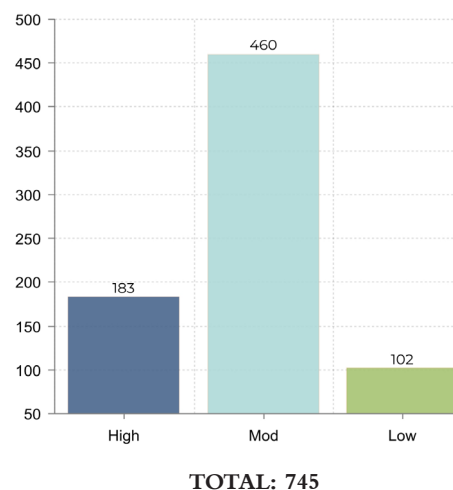
Full Screens

The YASI Full Assessment gives greater depth to provide a more detailed needs assessment for prioritizing treatment goals and is used to guide pretrial recommendations and create comprehensive probation plans.

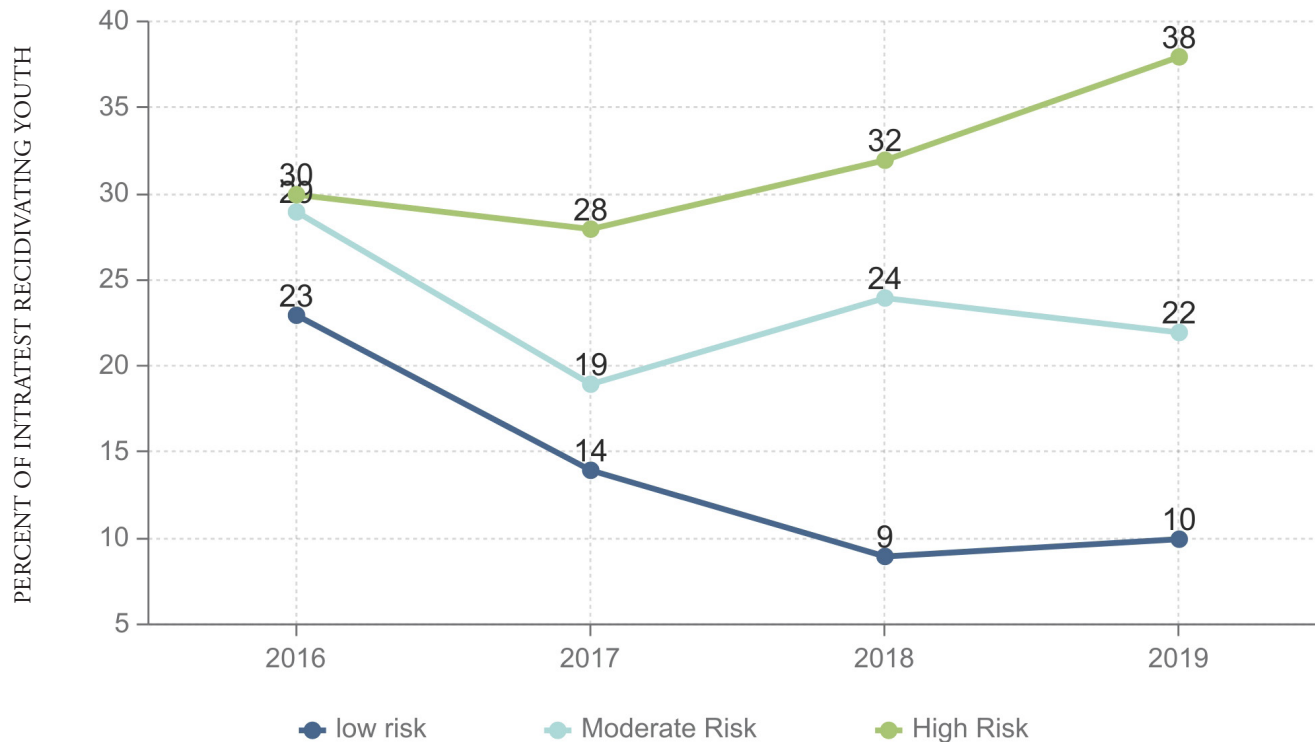


Reassessments

YASI reassessments are conducted every three months while a youth is on probation, and supervision or whenever services are adjusted. A final assessment is completed at case closure



YASI FULL SCREEN YEAR 1 RECIDIVISM RATES



(NOTE: 38% of High Risk is 35/92 youths, 22% of Moderate Risk is 66/292 youths, and 10% of Low Risk is 4/40 youth)

As depicted in the chart above, the YASI screening tool is an accurate predictor of recidivism with youth in North Dakota. According to the Jones and colleagues study, the expected range of recidivism for low-risk youth is between 10-20%, 30-40% for moderate-risk youth, and 50-60% for high-risk cases (Jones et al., 2016, p. 185). The 2016 recidivism rate for low risk youth was higher than the suggested recidivism range from that study. Since 2016, the juvenile court has put additional resources into staff training and implementing the YASI instrument, which appears to have increased the level of quality assurance. That investment has been effective in improving the

predictive nature of the tool. The 2019 ranges more closely follow the recidivism ranges found in the Jones study.

Behavioral Health Assessments: A mental health assessment called the MAYSI-2 is used to assess a broad scope of possible mental health needs. These assessments are conducted immediately upon entry into probation and re-administered as needed during probation. Referrals to behavioral health services, including crisis intervention, are made as appropriate. Court officers also assess for signs of sex or labor trafficking and make referrals to appropriate services.

2020 TRAUMA SCREENING (TSSCA) SUMMARY

In 2018, a trauma screening was added to assess youth for trauma histories and trauma symptoms in order to connect them with appropriate trauma-based therapy. The goal of trauma screening is to identify traumatized youth who have emotional, behavioral, learning, or relationship difficulties due to traumatic stress reactions and need further trauma assessment. Screenings occur as early as possible, within the first 30 days of being placed on probation, or upon order of the court.

Competency Development: In addition to contracted programs available to youth, North Dakota juvenile court officers teach skills and cognitive restructuring programming to probation youth and their families. Examples of staff facilitated cognitive restructuring programming include: Decision Making 101, Risks and Decisions, Anger Management, Relationships & Communication Group, Boundaries Classes, Girls and Boys Groups, CBISA, and SPARCS, a trauma-based program. Court officers also use one-on-one coaching interactions with youth on probation through the use of the Carey Guides, a skills and tool-based youth curriculum.

Total Screens Performed
310

Score of 0 to 5
276
Indicates some level of trauma related symptomatology

Score of 6 or higher
34
Indicates moderate to severe traumatic stress symptomatology

YOUTH CULTURAL ACHIEVEMENT PROGRAM (YCAP)

These are region-specific programs with the goal to examine and address justice system's disparate impact on minority youth.

Bismarck YCAP: The Bismarck region has had a cultural liaison program since 2009. The primary focus of the Bismarck YCAP program is mentoring, wraparound services, and individual mentoring. In 2020, 33 youth were served by the program.

Fargo YCAP: The Fargo program began in 2015, and the primary focus has been gathering and assessing disproportionate minority contact data, assisting families in navigating the justice system, creation and support of a Fargo Police Department diversion program, and ongoing education on minority justice issues for community professionals. In 2020, 71 youth were served by the Fargo program. Of those referrals, 45 were referrals from the Juvenile Court, and 26 were diversion referrals from the Fargo Police Department.

Devils Lake YCAP: In 2018, the Juvenile Court contracted with The Village Family Service Center in Devils Lake to create the Youth Cultural Liaison Program. The program focuses on reducing the over-representation of Native American and other minority youth in the juvenile justice system. YCAP provides case management services for early/low-risk offenders in the juvenile court. It provides services such as crisis management, assessments, and referrals to community-based services. The program helps families navigate the court process and can assist with barriers such as transportation. In 2020, 22 youth were served by the program. Referrals came from both the Spirit Lake and Turtle Mountain areas.

TRIBAL JUVENILE SERVICES PILOT PROGRAM

Youth in delinquency cases under tribal court jurisdictions often do not have access to or receive the same rehabilitative services as youth adjudicated in juvenile court. The passage of Senate Bill 2153 in the 66th North Dakota Legislative Assembly resulted in a new statute, N.D.C.C. 27-20-61, Tribal Juvenile Services Cooperative Agreement, which took effect August 1, 2019. The statute provides that state agencies serving delinquent youth may enter into memorandums of understanding with tribal governments in the state to provide services for the treatment and rehabilitation of youth adjudicated in tribal court under tribal or federal laws.

Representatives from the Spirit Lake Tribal Court, the Division of Juvenile Services, Juvenile Court, and the Indian Affairs Commission entered into a memorandum of understanding to allow these agencies to share information, resources, and data collection to better address the needs of delinquent youth adjudicated in the Spirit Lake Tribal Court. The multi-disciplinary team staffed the first youth in February 2020. A total of ten youth have been served since that time. The team meets regularly to discuss cases, create case plans, and explore additional services that could be provided to youth. A highlight of this past year was assisting the Spirit Lake Tribal Court in implementing the YASI Risk and Needs Assessment as a regular tool for their probation staff.

RESTORING JUSTICE TO VICTIMS AND COMMUNITIES

Victim Rights in Juvenile Cases: Although Juvenile Court cases are closed to the general 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 giving all victims notice of the charges filed, hearings scheduled, and their right to provide input as to the disposition. Non-petitioned proceedings result in the juvenile court staff contacting victims, informing them of their rights, and seeking their active input in resolving a case. Victims are invited to attend the Informal Adjustment conference. Some cases are referred to an offender accountability conference for resolution.

Victims also have the ability to register through the Statewide Automated Victim Information and Notification (SAVIN) System which provides victims and other concerned citizens free, prompt, and confidential notification and status information.

Restitution: Youth are required by the Court to pay for the harm they have caused their victims. In 2020, \$316,443 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 \$135,760. Restitution collection from youth is challenging with young people as some cannot work due to age or placement out of the home. In some cases, victims elect to pursue a civil action against parents as a more viable means of being repaid for losses.

\$135,760 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 in 2020 was 2,678 hours.

Victim Empathy Seminars and Offender Accountability Conferences: In support of the balanced and restorative justice mission, the courts contract with Lutheran Social Services of North Dakota to provide victim empathy classes and offender accountability conferences. The four-hour victim empathy class is educational and helps juveniles and their parents to understand 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. The City of Fargo has a Youth Court that is run by Lutheran Social Services of North Dakota. Youth Court receives diversion referrals from the court and other sources. A panel of trained teenagers act as the court staff and jury for each youth referred.

In 2020, 257 juveniles and 246 victims were served through Offender Accountability Conference, and 113 juveniles completed a Victim Empathy Seminar in their community.

Participants in Restorative Justice programs shared the following feedback: "I liked being able to apologize face-to-face." "We got an explanation of why the crime happened." "The youth seemed to be accountable for her actions." "This experience helped me connect more with my son." "I got to be honest, and it was helpful to me and my future."

2020 DIRECTOR'S SUMMARY



2020 brought significant changes and challenges as the juvenile court faced the ever-changing Coronavirus pandemic. As social distancing and shutdowns occurred, the juvenile court system relied heavily on remote means, using secure Zoom accounts that allowed for confidential meetings. In-person probation meetings occurred at county courthouses on a case-by-case basis. The juvenile court developed practices around making meaningful remote electronic contact with youth and families. This included conducting probation meetings, informal adjustment conferences, some formal hearings, and drug court by Zoom. Group sessions that were previously conducted in-person were also moved to Zoom sessions. Drug testing procedures were adjusted to include an increase of oral saliva testing as opposed to traditional urinalysis. Juvenile court officers and case aides conducted more home visits, meeting youth at the front door or having meetings outside as weather allowed.

In order to carry out assigned duties, investments were made in several electronic resources, including electronic versions of Carey Guides and the electronic MAYSI-2 mental health screen. This allowed court officers to assess and work with youth on skills-based programs over video conferencing.

The juvenile court helped to lead an effort to reform North Dakota's current Chapter 27-20, the Uniform Juvenile Court Act, which was enacted in the 1960s. The Act combined all case types: deprived, unruly, and delinquency into the same chapter. A workgroup was formed to begin work on a statutory draft that would become House Bill 1035. The workgroup consisted of representatives from all three branches of government and all major partners in the juvenile justice system. Collaborative work with justice partners will enhance the work of the courts with youth and families.

The work described above, as well as the accomplishments listed below, keep the juvenile court continuing to innovate and improve its response to the needs of youth, families, and communities.

Key Accomplishments:

1. Through the Court Improvement Program, obtained funding and hired a data analyst to improve the court's ability to utilize data to drive effective policy and practice.
2. A workgroup was developed to review and address each recommendation from the Dual Status Youth Initiative evaluation.
3. Implemented a tribal juvenile services cooperative agreement to provide treatment and rehabilitation services for youth adjudicated in Spirit Lake Tribal Court.
4. Continued the philosophy of restoring justice to victims and communities through upholding victim's rights, collecting restitution, community services, and victim conferencing.
5. Continued efforts to address disproportionate minority contact (DMC) which included data collection and analysis and collaboration with local cultural youth programs and participants.
6. Developed forms, policies, and practices to manage guardianship of minor children, a case type that was previously in the jurisdiction of the probate court.
7. Worked with the American Bar Association and various North Dakota Stakeholders to develop a legal representation model for families within the child welfare system.

2021 Goals:

1. Implement and complete training on the revised protocol of the Dual Status Youth Initiative.
2. Participate in the legislature’s continuing juvenile justice system study through chairing, advising, and participating in the Children’s Cabinet and the Commission on Juvenile Justice.
3. Pursue the purchase and implementation of a new juvenile court data system to better allow the juvenile court to track outcome data.
4. Implement a multisystem model of legal representation for families in the child welfare system as a pilot project.
5. Review and implement the recommendations of VERA Institute of Justice regarding the incarceration of girls in North Dakota.
6. Assess the feasibility of expanding the tribal juvenile services cooperative agreement pilot program.
7. Enhance the delivery of high-risk community probation supervision and case management through increased focus on developmental approaches and evidenced-based practice.
8. Enhance data collection methods and use data to guide policy, practice, and system decisions.

Respectfully Submitted,

North Dakota Directors of Juvenile Court

