



North Dakota Juvenile Court Annual Report 2012



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The Mission: Balanced & Restorative Justice

**Repairing Harm
Reducing Risk
And
Creating
Opportunities**

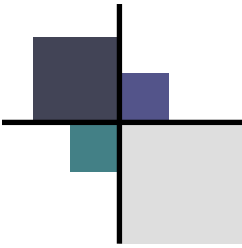
Following the principles of Balanced and Restorative Justice, the mission of the North Dakota Juvenile Court is to promote public safety, hold juvenile offenders accountable, and increase the capacity of juveniles to contribute productively to their community. The courts empower victims, encourage community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



Overview: In 2012, nearly 11,000 total charges (8,960 delinquent/unruly and 1,971 child deprivation) were handled by the Juvenile Courts of North Dakota. Virtually every single case has contact with a juvenile court officer at some point in the process. 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 that proceed to the formal courts, and processing the vast majority of the cases (71%) via an informal adjustment conference or diversion. Juvenile probation is one of the most widely used tools to ensure court requirements are met.

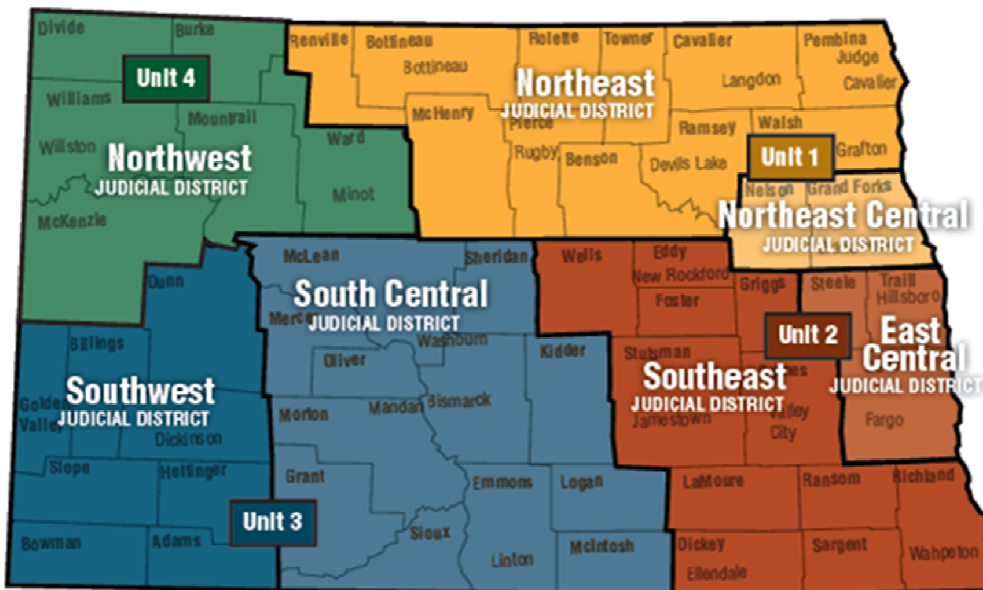
Goals: Court goals include repairing the harm to the victim and juvenile compliance with programming geared at reducing the risk of the offender while increasing the overall competency of the offender to contribute to society. Using the guiding mission of Balanced and Restorative Justice, North Dakota Juvenile Court Officers improve and impact the lives of the youth, families, and communities in which they work.



North Dakota Court Administration

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

The geographical areas of these administrative units are as follows:



Unit One: Northeast and Northeast Central Judicial Districts

Juvenile Offices: Grand Forks, Devils Lake, Bottineau, Grafton

Unit Two: East Central and Southeast Judicial Districts

Juvenile Offices: Fargo, Jamestown, Valley City, Wahpeton

Unit Three: Southwest and South Central Judicial Districts

Juvenile Offices: Bismarck and Dickinson

Unit Four: Northwest Judicial District

Juvenile Offices: Minot and Williston

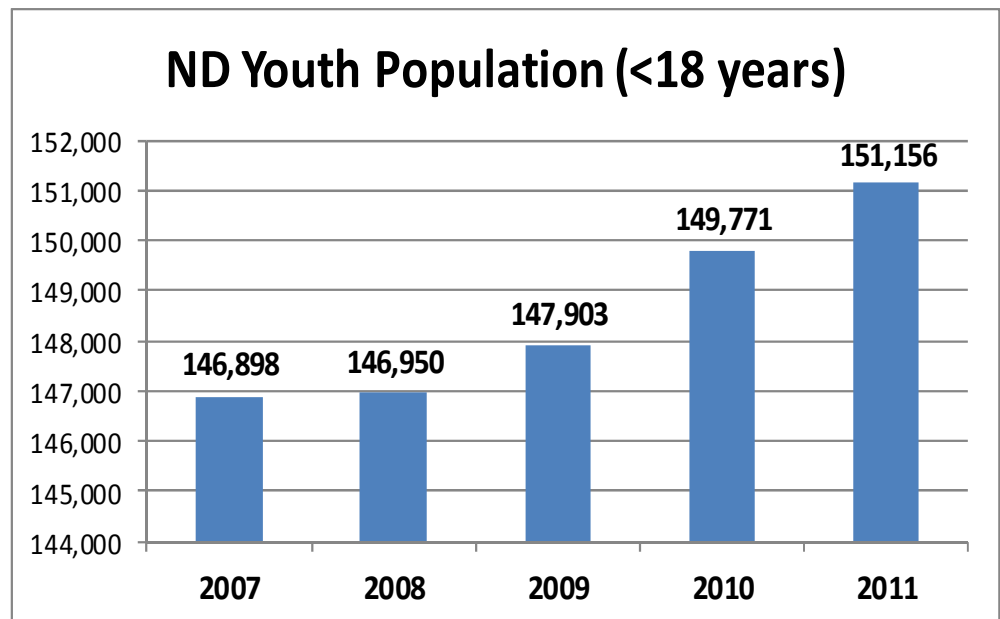
N.D. Juvenile Court Jurisdiction

Delinquent or Unruly Case Referrals: North Dakota Juvenile Court has exclusive jurisdiction over youth from ages seven to seventeen who are alleged to have committed a delinquent act (an act which would be a crime if committed by an adult) or unruly acts (laws that because of their age) such as truancy, runaway, ungovernable behavior, or minor consuming alcohol.

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 the county social service agencies after a child abuse and neglect investigation.

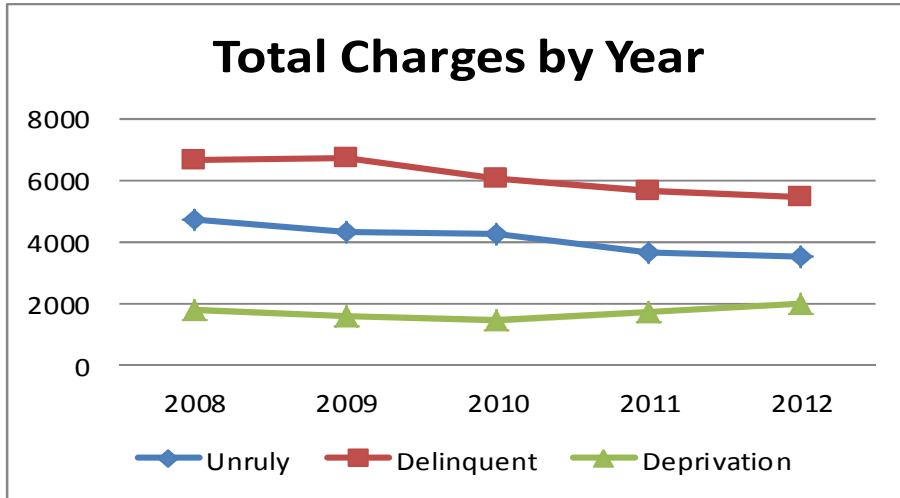
Demographic Facts about North Dakota Youth

- **North Dakota Youth Population:** In 2007, children ages 0 to 17 comprised 23 percent of North Dakota's total population, compared to 22 percent in 2011. From 2003 to 2010, the majority of North Dakota counties (40 of 53) had an increase in the number of young children ages 0 to 5.
- **Diversity:** White children are still the majority but the number has declined 12% in the last ten years to 86% of all N.D. children. From 2000 to 2010, the number of American Indian children decreased 5% (15,522 to 15,437); the number of Hispanic children increased 68% (3,377 to 5,673); the number of African American children increased 91% (2,248 to 4,306) and the number of Asian children increased 39% (1,311 to 1,823). Five percent of all North Dakota children are foreign-born or reside with at least one foreign-born parent.
- **Children in Foster Care Settings:** The number of children living in foster care totaled 1,764 in 2010, representing 1% of all children ages 0 to 18 statewide. The majority of N.D. children receiving foster care services in 2010 were in a family home (75%), while 24% were in a group home or institution.
- **Children Living in Poverty:** In 2010, 14% of N.D. children lived in poverty, a rate which has not improved in ten years.



2012 Referrals to Juvenile Court

Total Referrals Decrease Statewide with Increase in Deprivation Referrals: Juvenile Court referrals are received from law enforcement, schools, social services agencies, and parents. Total referrals to N.D. Juvenile Courts have declined 14% in the past five years from 13,172 in 2008 to 10,931 in 2012. The chart below reflects the total number of charges referred to the juvenile courts, in the three legal categories of unruly, delinquent, and deprived cases over the past five years.



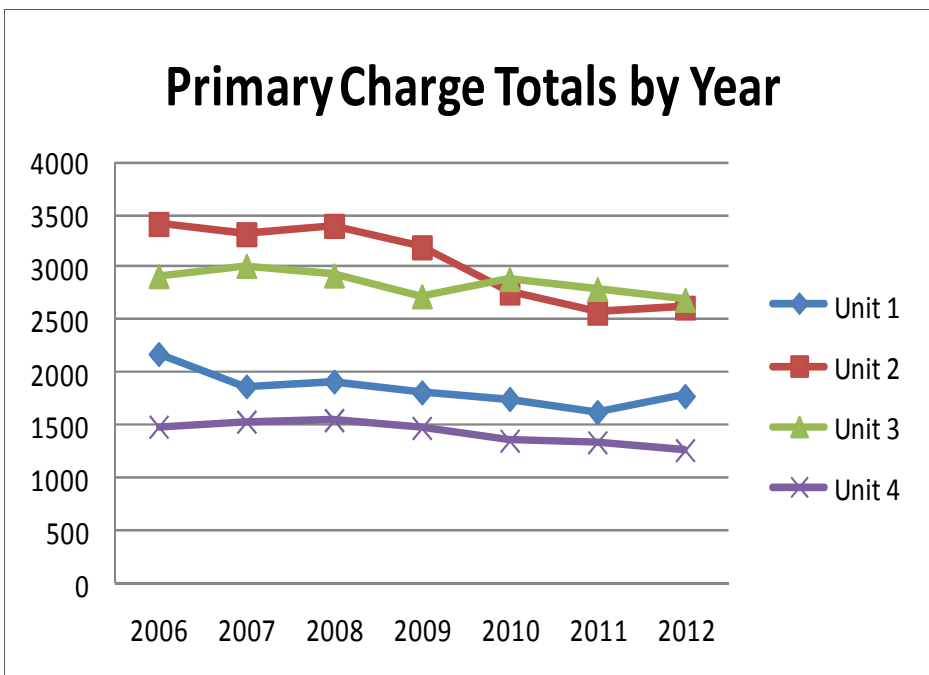
Nationally, both adult and juvenile crime is at an all-time low. North Dakota has seen similar decreases in unruly and delinquent referrals.

Of note, is the significant increase in deprivation referrals over the past few years.

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 or a designated court officer. 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 and make decisions regarding the appropriate manner to handle the case whether via diversion, informal adjustment or the formal court process. Whether to detain a delinquent youth or take an unruly or deprived child into protective custody are also authorized powers of the juvenile court under the Century Code.

Primary Charges: Another way to look at the total number of cases referred to the Juvenile Courts is to examine the number of primary charge referrals received. This method counts the cases by the most serious offense in an event, not by the total of any lesser included charges.



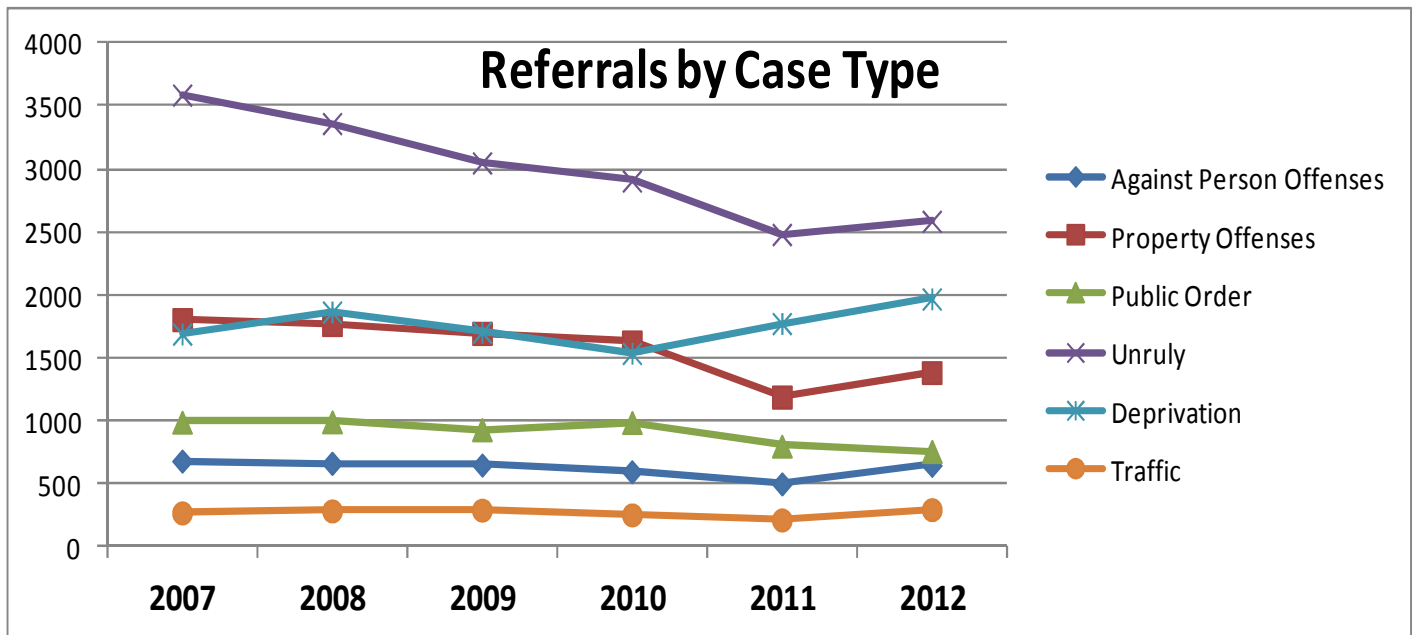
Analysis of 2012 Juvenile Referrals by Case Type



Delinquent Referrals: Of all the delinquent referrals received in 2012, 87% were misdemeanors, 12% were felonies, and 1% were infractions if committed by an adult.

Unruly Referrals: Of all the unruly referrals received in 2012, 15% were ungovernable behavior or runaways; 12% were referrals with the primary charge of underage alcohol possession or consumption, and only 3% were school truancy referrals.

Deprivation Referrals: 43% of deprivation referrals resulted in a formal petition to the Court, 7% involved the filing of a termination of parental rights petition and 50% involved cases where the families cooperated with services or the matter was otherwise diverted by social services from the formal court system. (See P. 10 for more information on the deprivation case type)



Referral Types

Against Person Offenses – all assaults, menacing, harassment, terrorizing, gross sex 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, file 960, no fault deprivation, termination of parental rights

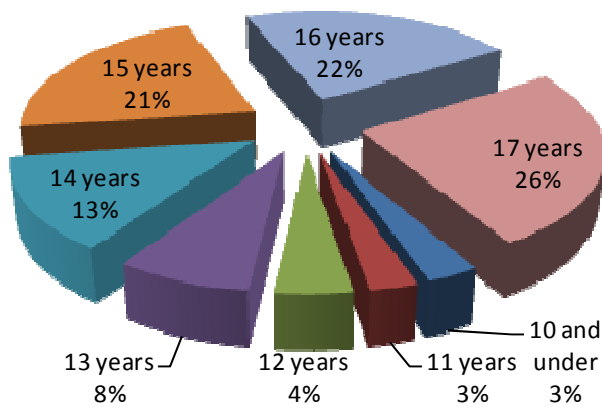
Traffic - driving w/o a license, driving w/o liability, leaving the scene of an accident



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

In 2012, the most common age of youth referred to the juvenile courts for delinquent or unruly behavior was 17 years of age. Juveniles age 13 and younger accounted for 18% of all referrals to the courts, a percentage that remained virtually unchanged from the previous year.

Referrals by Age

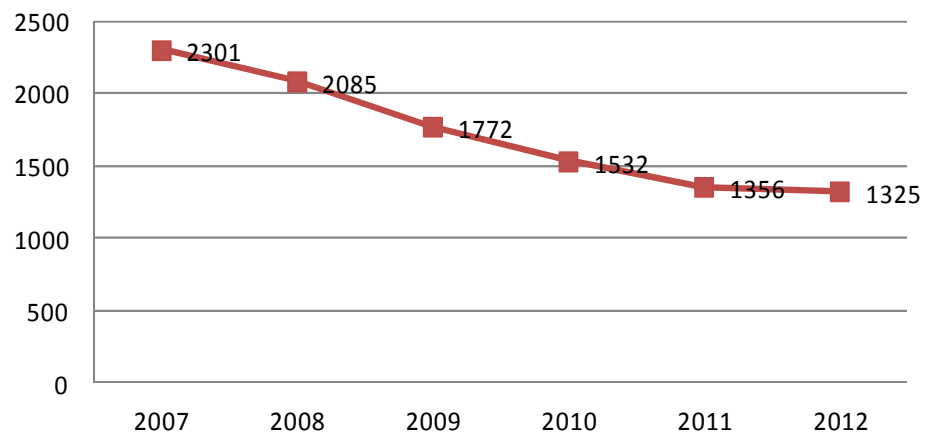


Most Common Referral Types:

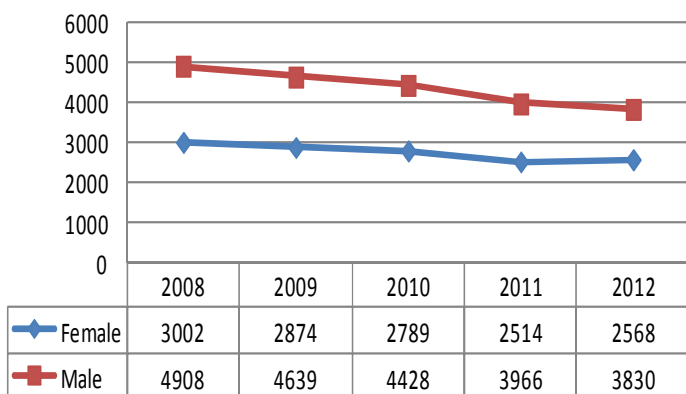
Theft was the most common delinquent referral received by the juvenile courts in 2012 with 829 (10%) referrals received, followed by drug related offenses at 628 (8%).

Alcohol Referrals Decline: Minor Consuming or Minor in Possession continues to be the most common unruly offense with 1,040 referrals received in 2012.

Alcohol Referrals

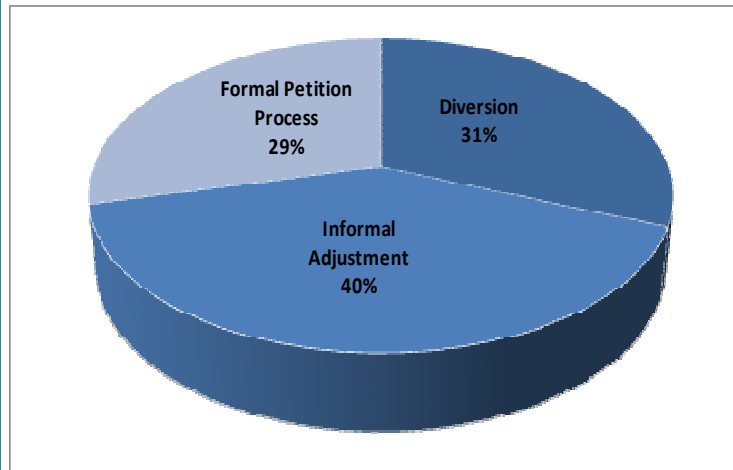


Delinquent and Unruly Referrals By Gender



Gender and Juvenile Court Referrals: In 2012, males committed 60% of delinquent and unruly acts referred to the juvenile courts, while females accounted for 40% of referrals. A 2% increase was noted in the number of females referred from 2011 to 2012. It is not known if this is a true rise in delinquent/unruly behavior, or rather a change in societal response to female behavior. Studies indicate that most juvenile females referred to the courts have been victims of abuse, physical or sexual, and that risk factors for females include early onset of puberty, sexual abuse, depression, and anxiety.

2012 Juvenile Court Dispositions for Delinquent & Unruly Case Types

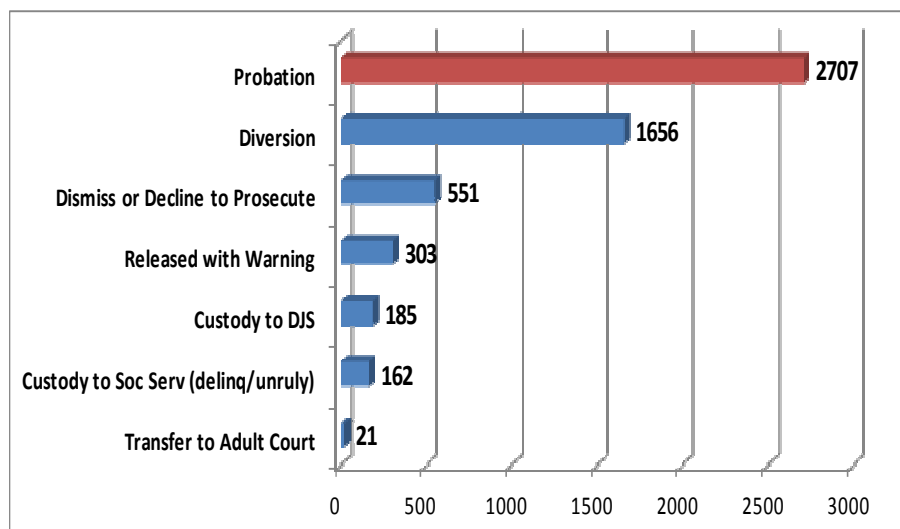


North Dakota law provides a system whereby the vast majority of juvenile cases are handled quickly and efficiently by juvenile court officers. All juvenile referrals are screened by a juvenile court officer for diversion to a program such as a class or counseling, informal adjustment (a meeting of the youth, parents, court officer and victim, if the victim so chooses), or for formal court process 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 benefits the youth, family and victim as diversion and the consent-driven informal adjustment process can address the matter quickly after an offense occurs. Typically, felony-level cases, youth requiring placement and contested matters are heard by a District Court Judge or Judicial Referee.

71% 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.

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.



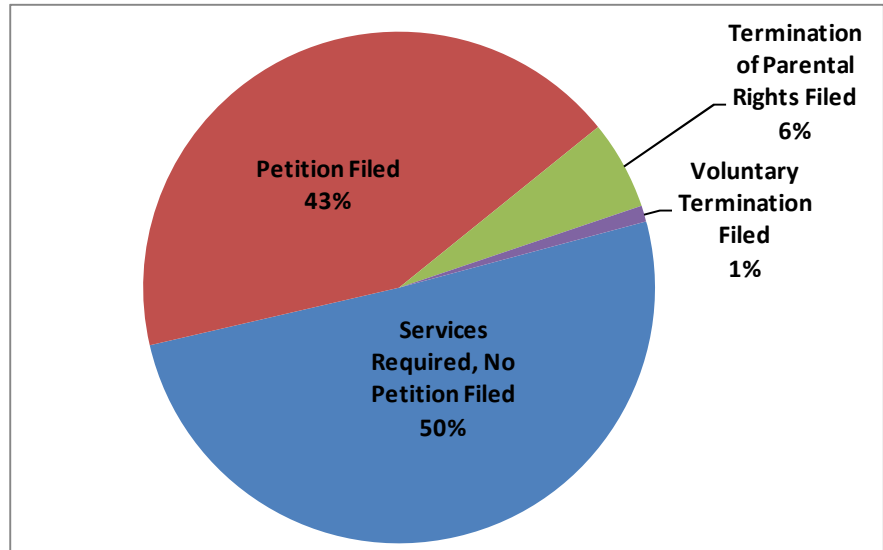
Juvenile Probation—The Workhorse of the Juvenile Justice System:

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

Delinquent/Unruly Dispositions 2012

2012 Juvenile Court Dispositions for Deprivation Case Types

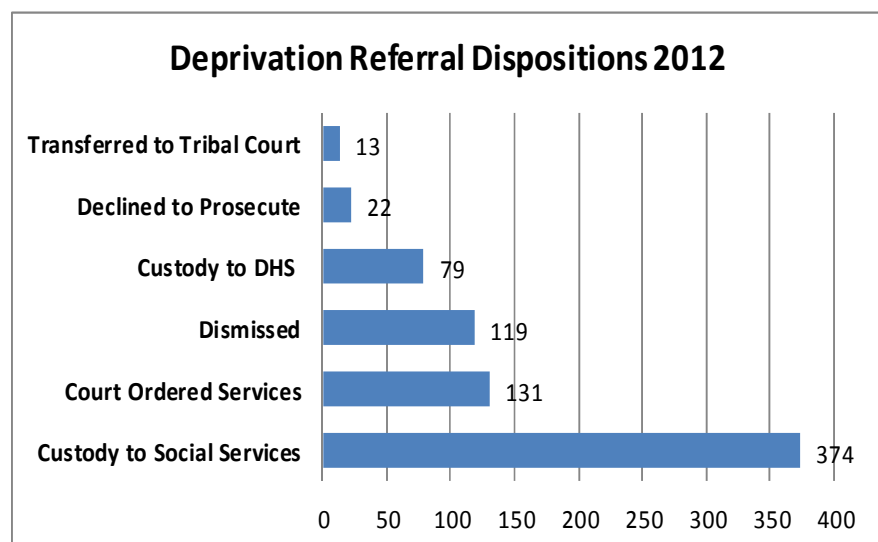
Deprivation Cases Referred: In North Dakota, deprivation cases are referred to the Juvenile Court by local county social service departments. The referrals are received after a child abuse or neglect investigation is conducted by a child protective worker. If services are found to be required, the case 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 2012, 50% 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 services or the State's Attorney declined to file a petition. In 43% of the cases referred, the States Attorney determined it necessary to file a petition and a court hearing was scheduled and held before the court. In 7% of all 2012 cases, a termination of parental rights petition was filed, and of those, 1% were at the request of the parents or child's legal custodian.

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

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

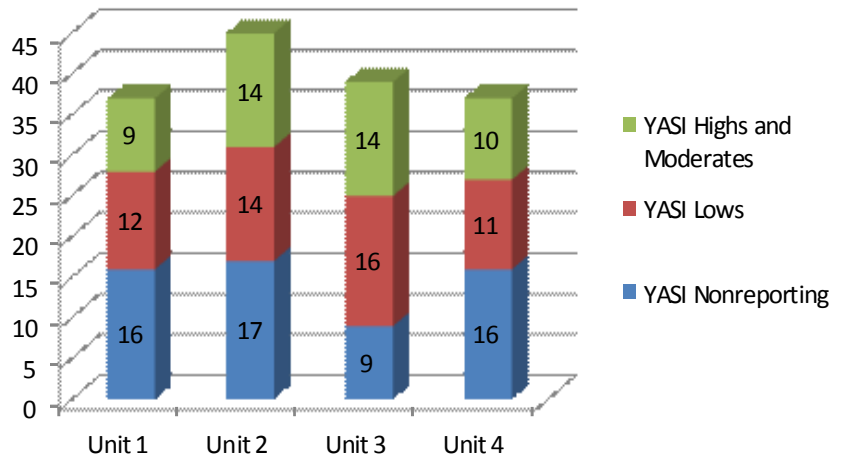
Making smart choices means providing the right sanctions and services to the right juveniles at the right time without regard to biases or prejudices but based upon each child's unique risks and needs.

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.

Risk and Needs Assessments: Juvenile Court Officers use a risk assessment instrument called the YASI to assess the likelihood of recidivism and the specific needs of each child. By using the YASI, court officers make decisions about supervision levels, program and treatment needs. Based on each youth's risks and needs, the juvenile court officer develops a case plan in order to focus resources on the area most likely to cause the youth to reoffend. A mental health assessment called the MAYSI-II is used to assess a broad scope of possible mental health needs. N.D. juvenile court officers are dedicated professionals who believe that young persons who break the law have the ability to change their behavior.

The national caseload standards for juvenile probation recommends 35 juveniles per probation officer. (National Center for Juvenile Justice) North Dakota Juvenile Best Practices Manual recommends that a court officer have no more than 30 YASI high and moderate risk youth but does not limit the low risk caseload. For many ND juvenile staff a significant amount of time is spent traveling rural roads in order to supervise youth.

Probation Caseload Averages 2012



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.

In North Dakota in 2012, only 2 youth were transferred to adult court involuntarily and 19 youth voluntarily requested transfer. That is 36 fewer transfers than 2011, or a 63% decrease.



Restoring Justice to Victims



Victim Rights in Juvenile Cases: Despite the fact that Juvenile Court cases are closed to the public in North Dakota, state law allows victims of juvenile crime the same rights as victims of adult crimes. In petitioned proceedings it is the state’s attorney who is tasked with giving all victims notice of the charges filed, hearings scheduled, and their ability to give 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 the resolution of a case. Victims are invited to attend the Informal Adjustment conference. Some cases are referred to an offender accountability conference for resolution.

Restitution: Offenders are required by the Court to pay for the harm they have caused their victims. In 2012, \$154,439 was ordered as restitution. Of that amount ordered, the total amount of restitution collected by juvenile court staff and returned to the victims at the end of the calendar year was \$128,771. 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 elected to pursue a civil action

\$128,771 in restitution was collected by probation staff and returned to victims

against parents as a more viable means of being repaid for losses.

Meaningful Community Service Opportunities :

Juvenile Court Officers across the state provided the following opportunities for youth to give back to their communities:

- *Helping at Senior Centers *Assisting with Meals On Wheels * Working with the Humane Society *Assisting with Apple Festival * Citywide Cleanups * Work projects with local parks and zoos *Habitat For Humanity *Flood Recovery projects****

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 2012 was 30,004 hours.

Victim Empathy Seminars and Offender Accountability Conferences:

In support of the balanced and restorative justice mission, the courts contract with Lu-

theran Social Services of North Dakota to provide victim empathy classes offender accountability conferences and community circles. 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. Community Circles provide a community response to crime. In 2012, 227 juveniles participated in an Offender Accountability Conference , 301 juveniles completed a Victim Empathy Seminar in their community, and 19 participated in the Community Circles.

A few examples of some comments youth made about their probation officers on the surveys:

“He was very supportive and helped lead me in the right direction”

“I thought my probation officer was very supportive towards my goals and was very easy to talk to”

“She listened to me and helped me understand things”

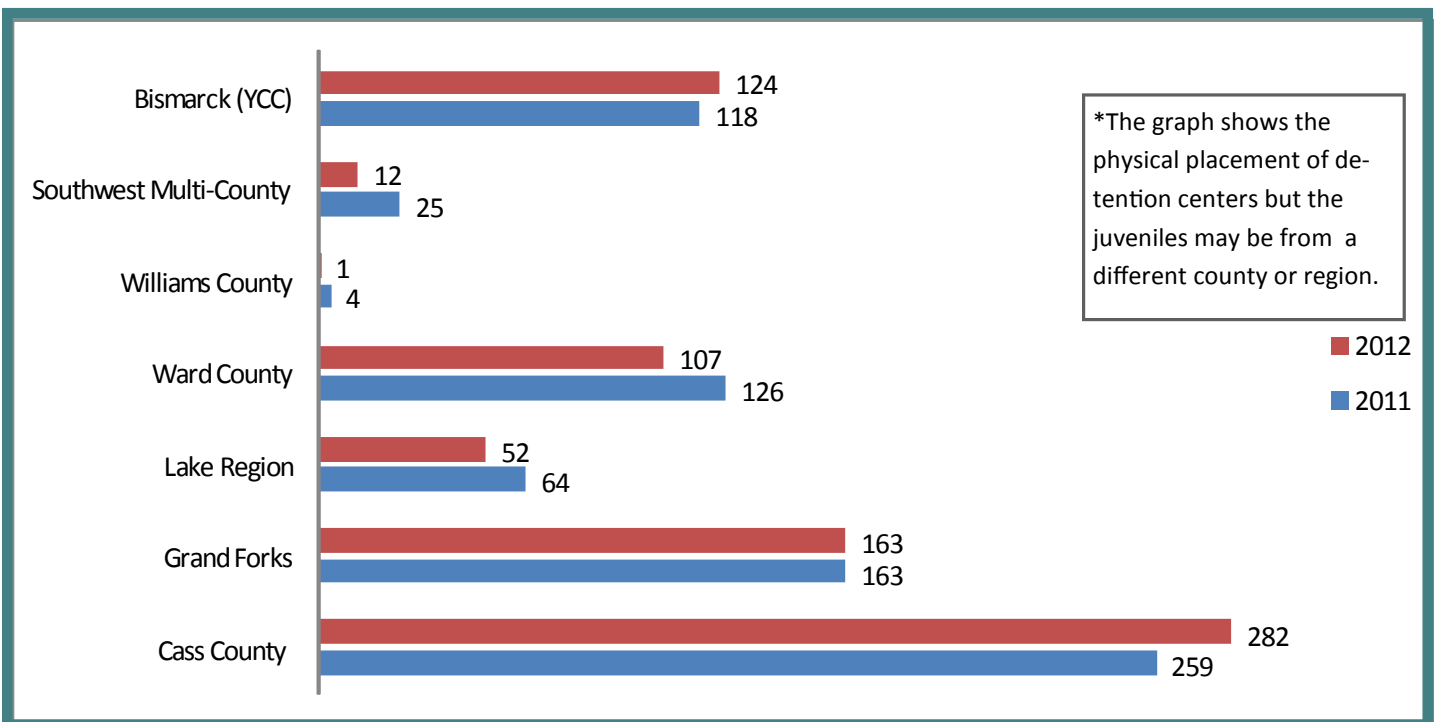
“My probation officer was awesome. He was right to the point and kept me on track and focused while being someone to talk to when needed. Thanks so much”

Juvenile Court Officer Surveys: In 2012, the Juvenile Directors implemented a Juvenile Court Officer Survey to collect feedback from youth who had been placed on supervised probation. The survey questions are designed to measure the opinions of youth regarding the relationship they had with their probation officer. A survey is mailed to all youth when they are closed out from supervised probation, whether the probation period was successful or not.

Statewide in 2012, a total of 216 surveys were returned out of 651 surveys distributed, for a return rate of approximately 33%.

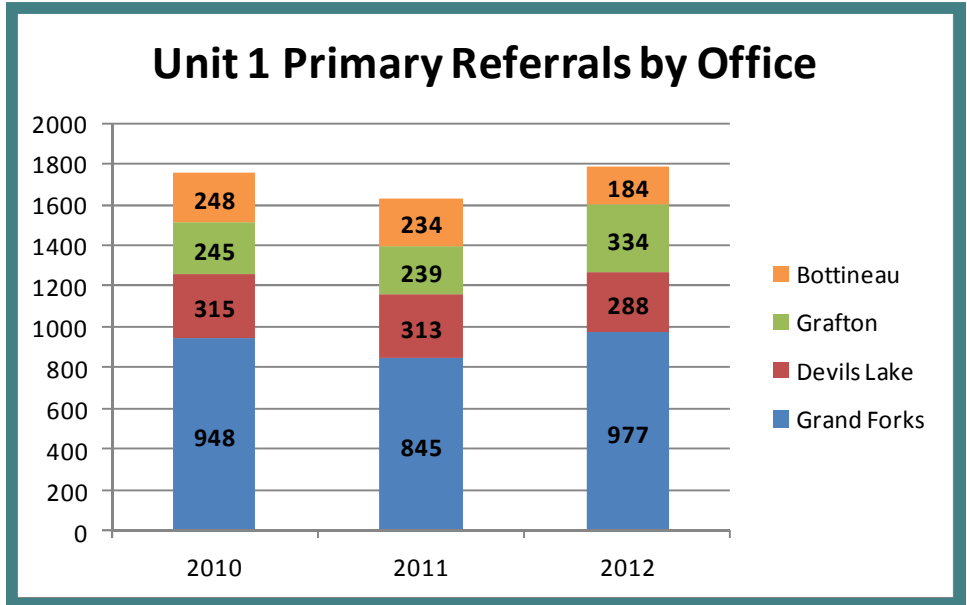
Detention Data: Juvenile detention centers are intended to temporarily house dangerous youth pending trial. It is critical to not use detention for low-level offenders because secure confinement has a profoundly negative impact on a teen’s physical and mental well-being as well as interrupting school, employment, and family connections. Statewide, use of detention decreased by 3% in the past year. Unit 3 has seen a reduction of 19% since 2009 due to the use of a detention screening tool which ensures

lower level delinquents are either released or held in non-secure facilities. Decisions about detaining youth are made in an objective process based upon the seriousness of the current charge and the risk that a particular youth poses to the community. It is a goal to implement this tool state-wide in the near future.



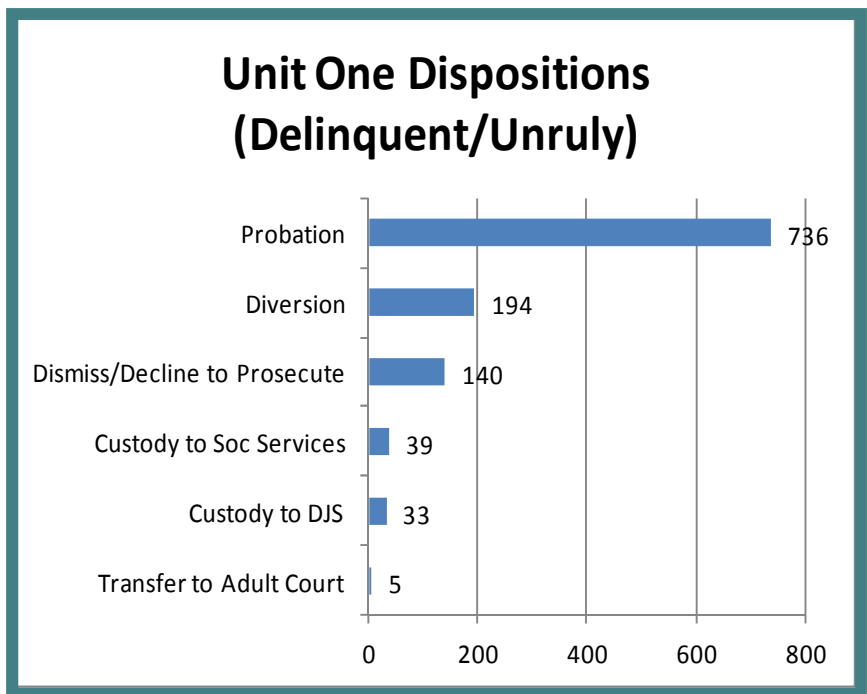
Director's Summary

◆ Administrative Unit One consists of four Juvenile Court Offices located in Grand Forks, Devils Lake, Bottineau, and Grafton. These offices cover thirteen counties in Northeast North Dakota. In 2012, there were 1,783 referrals to the juvenile courts, a 9% increase from 2011 when there were 1,631 referrals. Referrals are down approximately 7% compared to five years ago.



◆ 2012 saw a significant increase in deprivation cases in Unit One. Deprivation cases increased approximately 24% from 381 referrals in 2011 to 474 referrals in 2012. Delinquent and unruly referrals increased approximately 5% from 1,250 referrals in 2011 to 1,309 referrals in 2012.

◆ Probation continues to be the most common dispositional option utilized by the Juvenile Courts in Unit One. Juvenile Court staff utilize a wide variety of programming options in working with delinquent and unruly youth, with the goal of reducing the risks most likely to lead to recidivism. Unit One had just five transfers to adult court in 2012, compared to 10 transfers in 2011.

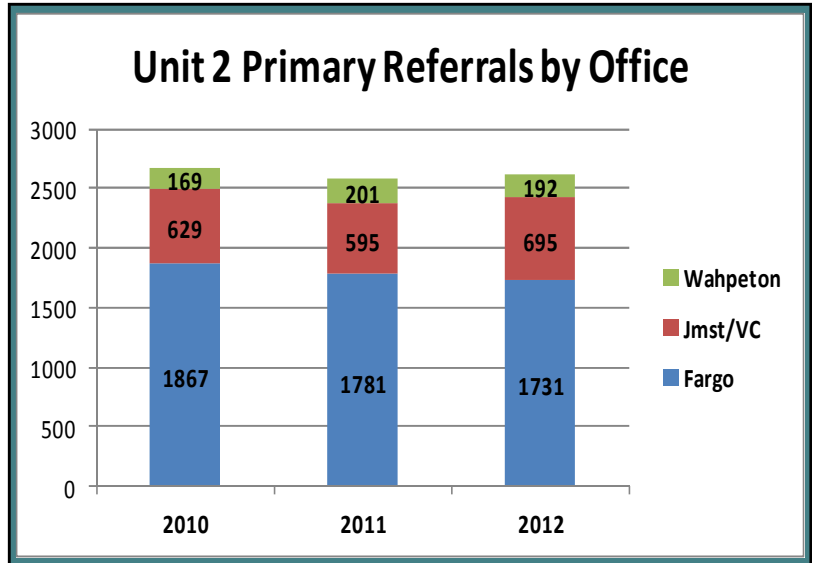


◆ There are two Juvenile Drug Court Programs in Unit One and they are located in Grand Forks and Devils Lake. Access to alcohol and drug treatment programming for youth continues to be a challenge in many areas of the Unit and the State.

Director's Summary

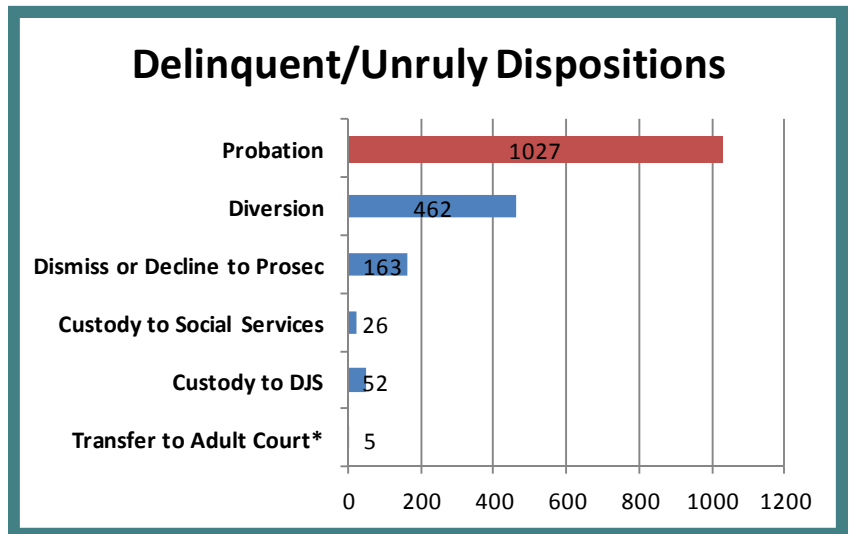
Unit Two: Unit Two has four juvenile offices located in: Fargo, Valley City, Jamestown and Wahpeton. The Jamestown and Valley City offices have been combined for supervision purposes for the last five years and their data is recorded cumulatively.

Referral Trends: Referrals in the Jamestown and Valley City region grew by 17% in the past year but unit-wide saw just a 2% increase. Of all the delinquent referrals received in 2012, the largest increases were seen in sexual offense referrals, from 22 in 2011 to 43 in 2012, and robbery from 1 in 2011 to 16 in 2012; with a drop in theft cases from 327 in 2011 to 242 in 2012.



Dispositions: Probation continues to be the most common delinquent and unruly disposition with 75% of all cases being handled by either diversion to programs or the informal adjustment process. Note that transfers to adult court declined from 12 cases in 2011 to 5 in 2012 and all of the 2012 cases were voluntary transfers, in other words, cases where the juvenile, not the state, made the request to transfer to adult court.

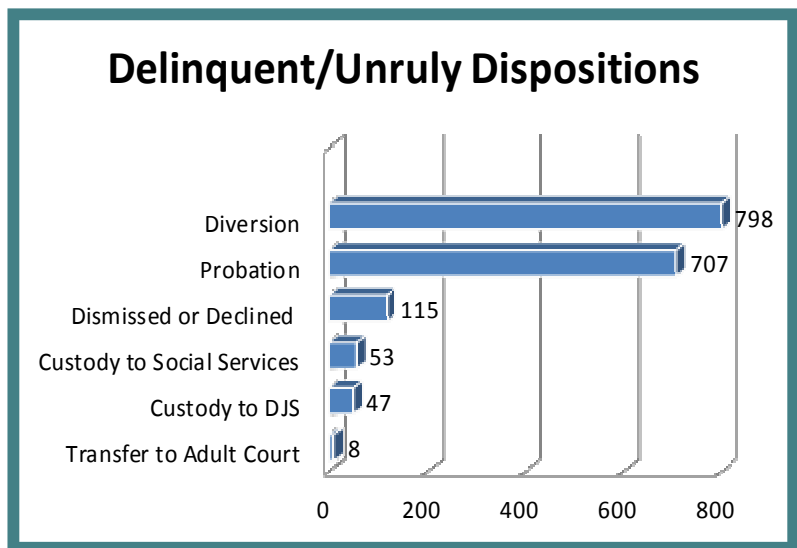
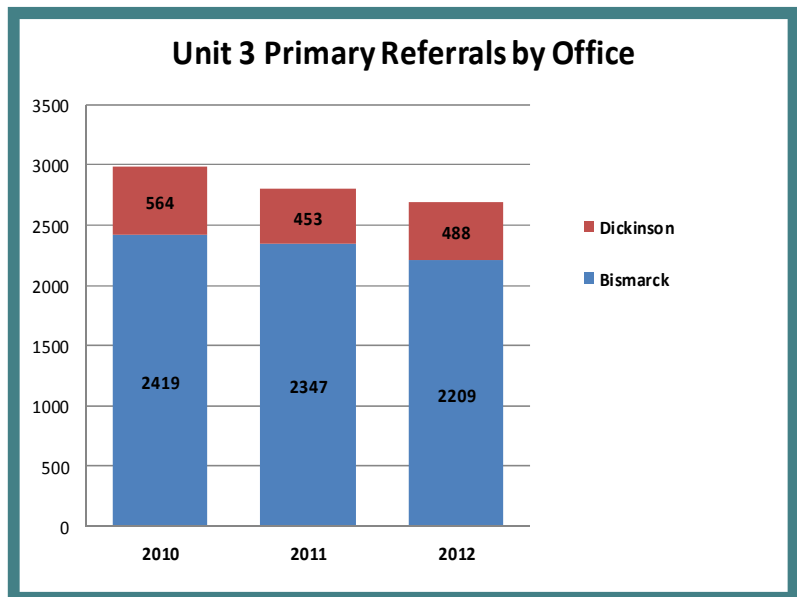
Cognitive Restructuring Programs: Court Officers conduct groups for delinquent youth that focus on reducing criminogenic attitudes and behaviors. The programs or groups conducted by staff include: Decision Making 101, Life Management, EQUIP, Girls Group and Anger Management. Over 275 youth completed programming taught by Unit Two juvenile staff this year.



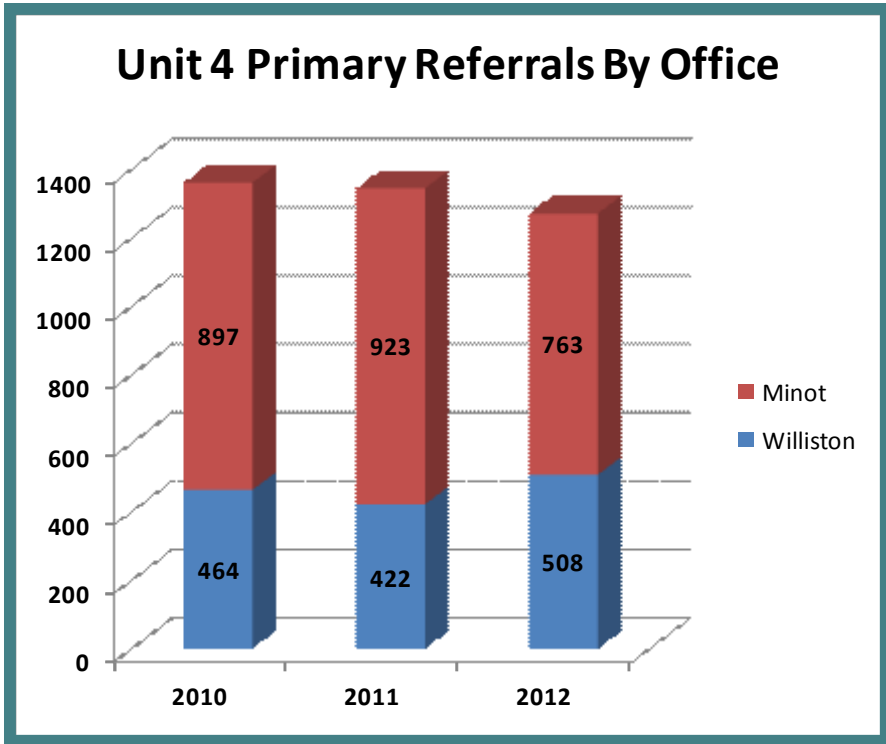
Juvenile Drug Courts: Currently, there is only one Juvenile Drug Court in Unit Two which is located in Fargo. In 2012, ten youth in Cass County participated in Fargo's Juvenile Drug Court. It is anticipated that a new Juvenile Drug Court will open in the Fall of 2013 in the Jamestown and Valley City region. This will be the first North Dakota "rural" juvenile drug court that will utilize interactive video to provide access to this service to rural youth in the Southeast Judicial District.

Director's Summary

- ◆ Unit 3 Juvenile Court consists of two offices in Bismarck and Dickinson, which serves twenty counties. Intake decisions set the course of action to implement behavior changes in the juveniles, to empower victims, and protect the community. All intake is completed by two Juvenile Court Officer III's for the unit. Eight Juvenile Court Officers provide the probation case management. In 2012 there were 2,697 referrals to the juvenile court. (3 % decrease from 2011).
- ◆ Research continues to show that keeping juveniles in their communities with local services is best for their long term success. Unit 3 court officers understand their recommendations to the court influence lives of children everyday. Staff continue to use diversion programs whenever appropriate. Diversion programming was utilized in approximately 30% of the juvenile court referrals in 2012.
- ◆ Unit 3 Juvenile Court Officers conduct monthly community service projects with juveniles to give back to their communities. The Juvenile Court Officers also conduct groups for delinquent youth and families that on focus anger management skills in the child and parenting skills.
- ◆ There is one Juvenile Drug Court in Unit 3 that is located in the Bismarck office. In 2012, 9 youth were in Juvenile Drug Court which was down from previous years.
- ◆ Juvenile Court will continue to follow trends and research as it looks at outcomes for the juveniles we serve.



Director's Summary



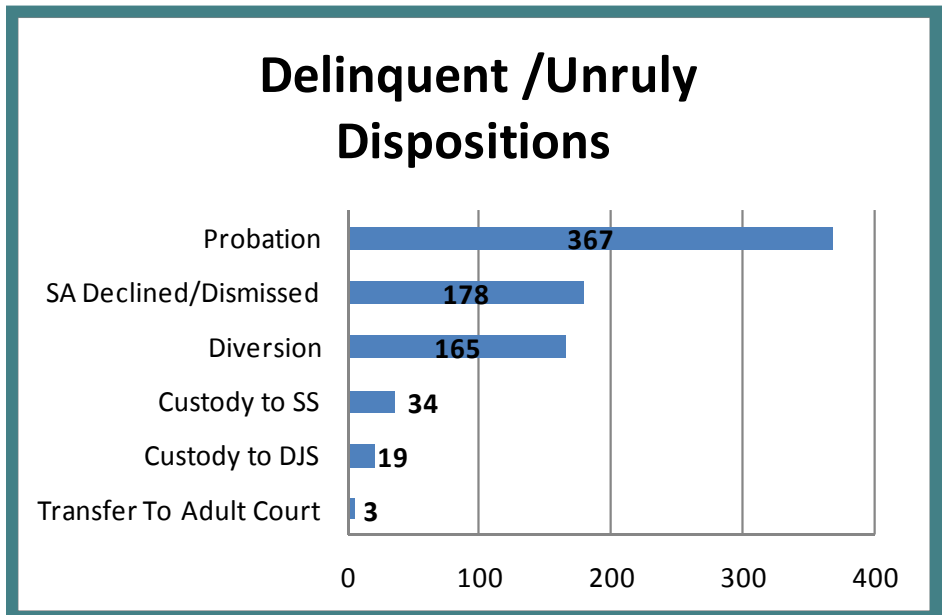
- ◆ Unit 4 serves a six county area in the Northwest Judicial District with offices in Minot and Williston. Unit 4 Juvenile Court staff processed a total of 1,271 primary referrals. This is a slight decrease from 2011 where 1,345 referrals were handled.

- ◆ The Williston office saw a 20% increase in referrals. The bulk of the increase was seen in deprivation matters in the three counties covered by that office.

- ◆ Unit 4 has one Juvenile Drug Court operating out of the Minot office.

There were seven active participants in in the program in 2012. The Williston Juvenile Drug Court program was put on hold indefinitely due in part to the increased demands on the courts as a result of the oil activity in the area.

- ◆ In 2012 “Girls For Tomorrow” a six week group for girls with a focus on building a positive self-image, increased social identity and increased self-esteem was developed. The group includes topic areas of healthy lifestyles, safety and relationships, social skills and decision making. This was piloted in the Minot office and will expand to the Williston area next biennium.



Directors' Summary & Goals for 2013

The Juvenile Courts of North Dakota continue to work on the goals in the strategic plan written by the four Directors of Juvenile Court and approved by the Juvenile Policy Board. The strategic plan is updated every five years and will be implemented in the upcoming years in the court system. The directors will also focus on the following goals in 2013 to enhance the mission and goals of the strategic plan.

1. Analyze the data collected from the Victim Satisfaction Surveys and use the feedback to improve juvenile court service to victims of juvenile crime.
2. Strive for quality assurance with our statewide risk assessment tool, the YASI. Analyze the results of the YASI committee's periodic audits of the risk assessments completed by the probation officers. Provide risk assessment training to both new and current staff.
3. Participate in a study of options for upgrading our current case management system, CMS.
4. Assess the feasibility of implementing a detention screening tool statewide and support alternatives to secure detention.
5. Work collaboratively with individuals and agencies within the juvenile justice system in a manner that serves the best interest of youth, families, victims and communities.

The youth and families we deal with are complex and have a wide variety of needs. It is important that we lead our staff to focus on criminogenic needs and risks of our youth and base decisions for the juveniles on evidence-based approaches.

Respectfully Submitted,

Directors of Juvenile Court Services

Children are 100% of our Future