

HOUSE BILL NO. 1052

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact section 27-20-61 of the North Dakota Century Code,
2 relating to cooperative agreements to provide services to juveniles adjudicated in tribal court.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 27-20-61 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-20-61. Tribal juvenile services cooperative agreement - Report to legislative**
7 **management. (Effective through July 31, ~~2024~~2023)**

8 1. The department of corrections and rehabilitation, through the division of juvenile
9 services; the supreme court, through the office of the state court administrator; and the
10 Indian affairs commission may negotiate and enter a memorandum of understanding
11 with the tribal government of a federally recognized Indian tribe in the state for the
12 purpose of accepting and providing for, in accordance with this chapter, the treatment
13 and rehabilitation of tribal juveniles who have been adjudicated in tribal court under
14 tribal or federal laws. Under the pilot program and terms of a memorandum of
15 understanding:

16 a. The tribal government, the department of corrections and rehabilitation, and the
17 juvenile court may exchange information relevant to the treatment and
18 rehabilitation needs of a tribal juvenile and the juvenile's family, including tribal
19 court orders, medical and psychiatric reports, law enforcement reports, and other
20 information pertinent to the referral;

21 b. The juvenile court and the department of corrections and rehabilitation shall
22 provide services based on the individualized need of each tribal juvenile referred
23 to and accepted by ~~both the tribal and~~ tribal court, juvenile court, and department of
24 corrections and rehabilitation;

- 1 c. The juvenile court and the department of corrections and rehabilitation shall
2 maintain regular contact with the tribe regarding each tribal juvenile who has
3 been placed in the supervision of the juvenile court and shall provide quarterly
4 case plans and more frequent reports if the juvenile's behavior
5 warrants respective agency; and
- 6 d. The juvenile court and the department of corrections and rehabilitation may limit
7 the number of tribal juveniles accepted based on criteria developed by the
8 juvenile court and the availability of state resources and services.
- 9 2. Before July first of each even-numbered year, the department of corrections and
10 rehabilitation, the juvenile court, and the Indian affairs commission shall report and
11 make recommendations to the legislative management on the status, effectiveness,
12 performance, and sustainability of a memorandum of understanding established under
13 this section.