

**CHILDREN'S CABINET
SENATOR MICHELLE AXTMAN, CHAIR
JULY 28, 2025**

**Lisa Bjergaard, Chair, Presented a report on the activities of the
Commission on Juvenile Justice**

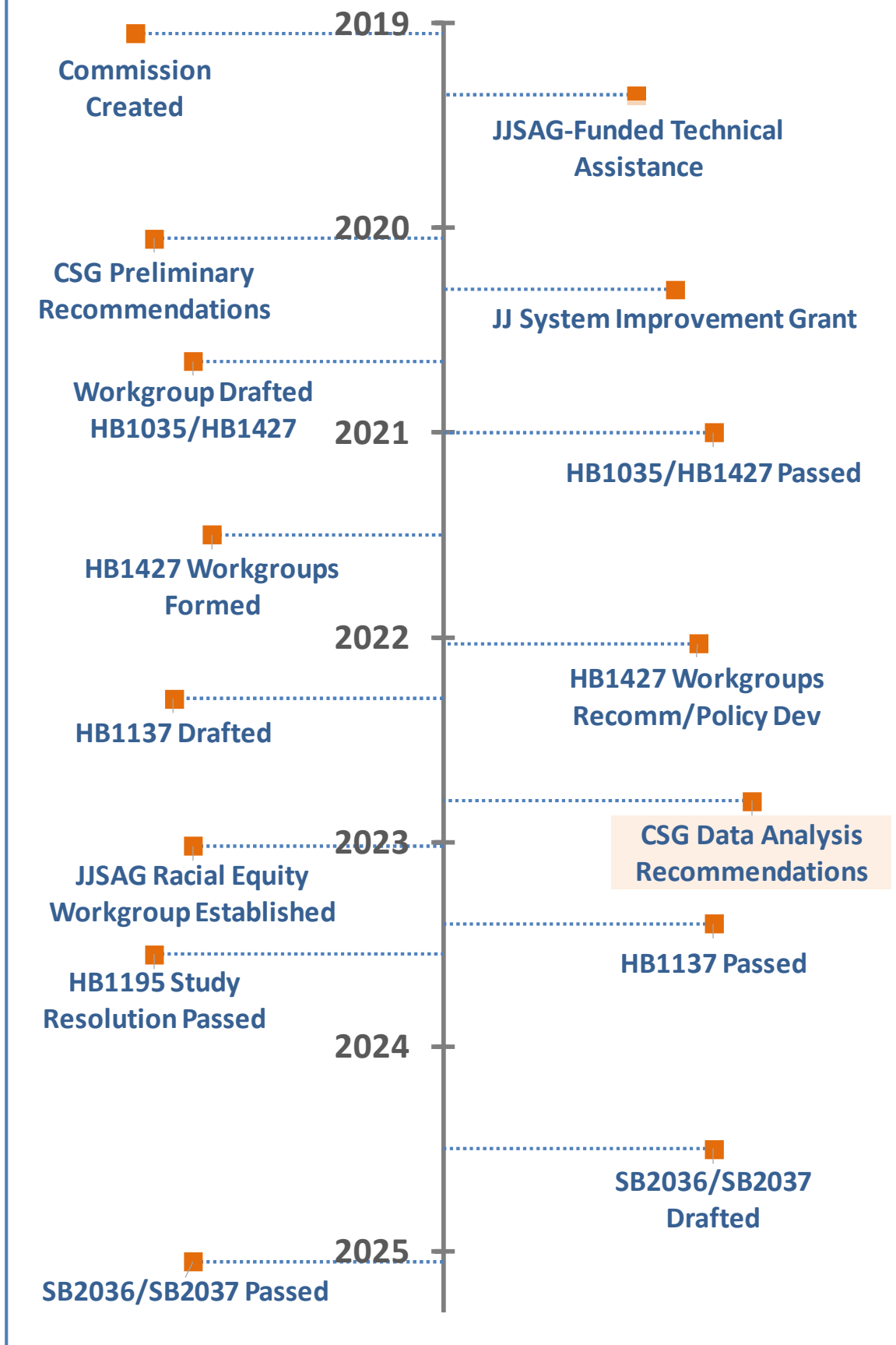
Chair Axtman and members of the Children's Cabinet, my name is Lisa Bjergaard, and I am the chair of the Commission on Juvenile Justice. I am here to report on behalf of the Commission pursuant to NDCC 50-06-43.2.

The Commission on Juvenile Justice is a time limited, 16-member working group tasked to gather information, receive reports, and make recommendations regarding effective interventions, resources, and services for children.

Recommendations may include legislative strategies to implement recommendations. The Commission on Juvenile Justice is to report to the Children's Cabinet. This body has periodically received updates regarding the activities of the Commission on Juvenile Justice. Today's presentation will serve as the closing report for the Commission as the Commission reaches its sunset on July 31, 2025.

Page 2 is a timeline outlining the major activities of the Commission followed by a year-by-year description of those activities that offers more detail.

Commission on Juvenile Justice



2019: 66th Legislative Assembly passed legislation that created the Children's Cabinet, including direction for the establishment of the Commission on Juvenile Justice.

HCR 3031, assigned to the interim Judiciary Committee, directed the study of the juvenile justice process. The study suggested Legislative Management could seek technical assistance from the Council of State Governments' Justice Center.

The Chairpersons of the Commission and the Interim Judiciary Committee jointly approached the Juvenile Justice State Advisory Group (hereinafter "JJSAG") to request funding for technical assistance. The Council of State Governments Justice Center (hereinafter "CSG") was the successful respondent.

2020: CSG delivered their preliminary recommendations, which included:

- Decriminalize unruly behaviors
- Establish research-based process for decisions (i.e. detention)
- Invest in community-based services
- Strengthen commitment to evidence-based decisions
- Align statute with research and best practice

CSG assisted with securing a federal juvenile justice system improvement grant which provided continued technical assistance over the course of three years.

The Interim Judiciary Committee asked the Commission to create a workgroup to begin discussion and possibly draft legislation to achieve the aims of CSG's recommendations.

The workgroup produced a document which included a slate of changes. The Commission presented their report to the Interim Judiciary Committee, which adopted the document and moved it forward to Legislative Council to be drafted into a bill. The bill draft received the number HB1035.

The Commission foresaw challenges with the implementation of the proposed legislative changes, and drafted a second document, referred to as a "companion bill". This document suggested creating committees to address key areas of implementation. The Interim Judiciary Committee supported the recommendation and forwarded this document to Legislative Council as well. The companion bill received the number HB1427 and directed the creation of three committees to work under the supervision of the Commission. The committees were charged with assessing, identifying and developing opportunities to build a service continuum designed to safely maintain youth under system supervision in a community setting. The three proposed committees were:

1. Planning Committee for Alternatives to Juvenile Detention
2. Juvenile Justice Planning Committee
3. Planning Committee for Children in Need of Services

The Commission supervised the three committees and approved the membership for and named the chairs of committees 1 and 2. The Children's Cabinet appointed the members who served on committee 3 and committee 3 was specifically directed to report and be subject to the Children's Cabinet. For

further details regarding the work of committee #3, you may refer to the Report on the Activities of the Commission presented to the Cabinet on June 13, 2022.

Once the bill drafts (HB1035 and HB1427) were received, members of the Commission socialized the proposed legislation to several relevant stakeholder groups and organizations including the school resource officers, school boards association, the ND Council of Educational Leaders, the sheriffs and chiefs groups, and others.

2021: The 67th Legislative Assembly passed both HB1035 and HB1427.

The three work groups were formed and began their work in August 2021. Staff with the CSG Justice Center attended the work group meetings and offered technical assistance. The work groups were populated with a diverse mix of agency staff, non-profit organizations, education representatives, juvenile court staff and law enforcement.

2022: The three work groups finished their meetings and presented their final work products in August 2022. Jacob-Agus Kleinman, Senior Policy Analyst with the CSG presented the finished products of the Children in Need of Services planning committee at the June 13, 2022 convening of the Children's Cabinet. The work products from the Service Planning Committee and the Alternatives to Detention Committee were reviewed with the Cabinet at their August 2022 meeting.

Over the course of the year, the work groups were made aware of various oversights and omissions that occurred during the drafting and passage of HB1035. The Commission proposed the drafting of a bill to correct the various clerical errors. In addition, a new section was proposed that would clarify the process for making a delinquency referral and update and improve language for addressing school-based infractions and misdemeanors.

The Interim Judiciary Committee supported the proposal and HB1137 was drafted for consideration during the 68th Legislative Assembly. A delayed effective date of August 2023 was included to allow a work group to be formed to assist schools with the anticipated changes.

At this point, the Commission had been at work for three years. Frequently, various working groups were made aware of areas where conflict occurs when the criminal justice code is applied to juveniles within the practice of juvenile justice. The Commission recommended further study of these areas. A study resolution was drafted for presentation and consideration by the 68th Legislative Assembly. It was assigned a number and became HB1195, which included “consideration of the desirability and feasibility of a separate juvenile delinquency offense code, whether a separate and unique classification of criminal offenses for juveniles should be created, and which criminal offenses should receive a distinct classification for juvenile offenders, if any.”

The Commission’s final activity for 2022 centered around data analysis. Data analysis was identified as a deliverable under the federal technical assistance

grant and CSG gathered data from multiple sources. The analysis examined recent and current initiatives including the JJSAG's 3-year strategic plan, which is federally required.

A specific requirement within the federally required juvenile justice plan is the reduction of racial and ethnic disparities (R/RED). This is required as many states experience some level of disproportionate justice involvement with minority youth. CSG analyzed the R/RED data as part of their larger analysis of the JJSAG's 3-year strategic plan.

In September 2022 CSG presented the data analysis findings and recommendations to the Commission, and in November, CSG presented their findings to the JJSAG. The analysis concluded with two overarching recommendations for further action.

The first recommendation was (and is) to “establish a cross-systems statewide vision and plan—with clear operational commitments, resource allocation, responsibilities, and accountability—for creating a statewide system of youth development services/supports, particularly for “opportunity” youth”, which are youth who are not in school and not working. The Commission recommends that this recommendation be continued through the Children’s Cabinet as they are the permanent entity capable of engaging in more enduring work.

The second overarching recommendation which emerged from the data analysis was to “establish a statewide plan, informed by local pilot projects and communities of color, to advance racial and gender equity in juvenile justice

system involvement”. Because the JJSAG is federally required to address the reduction of racial and ethnic disparities, the JJSAG opted to focus on a plan to advance racial equity.

In summary, the Commission, up through the Cabinet, took on the focus of a cross-system statewide plan and vision and the JJSAG took on the plan to address and advance racial equity.

2023: The JJSAG formed a working group with a specific focus on racial equity in juvenile justice. That group continues its work into the present.

The 68th Legislative Assembly passed HB1137 and study resolution HB1195.

HB1137 presented a new method of referring delinquent behavior in schools to the juvenile court and so the Commission recognized the need to continue to offer assistance and support for schools. The workgroup that was formed in December 2022, was formalized into an agreement with the Central Regional Education Association (hereinafter “CREA”). The goal was to work with the schools to develop a comprehensive platform of recommendations for schools who wanted to create action plans in response to school-based infractions and misdemeanors. The Commission accepted the report from the workgroup midsummer 2023, but the Commission voted at its September 2023 meeting to continue assistance to schools.

Luke Schaefer, Director of the CREA, proposed an additional strategy to launch support for reducing K-12 student involvement in the juvenile justice system. In

addition to the work product completed under the initial agreement, the proposed objective was to implement five additional recommendations identified during the initial phase of work. The recommendations included focusing on K-12 data utilization, restorative practices in schools, community service provider networks, attendance review boards and developing flow charts for delinquency, and Children in Need of Services referrals.

In further business, the newly formed Juvenile Justice Interim Committee was assigned to take up HB1195. The Interim Committee asked the Commission to approach the study in a similar fashion to the previous interim work, asking the Commission to form a project work group that would report back to the Interim Committee with findings and recommendations.

The Commission work group determined writing a separate juvenile delinquency offense code could not be accomplished during the interim. The group further determined efforts would be better spent tackling areas of the criminal code that imposed collateral consequences on youth and further shoring up protections for accused delinquent youth.

2024: The Commission supported two separate working groups; one focused on developing an approach to mitigating collateral consequences, and the other related to determining a youth's competency for delinquency proceedings. Other groups, including a task organized by the Judiciary, examined these concurrently.

Members of the Commission reported progress to the Juvenile Justice Interim Committee at their June 2024 and September 2024 meetings and the Interim Committee voted to pass both proposals forward to be drafted into bills.

SB2036 related to fitness to proceed and remediation of juveniles SB2037 created three new sections of the delinquency chapter related to juvenile court petitions, fitness to proceed, and collateral consequences that the court may order.

2025: The 69th Legislative Assembly passed SB2036, assigned an appropriation, and a delayed effectiveness date in order to allow the Department of Health and Human Services time to develop the necessary processes to fully implement the requirements of the bill.

The 69th Legislative Assembly passed SB2037 related to collateral consequences.

The Commission will dissolve on July 31, 2025. At the May 13, 2025 meeting, the Commission directed the chair to prepare this final summary report of activities to be presented to the Children's Cabinet.

In addition to providing the Cabinet with a review of the work accomplished over its lifespan, the Commission also directed that this report includes recommendations for future focus in order to continue improvements to the juvenile justice system.

Recommendations: The juvenile justice data analyses completed by CSG in 2022 remains “fresh” and is available for the Cabinet’s use in guiding and supporting efforts going forward. The CSG made two overarching recommendations in the conclusion of their analysis. Copied here is recommendation 1.

Overarching Recommendations

1. Establish a cross-systems statewide vision and plan—with clear operational commitments, resource allocation, responsibilities, and accountability—for creating a statewide system of youth development services/supports, particularly for “opportunity” youth. Within this plan:
 - A. Address geographic/cultural/resource differences
 - B. Ensure schools are incorporated and buy-in
 - C. Link to and expand knowledge/capacity/usefulness of 988
 - D. Confront and address ongoing barriers to prioritizing and investing in community-based mental health and family therapy services for adolescents both as prevention and intervention, as well as related challenges to multi-system collaboration.
 - E. Consider funding and supporting local pilots as a bottom-up approach.



The Commission strongly encourages the Cabinet to consider adopting this recommendation for further consideration and development.

The CSG also made a second overarching recommendation:

Overarching Recommendations (cont.)

2. Establish a statewide plan, informed by local pilot projects and communities of color, to advance racial and gender equity in juvenile justice system involvement, potentially including:
 - A. Training, tools, and supports for law enforcement and schools on racial/gender bias and cultural competence.
 - B. Create guidelines and expand alternative responses for public order arrests, particularly for youth of color, such as access to restorative justice interventions
 - C. Expand funding for grassroots, culturally competent services (mentoring, credible messengers, gender, American Indian, and ethnicity-specific interventions, etc.), and identify and invest in providers (including non-traditional organizations, public employees, or other creative approaches) that can serve as hubs for providing these services throughout the state.
 - D. Develop a plan specifically to identify and address the reasons for the substantial overrepresentation of American Indian youth with DJS and to improve outcomes for those youth that are incarcerated.



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

The JJSAG has taken action to adopt this recommendation and is currently actively working to achieve these ambitions. The Commission strongly encourages the Cabinet to stay abreast of the efforts and work occurring under the guidance of the JJSAG, including creating a pathway for regular communication and collaboration between the two groups.

The Commission was able to accomplish significant and purposeful improvements and modernization of North Dakota's juvenile justice system and asserts the lives of children and families have been made better by these improvements to policy and practice.

Members of the Commission concur that the most critical underpinning for their accomplishments lay in the collegial and collaborative partnerships created

between policy makers and practitioners and the involvement of stakeholders along the way. This work involved teams of people who devoted countless hours of their time and talent to understand the research, learn about evidence-supported practices, and create data-driven improvements and solutions designed specifically for North Dakota.

The Commission does not believe the work related to at risk youth and those involved in the juvenile justice system should end. The Commission strongly encourages the Cabinet to continue, in some fashion, to provide a voice for juvenile justice. This might take the form of standing committee, adding ex-officio members to the Cabinet, or creating some other mechanism for regular participation.

Furthermore, the Commission understands that two significant challenges remain in the forefront for partners and systems that serve children and youth.

First: As the Commission worked, we heard repeatedly about a variety of issues facing schools. Earlier in this report, the strategies the Commission developed for supporting K-12 students were enumerated. They are worth mentioning again here as this work is not yet complete on a statewide basis.

You will recall from the earlier mention, the goal of the strategy work in 2023 was to reduce K-12 student involvement in the juvenile justice system. The summation of research, evidence, and best practice is clear that the juvenile justice intervention is expensive and ineffective responses to most school based behavioral problems and should be reduced or eliminated wherever possible.

Previously in this report, you heard that Luke Schaefer, Director of the CREA, proposed the implementation of five additional recommendations. The recommendations included focusing on K-12 data utilization, restorative practices in schools, community service provider networks, attendance review boards, and developing flow charts for delinquency and Children in Need of Services referrals.

The Commission strongly recommends the Cabinet continue to monitor and support this work. This would ensure appropriate responses and interventions are available to schools with the goal of achieving the best possible outcomes for challenging and difficult students. Many schools have made remarkable progress; others need more support and guidance.

Second: Every workgroup and committee that tackled a topic encountered the complaint that appropriate, robust community-based services for children and youth lack capacity and immediacy of access or are not readily available. The Commission believes that significant progress has been made statewide in the areas of prevention and early intervention, but timeliness and service deserts remain a barrier.

The Commission strongly recommends that the Cabinet adopt a data driven approach to service design, public awareness of newly created resources, and appropriate messaging about the importance of early effective engagement with emerging challenges around child development.

The Commission members look forward to supporting the work of the Children's Cabinet as it moves forward with mission and purpose to improve the lives of the children and families who call North Dakota "home", and rests certain that there is a place within the scope of the Cabinet for the inclusion of juvenile justice involved youth and those at risk of involvement.