



# Juvenile Justice INFORMATION

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THANKS FOR JOINING US!

# Purpose of Session

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With recent changes to legislation in the state regarding juvenile justice referrals, mandated reporter training requirements, and Children in Need of Services referrals, B-HERO is here to help.

# Common Language

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- Children in Need of Services (CHINS)
  - Truancy
  - Educational Neglect
- Mandated Reporter Training
  - CHIPS – Children in Need of Protection Services vs. Children’s Health Insurance Program
- Defer from Juvenile Justice for Misdemeanor Offenses
  - Mutual Combat vs. Assault

# Children in Need of Services - CHINS

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What has been communicated:

- As of August 1, 2022, law enforcement and schools should refer children and youth to the new Children in Need of Services team, staffed by Human Service Zone professionals across the state. (Please do NOT continue to make referrals to Juvenile Court).

Parents, guardians, law enforcement officers and school officials can:

1. Complete a CHINS Referral Form
2. Submit the Referral Form to CHINS team by fax or email

# Children in Need of Services - CHINS

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What we want to clarify:

- Children and youth should **ONLY** be referred to CHINS for the following behaviors:
  - Truancy
  - Regularly disobeying their parents (ungovernable)
  - Under the age of 14 using and possessing tobacco and related products
  - Running away
- Who can report to CHINS (from the school perspective)?
- Difference between truancy and educational neglect.
  - School reports to CHINS for truancy
    - Good-faith attempt(s) must be made to resolve the issue.
  - Parents/Guardians can report to CHINS for ungovernability or running away.

# Educational Neglect

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Educational Neglect focuses on behavior of the caregiver. The caregiver must have been unable or unwilling to meet the child's educational needs.

**In cases of confirmed or suspected Educational Neglect:**

**File a SFN 960  
Report to CPS**

**After reasonable intervention attempts:**

**File a CHINS Referral  
Report to CHINS**

# Truancy

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Truancy focuses on behavior of the child. The child must intend to be absent from school. A general presumption is that a child 12+ is truant, but this is not a total rule. Consider how caregivers are involved in resolving the situation.

**In cases of Truancy and after reasonable intervention attempts:**

**File a CHINS Referral  
Report to CHINS**

# SFN 960



**REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT**  
 NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
 CHILDREN AND FAMILY SERVICES  
 SFN 960 (7-2022)

Name of Child(ren)	Age or Birthdate	Name of Child(ren)	Age or Birthdate

**IDENTIFYING INFORMATION**

Name of Parent(s)/Caretaker		Telephone Number	
Address	City	State	ZIP Code
Name of Subject (Person(s) Suspected to be Causing Maltreatment)		Telephone Number	
Address	City	State	ZIP Code

Give nature and extent of the suspected abuse or neglect, including any information of previous abuse or neglect; family composition; and any other information which may be helpful in protecting the health and welfare of the child(ren). If additional space is needed, attach additional pages. **(BE SPECIFIC. ANSWER WHO, WHAT, WHEN, WHY, HOW OFTEN).**

Name of Reporter	Reporter's Relationship to Children	Telephone Number	
Address	City	State	ZIP Code
Signature of Reporter	Email Address	Date	

# CHINS Referral



**ND REFERRAL FORM**  
**CHILD IN NEED OF SERVICES (CHINS)**

**Instructions:**

This document is intended to collect the information necessary for a Child in Need of Services (CHINS) referral for all non-law enforcement parties. For CHINS eligibility requirements, please review the CHINS eligibility and referral policy.

Please provide as much information as available. For any information that you do not possess, please note it.

**Basic information:**

Name Date of Birth Age Gender

Race

Referral source:

Name Address

City State Zip Code

Phone Email

Description of referral

Location of youth:

**Contact information:**

Is the parent/guardian known?

If yes: Name Address

City State Zip Code

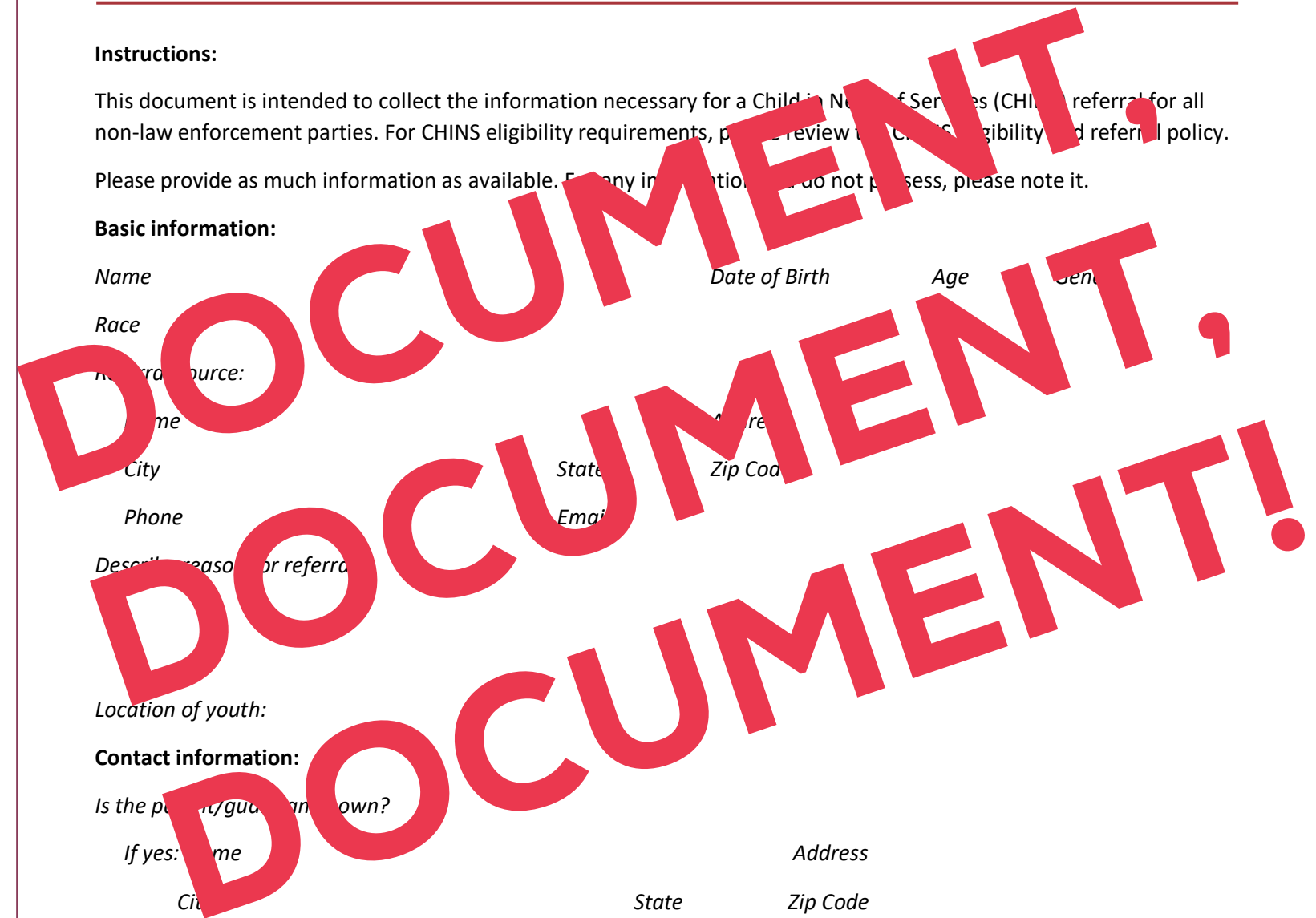
Phone: Email

Youth address if known

Address

City State Zip Code Phone

**For truancy referrals:**



# Example CHINS Referral Flowchart for Schools

School

Data

CHINS Team

Youth has been marked unexcused for X amount of days

School sends letter home/calls caregivers to address the attendance concern

School, Parents, and youth meet to identify and address the concerns and create a plan moving forward.

School, communicating with Caregivers/Youth, monitors and reviews the plan created to ensure quality/success and makes any adjustments identified

School identifies further need for intervention after exhausting traditional school adjustments, truant behaviors not improving, and offering other community services as intervention options

CHINS referral is submitted along with additional details about engagement efforts, accommodations, and outcomes of engagement efforts to this point

**CHINS Interventions may include:**

- Contact with youth/family about referral
- Explore goals/services
- Referral to a Family Centered Engagement conference
- Assistance in engaging in services, resources, and support in the community

Follow up with youth/caregiver about attendance, services referred to and assist with any other resources identified to address concerns

If progress is made - CHINS will check in with family up to 6 months depending on intensity level assigned and family's engagement

School continuing to work with caregiver/youth about concerns and attendance/work completion

School attendance not improving - having a meeting with school and others to discuss if criminal charges should be considered



# Mandated Reporter Training

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2023's House Bill 1144, which passed, requires each educator in the state of North Dakota to complete annual mandated reporter training related to reporting of suspected child abuse or neglect.

Why this is helpful:

- Online Mandated Reporter training gives a definition and overview of several forms of abuse and neglect, including:
  - Physical or sexual abuse
  - Physical, environmental, and **educational** neglect
  - **Psychological maltreatment**
  - Inadequate supervision and abandonment

Why this reminder:

- Completion of this training is reported in the MIS03 for each educator; **if educators themselves do not fill this out, they may not know of the requirement.** Educators are also eligible to earn credit for the training.



# A Bit of Clarification - CHIPS

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In B-HERO's Messaging, you may have seen the acronym "CHIPS." This acronym may refer to two things, neither of which is highly relevant to schools.

## Children in Need of Protection Cases

- This acronym refers to the cases referred to juvenile court by local human service zone agencies, typically as part of a child abuse or neglect investigation completed by Child Protection Services.

## Children's Health Insurance Plan

- For children who are ND residents, U.S. citizens, do not have health insurance, and live in families with qualifying incomes.

# Defer from Juvenile Justice

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One goal of the state is to reduce referrals of youth to the Juvenile Court system. Thereby, effective Aug 1, 2023, a child who commits an infraction or misdemeanor offense on school property may not be referred to juvenile court, unless school interventions have not been successful.

Information must be included with any referrals indicating what interventions or educational approaches were tried to resolve the behavior.

Referral to Law Enforcement/Juvenile Court for the following misdemeanor offenses is still permissible:

- Drug related offenses– if a child is under the age of 14 and possessing tobacco or related substances, a CHINS referral may still be filed, likely by responding law enforcement – talk about it!
- Offenses against a person, including assault, threats, coercion, harassment, domestic violence, etc
- Sexual offenses
- Any offense that involves a firearm or weapon
- Traffic offenses

# Juvenile Referrals in ND Schools

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The top five school-based juvenile justice referrals statewide in 2021 were:

1. Disorderly Conduct (259)
2. Simple Assault (171)
3. Tobacco use/possession under age 14 (98)
4. Ingesting controlled substances (56)
5. Disturbance of Public School (56)

New legislation aims to cut down on these referrals. Here is where schools should consider referring students for these offenses:

## Definition Clarity: **Fighting Vs. Assault**

- Consider mutual combat vs. self-defense
- To classify a fight as assault, there must be a clear and present victim

# Juvenile Referrals in ND Schools

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The top five school-based juvenile justice referrals statewide in 2021 were:

1. Disorderly Conduct (259) > Consider school-based interventions
2. Simple Assault (171) > Refer to Law Enforcement/Juvenile Justice
3. Tobacco use/possession under age 14 (98) > Refer to Law Enforcement/Juvenile Justice & subsequently CHINS
4. Ingesting controlled substances (56) > Refer to Law Enforcement/Juvenile Justice
5. Disturbance of Public School (56) > Consider school-based interventions

By eliminating #1 and #5, schools can help reduce the number of referrals to juvenile justice by about 49%. Note: The state knows this will not be easy!

If disorderly conduct or disturbance of public school is chronic – you can refer to law enforcement/Juvenile Court. **Make sure you have documentation of attempts to intervene.**

# What Constitutes an Intervention?

## Educational Approaches

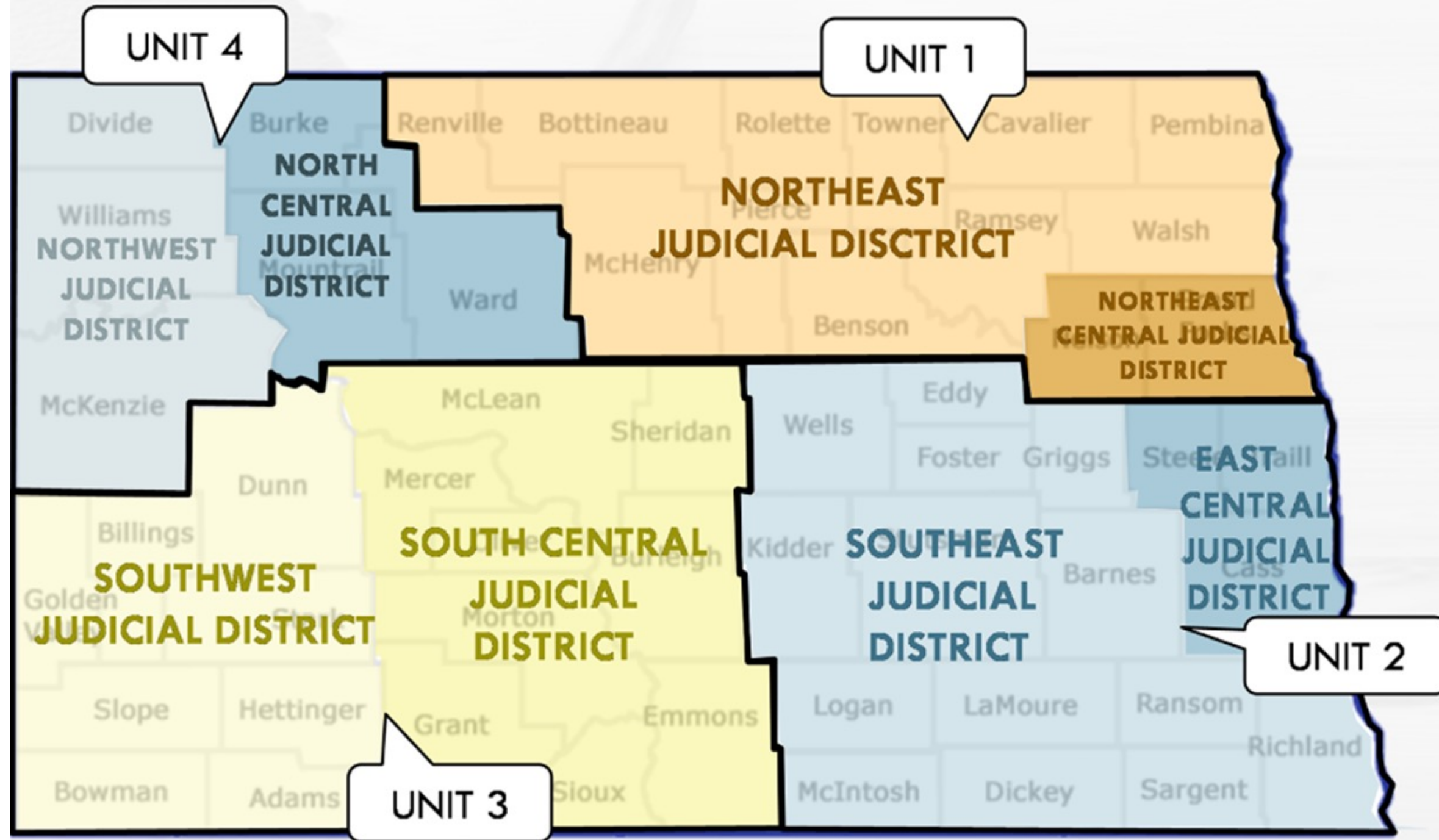
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Do all things a reasonable person would do to prevent:

- Breakdown of a relationship now and in the future
- Referrals (which are traumatic)
- Cautions (Quality and Quantity is discretionary)
- Second Step
- Check and Connect
- PBIS team
- Social and Emotional Skill Building
- Check In/Check Out
- Behavior Report Cards
- Behavior interventionist
- Parent calls
- Teacher reporting
- Special education has check in
- Referral to community-based mental health providers or services

# North Dakota Juvenile Court System

North Dakota's Juvenile Court system consists of **11 courts** in **8 judicial districts** which are divided into **4 units**.



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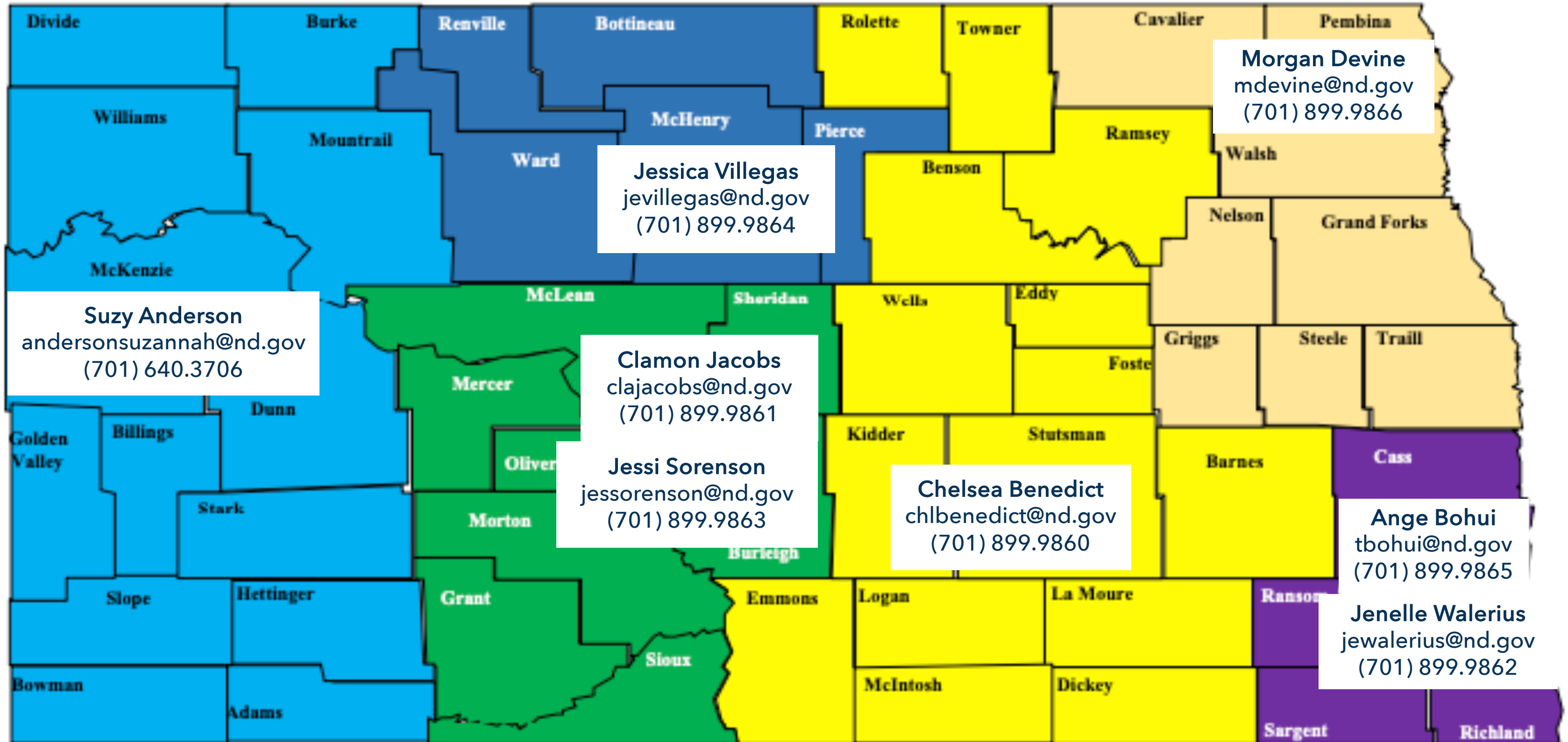
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# North Dakota CHINS Team Members



# What comes next?

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1. B-HERO intends to facilitate technical assistance sessions with CHINS and Juvenile Justice personnel.
2. Let us know what questions you have related to CHINS and Juvenile Justice referrals - <https://forms.office.com/r/Af67XBLJbN>
3. Visit the link here for access to resources B-HERO is currently aware of. We intend to put these on our website soon! [https://nodak-my.sharepoint.com/:f:/g/personal/crea\\_nd\\_k12\\_nd\\_us/EpstIqacq3BlqcKwOHbLegwB9PHKHjplh9c8XjvdeshwoQ?e=eib6CP](https://nodak-my.sharepoint.com/:f:/g/personal/crea_nd_k12_nd_us/EpstIqacq3BlqcKwOHbLegwB9PHKHjplh9c8XjvdeshwoQ?e=eib6CP)