# Sixty-fourth Legislative Assembly of North Dakota
# In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1119
(Judiciary Committee)
(At the request of the Department of Corrections and Rehabilitation)

AN ACT to amend and reenact subsection 1 of section 27-20-03, section 27-20-08, subsection 1 of section 27-20-30, and subsection 2 of section 27-20-31 of the North Dakota Century Code, relating to the disposition of a nonresident child; and to repeal sections 27-20-39, 27-20-40, 27-20-41, 27-20-42, and 27-20-43 and chapter 27-22 of the North Dakota Century Code, relating to the transfer and supervision of a child in another state or from another state and to the interstate compact on juveniles.

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

**SECTION 1. AMENDMENT.** Subsection 1 of section 27-20-03 of the North Dakota Century Code is amended and reenacted as follows:

1. The juvenile court has exclusive original jurisdiction of the following proceedings, which are governed by this chapter:

   a. Proceedings in which a child is alleged to be delinquent, unruly, or deprived;

   b. Proceedings for the termination of parental rights except when a part of an adoption proceeding;

   c. ~~Proceedings arising under sections 27-20-39 through 27-20-42;~~

   ~~d.~~ Proceedings arising under section 27-20-30.1; and

   ~~e.~~d. Civil forfeiture proceedings arising under chapter 19-03.1 or section 29-31.1-04 for which a child is alleged to have possessed forfeitable property. The juvenile court shall conduct the proceedings in accordance with the procedures provided for under sections 19-03.1-36 through 19-03.1-37.

**SECTION 2. AMENDMENT.** Section 27-20-08 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-08. Commencement of proceedings.**

A proceeding under this chapter may be commenced:

1. By transfer of a case from another court as provided in section 27-20-09; or

2. ~~By the court accepting jurisdiction as provided in section 27-20-40 or accepting supervision of a child as provided in section 27-20-42; or~~

~~3.~~ In other cases by the filing of a petition as provided in this chapter. The petition and all other documents in the proceeding must be entitled "In the interest of _____, a child". If a child is in shelter care, the petition must be filed within thirty days of the shelter care hearing under section 27-20-17. If the petition is not filed, the child must be released from shelter care.

**SECTION 3. AMENDMENT.** Subsection 1 of section 27-20-30 of the North Dakota Century Code is amended and reenacted as follows:

1. If the child is found to be a deprived child, the court may make any of the following orders of disposition best suited to the protection and physical, mental, and moral welfare of the child:

a. Permit the child to reside with the child's parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.

b. Subject to conditions and limitations as the court prescribes, transfer temporary legal custody to any of the following:

(1) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.

(2) The director of the county social service board or other public agency authorized by law to receive and provide care for the child.

c. ~~Without making any of the orders otherwise provided in this section, transfer custody of the child to the juvenile court of another state if authorized by and in accordance with section 27-20-39 if the child is or is about to become a resident of that state.~~

~~d.~~ Require the parents, guardian, or other custodian to participate in treatment.

~~e.~~d. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian.

~~f.~~e. In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish, by order, some other planned permanent living arrangement.

**SECTION 4. AMENDMENT.** Subsection 2 of section 27-20-31 of the North Dakota Century Code is amended and reenacted as follows:

2. Placing the child on probation under the supervision of the director, probation officer, or other appropriate officer of the court ~~or of the court of another state as provided in section 27-20-41~~ or the director of the county social service board under conditions and limitations the court prescribes;

**SECTION 5. REPEAL.** Sections 27-20-39, 27-20-40, 27-20-41, 27-20-42, and 27-20-43 and chapter 27-22 of the North Dakota Century Code are repealed.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1119.

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| House Vote: | Yeas 89 | Nays 0 | Absent 5 |
| Senate Vote: | Yeas 47 | Nays 0 | Absent 0 |

Chief Clerk of the House

Received by the Governor at 12:36 P.M. on March 19, 2015.

Approved at 9:36 A.M. on March 23, 2015.

Governor

Filed in this office this 23rd day of March, 2015,

at 12:07 o'clock P M.

Secretary of State