

A BILL FOR AN ACT

To establish within the Executive Branch a Department of Youth Affairs; to prescribe its duties and responsibilities; to provide for a Council on Youth and its functions; to repeal 1 CMC Sections 2353 (f) and 2371 through 2380; and for other purposes.

BE IT ENACTED BY THE NINTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. Title. This Act shall be referred to as "The Youth Affairs Act of 1994."

2           Section 2. Purpose. The purpose of this Act is to establish a Department of Youth Affairs to plan,  
3 coordinate and implement programs, services and activities aimed toward youth development,  
4 rehabilitation and involvement in the community. The Council on Youth shall be responsible for  
5 approving plans and programs of the Department of Youth Affairs.

6           Section 3. Department of Youth Affairs. There is hereby established within the Executive Branch  
7 a Department of Youth Affairs to be headed by a Director of Youth Affairs.

8           Section 4. Department of Youth Affairs: Director Appointment. The Director of Youth Affairs  
9 shall be appointed by the Governor with the advice and consent of the Senate.

10          Section 5. Department of Youth Affairs: Duties. The Department of Youth Affairs shall:

11               (a) formulate plans and policies, coordinate and implement programs and services to  
12 enable youth to develop

13                       their full potential and skills, talents, leadership abilities, good sportsmanship and  
14 citizenship;

15               (b) provide youth services and programs throughout the Commonwealth;

16               (c) encourage, through direct and indirect means, all youths, especially those in need of  
17 guidance and motivation;

1           (d) establish a comprehensive approach to providing services and programs to youth,  
2           taking into consideration the coordination and consolidation of existing programs and services,  
3           and by planning and implementing new programs and services where deemed necessary;

4           (e) make such referrals as are necessary when certain services are best provided by other  
5           agencies or by other resources within the community;

6           (f) provide assistance and cooperation to youth and community groups, both organized  
7           and unorganized, which provide or sponsor programs and services beneficial to the youth;

8           (g) collect and disseminate information and research data relative to youth needs and  
9           problems; and

10           (h) have general purview of youth activities within the Commonwealth.

11           Section 6. Council on Youth Affairs. There is within the Department a Council on Youth Affairs  
12           consisting of nine (9) members to be appointed by the Governor for a term of four (4) years; provided that  
13           of the members first appointed, one (1) shall serve for a term of one (1) year, two (2) for a term of two (2)  
14           years, three (3) for a term of three (3) years, and three (3) for a term of four (4) years. The members shall  
15           determine by lot which of them shall serve which terms. Vacancies shall be filled the same as first  
16           appointments, but only for the unexpired term of the vacant position. The members shall be so selected  
17           that there be one (1) representative from each of the following entities:

18           (a) Judiciary Branch;

19           (b) Department of Public Safety;

20           (c) Department of Public Health and Environmental  
21           Services;

22           (d) Women's Organization;

23           (e) Carolinians Community;

24           (f) Rota High School;

25           (g) Tinian High School;

26           (h) Saipan High School; and

1 (i) Northern Marianas College.

2 The Council shall elect from among its members a Chairman, Vice Chairman and a Secretary.  
3 Five (5) members shall constitute a quorum. The affirmative vote of five (5) members shall be necessary  
4 for Council action. Members of the Council shall serve without compensation, but may be reimbursed for  
5 reasonable travel and out-of-pocket expenses incurred in the performance of official duties, such expenses  
6 to be certified by the Director.

7 Section 7. Council Powers. The council shall be responsible for the approval of plans and  
8 programs of the Department of Youth Affairs and for that purpose shall have the following powers, duties  
9 and responsibilities:

10 (a) Oversee the formulation of the department's policies, plans, programs and budget;

11 (b) Be responsible for the overall operation of the Department; and

12 (c) Adopt such rules and regulations as may be necessary to implement the provisions of  
13 this Act.

14 Section 8. Council Meetings. The Council shall meet as such times and places as it shall  
15 prescribe by rule, but it shall not be less than once per month. All its meetings shall be public and notice of  
16 such meetings shall be given one (1) week prior to the date scheduled.

17 Section 9. Division of Youth Development. There is within the Department a Division of Youth  
18 Development to be headed by a Chief who is to be appointed by the Director. The division shall have the  
19 following duties and responsibilities:

20 (a) It shall be its major responsibility to make first contact with youth in the  
21 Commonwealth, including predelinquent and delinquent, and provide such services as deemed  
22 necessary;

23 (b) In cooperation with the Northern Marianas Amateur Sports Association and the  
24 Public School System, it shall coordinate sports and recreation programs for youth and may  
25 augment existing programs where deemed necessary; and

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1                   (c) Coordinate with other departments and agencies (or implement such youth programs  
2                   and activities if none exist) relative to internships within the government, cultural exchange,  
3                   Youth Week and Conference, skill training, job development, arts and crafts, youth employment,  
4                   Youth Take Over Day career counseling and such other special events covered by any other  
5                   division of the Department.

6                   Section 10. Division of Special Services. There is within the Department a Division of Special  
7                   Services to be headed by a Chief who shall be appointed by the Director. The Division of Special  
8                   Services shall be responsible for the handling and caring of youths referred by the Department of Public  
9                   Safety, courts of the Commonwealth, parents or legal guardians and public or private agencies.  
10                  Furthermore, it shall be responsible for care, custody and the rehabilitation of youth adjudicated delinquent  
11                  by the courts of the Commonwealth.

12                  Section 11. Division of Special Services: Definitions.

13                         (a) "Director" means the Director of Youth Affairs Department.

14                         (b) "Chief" means the Chief of the Division of Special Services.

15                         (c) "Division" means the Division of Special Services.

16                         (d) "Delinquent child" means a juvenile who violates any law, ordinance, or regulation  
17                         of the Commonwealth while under the age of 18; provided, that a juvenile 16 years of age or  
18                         older, accused of a traffic offense, murder, or rape shall be treated in the same manner as an adult.

19                         (e) "Youth" or "minor" or "juvenile" or "child" means any person under the age of 18  
20                         years of age.

21                         (f) "Secure Care" means the maintenance in custody of a juvenile in a residential  
22                         facility, which is used only for the placement of adjudicated delinquent children and in which the  
23                         staff control the rights of the delinquent children to enter or leave the facility.

24                         (g) "Non-Secure Care" means the maintenance in custody of a juvenile in a dwelling or  
25                         institution, which is characterized by the absence of physically restricting construction, hardware,

1 procedures, and which provides 24-hour care, custody, and control to the minors in residence.

2 The residential care may be provided by:

3 (1) A person designated by the juvenile court to be of good moral character; or

4 (2) An association, society, or corporation which has as one its objects the  
5 purpose of caring for minors; or

6 (3) Any private or public facility, which is certified by the Division of Special  
7 Services to meet minimum standards for providing care to needy and neglected children.

8 Section 12. Division of Special Services: Duties and Responsibilities. The Division shall:

9 (a) provide individual and group counseling services and programs to the youth of the  
10 Commonwealth who are referred by the Department of Public Safety, including survival  
11 education and substance abuse prevention;

12 (b) provide secure care for those youth whom the juvenile court has determined require  
13 temporary custody for their own protection or that of the community. Those youth include  
14 adjudicated delinquent children or youth under juvenile court jurisdiction who have violated a  
15 valid court order;

16 (c) provide non-secure care for those youth who require temporary custody for their own  
17 protection or well-being;

18 (d) approve arrangements for the use of private homes and public and private residential  
19 care facilities for the secure and non-secure care of juveniles under the custody of either the Court  
20 or Division;

21 (e) provide parent effectiveness training to those youth and families who have come  
22 under the jurisdiction of the Division and to other persons in the community;

23 (f) investigate and certify all prospective foster parents and homes, or cause such  
24 investigations and certification to occur, for the placement of juveniles by the Commonwealth  
25 Court or the Division of Special Services. The certification shall be consistent with criteria to be  
26 promulgated by the Division in a manner conforming to the Administrative Procedure Act

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1 (Chapter 1 of Division 9 of this Title, commencing at Section 9101), and shall have the objective  
2 of ensuring a safe, healthy, and moral environment for a juvenile placed there. The certification  
3 shall be renewed annually from the date of original certification and may be voided by the  
4 Division's chief when the foster setting is found by the Division's chief to be in violation of  
5 certification criteria. The foster home may be recertified once it is in compliance with  
6 certification criteria. No juvenile may be placed in a foster home or a residential care facility,  
7 which is supported by the Commonwealth Government and which is not certified by the Division;

8 (g) assume custody of youth referred to the Division by the Department of Public Safety  
9 or by the Court;

10 (h) provide those services to youth who are referred to the Division after adjudication by  
11 the court, which are consistent with the orders of the Court and which are conducive to the  
12 rehabilitation of the youth. Such services may include but not limited to: probation supervision,  
13 counseling, public services, restitution, non-legal advocacy, placement in residential and non-  
14 residential treatment program, and foster care;

15 (i) when requested, provide to the Court written reports, which contain background  
16 information on the adjudicated youth and a recommendation for the rehabilitation of the youth.  
17 The Division shall also provide written reports every six months on the progress of each youth  
18 referred to the Division, a copy of which will be submitted to the youth and to the judge of the  
19 juvenile court. The Division shall orally explain the contents of the report to the youth.

20 (j) provide or arrange for the production of home studies for the courts in the  
21 Commonwealth and in other jurisdictions when a resident of the Commonwealth is a party to an  
22 adoption or a long term residential placement; and

23 (k) collect, analyze and disseminate information and research data concerning youth  
24 problems in the Commonwealth.

25 Section 13. Separation of Juveniles from Adults. Juveniles assigned to secure care shall be kept  
26 apart from adult offenders by at least sight and sound.

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1           Section 14. Access to Information. The Division staff shall have access to all official records of  
2 the courts, schools, hospital and other public and private agencies, which concern youth who have been  
3 referred to the Division and for whom the Division staff believe it is necessary to conduct an investigation  
4 or produce an official report. Such reports shall be maintained in confidence by the Division and its  
5 staff, except that the courts and others ordered by the Court or required by statute shall have access to the  
6 reports.

7           Section 15. Designation of Division; Confidential Records; Regulatory Authority. The Division  
8 shall carry out Commonwealth efforts to strengthen and improve the prevention, identification, and  
9 treatment of child abuse, neglect, and sexual molestation. The Division shall maintain a confidential file of  
10 all cases of child abuse, neglect, and sexual molestation and offer services to families suspected of child  
11 abuse, neglect, and sexual molestation. The Division upon notification by the Department of Public Safety  
12 of a reported case of child abuse, neglect or sexual molestation shall immediately take necessary action  
13 toward preventing further abuse, neglect or sexual molestation, by safeguarding and enhancing the welfare  
14 of the minor, and preserving family life wherever possible. The Chief of the Division of Special Services  
15 shall adopt rules and regulations for approval by the Director of Youth Affairs consistent with this Act and  
16 necessary to carry out the provisions thereof.

17           Section 16. Annual Report. The division shall prepare and transmit to the governor and the  
18 Legislature an annual report on child abuse, neglect, and sexual molestation. The annual report shall  
19 describe the specific measures adopted to implement the provisions of this Act, as well as the  
20 accomplishments and shortcomings of efforts to prevent and treat child abuse, neglect, and sexual  
21 molestation. The report shall include a statistical analysis of the children and families reported,  
22 recommendations for additional legislation or services to fulfill the purposes of this Act, and any other  
23 information deemed relevant.

24           Section 17. Department of Youth Affairs: Staff. Subject to budgetary appropriation, the Director  
25 may employ staff to assist in the performance of the Department's duties and responsibilities. Such staff  
26 shall be within the Civil Service coverage.

1           Section 18. Department of Youth Affairs: Grants. The Department is hereby authorized to  
2 accept gifts, grants, or  
3           grants-in-aid from any source. Any funds received through gifts, grants, or grant-in-aid were  
4 intended, jointly or their authorized designees, are hereby authorized to expend, obligate, encumber or  
5 otherwise commit these funds.

6           Section 19. Repealer. 1 CMC Section 2353 (f) is hereby repealed and subsequent subsections  
7 shall be relettered accordingly.

8           Section 20. Repealer. 1 CMC Sections 2371 through 2380 are repealed in their entirety.

9           Section 21. Severability. If any section of this Act should be declared invalid by a court of  
10 competent jurisdiction, the remainder of this Act shall not be affected thereby.

11           Section 22. Effective Date. This Act shall take effect upon its approval by the Governor, or upon  
12 its becoming law without such approval.

Introduced: 02/17/94

Introduced by: /s/ Jesus P. Mafnas  
REP. JESUS P. MAFNAS

/s/ Rep. Maria T. Peter