

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 5101. Definitions.

When used in this chapter, unless the context otherwise requires:

- (a) "Adult" means a person eighteen years of age or older.
- (b) "Commit to" means to transfer legal custody.
- (c) "Community-based program" means an in-home confinement program or a nonsecure or staff secure residential or nonresidential program operated to supervise and provide competency development to juvenile offenders in the least restrictive setting, consistent with public safety, operated by the Commonwealth or under contract with the Commonwealth.
- (d) "Court" means the Commonwealth Superior Court. "Juvenile court" means the Commonwealth Superior Court during the pendency of any matter falling under this chapter.
- (e) "Department" means the Department of Community and Cultural Affairs.
- (f) "Detention" means the temporary placement in physically restricting facilities of juveniles who require secure custody for their own or the community's protection, or for the juvenile's supervision and/or treatment.
- (g) "Director" means the Director of DYS.
- (h) "Diversion" means the utilization of local community resources, churches, counseling for the juvenile and/or family, substance abuse counseling, informal probation, community service work, voluntary restitution, or any other available service or program as an alternative to further proceedings in court.
- (i) "DYS" means the Division of Youth Services of the Department of Community and Cultural Affairs.
- (j) "Guardian ad litem" means a person appointed by the court to determine, monitor and advance the best interests of a juvenile, other minor child or other incompetent individual, including a juvenile within the jurisdiction of this chapter or a child subject to proceedings pursuant to Title 6, Chapter 3 of the Commonwealth Code, 6 CMC § 5311 et seq., during the course of legal proceedings. "Guardian ad litem" does not mean the attorney for the juvenile, other minor child or other incompetent individual. Rather, the guardian ad litem is an officer of the court who reports directly to the court, and who provides independent advice to the court (as compared to the attorneys advocating for one side or the other in the action) to bring balance to the decision-making process.
- (k) "Habitual status offender" means any juvenile who has been reported by the Public School System's School Attendance Review Committee, DYS, or the Department of Public Safety or a parent or guardian for commission of three status offenses within twelve months. A status offender may be charged, petitioned and adjudicated as a habitual status offender for the third status offense committed within that twelve month period.
- (l) "Judge" means a judge of the Commonwealth Superior Court.
- (m) "Juvenile" means any person less than eighteen years of age or who was less than eighteen years of age at the time of any act, commission or status bringing the person within the purview of this chapter.

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(n) "Juvenile detention center" means any Commonwealth operated, secure facility intended and operated only for the detention of juveniles, wherever located.

(o) "Juvenile offender" means a person under the age of eighteen years, committed by the court to the custody, care and jurisdiction of DYS following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult.

(p) "Legal custody" means the relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care.

(q) "Legal guardian" means a person appointed as guardian of a minor under the laws of the Commonwealth. For the purposes of this chapter, legal guardian does not include and shall not be construed to include any guardian ad litem, or the owner, operator or the agent of an owner or operator of a detention center, secure facility, work program, community based program other than an in-home confinement program, staff secure facility or other facility having temporary or long-term physical custody of the juvenile offender.

(r) "Secure facility" means any architecturally secure Commonwealth-operated facility or facility operated under contract with the Commonwealth which provides twenty-four hour supervision and confinement for juvenile offenders committed to the custody of DYS.

(s) "Staff secure facility" means a community-based program other than an in-home confinement program with awake staff twenty-four hours a day, seven days a week for intensive supervision of juveniles.

(t) "Status offense" means any act which, if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed "status offenders." Status offenses include truancy, curfew violation, and possession of alcoholic beverages or tobacco.

(u) "Truant" means a juvenile who fails to attend school as required by law, as set forth in 6 CMC § 5161.

(v) "Work program" means a public service work project which employs juvenile offenders at a reasonable wage for the purpose of reimbursing victims of the juvenile offender's delinquent behavior.

Source: PL 16-47, § 3(a), modified.

Commission Comment: The Commission created the title of this article; replaced public law section references with corresponding codified section numbers; changed "this act" to "this chapter;" and removed figures that repeated written words pursuant to 1 CMC § 3806(c), (d) and (e). PL 16-47, effective November 30, 2009, included severability and savings clause provisions and the following:

Section 1. Short Title. This Act shall be referred to as the "Juvenile Justice Act of 2008."

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Section 2. Finding, Policy, Purpose. The Legislature finds that the Commonwealth needs a comprehensive juvenile justice system that will be based on the following principles: accountability; community protection; and competency development. Where a juvenile has been found to be within the purview of the Juvenile Justice Act, the court shall impose a disposition that will protect the community, hold the juvenile accountable for his or her actions, and assist the juvenile in developing skills to become a contributing member of a diverse community. It is the policy of the Commonwealth that the parents or other legal guardians of the juvenile offender participate in the accomplishment of these goals through participation in counseling and treatment designed to develop positive parenting skills and an understanding of the family's role in the juvenile's behavior. The Legislature finds that the parents or legal guardians of the juvenile offender must be held accountable, where appropriate, through monetary reimbursement for supervision and confinement of the juvenile offender, and restitution to victims of the juvenile's delinquent acts. In enacting this legislation, the Legislature intends that the juvenile justice system shall encompass the following aspects: day treatment, education, community programs, probation services, observation and assessment of juveniles in residential settings, secure facilities for detained juveniles, and after-care and assistance for juveniles before they exit the juvenile justice system. The primary purpose of this Act is to provide a continuum of programs which emphasize the juvenile offender's accountability for his or her actions while assisting the juvenile offender in the development of skills necessary to function effectively and positively in the community in a manner consistent with public safety. These services and programs will individualize treatment and control of the juvenile offender for the benefit of the juvenile and the protection of society. Parents or other legal guardians are a vital part of the process. Where appropriate, parents or other legal guardians of the juvenile offender shall participate in counseling and treatment designed to develop positive parenting skills and an understanding of the family's role in the juvenile's behavior.

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Section 36. Construction. Construction - This Act shall be interpreted under the laws of the Commonwealth of the Northern Mariana Islands.