

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

**§ 5137. Disposition.**

(a) Upon the entry of an order finding the juvenile is within the purview of this chapter, the court shall then hold a hearing in the manner consistent with the Commonwealth Rules of Criminal Procedure to determine the disposition that best will promote accountability, competency development and community protection. Prior to the entry of an order disposing of the case, other than an order of discharge or dismissal, the court may request and, if requested, shall receive a report containing the results of an inquiry into the home environment, past history, competency development, prevention or out of home placement services provided, and the social, physical and mental condition of the juvenile. Upon presentation and consideration of the report by the court, the court may proceed to order disposition of the juvenile as follows:

(1) Place the juvenile on probation for a period not to exceed three years from the date of the order, except the court may place a juvenile on probation for a period not to exceed the juvenile's twenty-first birthday if the court finds that the juvenile has committed a crime of a sexual nature. Such period of probation may be imposed in addition to any period of detention, provided that no such period of probation may continue beyond the juvenile's twenty-first birthday;

(2) Commit the juvenile to a period of detention, pursuant to this chapter, for a period of time not to exceed ninety days for each unlawful or criminal act the juvenile is found to have committed, if the unlawful or criminal act would be a misdemeanor if committed by an adult, or where the juvenile has been adjudicated as a habitual status offender as defined in 6 CMC § 5101(k);

(3) If the juvenile has committed an unlawful or criminal act which would be a felony if committed by an adult, the court may commit the juvenile to detention for a period not to exceed three hundred sixty-five days for each unlawful or criminal act;

(4) Commit the juvenile to detention and suspend all or part of the disposition on specific probationary conditions;

(5) Whenever a court commits a juvenile to a period of detention, DYS shall notify the school that the juvenile attended prior to detention;

(6) The court may order that the juvenile be examined or treated by a physician, psychiatrist or psychologist, or that he receive other special care, or that he submit to an alcohol or drug evaluation, if needed, and for such purposes may place the juvenile in a hospital or other suitable facility;

(7) In support of an order under the provisions of this section, the court may make an additional order setting forth reasonable conditions to be complied with by the parents, the juvenile, his legal guardian or custodian, or any other person who has been made a party to the proceedings, including, but not limited to, restrictions on visitation by the parents or one parent, restrictions on the juvenile's associates, occupation and other activities, and requirements to be observed by the parents, guardian or custodian;

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(8) The court may make any other reasonable order which is in the best interest of the juvenile or is required for the protection of the public, except that no person under the age of eighteen years may be committed to jail, prison or a secure facility which does not meet the standards set forth in this chapter unless jurisdiction over the individual has been waived pursuant to 6 CMC § 5124.

(9) The court may combine several of the above-listed modes of disposition where they are compatible;

(10) An order under the provisions of this section for probation or placement of a juvenile with an individual or an agency may provide a schedule for review of the case by the court;

(11) Order such other terms, conditions, care or treatment as appears to the court will best serve the interests of the juvenile and the community;

(12) Notwithstanding any other provision of this section, a court may not commit a juvenile offender under the age of ten years to a period of detention or to the custody of DYS of juvenile justice for placement in secure confinement;

(13) Notwithstanding any other provision of this section, no juvenile who is found to come within the purview of this chapter for the commission of a status offense shall be remanded to detention in a detention facility unless an adjudication has been made that the juvenile is a habitual status offender; or

(14) The court, in addition to any other judgment it may make regarding the juvenile, may render judgement that the parent, guardian, or person having the control or charge of the juvenile shall deliver the juvenile to school and/or escort him to each class or program designated by school authorities;

(b) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order the juvenile or his parents or both to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile's conduct in accordance with the standards and requirements 6 CMC § 4109. Court-ordered restitution shall be paid prior to any other court-ordered payments unless the court specifically orders otherwise.

(c) The court may order any non-indigent juvenile's parents, legal guardian or custodian to pay the charges imposed by community programs ordered by the court for the juvenile, or the juvenile's parents, legal guardian or custodian.

(d) Any parent, legal guardian or custodian violating any order of the court entered against the person under the provisions of this chapter shall be subject to contempt proceedings under the provisions 6 CMC § 3307.

**Source:** PL 16-47, § 18, modified.

**Commission Comment:** The Commission changed the order of this section from its original placement in PL 16-47; changed public law section references to the corresponding codified section numbers; replaced "Act" with "chapter;" and removed figures that repeated written words pursuant to 1 CMC § 3806(b), (c), (d) and (e).