The Honorable Benigno R. Pitial  
Speaker, House of Representatives  
Third Northern Marianas Commonwealth legislature  
Saipan, CM 96950


and

The Honorable Olympic T. Borja  
President of the Senate  
Third Northern Marianas Commonwealth legislature  
Saipan, CM 96950

Dear Mr. Speaker and Mr. President:

I am pleased to inform you that I have signed into law House Bill No. 265, H.D.1, entitled, "To strengthen the Division of Youth Services; to repeal Sections 7 through 11 of Chapter 7 of Title I of Public Law no. 1-8, as amended by Public Law 2-19; to enact Sections 7 through 12 of Chapter 7 of Title I of public Law 1-8; and for other purposes," which was passed by the Third Northern Marianas Commonwealth Legislature.

This bill is essential for the clarification of duties and authority given to the Division of the Youth Services.

House Bill No. 265, H.D.1 becomes Public Law No. 3-67. Copies bearing my signature are forwarded herewith for your reference.

Sincerely,

PEDRO P. TENORIO  
Governor

CC: Special Assistant for Programs and Legislative Review
AN ACT

To strengthen the Division of Youth Services; to repeal Sections 7 through 11 of Chapter 7 of Title I of Public Law No. 1-8, as amended by Public Law 2-19; to enact Sections 7 through 12 of Chapter 7 of Title I of Public Law 1-8; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Purpose. This Act corrects jurisdictional and administrative problems experienced by the Division of Youth Services under Public Laws 1-8 and 2-19. The bill will strengthen the ability of the Division of Youth Services to perform its job in several key areas.

Section 2. Repealer. Sections 7 through 11 of Chapter 7 of Title I of Public Law No. 1-8 are repealed.

Section 3. Amendment to Public Law No. 1-8. Chapter 7 of Title I of Public Law No. 1-8 is amended to add Sections 7 through 12 to read as follows:

"Section 7. Definitions.

a) "Administrator" means the administrator of the Division of Youth Services.

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

c) "Division" means the Division of Youth Services."
d) "Non-secure Care" means the maintenance in custody of a juvenile in a dwelling or institution, which is characterized by the absence of physically restricting construction, hardware, and procedures, and which provides twenty-four hour care, custody, and control to the minors in residence. Such residential care may be provided by:

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

   (ii) An association, society, or corporation which has as one of its objectives the purpose of caring for minors; or

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

e) "Secure Care" means the maintenance in custody of a juvenile in a residential facility, which is used only for the placement of adjudicated delinquent children and in which the staff control the rights of the delinquent children to enter or leave the facility.
Section 8. Division of Youth Services: Duties and Responsibilities. The Division shall:

a) Provide services and programs to the youth of the Commonwealth, including but not limited to recreational services, individual and group counseling, outreach, employability development, and substance abuse prevention activities;

b) Make referrals when certain services are best provided by other agencies within the Commonwealth Government or by other entities within the community;

c) Assist community groups which provide or sponsor programs and services beneficial to youth; help those groups obtain access to community facilities and resources, and provide training to those groups on relevant topics. However, nothing in this act shall be construed to require the Division to provide those groups with either material or financial support;
d) Collect, analyze, and disseminate information and research data concerning youth needs and youth problems in the Commonwealth;

e) Provide secure care for those youth whom the juvenile court has determined require temporary custody for their own protection or that of the community. Those youth include adjudicated delinquent children or youth under juvenile court jurisdiction who have violated a valid court order.

f) Provide non-secure care for those youth who require temporary custody for their own protection or well-being;

g) Approve arrangements for the use of private homes and public and private residential care facilities for the secure and non-secure care of juveniles under the custody of either the court or the Division.

h) Investigate and certify all prospective foster parents and homes, or cause such investigation and certification to occur, for the placement of juveniles by the Commonwealth courts or the Division of Youth Services. The certification shall be
consistent with criteria to be promulgated by
the Division in a manner conforming to the
Trust Territory Code, Title 17, and shall have
the objective of ensuring a safe, healthy, and
moral environment for a juvenile placed there.
The certification shall be renewed annually
from the date of original certification and
may be voided by the Division's administrator
when the foster setting is found by the
Division's administrator to be in violation
of certification criteria. The foster home may
be recertified once it is in compliance with
certification criteria. No juvenile may be
placed in a foster home or a residential care
facility, which is supported by the Commonwealth
Government and which is not certified by the
Division.

1) Provide parent effectiveness training
to those youth and families who have come under
the jurisdiction of the Division and to other
persons in the community.

j) Assume custody of youth who are
referred to the Division by the Department of
Public Safety or by the court;
k) Provide those services to youth who are referred to the Division after adjudication by the court, which are consistent with the orders of the court and which are conducive to the rehabilitation of the youth. Such services may include but are not limited to: probation supervision, counseling, public service, restitution, non-legal advocacy, placement in residential and non-residential treatment programs, and foster care.

l) When requested, provide to the court written reports, which contain background information on the adjudicated youth and a recommendation for the rehabilitation of the youth. The Division shall also provide written reports every six months on the progress of each youth referred to the Division, a copy of which will be submitted to the youth and to the judge of the juvenile court. The Division shall orally explain the contents of the report to the youth.

m) Provide or arrange for the production of home studies for the courts in the Commonwealth and in other jurisdictions when a resident of the Commonwealth is a party to an adoption or a long term residential placement.
Section 9. Separation of Juveniles from Adults.

Juveniles assigned to secure care shall be kept apart from adult offenders by at least sight and sound.

Section 10. Access to Information. The Division staff shall have access to all official records of the courts, schools, hospital and other public and private agencies, which concern youth who have been referred to the Division and for whom the Division staff believe it is necessary to conduct an investigation or produce an official report. Such reports shall be maintained in confidence by the Division and its staff, except that the court and others ordered by the court or required by statute shall have access to the reports.

Section 11. Staff. Within its budgetary appropriation, the Division of Youth Services may employ staff to assist it in performing its duties. Such staff shall be members of the Civil Service.

Section 12. Grants. The Division is hereby authorized to accept gifts, grants, or grants-in-aid from any source. Any funds received through gifts, grants, or grants-in-aid and their source, nature and value shall be separately documented and recorded for accounting and reporting purposes, and shall be reported to the Governor and the Legislature. All such funds shall remain available for expenditure by the Division.
and shall not revert to the General Fund. The Director of Community and Cultural Affairs and the Division administrator, jointly or their authorized designees, are hereby authorized to expend, obligate, encumber or otherwise commit those funds."

Section 4. Effective Date. This act shall take effect upon its approval by the Governor, or upon its becoming law without such approval.

ATTEST:

Benigno A. Fitial
Speaker of the House

Olympio T. Borja
President of the Senate

Herbert S. Del Rosario
Chief Clerk

Ignacio K. Quichocho
Senate Legislative Secretary

August 11, 1983

Pedro P. Tenorio
Governor
Commonwealth of the Northern Mariana Islands
To strengthen the Division of Youth Services; to repeal Sections 7 through 11 of Chapter 7 of Title I of Public Law No. 1-8, as amended by Public Law 2-19; to enact Sections 7 through 12 of Chapter 7 of Title I of Public Law 1-8; and for other purposes.

Offered by Representatives Jesus A. Sonoda, Miguel M. Sablan, Misael H. Ogo, Vicente C. DL Guerrero, Jose M. Taitano, Juan B. Camacho and Martin M. Taisacan

Date: February 8, 1983

House Action
Referred to: Committee on Judiciary and Governmental Operations
Standing Committee Report No. 3-133
First and Final Reading: May 19, 1983

Senate Action
Referred to: Committee on Judiciary, Government Law
Standing Committee Report No. 3-238
First and Final Reading: July 7, 1983