

YRTC Bills July 2020

[LB1140 \(Final Reading\)](#)

- Defines and provides authorizing language for NDHHS-run “youth rehabilitation and treatment centers”.
- Includes provisions of LB 1141 which require a five-year operations plan developed with stakeholder input and submitted to the Legislature and annual reporting on key performance measures.
- Includes provisions of LB 1143 that require NDHHS to create emergency plans for natural disasters, etc. that make buildings uninhabitable and require immediate relocation of youth.
- An amendment adopted on Select File requires the agency to hold off on any movement of children between facilities until the strategic plan is finalized and returned to the Legislature (by March 2021).
- Fiscal note: \$100,000

[LB1144 \(Final Reading\)](#)

- Creates additional reporting requirements to the Inspector General regarding critical incidents and leadership changes at YRTCs
- Provides inspection and reporting requirements for the Public Counsel to the Legislature of NDHHS facilities
- Creates a special oversight committee of the Legislature to investigate and make recommendations regarding YRTCs
- No fiscal note

[LB1188 \(Final Reading\)](#)

- Requires NDHHS to establish Superintendent positions to oversee educational program at YRTCs
- Includes provisions of LB 1149 that require NDHHS to center evidence-based treatment programming, practices, policies and procedures. Statutory clean-up strikes significant pages of outdated language from statute. Prohibits the practice of limiting family contact as a sanction for behavior.
- Includes provisions of LB 1147 placing responsibility for regular incidental maintenance of facility buildings with NDHHS rather than DAS, but keeping responsibility for major repairs/building integrity/purchasing/contracting with DAS.
- Includes Brandt amendment AM 2769, requiring that as long as they exist the named facilities of Kearney and Geneva be gender specific (boys and girls, respectively) and that any other facilities run by NDHHS shall “ensure safe and appropriate gender separation” by July 2021.
- There was discussion on Select File about DHHS’ proposed plan to close Geneva and move the girls to Hastings instead. Sen. Brandt had initially brought a bill that would have forced NDHHS to reopen Geneva by July 2021, but AM 2769 replaced that bill and does not exactly require that. He brought an amendment to this bill on Select File to do so, but withdrew it after 1140 passed with the amendment requiring a comprehensive strategic plan prior to any closure or

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movement. He stated he would bring it back if it appeared that NDHHS does not operate with inclusive strategic planning to create the long-term plan for youth

- No fiscal note: There was originally a \$12 million fiscal note to rebuild and refit Geneva campus. DHHS withdrew the \$12 million off after publishing the proposed plan moving girls to Hastings.

[LB1148 \(Final Reading\)](#)

- Creates ongoing juvenile court oversight when a youth is committed to YRTC and sets out procedures for regular review hearings AND emergency review hearings at the request of any party. At a review hearing the court can also consider early discharge, with a list of factors to be considered.
- Requires the juvenile court order committing a youth be an order of commitment to a particular facility and requires NDHHS provide 7-day notice to all parties and opportunity for objection and hearing whenever they intend to move a youth between facilities.
- A compromise amendment with NDHHS adopted on Select File permits the agency to be a legal party to the initial commitment hearing and any hearings that would occur during the course of commitment, so they can explain why they wish to place a youth in a particular placement etc. The youth's physical attendance at any hearings is required, but the amendment permits courts to determine whether staff in-person presence is required and parents are to be notified but are not necessary parties to these hearings.
- The other bills included in the LB 1148 package relate to reporting calls to the child abuse and neglect hotline and how video recordings of child advocacy center interviews may/may not be sought, used, and kept for court purposes.
- Fiscal Note: \$107, 980 current SFY, \$199,961 in 2021 SFY