



North Dakota Attendant Care

Program Guidelines

Effective January 1, 2023

Purpose

North Dakota's Attendant Care Program provides funding assistance to local government to operate non-secure "holdover" sites for youth picked up by law enforcement due to a delinquent charge and need short-term supervision on a pre-adjudicatory basis. Attendant Care is meant to be an alternative to secure juvenile detention. Attendant Care requires the constant supervision of a juvenile in a non-physically secure setting.

In general, Attendant Care services:

- ✓ Provide a non-secure alternative for the supervision of juvenile offenders;
- ✓ Allow law enforcement to return to their regular duties more rapidly;
- ✓ Reduce state and local liability; and
- ✓ Provide a best practice option for low level juvenile offenders as research has demonstrated that secure holding can have inadvertent negative outcomes.

Jurisdictions requesting Attendant Care reimbursement are to designate an individual who is authorized to approve, coordinate, and/or direct the use of Attendant Care services. Attendant Care services can be provided directly by the local jurisdiction or by a private agency operating on their behalf. The local jurisdiction should ensure all procurement rules and procedures are followed in choosing a provider of services.

Background

The Attendant Care Program was developed in 1989 and brought North Dakota into compliance with the core requirements of the federal Juvenile Justice and Delinquency Prevention (JJDP) Act by providing a plan for the removal of juveniles from adult jail facilities and status offenders from secure detention facilities. As a result of the Program, North Dakota has been able to demonstrate compliance with the JJDP Act since 1990 and maintain its eligibility for continued federal funding. Since implementation of the program, instances of juveniles being held in adult jail facilities have been almost eliminated.

Reimbursement of Attendant Care services, as further outlined below, is provided with funding from the U.S. Department of Justice pursuant to the JJDP Act. The funding is awarded to the North Dakota Department of Corrections and Rehabilitation, Division of Juvenile Services, and administered by the North Dakota Association of Counties (NDACo).

Attendant Care Setting

Attendant Care services must be provided in a non-secure facility or a non-secure area of a public facility. Attendant Care sites must provide:

- A minimum of eighty square feet of floor space;
- Access to bathroom facilities;
- Chairs and/or couches sufficient to allow all juveniles and attendant care workers a place to sit;
- Access to telephone or other communications for contact of backup or emergency personnel;
- The capability to prepare meals or have meals delivered; and
- Adequate lighting to allow visual supervision of juveniles at all times.

Additionally, an Attendant Care site (including furnishings) must comply with all federal, state, and local fire, sanitation, safety, and health codes. The site must also comply with any applicable zoning requirements for such facilities. A site evacuation plan needs to be posted.

Approval of the location for Attendant Care services must be obtained prior to reimbursement being sought.

Funding Reimbursement

Reimbursement of costs associated with providing Attendant Care services are allowed for those juveniles who have been taken into law enforcement custody due to a delinquent charge and cannot be immediately released to a parent or guardian. Placements into Attendant Care must be made by law enforcement. Attendant Care is designed for juveniles who are awaiting release to a parent/guardian or a court hearing and their suspected offense or criminal history does not warrant placement in a physically secure setting (i.e. alternative to secure detention).

Attendant Care reimbursement can be sought only for the time in which the juvenile is being held pursuant to the delinquent charge. If the juvenile is no longer awaiting release to a parent/guardian or a court appearance, the costs associated with supervision are no longer eligible for Attendant Care reimbursement.

Attendant Care placement is generally 24 hours or less; however, reimbursement is allowed for up to 96 hours prior to a court hearing. Youth held longer than 48 hours need verification from the Juvenile Court that an extended stay is necessary. Under no

circumstances will reimbursement be allowed for a placement after a court appearance or exceeding the time limit outlined unless approval is received.

Services may be provided at the discretion of the local jurisdiction or operating agency as a temporary placement option for juveniles who have no charges pending, no longer need to be held pursuant to charges, and/or have undergone an initial hearing; however, the costs associated with the placement are not eligible for reimbursement.

The following items are eligible for Attendant Care reimbursement and should be submitted using the template found at:

➤ Direct Supervision – stipends for Attendant Care workers will be reimbursed at:

- Day-Time Hours (8:00 am – 5:00 pm): \$22.00 per hour for starting workers
- Night and Weekend Hours: \$25.00 per hour for starting workers

Hourly wages can be increased by 4% per year of service. Applicable payroll taxes are also eligible for reimbursement.

➤ On-call Stipends – sites that schedule Attendant Care workers on an on-call basis are eligible for reimbursement of an on-call stipend of \$100 per week. Sites that have more than 70 placements per year on average may negotiate an additional amount for an on-call stipend if deemed necessary. An on-call holiday stipend will be allowed in addition to the regular on-call stipend for New Year's Day, Easter, Memorial Day, the Fourth of July, Labor Day, Thanksgiving, and Christmas at \$100 per site per holiday.

➤ Staff Meetings – stipends for Attendant Care workers to attend staff meetings are eligible for reimbursement. Documentation of the meetings must be maintained (i.e. date/time/attendance record).

➤ Training Stipends – stipends for Attendant Care workers to attend scheduled training will be provided as follows:

- Initial Training - up to 20 hours of reimbursement is allowed for new Attendant Care workers to receive training prior to their providing direct supervision. It is required that all Attendant Care workers receive training on: operating procedures; juvenile's rights; confidentiality; crisis intervention; behavior management; de-escalation; medication protocol; suicide awareness; and child abuse and neglect.

- CPR/First Aid Training – up to 8 hours will be reimbursed for Attendant Care workers to receive CPR/First Aid training (required of all workers). In addition, the cost associated with the course is reimbursable.
- Job Shadowing – up to 20 hours of reimbursement is allowed for new Attendant Care workers to job shadow existing workers.
- Ongoing Training – up to 20 hours of reimbursement is allowed per year for Attendant Care workers to receive training related to issues involving at-risk youth such as de-escalation, drug/alcohol abuse, adolescent development, cultural awareness/diversity, effective communication, etc. Training records should be maintained.
- Training Expenses – fees or expenses associated with training materials, courses or speakers may also be eligible for reimbursement with advance approval.
- Meals – meals for juveniles and workers for the time during which Attendant Care services are provided are eligible for reimbursement and not exceed state rates. The state rates for meals can be found at the ND Office of Management and Budget's website.
- Supplies – miscellaneous supply purchases are eligible for reimbursement. Supply items that exceed \$50 will need prior approval.
- Equipment – equipment is defined as tangible personal property have a useful life of more than one year and per-unit acquisition costs of \$5,000 or more. A request for equipment purchases should be made in writing documenting the item to be purchased, the need for the item, and several estimates.
- Publication and Recruitment Materials - the direct costs of recruitment of Attendant Care workers, such as newspaper or radio advertisement, notices, and materials are eligible for reimbursement.
- Criminal Background Check – the direct costs associated with conducting the required criminal background check on new Attendant Care workers is eligible for reimbursement.

Any items not listed above will require prior approval and/or need to be negotiated in advance for reimbursement of expenses.

Requests for Attendant Care reimbursement should be submitted on a monthly basis (one bill for each month of the calendar year) and provide a clear break out of each of the costs

listed above. The placements in which reimbursement is being requested must be listed on the reimbursement request (use the designated tracking number - refer to the reporting section). Receipts or copies of purchase orders for supplies, equipment, recruitment costs, and criminal background checks must be maintained. Payroll documentation does not need to be provided with the reimbursement request but should be kept in a file as supporting documentation if requested. A brief description of each placement in Attendant Care must be provided either prior to or with the monthly reimbursement request. Payment will be made to the sponsoring local agency; there will be no direct payments to Attendant Care workers, suppliers or vendors.

If Attendant Care services are provided in conjunction with other services (i.e. assessment, short term care, shelter care, etc.), costs other than direct supervision and meals should be billed on a pro-rata basis.

Federal funds provided for Attendant Care services cannot be used to supplant existing funds that have been provided for the services. For example, if the local jurisdiction has been covering costs associated with training or meals, federal funds cannot now be used in place of the existing funds.

Attendant Care Workers

In order for Attendant Care services to be eligible for reimbursement, Attendant Care workers have to be at least 18 years of age, successfully complete a criminal background check, and gone through CPR/first aid training. The local jurisdiction or private agency contracting to provide the service may establish additional requirements as determined appropriate at the local level. The local jurisdiction or private agency is responsible for recruiting and hiring Attendant Care workers and initiating the required criminal background check.

Attendant Care workers can be recruited to act as “quasi-volunteers” of the local jurisdiction or private agency providing Attendant Care services. However, workers may fall under the definition of “employee” with respect to social security, unemployment compensation, and workers compensation. These interpretations must be made by the local jurisdiction or private agency upon the advice of the state's attorney or legal counsel.

The presence and actions of Attendant Care workers do not reduce or remove the existing responsibilities of law enforcement or court personnel with respect to the process and protections detailed in NDCC 27-20.4.

In the event that more than one juvenile needs supervision, multiple Attendant Care workers may be warranted. The cost associated with having additional workers will be reimbursed if determined that the number and/or behavior of the juvenile(s) warrant more than one attendant. At least one Attendant Care worker needs to be providing face-to-face supervision at all times. In no case should workers be scheduled for more than a 12-hour shift.

Attendant Care Operating Procedures

The local jurisdiction or private agency designated to provide the service must develop specific Attendant Care operating policies and procedures. These policies and procedures must include:

- Who can authorize the use of Attendant Care and who can direct the actions of the Attendant Care workers on behalf of the local jurisdiction;
- Who can authorize the release of juveniles from Attendant Care;
- Process for notifying the Juvenile Court within 24 hours of placement;
- What role, if any, the Attendant Care workers will play in attempts to contact parents or other responsible relatives;
- Whether visitation of the juvenile will be allowed in any instance;
- The duty of Attendant Care workers to report a juvenile's behavior, condition, and/or conversation with law enforcement and juvenile court officials, and their responsibilities with respect to notifying the juveniles of this duty, as well as the duty to report suspected child abuse in compliance with state law;
- Requirements to maintain a log of the juvenile's activities and condition during supervision (the use of a log is recommended for the protection of the worker and the local jurisdiction or private agency);
- Process for transferring supervision responsibility from one worker to another;
- Responsibility of law enforcement to search juveniles prior to supervision (it is recommended that Attendant Care workers not search juveniles);
- Confiscation and return of personal belongings of the juvenile;
- Methods of responding to juveniles who exhibit unacceptable behavior while in Attendant Care, including any non-contact sanctions that may be used to control unacceptable behavior (training provided to Attendant Care workers should include instruction in avoiding confrontation and caution workers concerning contact);
- Steps necessary to contact law enforcement backup and emergency personnel;
- Process by which meals can be obtained;
- Use and supervision of restroom facilities by juveniles and/or workers;
- Posting of required notices and orders concerning protection of juveniles and the evacuation of the site in the event of an emergency.

Reporting and Records Retention

All county or multi-county facilities securely detaining juveniles are required to submit Juvenile Detention Record forms (SFN 17080) or their electronic equivalent to the Department of Corrections and Rehabilitation. A copy of this form has been included in Appendix A. Those jurisdictions that participate in the Attendant Care Program will be required to submit this data for juveniles placed in Attendant Care, indicating that specific type of setting. The tracking number designated for the record should be included with the Attendant Care request for reimbursement.

If supervision services are provided but not eligible for Attendant Care reimbursement, as more fully discussed above, the type of setting for the placement should be reported as “other non-secure setting”.

Attendant Care records, including payroll records for Attendant Care workers, should be kept a minimum of six years.

Contact Information

For more information regarding Attendant Care services contact Lisa Jahner at the NDACo at 701-328-7300/1800-932-8730 or via email at ljahner@ndaco.org.



NORTH DAKOTA JUVENILE DETENTION RECORD

DEPARTMENT OF CORRECTIONS AND REHABILITATION
DIVISION OF JUVENILE SERVICES

Tracking Number: _____

FACILITY:

Detention Setting: ☐ Attendant Care ☐ Other Non-Secure ☐ Juvenile Detention ☐ Jail ☐ Police Lockup ☐ Court Holding Facility

SUBJECT Name (Last, First, M.): _____

Gender: ☐ Male ☐ Female ☐ Transgender
☐ Non-Gendered ☐ Unknown

Date of Birth (MM/DD/YY): _____

Race: ☐ American Indian ☐ Asian ☐ Black

Address: _____

☐ Other/Mixed ☐ Pacific Islander ☐ White

County of Residence: _____

Ethnicity: ☐ Non-Hispanic ☐ Hispanic

PLACING AGENCY:

Agency Type: ☐ Sheriff ☐ Police ☐ School Officer ☐ Highway Patrol ☐ Federal ☐ Tribal ☐ DJS ☐ Social Services ☐ Court

DETENTION SCREENING TOOL:

SCORE = _____

Mandatory Hold: ☐ Out of State Hold ☐ Court Order ☐ Court Order for Failure to Appear ☐ Not Applicable

Detention Override: ☐ Crime Involved Weapon ☐ Allegation of Sex Offense with Access to Victim ☐ No Responsible Parent/Adult
☐ Danger to Self/Others ☐ Not Applicable

DETENTION EVENTS

Received			Released			Receive/Release Comments
Date	Time	Legal Status	Date	Time	Release Status	
1						
2						
3						
Legal Status: AD Awaiting Detention Hearing AT Awaiting Hearing on Charges AP Awaiting Probation Revocation Hearing DD Detention Pursuant to Drug Court Order TR Awaiting Transfer/Transportation PC Protective Custody			Release Status: AP Released to Parent or Other Authority TE Temporary Release for Court Hearing TS Transfer to Secure Facility TM Transferred to Medical/Psychiatric Facility TN Transferred to Non-Secure Program EX Escaped or Ran from Facility			Was juvenile alcohol or drug intoxicated when brought to the facility? <input type="checkbox"/> Yes <input type="checkbox"/> No Who was juvenile released to (name/relation)? _____

REASON FOR DETENTION - check applicable offenses below:

Part 1 Violent Index Crimes:	Property Offenses:	Public Order Offenses (cont.):
<input type="checkbox"/> Murder/Non-negligent Manslaughter/Attempted	<input type="checkbox"/> Damaging Property (Arson/Criminal Mischief/Vandal)	<input type="checkbox"/> Weapons Violation
<input type="checkbox"/> Gross Sexual Imposition	<input type="checkbox"/> Breaking & Entering (Burglary/Criminal Trespass)	<input type="checkbox"/> Traffic Violation (Driving Under the Influence)
<input type="checkbox"/> Robbery	<input type="checkbox"/> Unauthorized Use of Motor Vehicle	<input type="checkbox"/> Traffic Violation (Other than DUI)
<input type="checkbox"/> Aggravated Assault	<input type="checkbox"/> Theft of Motor Vehicle	<input type="checkbox"/> Other Public Order Offense
	<input type="checkbox"/> Shoplifting	<input type="checkbox"/> Liquor Violation (MIP/MIC, attempting purchase)
	<input type="checkbox"/> Other Theft Offense	
Person Offenses:	Public Order Offenses:	Children in Need of Services (CHINS):
<input type="checkbox"/> Homicide (Manslaughter/Negligent)	<input type="checkbox"/> Forgery/Counterfeiting/Making Slugs	<input type="checkbox"/> Curfew/Loitering
<input type="checkbox"/> Sex Offense (Other than GSI)	<input type="checkbox"/> Other Property Offense	<input type="checkbox"/> Truancy
<input type="checkbox"/> Assault (Simple - Family)		<input type="checkbox"/> Ungovernable Behavior
<input type="checkbox"/> Assault (Simple - Non-Family)	<input type="checkbox"/> Disorderly Conduct	<input type="checkbox"/> Runaway (from Placement Facility)
<input type="checkbox"/> Reckless Endangerment	<input type="checkbox"/> Willfully Disturb a Public School	<input type="checkbox"/> Runaway (from Home)
<input type="checkbox"/> Terrorizing	<input type="checkbox"/> Controlled Substances (Possession/Use/Equipment)	<input type="checkbox"/> Other:
<input type="checkbox"/> Menacing	<input type="checkbox"/> Controlled Substances (Manufacture/Deliver)	
<input type="checkbox"/> Criminal Coercion	<input type="checkbox"/> Escape (from Secure Facility)	Other (Non-Offenses):
<input type="checkbox"/> Harassment/Stalking	<input type="checkbox"/> False Statements/Perjury	<input type="checkbox"/> Probation Violation (list underlying charge): _____
<input type="checkbox"/> Contact by Bodily Fluids	<input type="checkbox"/> Contempt/Failure to Appear/Disobedience of Judicial Order	<input type="checkbox"/> Pickup Order (list underlying charge): _____
<input type="checkbox"/> Kidnapping/Felonious Restraint	<input type="checkbox"/> Obstruction/Preventing Arrest/Fleeing	<input type="checkbox"/> Custody Review (list underlying charge): _____
<input type="checkbox"/> Other Person Offense	<input type="checkbox"/> Obscenity (Disseminate/Promote/Perform)	<input type="checkbox"/> Deprivation/Protective Custody