



North Dakota Attendant Care

Program Guidelines

Effective January 1, 2026

www.ndaco.org/attendant-care

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 on a delinquency allegation and in need of short-term supervision on a pre-adjudicatory basis.¹ Consistent with N.D.C.C Chapter 27-20.4, Attendant Care is a non-secure custody option available for youth ages 10 through 17 who are subject to the jurisdiction of the juvenile court. Placements into Attendant Care must be made by law enforcement.

The program provides constant supervision in a non-physically secure setting and is designed for youth who are awaiting release to a parent/guardian, or a court hearing and their suspected offense or criminal history does not warrant placement in secure detention. Youth placed into Attendant Care remain subject to the timeframes and procedural protections established under N.D.C.C. § 27-20.4-09.

In general, Attendant Care services:

- Provide a safe, non-secure alternative for the temporary supervision of youth alleged to have committed delinquent acts;
- Enable law enforcement officers to return to other public safety responsibilities more quickly by reducing the time required to supervise youth pending parental pickup or placement decisions;
- Reduce state and local liability by ensuring youth receive appropriate supervision in a structured setting that complies with statutory requirements; and
- Promote the use of developmentally appropriate, least restrictive interventions, consistent with research demonstrating that unnecessary exposure to secure detention can increase the likelihood of future system involvement and other negative outcomes for low-risk youth.

Funding for Attendant Care is available to any city, county or tribe that would like to establish a site. 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.

Attendant Care sites are considered local programs and thus the local jurisdiction and/or service provider assumes all legal and financial responsibility for the program.

¹ Youth may be placed on a citable delinquent offense as the intent is not to require a formal citation to access services.

Background

The Attendant Care Program was developed in 1989 to help North Dakota comply with the core requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP A) by providing a non-secure alternative for youth who might otherwise be held in adult jail or secure detention facilities. Since 1990, the program has enabled North Dakota to maintain compliance with the JJDP A and remain eligible for federal funding. In addition, the use of adult jails for youth has been virtually eliminated since the program's implementation.

Funding for Attendant Care services is provided through the U.S. Department of Justice pursuant to the JJDP A. 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 Operations

Attendant Care services must be provided in a non-secure facility or a non-secure area of a public facility. Approval of the location for Attendant Care services must be obtained prior to beginning operation.

To be eligible for Attendant Care reimbursement, local sites must:

- Designate an individual who is authorized to approve, coordinate, and direct the use of Attendant Care services;
- Employ a qualified supervisor of the Attendant Care program to oversee operations, policy, and staffing;
- Make advance determinations of suitability for all individuals that will be interacting with the youth placed into Attendant Care, and at least every five years update the searches used to make the determination;
- Provide twenty-four-hour supervision for all Attendant Care placements;
- Provide access to twenty-four-hour on call for immediate placement, as applicable;
- Establish policy and procedures specific to Attendant Care program operations, as more fully detailed below;
- Ensure workers have received the required training, as detailed below, prior to supervising youth;
- Keep a log of the youth's behavior during placement;
- Report any incidents that resulted in or could have resulted in injury to people or damage to property;
- Post an evacuation plan;

- Comply with all federal, state, and local zoning, fire, sanitation, safety, and health laws, codes, and/or ordinances;
- Schedule regular inspections by the local fire department as determined necessary for ensuring fire safety;
- Install smoke and carbon monoxide detectors, where applicable;
- Ensure adequate lighting, heat, and ventilation;
- Provide furnishings suitable to the needs of all residents;
- Ensure appropriate separation of youth depending upon classification, age, and gender;
- Provide storage to lock all medications and supplies; and
- Establish a daily routine for youth in placement; and
- Maintain general comprehensive liability insurance.

Attendant Care Operating Policies & 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 should 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 admission and release of youth from Attendant Care;
- Protocol for accepting and caring for youth that have been drinking or using drugs;
- Process for notifying the Juvenile Court of the placement within 24 hours;
- What role, if any, the Attendant Care workers will play in attempts to contact parents, guardians, or other responsible relatives;
- Whether visitation of the youth will be allowed in any instance;
- The duty of Attendant Care workers to report a youth's behavior, condition, and/or conversation with law enforcement and juvenile court officials, and their responsibilities with respect to notifying the youth of this duty, as well as the duty to report suspected child abuse or neglect in compliance with state law;
- Requirements to maintain a log of the youth'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 the youth prior to supervision (it is recommended that Attendant Care workers not do the search);
- Confiscation and return of personal belongings of the youth;

- Methods of responding to youth 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 youth and/or workers;
- Dispensing and storage of medication;
- Nondiscrimination policy;
- Policies related to the hiring and firing of workers;
- Roles and responsibilities of workers;
- Training requirements for workers;
- Confidentiality policies and procedures;
- Disaster planning to include fire, power outages, or inclement weather; and
- Record retention policy and procedures.

Attendant Care Workers

Attendant Care workers need to be at least 20 years of age, successfully complete a criminal background checks as well as a child abuse and neglect check, and be certified in CPR/first aid. More specifically, **a fingerprint search is required and the following websites/registries must be used** when conducting the checks: (a) The Dru Sjodin National Sex Offender Public Website; (b) The website/public registry for each state in which the worker has lived, worked or gone to school at any time during the past five years, including North Dakota. It is required that these searches be updated at least every five years and a list maintained of the workers, the date checks were done, and corresponding findings.

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 function 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.

Attendant Care workers should be properly trained prior to supervising youth. It is required that all Attendant Care workers receive training on operating procedures, youth's rights, confidentiality, crisis intervention, behavior management, de-escalation, medication protocols, suicide awareness and prevention, and child abuse and neglect. Training records need to be maintained and available for review.

If more than one youth is placed into Attendant Care at the same time, multiple workers may be warranted. The cost associated with having additional workers will be reimbursed if determined that the number and/or behavior of the youth warrant more than one worker. In no case should workers be scheduled for more than a 12-hour shift.

Funding Reimbursement

Attendant Care reimbursement is allowed for up to 96 hours in accordance with NDCC 27-20.4-09; however, youth held longer than 48 hours should have 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 youth who have no citable charges or have undergone an initial hearing on charges; however, the costs associated with the placement are not eligible for reimbursement.

The following items are eligible for reimbursement as part of Attendant Care services:

- Direct Supervision – stipends for Attendant Care workers will be reimbursed at:
 - Daytime 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. A record should be maintained that documents each workers' years of service and applicable wage increases. Applicable payroll taxes are also eligible for reimbursement.

- On-call Stipends – the local jurisdiction or operating agency may negotiate an amount for an on-call stipends if deemed necessary.

- Staff Meetings – stipends for Attendant Care workers to attend staff meetings are eligible for reimbursement. Documentation of the meetings must be maintained (date/time/attendance record).
- Training Stipends – stipends for Attendant Care workers to attend scheduled training will be provided as follows. Documentation of the meetings must be maintained (i.e. date/time/attendance record).
 - Initial Training - up to 16 hours of reimbursement is allowed for new Attendant Care workers to receive training prior to providing direct supervision.
 - CPR/First Aid Training – up to 8 hours is allowed 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 16 hours of reimbursement is allowed for new Attendant Care workers to job shadow existing workers.
 - Ongoing Training – up to 16 hours of reimbursement is allowed per year for workers to receive ongoing training. 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 the youth for the time during which Attendant Care services are being provided are eligible for reimbursement but cannot exceed state per diem rates. Meals for workers are not eligible for reimbursement.
- 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 having a useful life of more than one year and per-unit acquisition cost that equals or exceeds the lesser of the agency’s established capitalization level, or \$10,000. A request for equipment purchases should be made in writing documenting the item to be purchased, the need, along with cost estimates from at least three vendors.
- Publication and Recruitment Materials - the direct costs of recruitment of Attendant Care workers, such as newspaper or radio advertisement, notices, or online job postings are eligible for reimbursement.
- Criminal Background Check – the direct costs associated with conducting the required criminal background checks on new 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 monthly (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). Payroll documentation related to stipends, staff meetings and training needs to be provided. Receipts or copies of purchase orders for supplies, equipment, recruitment costs, and criminal background checks must be maintained.

A brief description of each placement in Attendant Care must be provided either prior to or with the monthly reimbursement request.

If Attendant Care services are provided in conjunction with other services (i.e. assessment, short-term care, shelter care, etc.), costs considered to be shared (i.e. supplies, training) 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.

All reimbursement requests for the eligible expenses outlined above should be submitted using the billing template found at: www.ndaco.org/attendant-care. Supporting documentation for each expense must be attached. Payment will be made to the service provider; there will be no direct payments to workers, suppliers, or vendors.

Reporting and Records Retention

All county or multi-county facilities securely detaining youth are required to submit Juvenile Detention Record forms (SFN 17080) or their electronic equivalent to the Department of Corrections and Rehabilitation. 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 “shelter care” or “other non-secure setting,” as applicable.

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