

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2025

H. B.

24-10

A BILL FOR AN ACT

To prioritize kinship placement for children in protective custody by requiring the Division of Youth Services identify and assess suitable kinship caregivers within 24 hours of removing a child from their home, mandating expedited judicial review of kinship placement recommendations, and prohibiting the placement of such children in confinement facilities.

BE IT ENACTED BY THE 24TH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:

- 1 **Section 1. Findings and Purpose.** When a child is removed from their
2 home due to abuse or neglect, decisions regarding where they will stay must be
3 handled with urgency, care, and a focus on minimizing additional trauma. The
4 Legislature finds that children who are placed in unfamiliar environments after
5 experiencing the trauma of removal from their parents often endure additional
6 emotional distress, exacerbating the harm they have already suffered. Uncertainty
7 regarding their placement and prolonged stays in institutional facilities can further
8 disrupt their sense of security and stability.
- 9 The Legislature recognizes that kinship placement, where a child is placed
10 with a relative or close family friend, offers significant benefits over placement in

1 facilities that lack a family-based environment. Children placed with relatives are
2 more likely to experience stability, maintain connections to their cultural and
3 familial identity, and avoid the emotional distress of being placed in an institutional
4 setting. Ensuring that children remain with trusted family members whenever
5 possible is in the best interests of both the child and the Commonwealth as a whole.
6 However, existing statutory procedures do not explicitly require that kinship
7 placement be prioritized or evaluated in a timely manner.

8 To address these concerns, the Legislature finds that the Division of Youth
9 Services (DYS) must make every reasonable effort to identify, contact, and assess
10 suitable kinship caregivers as soon as a child is taken into protective custody. This
11 assessment must be completed within twenty-four hours, after which DHS must
12 summarize its findings and submit its recommendations to the Office of the
13 Attorney General. The Office of the Attorney General must then review DHS's
14 report and, if a suitable kinship placement is identified, include the kinship
15 placement recommendation in any child ward petition it makes to the court pursuant
16 to 6 CMC § 5323. This ensures that the court has the necessary information to
17 evaluate kinship placement as part of the initial wardship determination. When
18 ruling on wardship, the court must now assess the proposed kinship placement and
19 issue a decision on both matters in the same order. This process prioritizes kinship
20 placement and ensures that decisions are made as quickly as possible to minimize

1 disruption in the child's life.

2 The Legislature further finds that children in protective custody should
3 never be placed in confinement facilities, such as juvenile detention centers, jails,
4 prisons, and immigration detention centers. Instead, these children must be housed
5 in safe non-custodial environments, such as licensed foster homes, child-friendly
6 shelters, or suitable homes identified through the kinship placement process.

7 Thus, this Act prioritizes kinship placement for children in protective
8 custody by requiring the Division of Youth Services to identify and assess suitable
9 kinship caregivers within 24 hours of removing a child from their home, mandating
10 expedited judicial review of kinship placement recommendations, and prohibiting
11 the placement of such children in confinement facilities.

12 **Section 2. Enactment.** A new Section 5320 is hereby enacted and shall be
13 codified under Title 6, Division 5, Chapter 3, Article 2 of the Commonwealth Code
14 to read as follows:

15 **“§ 5320. Definitions.**

16 For purposes of this Article, the following definitions shall apply:

17 (a) “Confinement facility” means any location where individuals are
18 involuntarily housed under governmental authority and are not free
19 to leave. This includes, but is not limited to, jails, prisons, juvenile
20 detention centers, immigration detention centers, or any other
21 secure facility designed for the detention of individuals. This term

1 does not include licensed foster homes, kinship placements, or
2 child-friendly shelters that allow for voluntary and
3 developmentally appropriate care.

4 (b) “Institutional setting” means any facility, residential program, or
5 structured environment where children are housed and cared for in
6 a non-family, group-based setting, typically under the supervision
7 of staff rather than parental or kinship caregivers. Institutional
8 settings are characterized by regimented schedules, formalized
9 rules, and a lack of individualized family-based care. These settings
10 may include, but are not limited to, group homes where multiple
11 children reside under staff supervision; residential treatment
12 centers for behavioral, mental health, or substance abuse treatment;
13 shelters for minors that provide temporary housing for children in
14 crisis; and long-term care facilities designed for children with
15 special needs or disabilities. An institutional setting does not
16 include licensed foster homes, kinship placements, or other family-
17 based care arrangements that provide individualized support in a
18 home-like environment.

19 (c) “Kinship placement” means the placement of a child with a relative
20 or a trusted familiar caregiver who has an established relationship
21 with the child; provided, such placement is in the child’s best

1 interests and does not pose a risk to their safety. Kinship caregivers
2 may include, but are not limited to, grandparents, aunts, uncles,
3 adult siblings, godparents, or other individuals who have an
4 existing bond with the child.

5 (d) “Non-custodial environment” means a temporary living
6 arrangement where a child is placed outside of the custody of their
7 parents or legal guardians and is instead placed in the temporary
8 care of a responsible party who ensures the child’s safety, stability,
9 and care. This includes kinship placements, foster care, and
10 approved child-friendly shelters and excludes confinement
11 facilities or any setting designed for correctional purposes.”

12 **Section 3. Amendment.** 6 CMC § 5321 is hereby amended to read as
13 follows:

14 **“§ 5321. Protection of Abused Children: Protective Custody.**

15 (a) A police or law enforcement official, Division of Youth Services
16 worker, or any physician treating a child may take a child into
17 protective custody without the consent of parents, guardian, or
18 others exercising temporary or permanent control over the child
19 when:

20 (1) The person has reasonable cause to believe that there exists

1 an imminent danger to the child's life or safety;

2 (2) The parents or guardian are unavailable or have been asked

3 and do not consent to the child's removal from their custody;

4 and

5 (3) There is not time to apply for a court order.

6 (b) The person in charge of any hospital or similar medical institution

7 may retain custody of a child reasonably suspected of being a

8 victim of child abuse, when the person believes the facts so warrant,

9 whether or not the parents or other person responsible for the child's

10 welfare request the child's return.

11 (c) The child shall be placed into the custody and care of the Division

12 of Youth Services who shall place the child in a safe non-custodial

13 environment. When making placement decisions, the Division of

14 Youth Services shall prioritize kinship placement, identifying and

15 assessing suitable family members willing and able to care for the

16 child; provided, such placement is in the best interests of the child

17 and does not pose a risk to their safety. The Division of Youth

18 Services shall make every effort to identify, contact, and assess a

19 suitable kinship caregiver within 24 hours of taking protective

20 custody. No child taken into custody under this provision shall be

21 held ~~detained~~ in a confinement facility, such as a juvenile

1 detention center, jail, prison, or immigration detention center,
2 during such protective custody, ~~except in an appropriate facility~~
3 approved by the Division of Youth Services. All children taken
4 into custody under this provision shall be held in an appropriate
5 facility approved by the Division of Youth Services, including, but
6 not limited to, licensed foster homes, child-friendly shelters, and
7 suitable homes identified through kinship placement.

8 (d) The Division of Youth Services shall provide the Office of the
9 Attorney General with a report summarizing the results of its
10 efforts to identify a suitable kinship caregiver, including any
11 recommendations regarding kinship placement, within 24 hours of
12 taking protective custody.”

13 **Section 4. Amendment.** 6 CMC § 5323 is hereby amended to read as
14 follows:

15 **“§ 5323. Protection of Abused Children: Court Procedures.**

16 (a) The child shall be released within 48 hours unless during that period
17 the Office of the Attorney General files a petition in the Superior
18 Court to have the child declared a ward of the court. The Office of
19 the Attorney General shall include in its petition to the court its
20 recommendations as to whether a suitable kinship caregiver has
21 been identified, whether kinship placement is in the best interests

1 of the child based on the information received from the Division of
2 Youth Services, and, if applicable, a proposed kinship placement.

3 **(b)** The hearing shall be conducted before the close of the following
4 judicial day and in no event more than 48 hours after the petition is
5 filed. On weekends, holidays, and evenings the petition shall be
6 considered filed when presented to a judge or clerk of the Superior
7 Court.

8 **(bc)** Within 24 hours of the hearing on the petition, the ~~The~~ court shall
9 determine if there is reasonable cause to believe that the child's
10 safety would be imminently endangered by a return to the parent or
11 guardian. If the court determines that the child's safety would be
12 imminently endangered by a return to the parent or guardian, the
13 court may make the child a temporary ward of the court under the
14 supervision of the Division of Youth Services. Such temporary
15 wardship shall expire in 30 days. If the court determines that the
16 child's safety would not be imminently endangered by a return to
17 the parent or guardian, the court shall order the child returned to the
18 parent or guardian upon any conditions appropriate to the child's
19 safety.

20 **(d)** If the court rules that the child be made a temporary ward of the
21 court, the court shall also evaluate and determine whether to

1 approve the proposed kinship placement, if any, as recommended
2 by the Office of the Attorney General. The court shall issue a ruling
3 on the proposed kinship placement within 24 hours of the hearing
4 on the petition filed by the Office of the Attorney General.

5 (ee) Hearsay is admissible at the hearing. The Office of the Attorney
6 General shall represent the government. The court shall appoint a
7 guardian ad litem for the child in all judicial proceedings involving
8 allegations of child abuse. However, the guardian ad litem may not
9 be the attorney responsible for presenting the evidence alleging
10 child abuse.”

11 **Section 5. Amendment.** 6 CMC § 5324 is hereby amended to read as
12 follows:

13 **“§ 5324. Protection of Abused Children: Wardship.**

14 (a) Within 30 days of a temporary wardship finding, the court shall
15 determine whether the wardship should be continued. In order to
16 continue a wardship, the Office of the Attorney General shall prove
17 by a preponderance of the evidence that the child is either:

18 (1) In need of proper and effective parental care or control and
19 has no parent or guardian willing to exercise or capable of
20 exercising such care or control; or

21 (2) Within a home that is an unfit place for the child by reason of

1 neglect, cruelty, depravity, or physical abuse by the parents,
2 guardians, or persons in whose custody or care the child is in.

3 (b) If the court determines that a wardship should continue, it shall
4 declare the child a ward of the court for any period up to one year.
5 At the end of one year, wardship may be continued only upon a
6 new finding based on another hearing.

7 (c) If a child is declared a ward of the court, the court may:

8 (1) Limit the control to be exercised over the ward by any parent
9 or guardian; or

10 (2) Place the child under the care, custody, and control of the
11 Division of Youth Services, which shall prioritize placement
12 with a suitable kinship caregiver identified and approved
13 through the procedures outlined in this Chapter. If no
14 appropriate kinship placement is available, the Division of
15 Youth Services ~~who~~ shall place the child with a reputable
16 person of good moral character who consents to take care of
17 the child, ~~or~~ a group whose objective is to care for such
18 children, ~~or with~~ a public agency organized to provide care
19 for children.

20 (d) The court shall not remove the child from a parent or guardian and
21 place the child with the Division of Youth Services unless it first

1 makes a finding that the removal is in the best interests of the
2 child.”

3 **Section 6. Enactment.** A new Section 5325 is hereby enacted and shall be
4 codified under Title 6, Division 5, Chapter 3, Article 2 of the Commonwealth Code
5 to read as follows:

6 **“§ 5325. Protection of Abused Children: Kinship Placement Priority**

7 **Consideration.**

8 (a) The Division of Youth Services shall give priority consideration to
9 kinship placement and assess the suitability of family members or
10 other trusted caregivers before placing the child in an institutional
11 setting.

12 (b) The Office of the Attorney General shall incorporate the findings
13 and recommendations of the Division of Youth Services regarding
14 kinship placement in any petition seeking to have a child declared
15 a ward of the court.

16 (c) If a kinship caregiver is identified, assessed, and approved by the
17 court, the child shall be placed in their care as soon as practicable
18 and no later than 72 hours after the court’s ruling, unless
19 exceptional circumstances prevent such placement.

20 (d) No child in protective custody shall be placed in a confinement
21 facility, such as a jail, prison, juvenile detention center,

1 immigration detention center, or any facility where individuals are
2 involuntarily housed and not free to leave.”

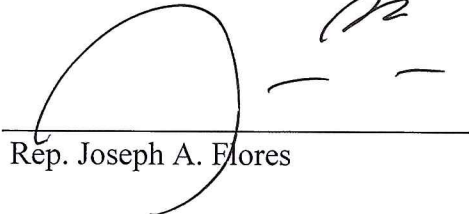
3 **Section 7. Severability.** If any provisions of this Act or the application of
4 any such provision to any person or circumstance should be held invalid by a court
5 of competent jurisdiction, the remainder of this Act or the application of its
6 provisions to persons or circumstances other than those to which it is held invalid
7 shall not be affected thereby.

8 **Section 8. Savings Clause.** This Act and any repealer contained herein
9 shall not be construed as affecting any existing right acquired under contract or
10 acquired under statutes repealed or under any rule, regulation, or order adopted
11 under the statutes. Repealers contained in this Act shall not affect any proceeding
12 instituted under or pursuant to prior law. The enactment of the Act shall not have
13 the effect of terminating, or in any way modifying, any liability, civil or criminal,
14 which shall already be in existence on the date this Act becomes effective.

15 **Section 9. Effective Date.** This Act shall take effect upon its approval by
16 the Governor, or it becoming law without such approval.

Prefiled: 3/18/2025

Date: _____

Introduced by: 
Rep. Joseph A. Flores

Reviewed for legal sufficiency by:



House Legal Counsel

Date: 3/18/25