

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 5: JUVENILE JUSTICE**

**§ 5111. Powers and Duties of DYS and the Director.**

(a) DYS is the agency responsible for the services and programs for juveniles falling within the jurisdiction of this chapter. DYS shall, at a minimum:

(1) Develop efficient and effective juvenile programs within the framework of professional standards, legislative intent and available resources.

(2) Provide for a diversity of innovative, meaningful and effective programs for juveniles in and out of detention through research on delinquent behavior and the continuous evaluation of juvenile programs.

(3) Provide programs to increase public awareness of the mission of the juvenile justice system and encourage public participation in developing an effective juvenile justice system designed to aid in reducing juvenile crime in the Commonwealth.

(4) Develop and maintain a Commonwealth-wide juvenile offender information system.

(b) DYS shall be responsible for the administration and operation of the juvenile detention facility or facilities, as follows:

(1) DYS shall administer and provide general oversight of all juvenile detention centers and any other secure or nonsecure facilities as required by the this chapter.

(2) DYS shall ensure that educational services are provided to juveniles and coordinate with the Public School System to provide educational programs for juvenile detention centers which are in compliance with the educational plans and standards approved by the Commonwealth Public School System.

(3) The Department shall have the power to promulgate rules for the administration and operation of juvenile detention centers.

(c) Nothing in this section shall be construed to limit those powers and duties of DYS as provided in 1 CMC § 2374.

**Source:** PL 16-47, § 4, modified.

**Commission Comment:** The Commission changed “this act” and “Juvenile Justice Act” to “this chapter” pursuant to 1 CMC § 3806(d).

With respect to the responsibilities of DYS in this chapter, see Exec. Order No. 2011-05, 33 Com. Reg. 31636 (May 23, 2011) and the Commission comment to 6 CMC § 5112. On April 27, 2011, Governor Benigno R. Fitial issued Executive Order 2011-05 ordering the transfer of the administration and management functions of the Juvenile Detention Unit to the Department of Corrections. *Id.* The order cites the authority of CNMI Constitution Article III, § 15, which provides in part: “The governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration.” *Id.* The provisions of Executive Order No. 2011-05 specifically affecting 6 CMC § 5111(a) and (b) provide:

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DOC Commissioner in conjunction with the DYS Director shall be responsible for the services and programs for juveniles falling within the jurisdiction of the Act pursuant to Section 4(a) of the Act.

DYS shall relinquish responsibility for the administration and operation of the juvenile detention facility or facilities as prescribed in Section 4(b) of the Act; and DOC shall assume responsibility for the administration and operation of the juvenile detention facility or facilities as prescribed in Section 4(b) of the Act. *Id.* at 31637.