

A Foundation To Build Upon:  
Developing A Versatile  
Juvenile Code For Indian Country

25 U.S.C. § 2454  
Model Indian Juvenile Code

# Background

Model Indian Juvenile Code

### Title 25 - INDIANS

#### CHAPTER 26 - INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

#### SUBCHAPTER V - BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT

#### § 2454. Model Indian Juvenile Code

The Secretary of the Interior, either directly or by contract, shall provide for the development of a Model Indian Juvenile Code which shall be consistent with the Juvenile Justice and Delinquency Prevention Act of 1974 [42 U.S.C. 5601 et seq.] and which shall include provisions relating to the disposition of cases involving Indian youth arrested or detained by Bureau of Indian Affairs or tribal law enforcement personnel for alcohol or drug related offenses. The development of such model code <sup>1</sup> shall be accomplished in cooperation with Indian organizations having an expertise or knowledge in the field of law enforcement and judicial procedure and in consultation with Indian tribes. Upon completion of the Model Code, the Secretary shall make copies available to each Indian tribe.

(Pub. L. 99-570, title IV, §4221, Oct. 27, 1986, 100 Stat. 3207-147.)

#### REFERENCES IN TEXT

The Juvenile Justice and Delinquency Prevention Act of 1974, referred to in text, is Pub. L. 93-415, Sept. 7, 1974, 88 Stat. 1109, as amended, which is classified principally to chapter 72 (§5601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of Title 42 and Tables.

<sup>1</sup> *So in original. Probably should be "Model Code".*

# Indian Alcohol and Substance Abuse

## Inter-Agency MOA

Pursuant to the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (Title IV, Subtitle C of Public Law 99-570) (the Act), DHHS and DOI entered into a Memorandum of Agreement (MOA) to develop and implement a coordinated program for the prevention and treatment of alcohol and substance abuse at the local level. Through the Tribal Law and Order Act of 2010 (Title II of Public Law 111-211) (TLOA) amendments to the Act, Congress sought to engage new federal partners to build upon those efforts. Pursuant to the TLOA amendments to the Act, the Secretary of Health and Human Services, the Secretary of the Interior, and the Attorney General, are to develop and enter into a MOA to, among other things:

1. Determine the scope of the alcohol and substance abuse problems faced by Indian tribes, as defined at 25 U.S.C. § 2403(3);
2. Identify the resources and programs of each department that would be relevant to a coordinated effort to combat alcohol and substance abuse among American Indians and Alaska Natives; and
3. Coordinate certain existing department programs with those established under the Act.

AND SUBSTANCE ABUSE  
UM OF AGREEMENT  
ETWEEN  
EALTH AND HUMAN SERVICES,  
ENT OF THE INTERIOR,  
AND  
TMENT OF JUSTICE

substance abuse are among the most severe  
American Indian and Alaska Native individuals,  
devastating social, economic, physical, mental  
Indians and Alaska Natives suffer  
disorder compared with other racial groups in  
the National Survey on Drug Use and Health  
alcohol use and illicit drug use were higher  
ve adults compared to national averages (30.6 vs.  
spectively) and the percentage of American  
fed treatment for an alcohol or illicit drug use  
the national average for adults (18.0 vs. 9.6

The Department of Health and Human Services (DHHS), the Department of the Interior (DOI), and the Department of Justice (DOJ) have multiple programs, including prevention and treatment programs, that respond to the consequences of alcoholism, addiction, and alcohol and substance abuse, and its impact on public health and safety

12. Model juvenile code: DOI and DOJ, in cooperation with Indian organizations having law enforcement and judicial procedure expertise and in consultation with Indian tribes, will coordinate in the development of a model juvenile code, as described in 25 U.S.C. § 2454.

# Juvenile Justice and Delinquency Prevention Act of 1974

- This Act is the primary legislation guiding the Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- It includes 4 core protections for juveniles, including:
  - Deinstitutionalization of Status Offenders (i.e., truancy, running away, incorrigibility)
  - Sight and Sound Separation
  - Jail Removal
  - Disproportionate Minority Contact
- These protections are integrated throughout the proposed code.



# Why Are Federal Partners Working To Update the Model Indian Juvenile Code?

- A model code was created in 1988 to meet the statutory mandate; however,
- Like any law, the 1988 version is outdated and needs to be revised.
- Also, since 1988, legislation such as the Tribal Law and Order Act of 2010; and the Affordable Healthcare Act have been enacted—there are new and viable healthcare options possible through the ACA.
- Finally, we want to use this opportunity to involve the tribal courts in a new and fresh approach to working with juveniles.

# Center of Indigenous Research & Justice

Model Tribal Juvenile Justice Code



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# Center of Indigenous Research & Justice

## Model Tribal Juvenile Justice Code

- Funded by Models for Change, MacArthur Foundation
- Ability to divert out of formal process at each decision point
- Embeds right to counsel for juveniles in delinquency/truancy
- Restricts use of detention
- Will provide strong commentary on choices and diversion examples



# Center of Indigenous Research & Justice

## Model Tribal Juvenile Justice Code

- General Provisions
- Juvenile Delinquency
- Truancy
- At-Risk-Youth Code



# Center of Indigenous Research & Justice

## Goals of the CIRJ Code

- Secure care, protection and welfare of the child
- Preserving and retaining family unity whenever possible
- Distinguishing between delinquent acts and need for services
- For delinquent acts, focus on supervision, treatment and rehabilitation
- Process ensuring rights of parties
- Coordination of services



Center of Indigenous Research & Justice  
Model Tribal Juvenile Justice Code

# Roles

Juvenile  
Advocate

Juvenile Case  
Coordinator

Juvenile  
Presenting  
Officer



# Juvenile Case Coordinator

- Unbiased liaison between child and:
  - Parents;
  - Agencies;
  - Service providers;
  - Schools;
  - Victims;
  - Community members;
  - Juvenile presenting officer; and
  - Court



# Juvenile Case Coordinator

- Coordinates Services
- Recommendations:
  - Initiation of proceeding
  - Diversion options
  - Disposition
- Monitors and Facilitates Compliance
  - Diversion/deferral conditions
  - Conditions of release
  - Disposition and other orders



# Jurisdiction

- Indian Child alleged to commit delinquent act within external boundaries
- Indian child residing or domiciled on Reservation who is a truant or in need of services



# Parties

- Child;
- Tribe;
- Following adjudication, the child's parent, guardian or custodian.



## Due Process Rights

- Notice
- Discovery
- Testify, subpoena witnesses, introduce evidence
- Cross exam, except where Code allows hearsay testimony
- Findings based solely on evidence before the court



## Right to Counsel: Juvenile Advocate

- Right to appointed counsel except where privately retained
- Neither the Child nor parent/guardian/custodian may waive right
- Counsel has right to access records of the child from all agencies, departments, schools, etc. under jurisdiction of the tribe



## Privilege Against Self-Incrimination

- Child has right and exercise can't be used against them
- No statements may be used from screening, assessments, evals or treatment
- No fingerprints, photos or tissue samples without court order



## Detention

- No detention for truancy
- No shackling
- No solitary confinement



# No Derivative Proceedings

- Unless otherwise provided, no violation of juvenile court order can:
  - Result in punitive sanctions
  - Charges of delinquency unless act is itself a delinquent act or no contact or protection order
  - Finding of contempt



## Directory of Services

- Juvenile Case Coordinator shall maintain directory of public, private and tribal services and resources available to children and families
- Must annually revise
- Must annually disseminate



Center of Indigenous Research & Justice  
Model Tribal Juvenile Justice Code

# Delinquency



## Right to Counsel

- Child has right to appointed counsel at all stages
- Parent/Guardian/Custodian has right to counsel at disposition or at any contempt proceedings against them



## Custody Options

- If no custody order, Law Enforcement may choose to return to parents and issue verbal counsel or warning
- May refer matter to Juvenile Case Coordinator for CHINS consideration
- May release to parents with a promise to appear at summons
- If not safe to return to parents, deliver to JCC or to a detention facility
- If needed, may deliver to a medical facility
- May refer the child and family to social, community, or tribal services/resources



## Custody Notification

- If taken into custody, officer must immediately notify parents and JCC
- If parents unavailable after reasonable efforts, member of child's extended family



## Custody Review by JCC

- Upon notification of detention, JCC must review need for continued detention under detention criteria
- JCC may:
  - Release to parents and with no further process beyond notice of available services
  - May proceed under CHINS provisions
  - Release to parents with promise to appear according to summons
  - Arrange for continued detention if criteria met
    - Must notify parents of continued detention
    - Must notify Juvenile Court of reasons for detention, location, and need to conduct detention hearing
    - Must notify Juvenile Advocate



# Interrogation

- Any questioning by law enforcement or official that is reasonably likely to elicit an incriminating response
- Custodial interrogation is any questioning where a reasonable person of the child's age and position would consider themselves unable to leave
- Advisement of Miranda-like rights upon any questioning
- Custodial interrogation must be recorded and preserved



## Detention and ASFA Compliance

- Makes findings to preserve compliance with ASFA
  - Taking child out of home is contrary to child's welfare
  - Whether available services would prevent the need for detention
- Return to care of parents if providing services allow
- If not returned to care of parents, JCC shall refer to services which may result in return to care of parents
- No later than 60 days following removal of child, Juvenile Court must determine if reasonable efforts made



## Grounds for Detention

- Upon Probable Cause
- No less restrictive alternatives
- Clear and convincing evidence that child should be detained because:
  - Necessary to avert a substantial risk to health, welfare person or property of child or others; or
  - Substantial risk child may leave or be removed from jurisdiction of the Juvenile Court



## ***Not Grounds for Detention***

- Treatment or rehabilitation prior to adjudication
- Punishment
- Satisfy demands of victims, police, community
- To allow a parent to avoid their parental responsibilities
- To permit convenient access to the child
- To facilitate interrogation or investigation



## Least Restrictive Alternatives

- Required for detention or conditional or supervised release
- Least restrictive conditions or placement consistent with:
  - Best interests of the child; and
  - Safety of the community
- Upon detention or conditions of release, Juvenile Court must make findings of why LRAs were rejected



## Detention Options

- Foster home, relative placement,
- Juvenile residential care facility such as group home or staff-secure facility
- Secure detention facility
- Treatment facility, detox, halfway houses



## Alternatives to Detention

- Curfew
- Child or parents check in with JCC
- Home detention (when not required to be in school or places approved by Juvenile Court)
- Electronic home monitoring
- Community supervision
- NO BAIL
- No contact orders BUT must be narrowly tailored if restricting access to family (p. 39)



## Detention Hearing

- Within 48 hours of custody without release;
- If 48 hours expires on weekend or holiday, on first business day.



# Mandatory Detention Review

- Each 7 calendar day period child is detained in secure juvenile detention facility
- Reviews:
  - Have circumstances changed? LRAs now available? Change in posture of the Parties? (recant, new evidence)
- Sets next review



## Preliminary Investigation

- Upon allegation, JCC must investigate whether child or community interests require further action
- If child is detained, within 24 hours of the detention hearing
- If released on conditions, within 5 days after detention hearing



## Informal Conference

- Within Preliminary Investigation, JCC conducts informal conference with:
  - Child
  - Parent
  - Juvenile Advocate
- Non-adversarial effort to resolve issues of child's conduct without intervention of Court
- Attendance of child and/or parents is voluntary



# JCC Recommendations Following Preliminary Investigation

- Recommendations to Juvenile Presenting Officer (JPO)
  - Facts insufficient to support delinquency petition filing
  - If facts sufficient, not in best interests of child or community
- Recommendation of diversion agreement
- Recommendation of initiation of proceedings



## Diversion Agreement

- May divert proceeding for a period not to exceed 6 months
- Is voluntary
- Failure to comply may result in petition filing



## Diversion Options

- Referral of child and/or parents to services
- Referral to community accountability board, elders, tribal council, or other forum
- Participating in Peacemaking or other extrajudicial alternatives
- Participating in cultural, educational or other activities
- Participation in education or counseling
- Medical, psychological or psychiatric exam or treatment
- Restitution
- Community Service
- School attendance
- After school programs



## Diversion Petition

- Within 48 hours of detention hearing if child is in custody
- Within 10 days after detention hearing if released on conditions



## Initial Hearing

- Within 10 days of filing of petition if child is in detention
- Within 30 days of filing of petition if child is released or not taken into custody



# Initial Hearing – Judicial Diversion/Dismissal

- Even if Juvenile Court finds PC, it may dismiss if:
  - Interests of child and community can be addressed through diversion
    - If child is willing to participate in informal conference
    - If no pre-filing diversion was entered; or
    - If previous diversion attempt failed, but Court has reason to believe further efforts may be successful.
  - If Juvenile Court finds the alleged conduct:
    - Did not actually cause or threaten the harm statute seeks to prevent
    - Was not reasonably within the contemplation of the legislative body's intent
    - Victim is family of child and Court finds family is appropriate to address the matter
    - Victim believes other alternatives are appropriate to address child's conduct



## Deferred Adjudication

- After filing, but pre-adjudication
- Child acknowledges rights and waives time limits for adjudication
- May use any option available for diversion



## Deferred Adjudication – Time Limits

- Limited to period of time reasonable to fulfill conditions
- Shall not exceed 6 months unless:
  - Treatment needs require longer deferral time
  - Purpose of deferral cannot be accomplished in shorter period



## Adjudication – Time Limits

- Within 10 days of the initial hearing if child is in custody
- Within 30 days of the initial hearing if child was not taken into or was released from custody



# Adjudication Hearing Process – Child Inquiry

- Advised of rights
- Child may either, after rights, admit or deny allegations in petition
- Admission requires Court inquiry of:
  - Number and duration of meetings between child and counsel
  - Whether child is satisfied counsel sufficiently investigated the matter
  - Whether child is satisfied counsel has answered their questions and explained:
    - Nature of proceedings
    - The child's rights
    - Alternatives to admission
    - Likely consequences of admission



# Adjudication Hearing Process – Counsel Inquiry

- Number and duration of meetings between counsel and child
- Counsel's investigation
- Counsel's research on legal matters
- Whether Counsel is satisfied that:
  - Child understands proceeding and consequences
  - No compelling factual or legal defenses or arguments which Court should hear



# Adjudication Hearing Process – Other Inquiry

- Juvenile Presenting Officer
  - Sufficient independent evidence, admissible, to corroborate admission?
- Juvenile Case Coordinator and Parties
  - Whether admission is based upon agreement of the Parties re: disposition recs?
- Parents/Guardians/Custodians
  - Anything they wish to address with the Juvenile Court



## Disposition – Timelines

- Within 10 days of the Adjudication hearing, if child is in custody
- Within 20 days of Adjudication if child was released or not taken into custody



## Pre-disposition Report

- JCC prepares written pre-dispo report with recs, including plan for supervision, treatment or rehab, with LRAs to:
  - Hold child accountable for actions
  - Provides for safety of the child and community
  - Develops competencies of the child to become responsible and productive



# Deferred Disposition

- Court can enter a deferred disposition to allow another opportunity to divert out of formal process



# Detention after Disposition

- No LRAs will suffice
- Clear and convincing evidence:
  - Necessary to avert a substantial risk to health, welfare, person or property
  - Substantial risk of child leaving or being removed from jurisdiction; or
  - Child has repeatedly failed to comply with dispo orders or LRAs have repeatedly failed
  - Detention or out-of-home placement is reasonably calculated to result in compliance



# Child In Need of Services

## Chapter 3



## ChINS Overview

- A system used for juvenile acts not rising to the level of delinquency, and are not a result of parental neglect or abuse.
- A middle ground to provide services for children:
  - Not following parental rules
  - Runaways
  - Risky sexual behavior
  - Delinquent acts that are borderline



## ChINS Limits

- A system to provide services, so detention is not an option
- Obligates parents to abide by the Court's orders.
  - Sanctions for failure to appear at hearings
  - Sanctions for not getting child to hearings and/or services
- Child has right to Counsel



# Temporary ChINS Custody Orders

- Allows law enforcement to take a child into temporary custody
  - Failure to appear
  - Child is a runaway
  - Present circumstances pose imminent threat to child's physical safety
- Temporary “custody” in ChINS
  - Brought before the Juvenile Court
  - Returned to parents
  - Taken to other placement (3.04.210)



# When May a ChINS be Taken Into Custody?

- Reasonable grounds child is ChINS
- No least restrictive alternatives will suffice;  
and
- Clear and convincing evidence that:
  - Substantial risk to health, welfare,  
person/property of the child or others;
  - Substantial risk child would leave or be removed  
from jurisdiction



## ChINS may Not be Taken Into Custody?

- To treat or rehabilitate prior to adjudication
- Punish or satisfy victims, police or community
- Allow parent to avoid legal responsibilities
- Permit convenient administrative access to child
- Facilitate further interrogation or investigation



## ChINS Placement Options

- Relative, foster, public home
- Juvenile residential care facility, ie group home
- Residential treatment, detox, halfway house
- NOT a secure juvenile detention facility



# ChINS Supervisory Options

- Curfew
- JCC reporting in requirements
- Home detention
- Electronic home monitoring
- Other reasonable conditions
- NO BAIL



## ChINS Placement Timelines

- Temporary custody and not returned to parents:
  - Placement hearing within 48 hours of custody or 1<sup>st</sup> business day after weekend/holiday.



# Adoption and Safe Families Act Compliance

- Makes the same findings under ASFA as in Delinquency when child is placed out of the home



## Who May Petition?

- Child
- Parents
- Child's extended family
- GAL
- Agency
- School
- JCC
- Law enforcement



## Review by JCC

- If Petition is complete, will review for reasonable believe child is in need of services as defined in 1.02.110(c)
- If incomplete:
  - May consult with child and parents
  - Shall make additional inquiries which may include consult with person petitioning, information sources and parents.



## JCC Respite Services

- JCC may, if child and parents agree, find short term residential respite placement close to child's home



## Initial Consultation

- Review petition with child and parents
- Discuss and identify needs, additional concerns, services available
- Develop written plan for services
- Convene, within 10 days of initial consultation, a services planning conference



## Voluntary Plan for Services

- Rights of child and parents under this chapter;
- Acknowledgment participation is voluntary
- Course of action if:
  - Child or parents do not participate in the voluntary plan
  - Outcomes or goals are not accomplished within a reasonable period of time
- Services to be provided and time frames



## Services Planning Conference

- If JCC, child and parent cannot agree on plan or
- If the voluntary plan was ineffective or unsuccessful
- If JCC needs additional assistance developing plan
- At request of child or parents
- Juvenile advocate is notified



# Services Planning Conference Composition

- May Include:
  - School officials
  - Mental health professional
  - Substance abuse treatment professional
  - Elders or community leaders
  - Service providers
  - Counselors
  - Peer or youth representatives
  - Other professionals



# ChINS Petition

- JCC recommends Petition to JPO when:
  - Services planning committee recommends;
  - Child and/or parents are unwilling to participate in service planning conference



# ChINS Petition

- Petition will be filed when:
  - Alleged facts sufficient to support;
  - Best interests of the child and parents;
  - Services are available and can be timely made;
  - No benefit to continue services planning pre-petition



## Motion to Suspend Proceedings

- Child may move to suspend for up to 6 months to attempt voluntary planning



# ChINS Petition Initial Hearing

- Advisement of rights
- Determination of reasonable grounds



# ChINS Petition Adjudication Hearing

- Within 14 days of initial hearing
- Clear and convincing burden
- If ChINS found, moves to disposition either immediately or later



# ChINS Pre-disposition Report

- Child's home environment, family relationships
- Maturity, cognitive and emotional health
- Results of evaluations of professional
- Educational status
- Educational/vocational goals
- Summary of facts
- Prior juvenile justice system contacts



# ChINS Pre-disposition Report

- Sources of all information included
- Plan for services
- Anticipated benefits to child and parents
- Child and and parents may prepare alternatives recommendations



# ChINS Disposition Hearing

- Parties may present evidence
- May cross examine sources of conclusions in the report
- Must be the least restrictive alternative to achieve goals



# ChINS Disposition Options

- Child remaining with parents subject to conditions
- Orders to services
- Orders to community accountability boards
- Parents to have education or counseling on parenting
- Child or parents to have evaluations



# ChINS Disposition Options

- After school, evening, education or vocational programs
- Delay on driving
- Temporary placement
- Additional educational attainment programs
- Child and parent to educational programs re: pregnancy prevention, reproductive health and STD prevention



# Truancy

## Chapter 4



# Right to counsel

- After filing of a petition, right to appointed counsel for child attaches
- Parents have right to counsel at their own expense at disposition



# Temporary Custody

- Law enforcement officer can pick up a child if:
  - Child is absent from school during school hours; and
  - No enumerated exception applies:
    - Home schooled
    - School has excused attendance
    - Is 16 and regularly and lawfully employed and parent agrees or child is emancipated
    - Child has graduated



# Temporary Custody - Release

- Law enforcement officer shall release without delay:
  - Parent, with referral to services;
  - Relative or responsible adult if parent consents;
  - The school or an appropriate educational center/agency;



## Truancy – Initial Action

- 3 unexcused absences in one month, or 6 unexcused absences in a school year, JCC:
  - Shall notify parents in writing or telephone;
  - Shall inform parents of potential consequences;
  - Shall, within 5 business days, conduct an attendance review conference with child and parents.



# Truancy – Attendance Review Conference

- Reviews causes for absences;
- Discusses steps to improve attendance including:
  - More individualized or remedial instruction;
  - Adjusting the child’s educational program;
  - Vocational or work experience courses;
  - Alternative school or educational program;
  - Assist child and parents to access services addressing barriers to attendance;
  - Referring child to tribal truancy board



# Truancy – Attendance Review Conference

- Attendance Review Conference Outcomes
  - Jointly develop an informal attendance plan
  - Within 10 days, convene a tribal truancy board
- If parents refuse to attend or participate
  - Attempt to reschedule
  - Conduct conference without parents
  - Develop Informal Attendance Plan
  - Convene Tribal Truancy Board



# Informal Attendance Plan

- Outlines compulsory education requirements
- Acknowledgement participation is voluntary
- Course of action if unexcused absences continue
- Causes of absences and any barriers to attendance
- Services and resources available to child and parents



# Tribal Truancy Board

- When child declines to attend or participate in attendance review conference
- If JCC, child and parents cannot agree on informal attendance plan
- If JCC believes an informal attendance plan is inadequate
- If child has more than 1 unexcused absence after the informal attendance plan
- Right to appointed counsel attaches



# Tribal Truancy Board - Composition

- Tribal education department and/or school official
- Juvenile mental health professional
- Substance abuse treatment professional
- Elders or community leaders
- Service providers
- Family counselors or mediators
- Peer or youth representatives
- Others recommended by child and/or parents



# Tribal Truancy Board - Goals

- Identify needs w/ goal of ensuring school attendance
- Assist in attaining services and resources
- Recommending enrolling in another school/alternative/dropout program/ etc
- Develop truancy remediation plan



# Truancy Remediation Plan

- Rights of child and parents
- Statement of compulsory attendance requirements
- Statement participation is voluntary
- Course of action if unexcused absences continue
- Causes of absences and barriers to attendance
- Services and resources and plan for obtaining them
- Specific actions by child and parent
- Schedule of reviews



# Truancy Petition

- JCC recommends to JPO to file truancy petition:
  - Child or parent declines to meet with tribal truancy board;
  - Tribal truancy board, child and parents cannot agree on truancy remediation plan;
  - Child accumulates more than 2 unexcused absences
  - Child is in imminent danger of losing credit or repeating a grade as a result of absences



# Truancy Petition – Initial Hearing

- Advisement of rights
- Determination of reasonable grounds



# Truancy Petition – Adjudication

- Within 7 days of the initial hearing
- Clear and convincing burden
- If child is found to be truant, may move directly to disposition or may continue disposition



# Truancy Petition – Pre-disposition Report

- Description of child's home environment and family relationships
- Child's maturity level, cognitive and emotional health
- Treatment recommendations
- Child educational strengths, limitations and needs
- Appropriate educational and vocational goals



# Truancy Petition – Disposition Options

- Regular attendance
- Alternative educational program
- Referral for child and/or parents to services
- Referral for child and/or parents to community accountability boards
- Order to meet with tribal truancy board to develop remediation plan



# Discussion Questions

A Plan To Gather Input, Update The Model Code, and Offer Assistance To Tribes To Work Side-by-Side in Adapting to Their Own Specific Traditional and Cultural Needs

**Discussion Questions**  
Model Indian Juvenile Code

What should be the goals of a 21<sup>st</sup>  
Century Tribal Juvenile Code  
have?

**Discussion Questions**  
Model Indian Juvenile Code

Should the Model U.S. Tribal Juvenile Code have all three parts?  
Delinquency/ChINS/Truancy?

**Discussion Questions**  
Model Indian Juvenile Code

Should the Model U.S. Tribal Juvenile Code have right to counsel in all or some of the Chapters?

## Discussion Questions

### Model Indian Juvenile Code

Should the Model U.S. Tribal Juvenile Code allow non-attorneys to represent juveniles? If so, what provisions should a code have?

**Discussion Questions**  
**Model Indian Juvenile Code**

Should the Model U.S. Tribal Juvenile Code require tribes to screen all juveniles? How should tribes be informed of screening tools?

**Discussion Questions**  
**Model Indian Juvenile Code**

Should the Model U.S. Tribal Juvenile Code require tribes to screen all juveniles for Medicaid eligibility?

**Discussion Questions**  
Model Indian Juvenile Code

What would reduce trauma in the delinquency system?

**Discussion Questions**  
**Model Indian Juvenile Code**

Should the Model U.S. Tribal Juvenile Code incorporate findings to comply with the Adoption and Safe Families Act?

# Proposed Plan of Action: What Next?

- Utilize the Discussion Draft to Continue Gathering Input;
- Formal Consultation Plan including Publication of a Draft for Comment in the Federal Register; and
- Post-Consultation Ideas: Policy Academies: Offer Assistance To Tribes To Work Side-by-Side in Adapting to Their Own Specific Traditional and Cultural Needs

# Thank you!

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