

## 2016 MODEL INDIAN JUVENILE CODE

### Background

- The BIA initially contracted with the National Indian Justice Center to develop the first Code in 1988 after the passage Public Law 99-570, title IV, § 4221, which required the creation of a “Model Indian Juvenile Code” (25 U.S.C. § 2454).
- Following the passage of the Tribal Law and Order Act of 2010, a Memorandum of Agreement between DOI, DOJ, and DHHS was developed to establish a framework for collaboration that results in the coordination of resources and programs. The MOA specifically referenced 25 U.S.C. § 2454 and the Model Indian Juvenile Code.
- The Code has three areas: Juvenile Delinquency; Truancy; and At-Risk-Youth Code. The revised Model Indian Juvenile Code focuses on several principles including, but not limited to:
  - Ability to divert out of formal process at each decision point;
  - Embeds right to counsel for juveniles in delinquency/truancy;
  - Restricts use of detention;
  - Commentary on choices made in the code and discussion of options for implementation—including diversion examples;
  - Distinguishing between delinquent acts and need for services;
    - For delinquent acts, focus on supervision, treatment and rehabilitation
  - Process ensuring rights of parties; and
  - Coordination of services.
- An extensive “information-gathering” phase was conducted beginning in late December 2014 to present—including listening sessions, webinars, and workshops.
- The revised Model Indian Juvenile Code is intended to be a sample juvenile code to assist tribal governments as a tool in creating or revising their juvenile codes.

### Consultation Timeline (March – May, 2016)

#### • Telephonic Consultations

<b>March 30, 2016</b>	<b>3:30 – 5:30 p.m. EDT</b> Call-in Number: (800) 857-5008 Participant passcode: 1291169	<b>April 13, 2016</b>	<b>3:30 – 5:30 p.m. EDT</b> Call-in Number: (800) 857-5008 Participant passcode: 1291169
<b>March 31, 2016</b>	<b>3:30 – 5:30 p.m. EDT</b> Call-in Number: (800) 857-5008 Participant passcode: 1291169	<b>April 14, 2016</b>	<b>3:30 – 5:30 p.m. EDT</b> Call-in Number: (800) 857-5008 Participant passcode: 1291169

#### • In-Person Listening Session

- **April 4, 2016**      **3:30 – 5:30 p.m. CDT**      **Saint Paul, Minnesota**  
National Indian Child Welfare Association (NICWA)  
Annual Conference

#### • Written comments due by **May 27, 2016**.

- Comments may be sent electronically to [bia\\_tribal\\_courts@bia.gov](mailto:bia_tribal_courts@bia.gov); or
- Via mail to:  
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