Indian Affairs - Office of Public Affairs

Ensures rights of Native youth who enter juvenile justice system are respected and protected

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WASHINGTON – Furthering President Obama's Generation Indigenous ("Gen-I") and *Tiwahe* initiatives that support American Indian and Alaska Native families and strengthen tribal communities, Principal Deputy Assistant Secretary – Indian Affairs Lawrence S. Roberts today announced that the Bureau of Indian Affairs (BIA) has published the final updated version of its 2016 Model Indian Juvenile Code, which was originally issued in 1988 – almost 30 years ago.

"I am very pleased to announce the publication of the BIA's updated Model Indian Juvenile Code, which has been a long time in coming," Roberts said. "Supporting Native youth and their families has been among the Obama Administration's top priorities in helping to build strong tribal communities. The 2016Model Indian Juvenile Code is key to ensuring that the rights of Native youth who enter the juvenile justice system and their families are respected and protected. I want to express my deep appreciation to our federal partners who joined with us to update the code, and to all of the tribes, juvenile justice professionals, and others who provided their insights, comments, recommendations and encouragement that have led us to this moment."

The Model Indian Juvenile Code helps federally recognized tribes create their own codes that focus on juvenile matters and specifically address issues affecting American Indian youth arrested for alcohol- and/or drug-related offenses in Indian Country. The effort to update the 1988 original complements the Gen-I and *Tiwahe* initiatives. *Tiwahe,* which means "family" in the Lakota language, promotes a comprehensive, integrated and community-based approach to support child welfare, family stability and strengthening tribal communities as a whole.

The 2016 Model Indian Juvenile Code is comprehensive and flexible, encouraging the use of alternatives to standard juvenile delinquency, truancy, and child-in-need services. It reflects a core commitment to providing tribes with examples of juvenile statutes designed to assure the fundamental rights of children and their parents, guardians and custodians, and a focus on allowing the opportunity for restorative diversion at each decision point in the juvenile process.

The updated Code focuses on three areas: Juvenile Delinquency, Truancy and At-Risk Youth. Based on consultation with tribal governments, the Code also focuses on other areas:

- The ability to divert out of formal process at each decision point;
- Embedding the right to counsel for juveniles in delinquency/truancy;
- Restricting the 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);
- Ensuring the rights of parties; and
- The coordination of services.

Since 2012, the BIA's Office of Justice Services Tribal Justice Support Directorate and the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention have worked to update the Bureau's 1988 Model Indian Juvenile Code. That code was published following passage of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) and pursuant to 25 U.S.C. 2454, the law directing the Secretary of the Interior to develop a model Indian juvenile code that included provisions on the disposition of cases involving Indian youth arrested or detained by BIA or tribal law enforcement for alcohol- or drug-related offenses.

In April 2015 the Interior and Justice Departments jointly announced their intent to update the 1988 code and issue for tribal comment a discussion draft of an updated model code. This was followed by an extensive information-gathering effort from December 2014 throughout 2015, consisting of tribal consultation and listening sessions, webinars, conference calls and workshops. In February 2016 the two Departments, joined by Health and Human Services' Substance Abuse and Mental Health Services Administration, announced the publication of a draft revised code for tribal and public comment.

The 2016 Model Indian Juvenile Code also reflects changes in the field of juvenile justice since 1988, particularly the enactment in 2010 of the Tribal Law and Order Act (P. L. 111-211) and the Patient Protection and Affordable Care Act (P. L. 111-148), and complies with a provision in a 2011 Indian Alcohol and Substance Abuse Memorandum of Agreement between Interior and Justice to develop such a code in accordance with 25 U.S.C. 2454.

The annotated 2016 Model Indian Juvenile Code can be downloaded from the Indian Affairs website. A Microsoft Word version for tribal use also can be found on the Indian Affairs website.

The Principal Deputy Assistant Secretary – Indian Affairs oversees the BIA, which is headed by a director who is responsible for managing day-to-day operations through four offices – Indian Services, Justice Services, Trust Services, and Field Operations. These offices directly administer or fund tribally based infrastructure, economic development, law enforcement and justice, social services (including child welfare), tribal governance, and trust land and natural and energy resources management programs for the nation's federally recognized American Indian and Alaska Native tribes through 12 regional offices and 81 agencies.

The OJS TJSD furthers the development, operation, and enhancement of tribal justice systems by providing guidance, technical support, and advisory services to tribal courts and Courts of Indian Offenses (also known as CFR courts). For more information, visit http://indianaffairs.gov/WhoWeAre/BIA/OJS/ojs-services/ojs-tjs/index.htm.

OJJDP provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. It supports states and communities in their efforts to develop and implement effective and coordinated prevention and intervention programs and to improve the juvenile justice system so that it protects public safety, holds offenders accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families. For more information, visit http://www.ojjdp.gov/.

SAMHSA is the agency within the U.S. Department of Health and Human Services that leads public

health efforts to advance the behavioral health of the nation. SAMHSA's mission is to reduce the impact of substance abuse and mental illness on America's communities. For more information on SAMHSA's tribal affairs efforts, visit http://www.samhsa.gov/tribal-affairs.

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