Following a 2015 information-gathering phase, tribal consultation sessions to gather public comments begin in March

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WASHINGTON – Furthering President Obama's efforts to support American Indian and Alaska Native families and protect tribal communities, Acting Assistant Secretary – Indian Affairs Lawrence S. Roberts; U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator Robert L. Listenbee; and U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) Acting Administrator Kana Enomoto today announced a draft revised BIA Model Indian Juvenile Code. The Departments are seeking public comment on the draft, which will be the subject of listening and consultation sessions scheduled for March and April of 2016.

"The Bureau of Indian Affairs' Model Indian Juvenile Code provides federal guidance for tribal governments to help protect the rights of Indian juveniles and their parents, guardians or custodians while also respecting tribal governments' need to modify juvenile codes to fit each unique tribal community," Roberts said. "The 2016 Model Indian Juvenile Code improves decades-old guidance to aid tribes in developing their own codes that will serve and protect those who end up in the juvenile justice system. I want to thank our federal partners, tribal leaders and the Indian child welfare community for working with us to produce this much-needed update."

"OJJDP and the Bureau of Indian Affairs share a commitment to work with tribal communities as they reform their juvenile justice systems," said OJJDP Administrator Robert L. Listenbee. "We support a developmental and trauma-informed approach to reform that better meets the needs of tribal youth at risk or involved in the juvenile justice system. The updated Code reflects such an approach."

"The updated Model Indian Juvenile Code is an important step forward in the partnership among tribes, BIA, DOJ, and HHS as we work to address the Indian alcohol and substance abuse provisions of the Tribal Law and Order Act," Enomoto said. "The updates recognize the need for trauma-informed practices in juvenile courts and diverting juveniles with behavioral health problems to treatment services."

The Bureau of Indian Affairs, U.S. Department of Justice and U.S. Department of Health and Human Services require updates to the BIA's 1988 Model Indian Juvenile Code, which was designed to assist federally recognized tribes in creating individual codes focused on juvenile justice, specifically addressing Indian youth arrested for alcohol and/or drug-related offenses in Indian Country.

The proposed 2016 Model Indian Juvenile Code is the result of an extensive information gathering effort conducted by the Interior Department and the Justice Department starting in December 2014 and continued through 2015 – that included listening sessions, webinars and workshops.

The intent of the proposed Code is to assist federally recognized tribal governments in creating or revising their juvenile codes. The Code focuses on three areas: Juvenile Delinquency, Truancy, and At-Risk Youth Code, as well as several principles which include, but are not limited to:

- 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);
- A process for ensuring the rights of parties; and
- The coordination of services.

The Department will hold one listening session and four tribal consultation sessions to take comments on the draft Code:

Listening Session

- Monday, April 4, 2016, 3:30-5:30 p.m. CDT, at the National Indian Child Welfare Association 2016 Annual Conference, St. Paul, Minn.

Consultation Sessions (by Phone)

- Wednesday, March 30, 2016, 3:30-5:30 p.m. EDT, Call-in Number: 800-857-5008, Passcode: 1291169.
- Thursday, March 31, 2016, 3:30-5:30 p.m. EDT, Call-in Number: 800-857-5008, Passcode: 1291169.
- Wednesday, April 13, 2016, 3:30-5:30 p.m. EDT, Call-in Number: 800-857-5008, Passcode: 1291169.
- Thursday, April 14, 2016, 3:30-5:30 p.m. EDT, Call-in Number: 800-857-5008, Passcode: 1291169.

The proposed 2016 Model Indian Juvenile Code can be downloaded from the Bureau of Indian Affairs website.

Written comments are due by May 27, 2016. Comments should be addressed to Natasha Anderson, Deputy Associate Director, Tribal Justice Support Directorate, Office of Justice Services, Bureau of Indian Affairs, 1849 C St., N.W., MS-2603-MIB, Washington, D.C. 20240. Comments also can be submitted electronically to bia_tribal_courts@bia.gov.

Following the comment period, the BIA will publish a link to the final version of the 2016 Model Indian Juvenile Code in the Federal Register. Thereafter, the final version will be available in a Word document format that tribal governments can utilize and adapt to their needs.

The BIA's Office of Justice Services Tribal Justice Support Directorate (TJS) has been working with OJP's Office of Juvenile Justice and Delinquency Prevention since 2012 to update the existing 1988 Model Indian Juvenile Code. That code was published in 1988 following passage of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) and pursuant to the law (25 U.S.C.

2454) directing the U.S. Secretary of the Interior to develop a Model Indian Juvenile Code, including provisions relating to the disposition of cases involving Indian youth arrested or detained by BIA or tribal law enforcement for alcohol or drug-related offenses. The OJJDP has provided significant insight into the new draft provisions.

The 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 Office of Justice Services Tribal Justice Support Directorate 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 https://www.bia.gov/bia/ojs/tjs.

The Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice's Office of Justice Programs provides national leadership, coordination, and resources to prevent and respond to juvenile delinquency and victimization. OJJDP 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 justice involved youth accountable, and provides treatment and rehabilitative services tailored to the needs of juveniles and their families. For more information, visit http://www.ojjdp.gov/.

The Substance Abuse and Mental Health Services Administration 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.
