

CHAPTER 7

JUVENILE CODE

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CHAPTER 7
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Section 1. Juvenile Code Definitions.

A. "Juvenile Court". The Blackfeet Tribal Court and any duly appointed Judge thereof, when exercising jurisdiction under this Chapter shall be known as the "Juvenile Court".

B. "Juvenile" or "Child" shall mean any Indian, male or female, under the age of eighteen (18) years.

C. "Dependent Child" shall mean a juvenile who is dependent through no fault of his/her natural parents or guardian.

D. "Neglected Child" shall mean any juvenile (1) who has been deserted by both his parents and has no suitable home or abode, or (2) who does not have proper parental or guardian's care, or (3) whose health, welfare and morals are, or may become, imperiled by or through the willful acts or omissions of parents or guardians.

E. "Delinquent Child" shall mean any juvenile who violates any of the Ordinances under Chapter 5 of this Tribal Code; or who is uncontrollable by parents or guardians or who absents himself from home without just cause or consent, or who fails to attend school, although of compulsory school age, or who is guilty of indecent, immoral or lascivious conduct.

Section 2. Jurisdiction.

The Juvenile Court shall have original jurisdiction in all proceedings coming within the terms of this Chapter. The Court shall have continuing jurisdiction until the juvenile reaches age eighteen (18). Unless the juvenile is discharged by the Court, the Court for cause shown may re-open the case at any time and take such action with

respect to a juvenile as it deems appropriate. When the interests of justice can best be served, by order of the Juvenile Court, proceedings under this Chapter may be waived and any juvenile fifteen (15) years of age or more, may be tried in the Tribal Court.

Section 3. Institution of Proceedings.

Proceedings under this Chapter shall be instituted by a petition filed by any citizen or social worker or by a police, probation or juvenile officer on behalf of the Tribe and in the interest of the juvenile.

Section 4. The Petition.

A petition may be filed when a child is found to be neglected, dependent, delinquent, or in violation of law. The petition shall set forth the facts which constitute the child neglected, dependent, or delinquent. It shall be certified by affidavit of the petitioner but the affidavit shall be sufficient if it be upon information and belief. The Tribal Court may, upon its own motion or on the application of any person interested, require that such a petition set forth additional information as to the parentage or relatives of such child, or the cause of its dependency. Provided, that when such child within the provisions of this Chapter is in immediate or apparent danger of violence or serious injury, or is about to be removed from the jurisdiction of the Court for the purposes of evading proceedings under this Chapter for its probation, any police, probation, or juvenile officer or social worker of the Bureau of Indian Affairs, may take immediate custody of such child without any process or worker, within forty eight (48) hours thereafter, to file a petition and proceed as herein provided for. In any such case, the Court may provide for the

temporary case and custody of such child pending the hearing and disposition of the case.

Section 5. Notice and Service of Petition.

Upon the filing of a petition, the Judge or Clerk of the Court shall issue a notice which may be in the form of a summons directing the parents or guardian of the juvenile to be present in Court for hearing at the time and place fixed in the notice. If the whereabouts of the parents or guardians are unknown, the notice shall be posted in three (3) public places in the district of the last known residence of the parents or guardians. Any person served with notice who fails to appear, without reasonable cause, shall be subject to contempt of court.

Section 6. Hearing in Juvenile Court.

All matters under this Chapter shall be heard in private chambers and in an informal manner, excluding all persons except parents, guardians, the representative for the juvenile, the probation officer, arresting officer and with the permission of the Court, others having a direct interest in the matter.

Section 7. Actions of the Juvenile Court.

A. General Authority. The Court shall make such orders for the commitment, custody, and care of the juvenile and take such other actions as it may deem advisable and appropriate in the interests of the Juvenile and the interests of the Tribe.

The Court may request and accept the aid of the Bureau of Indian Affairs and such others as it deems appropriate for a proper determination and disposition of the case, including custody or placement of the Juvenile.

B. Custody of Juvenile Pending hearing. Pending final disposition of the case, the juvenile shall be subject to the order of the Court, and may be permitted to remain in control of parents, guardians, or persons having his custody, or in control of the probation or juvenile officer, or he may be detained in a place provided by the Tribe.

C. Medical examinations and care. The Court may order medical examination and care as may be required for juvenile under its jurisdiction.

D. Commitments and control. The Court shall have broad discretionary power with respect to commitments and its authority shall include, without limitation by reason of such conditions as it may impose:

- (1) To the care of his parents, without supervision of the probation or juvenile officer, or
- (2) To a probation or juvenile officer, or
- (3) To a responsible and reputable person of good moral character,
- (4) To a suitable school or institution, or
- (5) To a guardian appointed by the Court.

The Court may suspend the juvenile's drivers license because of highway violations.

E. Judgment for support. The Court may by order direct the person or persons required by law to support the juvenile, to pay for the support of the juvenile in such amount as the Court may determine to be fair and reasonable, including the cost of the temporary

placement of the juvenile pending hearing under Section 2, of this Chapter.

Such orders shall have the force and effect of judgments for money and shall be enforceable as are other judgments for money rendered under the Tribal Code.

F. Removal from reservation. The Court may permit removal of neglected, dependent or delinquent juveniles from the reservation by the person or institution in whose custody the juvenile is given, on condition that such custodian produce the juvenile when required by the Court. In its discretion the Court may require bond obliging the custodian produce the juvenile when required by the Court.

Section 8. Records of the Juvenile Court.

The Court shall maintain a record of all proceedings under this Chapter in record books labeled "Records of the Juvenile Court". The records of proceedings under this Chapter shall not be open to public inspection and the names of the juvenile offenders shall not be released to the newspaper.

Section 9. Custody of a Juvenile Arrested for Violation of Law.

An officer of the Law, other than the probation or juvenile officer, who arrests a juvenile for violations of this Code shall forthwith notify, the probation or juvenile officer of the arrest and shall place the juvenile in such custody as the probation or juvenile officer directs, pending hearing by the Court.

Section 10. Report of Custodian.

When a juvenile is committed to the care of a custodian, the Court may also assign the matter to a probation officer, who shall periodically inquire into the juvenile's welfare and who shall require from such custodian a quarterly report if the Court so orders. Such report shall set out in detail matters bearing on the juvenile's condition and welfare. The report shall be filed with the Court.

Section 11. No Limitations on Authority.

Nothing in this Chapter shall be construed as prohibiting an officer of the Law from taking into custody a juvenile who is found violating a law or ordinance, who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals or welfare.

Section 12. Probation and Juvenile Officers.

Probation and Juvenile Officers, shall have the authority of peace officers, they shall;

- (1) Look after the interests of neglected, dependent or delinquent juveniles of the Reservation;
- (2) Make investigations and file petitions;
- (3) Be present in Court when cases are heard concerning juveniles and represent their interests;
- (4) Furnish the Court with information and assistance as it may require;
- (5) Assist in the collection of sums ordered paid for support of Juveniles and in the execution of the judgments of the Court; and
- (6) Perform such other acts as may be directed by the Court.

Section 13. Penalty for Improper and Negligent Training of Juvenile.

Any parent or parents, legal guardian, or other person who shall encourage or cause or permit any juvenile (whether willfully or through negligence in the care, custody-guidance, education, maintenance or direction of such juvenile) to violate any law or ordinance of the Tribe, or to be or become incorrigible, or knowingly to visit or patronize any place, house, or apartment building where any gambling is done or conducted, or to visit any saloon or dram shop where intoxicating liquors are sold, or to wander about the streets of any town or city in the night time without being on lawful business or occupation, or to be guilty of immoral conduct in any public place shall be sentenced (a) to labor for a period not to exceed nine (9) months, or (b) to pay a fine of not less than Ten Dollars (\$10.00) and not to exceed Three Hundred Dollars (\$300.00), or (c) to both the foregoing.

Section 14. Suspension of Sentence; Bond.

The Court may suspend any sentence for the violation of the provisions of Section 13, or release any person sentenced under this Chapter from custody upon conditions that such person shall furnish a good and sufficient bond in such penal sums as the Court shall determine, but not exceeding Three Hundred Dollars (\$300.00) upon conditions to be prescribed or imposed by the Court. Such conditions may be those most calculated to remove the cause of such delinquency of the juvenile. While such conditions are accepted and complied with by such person, such sentence may, in the discretion of the Court, remain

suspended, and such person shall be considered on probation in said Court.

Section 15. Forfeiture of Bond; Execution of Sentence.

Upon failure of any person to comply with the terms and conditions of the bond imposed by the Court under Section 14, such bond may be declared forfeited and terminated by the Court, and the original sentence executed as though it had never been suspended, and the terms of any jail sentence imposed in any such case shall commence from the date of the incarceration of any such person after the forfeiture of such bond or term of probation. There shall be deducted for any such period of incarceration any part of such sentence which may already have been served.

Section 16. Citation and Judgment Against Surety or Bond.

It shall not be necessary to bring a separate suit to recover the penalty of any bond forfeited under Section 15, but the Court may cause a citation to issue to the surety or sureties thereon, requiring that he or she appear at a time named therein by the Court, which time shall not be less than ten (10) or more than twenty (20) days from issuance thereof and show cause, if any there be, why judgment should not be entered for the penalty of such bond and execution issue of the amount thereof against the property of the surety or sureties thereon, as in civil cases, and upon failure to show sufficient cause, the Court shall enter judgment in behalf of the Tribe against the surety and sureties. Any money collected or paid upon any such execution or in any case upon said bond shall be turned over to the Court of the Tribe in which such bond is given to be applied to the care and maintenance of delinquent children committed under the provisions of this Chapter.