

TITLE XI
CHOCTAW YOUTH CODE

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CHAPTER 1. GENERAL PROVISIONS

§11-1-1 Purpose and Construction

This Title may be cited as the Choctaw Youth Code. The purpose of this Youth Code is to secure for each child coming before the Choctaw Tribal Court such care, guidance, and control, preferably in his own home, as will serve the spiritual, emotional, mental and physical welfare of the child and the best interests of the Tribe; to preserve and strengthen the child's cultural and ethnic identity wherever possible; to implement and further improve family and community ties whenever possible, removing him from the custody of his parents or guardian or other custodian only when his welfare or safety and protection of the public cannot be adequately safeguarded without removal; and, when the child is removed from his own family, to secure for him custody, care and discipline, as nearly as possible, equivalent to that which should have been given by his parents.

The laws relating to Youth Court proceedings under this Title shall be liberally construed to carry out these purposes.

§11-1-2 Definitions

As used in this Youth Code, the defined in this section shall be given the following meanings:

- (1) "Abandon" means the willful act of leaving a minor without adequate communication or failing to provide support a minor for a period of 1 (one) year or more. The fact of the surrender of the child for adoption by a parent shall not be taken as evidence of that parent's abandonment or desertion of the child, or of that parent's unfitness as a parent.
- (2) "Adjudicatory Hearing" means a hearing to determine whether the minor that has been charged has engaged in delinquent conduct, or to determine whether a minor is in need of care in child welfare proceedings.
- (3) "Adult" means a person eighteen (18) years of age or older, or any minor who has been transferred to adult court, whether or not the minor has been emancipated.
- (4) "Beyond a Reasonable Doubt Burden of Proof" means the doubt that prevents one from being firmly convinced of guilt.
- (5) "CFS Caseworker" means a person who is employed by the Mississippi Band of Choctaw Indians' Children and Family Services ("CFS") program.
- (6) "Child Custody Proceeding" shall include, but is not limited to, proceedings for foster care placement; termination of parental rights; pre-adoptive placements, and adoptive placements.
- (7) "Clear and Convincing Evidence Burden of Proof" means the truth of the facts asserted is highly probable or is highly and substantially more likely to be true than untrue.
- (8) "Custodial Interrogation" means questioning of a child under age eighteen (18) who is in law enforcement custody, or while the child is being deprived of freedom of action in any significant way by a law enforcement officer, employee of the court, employee of the detention center, or employee of Court Services

- (9) “Custodian” means one who has physical custody of a minor and who is providing food, shelter, and supervision to the minor, whether such person be a parent or otherwise and who has been acting in such a role without a court order.
- (10) “Defense Counsel” means an attorney or lay advocate who has been authorized by the Tribe to represent families in the Tribal Youth Court.
- (11) “Delinquent Act” means an act of wrongdoing which, if committed by an adult, is a crime under federal law or Tribal code.
- (12) “Delinquent Minor” means a minor who has committed a delinquent act or status offense prior to his 18th birthday.
- (13) “Dependent Minor” means a minor who has been voluntarily, placed into the custody of CFS, or any other social services agency, by his parent, guardian or custodian; or a minor who has been court ordered to be taken into custody by CFS, or any other social services agency.
- (14) “Desertion” means any conduct by a parent over an extended period of time that demonstrates willful neglect or refusal to provide support and maintenance of the minor; or, that the parent has not demonstrated, within a reasonable period of time after the birth of a minor, a full commitment to the responsibilities of parenthood.
- (15) “Detention” means the placement of an alleged or adjudicated minor in a physically-restrictive facility.
- (16) “Detention Hearing” means court proceedings to determine whether a minor will be detained, will continue detention, or will be released from detention.
- (17) “Disposition Hearing” means a hearing to determine the most appropriate form of custody or treatment for a minor who has been found to be delinquent at an adjudicatory hearing ;or the imposition of services required for reunification, or other alternatives, when a minor has been determined to be in need of care in child welfare proceedings.
- (18) “Durable Legal Custody” means the legal status created by a court order which gives the durable legal custodian the responsibilities of physical custody of the minor and the duty to provide the minor with care, nurture, welfare, food, shelter, education and reasonable medical care. Modification of such custody requires the showing of a material change in circumstances that adversely affects the minor, or that the natural parent has reformed his/her conduct.
- (19) “Emancipated Minor” means an individual under the age of eighteen (18) who:
 - (a) is or has been married;
 - (b) has attained the age of eighteen (18);
 - (c) has been adjudicated generally emancipated by a court of competent jurisdiction;
 - (d) has been adjudicated emancipated for the purpose of making healthcare decisions by a court of competent jurisdiction;
 - (e) joins the military and serves on a full-time basis;
 - (f) is convicted of a felony and sentenced to incarceration of one (1) year or more for committing such felony; or
 - (g) for such other good cause shown may be emancipated if the minor is found:

(i) to have discontinued full-time enrollment in school having attained the age of (18), unless the minor is disabled;

(ii) to have moved out of the custodial parent's/guardian's home, established independent living, obtained full-time employment; and discontinued educational pursuits prior to attaining the age of twenty-one (21); or

(iii) to cohabit with another person without the approval of the parent obligated to pay child support.

- (20) "Guardian Ad Litem" means an advocate, usually an attorney appointed by the court, who is certified to represent the best interests of a minor in legal proceedings.
- (21) "Guardian" means a person, other than the minor's parent, who is by law responsible for that minor, but may also include a parent who has been judicially-recognized as the guardian for management of the minor's estate after settlement or award of proceeds.
- (22) "House Arrest" means the placement of a minor under the care of his parents, guardian or custodian where they are assuming the responsibility for restricting the minor to the home, under their direct supervision, as ordered by the Youth Court Judge.
- (23) "Human Trafficking" means exploitation of a person for labor, commercial sex, or other service against their will.
- (24) "Least Restrictive Alternative" means the term in the Youth Code directing the Youth Court to select the least drastic method of achieving its goal; the restrictions placed on the minor must be reasonably related to the Youth Court's objectives and must be the least restrictive means of achieving that objective, including but not limited to alternative diversionary programs that may be available to the minor.
- (25) "Legal Custodian" means a court-appointed or court-ordered custodian of the child.
- (26) "Minor" or "Youth" means a child under eighteen (18) years of age, or a person eighteen (18) years of age or older who is under the continuing jurisdiction of the Youth Court. A child who has not reached his 18th birthday but is emancipated as defined in subsection (16) is not considered a "minor" or "youth" for purposes of this Title.
- (27) "Minor in Need of Care" means a minor who:
- (a) has no parent, guardian or custodian available and willing to care for the minor;
 - (b) has suffered or is likely to suffer a physical or emotional injury, inflicted by other than accidental means, which cause or creates substantial risk of serious injury, death, disfigurement, impairment of bodily functions or emotional health;
 - (c) has not been provided with adequate food, clothing, shelter, medical care (including special care by reason of a mental condition, whether mental illness or an intellectual disability, or special care for physical disabilities or disease), education or supervision by his parent, guardian or custodian necessary for the minor's health and well-being;
 - (d) has been sexually abused, and whose parent, guardian or custodian or any person responsible for his care or support, whether legally obligated to do so, has caused or allowed

to be caused the sexual abuse, sexual exploitation, emotional abuse, mental injury, non-accidental physical injury, or other maltreatment upon the minor;

- (e) has been trafficked by any person responsible for the care and support of the child, without regard to the relationship of the trafficker to the child (for commercial, labor, drug, exchange of money or other quid pro quo, or sexual services);
 - (f) has been committing status offenses;
 - (g) has been committing delinquent acts as a result of parental pressure, guidance or approval; or
 - (h) has been subjected to witnessing the occurrence or repeated occurrences of domestic violence.
- (28) “Minor in Need of Special Care” means a minor with any mental or physical illness that cannot be treated with the dispositional alternatives ordinarily available to the Youth Court.
- (29) “Parent” means persons who have a child in common regardless of marriage or they have lived together at any time, or a putative parent who has formally acknowledged paternity or has been determined by a finding of paternity.
- (30) “Parental Guardianship” means that the biological parents are the joint natural guardians of their minor children and are equally charged with their care, nurture, welfare, education, and the care and management of their estates.
- (31) “Peacemaker Court” means a separate division of the Tribal Court with full authority to settle disputes according to the Peacemaker Code and to the Tribe’s customary and traditional law.
- (32) “Preponderance of the Evidence Burden of Proof” means the party bearing the burden of proof must present evidence which shows that the fact to be proven is more probable than not.
- (33) “Probable Cause” means a reasonable, articulated ground to suspect that a person has committed or is committing a delinquent act or that a place contains specific items connected with a delinquent act.
- (34) “Probation” means a legal status created at disposition for a juvenile offender adjudicated as delinquent and required to be monitored by Court Services.
- (35) “Sexual Abuse” means obscene or pornographic photographing, filming or depiction of children for commercial purposes, or the rape, molestation, gratification of lust, incest, human trafficking or other such forms of sexual exploitation of minors.
- (36) “Shelter Hearing” means court proceedings to determine whether a minor taken into custody by a CFS caseworker shall remain in foster care or other approved placement pending adjudication.
- (37) “Status Offense” means an offense that does not rise to the level of a delinquent act, but where the Youth Court has jurisdiction to adjudicate the minor. Status offenses are designated as a Class C offense for the purposes of diversion, sentencing and punishment. Status offenses include but are not limited to:

- (a) the act of running away from the minor's parent(s), custodian or guardian. However, it shall not constitute an offense under this section if the minor is a victim of an illegal act; or
 - (b) the act of a minor who is repeatedly truant from his or her designated school and who is not enrolled in a GED program or has not received the equivalent of/or a high school diploma.
- (38) "Youth Court Prosecutor" means a person employed by or authorized by the Tribal government, either an attorney or prosecuting lay advocate, to prepare and/or present cases to be filed and prosecuted in the Youth Court.
- (39) "Youth Court" means the Choctaw Tribal Youth Court exercising jurisdiction over minors under this Title.
- (40) "Youth Court Judge" means any duly-appointed judge of the Tribal Court when exercising jurisdiction over minors under this Title.

§11-1-3 Jurisdiction

- (1) The Choctaw Tribal Courts shall have original and exclusive jurisdiction over:
- (a) any child custody proceeding, as defined in 25 U.S.C. §1903(1), or
 - (b) any other proceedings of any kind or nature whatsoever involving an Indian child who resides or is domiciled within the Choctaw Indian Reservation.
- (2) The Choctaw Tribal Courts shall also have concurrent jurisdiction over:
- (a) any child custody proceeding, as defined in 25 U.S.C. §1903(1), or
 - (b) any other proceeding of any kind or nature whatsoever brought in this court and involving an Indian child under the age of eighteen (18) not domiciled or residing within the Choctaw Indian Reservation but either a member of or eligible for membership in the Mississippi Band of Choctaw Indians.
- (3) The Choctaw Tribal Courts may exercise concurrent jurisdiction over an Indian child under the age of eighteen (18) not domiciled or residing within the Choctaw Indian Reservation who is a member of the Mississippi Band of Choctaw Indians and is also a member of another Tribe, or in the case of an Indian child who is eligible for membership in the Mississippi Band of Choctaw Indians and another Tribe, but has had the more significant contacts with this Tribe for:
- (a) any child custody proceeding, as defined in 25 U.S.C. §1903(1), brought in the Choctaw Tribal Courts as to such child, or
 - (b) any other proceeding of any kind or nature whatsoever respecting said child.
- (4) The Choctaw Tribal Courts may acquire transfer jurisdiction over any child custody proceeding:
- (a) as defined in 25 U.S.C. §1903(1), or

- (b) any other proceeding of any kind or nature whatsoever, involving an Indian child under the age of eighteen (18) as defined hereinabove not domiciled or residing within the Choctaw Indian Reservation in which such proceedings were initiated in any state court but thereafter transferred to the Choctaw Tribal Courts, and whenever such transfer of jurisdiction is accepted, all subsequent proceedings in the Choctaw Tribal Courts shall proceed in conformity with the provisions of this Title.
- (5) The Choctaw Tribal Courts are vested with exclusive jurisdiction over all other actions brought under this Title involving Indian minors where the cause of action arises within “Indian Country” of the Choctaw Indian Reservation and the Choctaw Tribal Courts are empowered to accept transfer jurisdiction over all such other proceedings involving Indian minors under any of the circumstances defined in subsection (1), (2) or (3) above where the proceedings were initiated in any state court but thereafter transferred to the Choctaw Tribal Courts, provided, however, that all subsequent proceedings in such cases shall be conducted under the provisions of this Title.

§11-1-4 Choctaw Tribal Youth Court Designation

The Youth Court, when in session regarding any matter relating to a minor and under the provisions of this Title, shall be known as the “Choctaw Tribal Youth Court” and any duly-appointed judge of the Choctaw Tribal Courts, when hearing any such matter, shall be known as the “Youth Court Judge.”

§11-1-5 Proceedings Non-Criminal

No adjudication upon the status of any minor in the jurisdiction of the Youth Court shall be deemed criminal or be deemed a conviction of a crime. The disposition of a minor or of evidence given shall not be admissible as evidence against the minor in any proceedings in another court. All matters over which the Youth Court has jurisdiction must be released by order of the Youth Court Judge to be considered in another court.

§11-1-6 Authority of Court

The Youth Court is authorized to cooperate fully with any federal, state, Tribal, public or private agency to participate in any diversion, rehabilitation or training programs and to receive grants in aid to carry out the purposes of this Title. The Choctaw Youth Court shall utilize such social services as may be furnished by any Tribal, federal or state agency.

§11-1-7 Care and Treatment in Shelter Care and Detention Facilities

The Youth Court Judge shall enforce policies and procedures governing the administration of Tribal and non-Tribal detention and shelter care facilities that comply with Tribal, Federal or State standards.

§11-1-8 Full Faith and Credit

The Youth Court may give full faith and credit or comity to another sovereign’s records and judicial proceedings.

CHAPTER 2. TRANSFER PROCEDURES FROM YOUTH COURT TO ADULT COURT, OR TO PEACEMAKER COURT

§11-2-1 Transfer to Adult Court

In any proceedings brought under Chapter 3 of this Title, if the minor is fourteen (14) years of age or older and is alleged to have committed an act that would have been considered a crime if committed by an adult, the presenting officer may file a petition requesting the Youth Court to transfer the minor to the adult criminal court. Electronic filing of pleadings with the Court may be permitted at the discretion of the Judge.

§11-2-2 Pre-Transfer Report

Prior to the transfer hearing, a study shall be conducted and a written report, filed with the Youth Court. The report shall be made available to the minor, parent, guardian, custodian, and/or advocate/attorney by Court Services. Such report shall be relevant to those factors enumerated in §11-2-4.

§11-2-3 Transfer Hearing; Electronic Hearing

(1) Timelines

Upon the filing of a Petition to Transfer to the criminal court, the Youth Court shall conduct a hearing to determine whether jurisdiction of the minor should be transferred to the criminal court. The transfer hearing shall be held not more than ten (10) days after the petition is filed, excluding weekends and holidays, unless the Youth Court grants additional time for good cause shown. Written notice of the transfer hearing shall be given to the minor, and to the minor's parents, guardian or custodian at least seventy-two (72) hours prior to the hearing. The hearing may be held by electronic means in the discretion of the Judge. If an adult is charged as a minor in the Youth Court based upon his age at the time of the alleged offense, the adult shall be served with a notice and Petition for transfer.

(2) At the time of the scheduled transfer hearing, if not before, the Youth Court Judge shall advise the respective parties as follows:

- (a)** the Youth Court Judge shall inform the minor and his parents, guardian or custodian of their right to retain counsel by advising them on the record that, "According to the Indian Civil Rights Act, you have the right to have a lawyer or other person represent you at this hearing. However, you or your family must pay any fees for such representation";
- (b)** the Youth Court Judge shall further inform the minor and his parents, guardian or custodian of their right to have the proceedings continued if they need additional time to seek counsel;
- (c)** if the parties are unable to pay for counsel, the Youth Court Judge shall inform them of any available services that provide legal representation;
- (d)** the Youth Court Judge shall inform the minor that he does not have to be a witness against, or otherwise incriminate, himself;
- (e)** the minor and the minor's parents, guardian or custodian shall be told that they are entitled to introduce evidence, to be heard on their own behalf, and to examine witnesses; and

- (f) no statement made by the minor is admissible in any other proceeding.

§11-2-4 Standards of Transfer

The Youth Court may transfer jurisdiction of the minor to the criminal court if the Youth Court finds by clear and convincing evidence that:

- (1) there are no reasonable prospects of rehabilitating the minor through resources currently available through the Youth Court;
- (2) the offense allegedly committed by the minor evidences a pattern of conduct which constitutes a substantial danger to himself or to the public;
- (3) the seriousness of the offense;
- (4) whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;
- (5) the sophistication, maturity and educational background of the minor;
- (6) whether the alleged offense was against persons or against property, with greater weight being given to the offense against persons, especially if personal injury resulted;
- (7) the minor's home situation, emotional condition and lifestyle;
- (8) the history of the minor, including experience with the juvenile justice system, other courts, probation, commitments to juvenile institutions or other placements;
- (9) whether the minor can be retained in the juvenile justice system long enough for effective treatment or rehabilitation;
- (10) the dispositional resources available to the juvenile justice system;
- (11) dispositional resources available to the adult correctional system for the minor if treated as an adult;
- (12) whether the alleged offense was committed on school property, public or private, or at any school-sponsored event, and constituted a substantial danger to other students; or
- (13) any other factors deemed relevant by the youth court.

§11-2-5 Transfer Order

- (1) Upon determination by the Youth Court that transfer of the minor to criminal court is warranted, the Youth Court shall enter an Order of Transfer setting forth specific findings pursuant to §11-2-4.
- (2) The transfer order is considered a final order for purposes of appeal.

§11-2-6 Termination of Youth Court Jurisdiction

When a minor's case is transferred to criminal court, the jurisdiction of the Youth Court shall simultaneously and permanently terminate.

§11-2-7 Transfer to Peacemaker Court

In any proceeding brought under Chapter 3 of this Title, the Choctaw Youth Court may transfer the minor to the Peacemaker Court to resolve matters according to traditional Tribal methods of dispute resolution under the following circumstances:

- (1) The Youth Court Judge may recommend transferring the jurisdiction of the minor to the Peacemaker Court on a case by case basis upon voluntary consent of the minor, his parents, guardian or custodian and defense counsel; or
- (2) The minor and minor's parents, guardian or custodian and defense counsel may, on their own volition, request a transfer to Peacemaker Court. The request may be informal and handwritten.
- (3) The opposing parties, particularly the victim, must be in agreement to participate in Peacemaker Court. In the event that the Court has identified certain issues occurring within the minor's family that could be resolved through the Peacemaker Court, the necessary family members must be in agreement to participate;
- (4) When a minor's case is transferred to the Peacemaker Court, the Youth Court shall issue a written transfer order which shall be placed on the docket of the Peacemaker Court;
- (5) If the Peacemaker Court determines that the peacemaking process cannot produce an agreed resolution of the matter, the case shall be transferred to Youth Court. The case will then be placed on the Youth Court's docket for further proceedings
- (6) In the event that the Peacemaker Court produces an agreed resolution, the Peacemaker Court shall issue a written resolution to be filed with the Youth Court. The resolution shall contain the agreement of each participating party. The Peacemaker Court may recommend the dismissal of the Youth Court case, or on a case by case basis, may make further recommendations if dismissal is not yet recommended pending a full resolution of all matters before either Court.
- (7) Child welfare matters brought before the Youth Court under Chapter 4 of this Title shall not be referred to the Peacemaker Court.

CHAPTER 3. JUVENILE OFFENDER PROCEDURE

§11-3-1 Commencement of Action

(1) Non-Judicial Adjustment

As an alternative to filing a complaint, Court Services may make such non-judicial adjustment of the case, including referral to Peacemaker Court, as is practicable without a complaint and proceedings thereunder.

(2) Complaint

Proceedings against alleged juvenile offenders shall be commenced by the filing of a complaint.

§11-3-2 Informal Conference

Court Services may hold an informal conference with the minor and the minor's parent, guardian or custodian to discuss alternatives to the filing of a petition if:

- (a) the admitted facts bring the case within the jurisdiction of the Youth Court;
- (b) an informal adjustment of the matter would be in the best interest of the minor and the Tribe; and
- (c) the minor and his parent, guardian or custodian consent to an informal adjustment with knowledge that the consent is voluntary.

§11-3-3 Limitation Upon Informal Conference

No statement made during the informal conference may be admitted into evidence at an adjudicatory hearing or any proceedings against the minor under this Title.

§11-3-4 Contents of Complaint

Proceedings under this Title shall be instituted by a complaint filed by Court Services on behalf of the Tribe, or by a person(s) with personal knowledge, including but not limited to parents, guardians or legal custodians, who initiate a complaint through Court Services. Electronic filing of pleadings with the Court may be permitted at the discretion of the Judge. The complaint shall contain:

- (1) the name, birth date, if available, and address of the minor;
- (2) the names and addresses of the minor's parent, guardian or custodian;
- (3) a citation to the specific statutory provision of this Title which gives the Youth Court jurisdiction over the proceedings;
- (4) a citation to the Tribal Code provision which the minor is alleged to have violated;

- (5) a plain and concise statement of the facts upon which the allegations are based, including the date and approximate time, if known, and location at which the alleged facts occurred; and
- (6) if the minor is in detention or shelter care, the place of detention or shelter care and the date and time he was taken into custody.

§11-3-5 Warrant

Upon filing a complaint, the Choctaw Youth Court may issue a warrant directing that a minor be taken into custody if the Youth Court finds there is probable cause to believe the minor committed the delinquent act alleged in the complaint. In lieu thereof, a summons may be issued for the minor to appear before the court on a specified day and time for further proceedings upon the complaint.

§11-3-6 Custody and Interrogation

- (1) A minor may be taken into custody by a law enforcement officer if:
 - (a) the officer has probable cause to believe a delinquent act has been committed and that the minor has committed the delinquent act; or
 - (b) a warrant pursuant to §11-3-5 of this Title has been issued for the minor.
- (2) A law enforcement officer who takes a minor into custody pursuant to subsection (1) above shall proceed as follows:
 - (a) An arresting officer shall give the following warnings to any minor he takes into custody prior to any questioning:
 - (i) “You have the right to remain silent;”
 - (ii) “Anything you say can be used against you in court;”
 - (iii) “You have the right to the presence of a lawyer during questioning; and”
 - (iv) “If you cannot afford a lawyer, the court will help you obtain the services of one through available services on the Reservation.”
- (3) An arresting officer shall release the minor to the minor’s parent, guardian or custodian and may issue verbal counseling or a traditional “talking to” or warning as may be appropriate, unless shelter care or detention is necessary.
- (4) If the minor is not released, an arresting officer shall make immediate and recurring efforts to notify the minor’s parent, guardian, or custodian to inform them of their right to be present with the minor until an investigation to determine the need for shelter care or detention is made by Court Services pursuant to §11-3-7 of this Title.
- (5) Custodial interrogation of a minor under age eighteen (18) shall not commence until the minor, parent, guardian, custodian, attorney, or advocate has been fully advised of the constitutional and legal rights afforded to the minor.

- (6) Custodial interrogation of a minor under age eighteen (18) shall not commence until the minor's parent, guardian, custodian, attorney, or advocate is present for the interview.
- (7) Interrogation of minors under age eighteen (18) conducted by a school administrator or teacher concerning a wrongful act committed on school property shall be admissible into evidence against the minor.

§11-3-7 Pre-Trial Detention and Shelter Care

- (1) In determining the need for pre-trial detention or shelter care, the Youth Court must consider the following factors:
 - (a) if the act is serious enough to warrant detention or shelter care; or
 - (b) if there is reasonable cause to believe the minor will run away so that he will be unavailable for further proceedings; or
 - (c) there is a reasonable cause to believe that the minor will commit a serious act causing damage to person or property.
- (2) Except as otherwise provided in subsection (3) of this section, a minor alleged to be a juvenile offender may be detained, pending a court hearing, in the following places:
 - (a) a minor's family home on or off the Reservation;
 - (b) any other facility approved by Court Services; or
 - (c) detention, if Court Services cannot, after reasonable effort, comply with subsection (a) or (b).
- (3) A minor may be detained in a jail or facility used for the detention of adults only if:
 - (a) detention is in a cell separate and removed from sight and sound of adults whenever possible, which is in compliance with BIA regulations; and
 - (b) adequate supervision is provided twenty-four (24) hours a day.

§11-3-8 Detention/Shelter Hearing; Electronic Hearings

- (1) The Youth Court may receive any testimony and other evidence relevant to the necessity for the continued custody or detention of the minor without regard to the formal rules of evidence, including hearsay and opinion evidence.
- (2) If a minor is placed in detention or shelter care by Court Services pursuant to §11-3-7, the Youth Court shall conduct a detention hearing, unless waived by the minor, within two(2) days, excluding weekends and holidays, for the purpose of determining whether continued detention or shelter care is necessary pending further proceedings.

- (3) If the Youth Court finds that continued detention or shelter care is warranted, then the Youth Court may place the minor pursuant to 11-3-7.
- (4) The Youth Court may also release a minor to a relative or other responsible adult Tribal member if the parent, guardian or custodian of the minor consents to the release.
- (5) Hearings may be held by electronic means in the discretion of the Judge.

§11-3-9 Notice of Detention/Shelter Hearing

- (1) Notice of the detention/shelter hearing shall be given to the minor and his parent, guardian or custodian and their counsel, if counsel has been appointed or entered an appearance, as soon as the time for the inquiry has been established.
- (2) The notice shall contain:
 - (a) the name of the court;
 - (b) the title of the proceedings;
 - (c) a brief statement of the substance of the allegations against the minor; and
 - (d) the date, time and place of the detention/shelter hearing.
- (3) The notice shall be delivered by a law enforcement officer or Court Services. Proof of service of process of the notice must be filed with the Youth Court.

§11-3-10 Non-Attendance of Parent, Guardian or Custodian

- (1) If the minor's parent, guardian or custodian is not present at the detention hearing, the Youth Court shall determine what efforts have been made to notify and to obtain the presence of the parent, guardian or custodian. If it appears that further efforts are likely to produce the parent, guardian or custodian, the Youth Court shall recess for not more than twenty-four (24) hours and direct the Youth Court Counselor to make continued efforts to obtain the presence of a parent, guardian or custodian.
- (2) Should the parent, custodian or guardian, after being notified of the detention hearing, refuse to appear at the detention hearing, then the Youth Court may find the parent, custodian or guardian in contempt, and order such discipline or sanction as the Youth Court deems necessary.

§11-3-11 Adjudicatory Hearing; Electronic Hearing; Setting

- (1) An adjudicatory shall be set not be more than fourteen (14) days after the filing of the complaint for adjudication, if the minor is in detention. If the minor is not in detention, then the adjudicatory hearing must be held within thirty (30) days of the filing of the complaint. The hearing may be held by electronic means in the discretion of the Judge. If the adjudicatory hearing is not held within the time period herein described, the complaint shall be dismissed and cannot be filed again, unless:
 - (a) the hearing is continued upon motion or agreement of the minor and parent, guardian, or legal custodian, or the minor's attorney; or

- (b) the hearing is continued upon motion of the presenting officer by reason of the unavailability of material evidence or witnesses; or
- (c) when service of process cannot be completed on necessary parties or witnesses; or
- (d) other good cause shown to the Court.

§11-3-12 Summons

- (1) At least five (5) days prior to the adjudicatory hearing, the Youth Court shall issue summons to:
 - (a) the minor; and
 - (b) the minor's parent, guardian or custodian.
- (2) The summons shall contain the name of the court, the title of the proceedings, and the date, time, and place of the hearing, along with a statement that failure to obey the summons may result in civil penalties, including detention.
- (3) A copy of the complaint shall be attached to the summons; however, a summons need not be issued if the minor has already made a court appearance in the same cause, and who has also received sufficient notice of the time, place and purpose of the adjudicatory hearing.
- (4) The summons shall be personally served by a law enforcement officer of this jurisdiction or an appointee of Court Services.
- (5) If a person who has been served a summons fails to appear at the hearing, that person may be held in contempt of court.
- (6) If a person who has been served a summons refuses to appear at the hearing, that person may be subject to arrest and detention at the discretion of the Youth Court

§11-3-13 Burden of Proof

The Burden of Proof in all juvenile adjudicatory hearings is that of beyond a reasonable doubt.

§11-3-14 Adjudicatory Hearing; Electronic Hearing

The minor may choose to admit the allegations of the complaint, or have a hearing on the merits of the complaint.

- (1) Admission
 - (a) After the reading of the complaint, the Youth Court may accept the minor's admission to the complaint, if it finds the following:
 - (i) the minor fully understands his rights as set forth in §11-3-6(2), and fully understands the potential consequences of the admission;

- (ii) the minor voluntarily, intelligently and knowingly admits to all facts necessary to constitute a basis for Youth Court action; and
 - (iii) the minor has not, in his purported admission to the allegations, set forth facts, which, if found true, constitute a defense to the allegations.
- (2) Testimony
 - (a) The Youth Court shall hear testimony concerning the circumstances that gave rise to the complaint.
 - (b) Choctaw Tribal Code Title VI, Chapter 3, “Rules of Evidence” are applicable in adjudicatory hearings.
- (3) Upon the Youth Court accepting an admission of delinquency or upon a finding of delinquency, the Youth Court shall proceed to a dispositional hearing.
- (4) A finding that a minor is a juvenile offender constitutes a final order for purposes of appeal.
- (5) The hearing may be held by electronic means in the discretion of the Judge.

§11-3-15 Dispositional Hearing; Electronic Hearing

A dispositional hearing shall take place at the conclusion of the adjudication unless, in the discretion of the Youth Court Judge, it shall be set at a later date not to exceed ten (10) days. At the dispositional hearing, the Youth Court shall hear evidence on the question of proper disposition.

- (1) The Youth Court shall consider any evidence relevant to the proper disposition of the minor, including opinion and hearsay testimony.
- (2) The Youth Court may exclude any person from the disposition hearing for good cause shown.
- (3) The parties have the right to present and cross-examine any evidence presented at the dispositional hearing.
- (4) The disposition order constitutes a final order for purposes of appeal.
- (5) The hearing may be held by electronic means in the discretion of the Judge.

§11-3-16 Disposition

- (1) If a minor has been adjudged a juvenile offender, the Youth Court may make the following dispositions:
 - (a) place the minor on probation subject to conditions set by the Youth Court;
 - (b) upon consent of all parties, transfer disposition to a Court-approved alternative disposition forum subject to the terms and conditions of said alternative disposition which shall be approved by the Youth Court; or

- (c) place the minor in an institution or facility for detention, or in the care of an agency designated by the Youth Court; or
 - (d) transfer the minor to a rehabilitation or training facility which specifically provides services for delinquent offenders.
- (2) The dispositional orders are to be in effect for the time limit set by the Youth Court, but no order shall continue after the minor reaches the age of twenty-one (21) years of age, with the exception of any order that contains restitution which has not been fully satisfied.
 - (3) Dispositional orders are to be reviewed at the Youth Court's discretion, but at least once every six (6) months.

§11-3-17 Modification of Dispositional Order

- (1) A dispositional order of the Youth Court may be modified upon a showing of a change of circumstances.
- (2) The Youth Court may modify a dispositional order at any time upon the motion filed by any of the following:
 - (a) the minor or minor's counsel;
 - (b) the minor's parent, guardian or legal custodian; or
 - (c) Court Services by or through their legal counsel.

§11-3-18 Dispositional Modification Hearing; Notice

- (1) A written notice of the hearing for modification of a dispositional order shall be given to the minor, the minor's parent, guardian or custodian at least forty-eight (48) hours before the hearing:
 - (a) The notice shall contain the name of the court, the title of the proceedings, a statement that the hearing is to review the disposition, and the date, time and place of the hearing.
 - (b) The notice shall be delivered by a law enforcement officer or an appointee of Court Services.
 - (c) The hearing may be held by electronic means in the discretion of the Judge.

§11-3-19 Court Records and Confidentiality

- (1) A record of all hearings under this Title shall be made and preserved.
- (2) All Youth Court records shall be confidential and shall not be open to inspection and shall not be disclosed to any but the following:
 - (a) the minor or minor's counsel;

- (b) the minor's parent, guardian or custodian;
 - (c) Court Services;
 - (d) the presenting officer,
 - (e) Children & Family Services; or
 - (f) any other person or entity by order of the court, having a legitimate interest in the case or work of the court.
- (3) A copy of a specific Youth Court record may be made available to the parent or legal guardian, Court Services, the presenting officer, and any other person or entity having a legitimate interest in the work of the case before the court at the discretion of the judge.
 - (4) In the event a minor, who was age 14 or older at the time of the offense, is adjudicated delinquent of a sex offense, the judgment as contained in the Youth Court record shall be provided to the Tribe's registry official in compliance with this Tribal Code Title XXXII (32).
 - (5) Court personnel, the minor, parent, guardian, or custodian, along with the attorneys, if any, shall maintain confidentiality of the proceedings in the best interest of the minor involved therein. The minor, parent, guardian, custodian, victims, if any, and any witnesses shall not disseminate any information to the public by any means, including but not limited to: word-of-mouth; any form of social media; email; or text. Violation of this subsection may result in contempt, which may be sanctioned by a fine, detention or both.

§11-3-20 Contempt of Court

- (1) Any willful disobedience or interference with any order of the Youth Court constitutes contempt of court.
- (2) The Youth Court may impose sanctions including but not limited to a fine, detention, or both, until the person found to be in contempt purges himself of the contempt.

§11-3-21 Medical and Psychological or Psychiatric Examinations

The Youth Court may order a medical and/or a psychological or psychiatric examination for a minor who is alleged to be a juvenile offender.

§11-3-22 Appeal

- (1) Appeals of any Youth Court order or judgment shall be governed by Title VII (7). The record of the proceedings shall be made available to the minor, his parent, guardian, or custodian, if filing *pro se*, or to their legal counsel. Costs of obtaining this record shall, unless waived by order of the court, be paid by the party seeking the appeal.
- (2) A written notice of appeal shall be filed with the Youth Court clerk within thirty (30) days of the final order or disposition.

CHAPTER 4. MINOR IN NEED OF CARE PROCEEDINGS

§11-4-1 Indian Child Welfare Act; Portions Applicable

All proceedings instituted under this Chapter of the *Choctaw Tribal Code* (“CTC”) shall be deemed child custody proceedings as defined in 25 U.S.C. §1903(1) of the *Indian Child Welfare Act of 1978* (“ICWA”). Nothing in this Chapter shall be construed in any way to abridge the rights of MBCI to exercise jurisdiction over child custody matters in accordance with ICWA.

§11-4-2 Commencement of Action

(1) Alternative Response

As an alternative to the filing of a complaint and/or removal of children, Children and Family Services (“CFS”, the social services agency of the Tribe) may make such non-judicial adjustment of a case as is practicable to provide diversionary services to the family.

(2) Informal Adjustment

After the commencement of a Complaint but prior to formal adjudication, circumstances may allow for CFS to recommend a lesser restrictive plan for family reunification while ensuring that necessary services are provided to the family. Upon completion of services, a case of Informal Adjustment would be formally closed by the Court.

(3) Complaint

Formal proceedings shall be commenced by the filing of a complaint by MBCI. Electronic filing of pleadings may be permitted at the discretion of the Judge. The Complaint shall state:

- (a) The name, birth date and address(es) of the minor;
- (b) The names and address(es) of the minor’s parent, guardian or custodian; and
- (c) Reference(s) to the specific statutory provisions which gives the Youth Court jurisdiction over these proceedings.

§11-4-3 Limitation Upon Alternative Response

No statement(s) made during alternative response to Social Service caseworkers may be admitted into evidence at an adjudicatory hearing or any proceedings filed against the parent(s), custodian or guardian under this Title.

§11-4-4 Contents of Complaint

Proceedings under this Title shall be instituted by a complaint filed by MBCI through the Attorney General’s office or such other legal representative representing the Division of Social Services. The Complaint shall include:

- (1) a citation to the specific statutory provisions of this Title which gives the Youth Court jurisdiction of the proceedings;

- (2) name, age and address of the minor who is the subject of the complaint, if known; and
- (3) a plain and concise statement of the facts upon which the allegations are based, including the date, time and location at which the alleged facts occurred.

§11-4-5 Order to Take Minor into Custody (TMIC); Custody; Shelter Care

- (1) The Choctaw Youth Court may, in its discretion, enter an order directing that a minor be taken into custody if the Youth Court finds there is probable cause to believe the minor is a minor in need of care. The Order may be issued verbally by telephone when a Tribal Judge is contacted by CFS; thereafter, an Order shall be signed as soon as possible or on the next business day if the verbal Order is given after business hours, on a weekend or a holiday. In lieu thereof, a summons may be issued for the parent, guardian, or custodian to appear before the court on a specified day and time for further proceedings upon complaint.
- (2) A minor may be taken into custody by a law enforcement officer or CFS representative if:
 - (a) the officer or CFS representative has probable cause to believe that the minor is a minor in need of care and that the minor is in immediate danger from his surroundings and that his removal is necessary; or
 - (b) an Order pursuant to §11-4-5 has been issued for the minor.
- (3) When a minor is taken into custody pursuant to subsection (1) above, the following may occur dependent upon the facts and circumstances:
 - (a) Law enforcement shall make immediate contact with CFS when minors are located on scene of an incident in which there may not be an available parent, guardian or custodian, or in which a parent, guardian or custodian may be detained by arrest, or for such other good cause in the best interest of the minors, for determination by a CFS representative whether to release the minors to a parent, guardian or custodian and issue verbal counsel or warning as may be appropriate, unless shelter care is deemed necessary. Until such time as CFS arrive on the scene, law enforcement will secure the minor for their safety and protection;
 - (b) if the minor is not released, law enforcement or a CFS representative shall make immediate and recurring efforts to notify the minor's parent, guardian, or custodian to inform them that the minor has been taken into custody and inform them of their right to be present with the minor until an investigation to determine the need for shelter care is made by CFS; or
 - (c) if the minor is not released, law enforcement officer shall immediately notify CFS. Law enforcement and CFS are to assist each other in getting the child placed in a safe and secure shelter pending further action.
- (4) A CFS representative shall not place a minor in shelter care until the Youth Court orders that the minor be taken into custody under this Title.

- (5) If the minor's parent, guardian or custodian has not been contacted, a CFS representative shall make immediate and recurring efforts to inform them that the minor has been taken into custody and to release the minor to the parent, guardian or custodian unless shelter care is immediately necessary.
- (6) If a minor cannot be released to his parent, guardian or custodian, the CFS representative shall place the minor in shelter care (foster care or relative placement) pending a shelter care hearing. The representative will be prepared to make recommendations at the hearing as to whether continued shelter care will be necessary.

§11-4-6 Shelter Care Placement

Based upon §11-4-5, a minor alleged to be a minor in need of care may be placed in shelter care, pending a shelter hearing, in one of the following places:

- (a) a foster care facility located on the Reservation, as approved by the Tribe;
- (b) a private family home located on the Reservation, as approved by the Tribe;
- (c) a private, Tribal family home located in one of the Tribal communities not on the Reservation but located nearest to Reservation lands, as approved by the Tribe; or
- (d) a shelter care facility located on the Reservation, as approved by the Tribe.

§11-4-7 Shelter Hearing or Preliminary Inquiry; Electronic Hearing

- (1) If the minor is placed in shelter care by the CFS representative pursuant to §11-4-5, the Youth Court shall conduct a "shelter" hearing within seventy-two (72) hours (excluding weekends and holidays) for the purpose of determining whether continued shelter care is necessary. The hearing may be held by electronic means in the discretion of the Judge.
- (2) If a minor has been released to his parent, guardian or custodian, the Youth Court shall conduct a "preliminary inquiry" for the sole purpose to determine whether probable cause exists to believe the minor is a minor in need of care.
- (3) Notice of the shelter hearing or preliminary inquiry shall be given to the minor and to the minor's parent, guardian or custodian and their counsel as soon as the time for the inquiry has been established. The Court will have the discretion not to have the minor served with process based upon the minor's age, mental or physical disability or for such other good cause as determined by the Court.
- (4) The notice shall contain:
 - (a) the name of the court;
 - (b) the title of the proceedings;
 - (c) a brief statement of the substance of the alleged circumstances upon which the minor in need of care allegations are based; and

- (d) the date, time and place of the shelter hearing or preliminary inquiry.
- (5) The notice shall be delivered by a law enforcement officer, an approved private process service, an officer of the Court, or an appointee of the Youth Court, and shall be served personally upon the person(s) designated in the summons or subpoena.

§11-4-8 Non-Attendance of Parent, Guardian or Custodian

If the minor's parent, guardian or custodian is not present at the shelter hearing or preliminary inquiry, the Youth Court shall determine what efforts have been made to notify and to obtain the presence of the parent, guardian or custodian. If it appears that further efforts are likely to produce the parent, guardian or custodian, the Youth Court shall recess for not more than twenty-four (24) hours, unless good cause is shown for more time, and direct CFS to make continued efforts to obtain the presence of a parent, guardian or custodian. A guardian ad litem may be appointed.

§11-4-9 Rights of Parents/Guardians/Custodians

- (1) The Youth Court Judge shall inform the parent, guardian or custodian of their right to retain or obtain counsel or a lay advocate at any stage of the proceedings, and any fees that may be charged for representation shall be the responsibility of the parent/guardian/custodian.
- (2) If the parties appear at the hearing without counsel, the Youth Court Judge may continue the proceedings if they need additional time to seek counsel.
- (3) If the parties are unable to pay for counsel, the Youth Court Judge shall inform them of any available services that provide legal representation.

§11-4-10 Scope of Shelter Hearing or Preliminary Inquiry; Burden of Proof

- (1) The Youth Court shall hear testimony concerning the circumstances that gave rise to the complaint or the taking of the minor into custody and the need for continued shelter care shown by a preponderance of the evidence. The Youth Court may allow hearsay statements as deemed necessary under the circumstances presented to the Court. The Youth Court shall enter a written ruling determining whether probable cause exists for the need to continue shelter care of the minor.
- (2) If, at the shelter hearing or preliminary inquiry, the Youth Court finds that probable cause exists to believe the minor is a minor in need of care, the minor may be released by the court to his parents and ordered to appear at the adjudicatory hearing, unless there is reasonable cause to believe that the minor is in immediate harm from his parent, guardian or custodian and that his removal from them is necessary, or any other good cause shown to the court.
- (3) The Youth Court may release a minor pursuant to subsection of this section to a relative or other responsible adult Tribal member if the parent, guardian or custodian of the minor consents to the release. If the minor is ten (10) years of age or older, the minor and his parent, guardian or custodian must both consent to the release.
- (4) Upon a finding that probable cause exists to believe that there is a need for shelter care, the minor's shelter care shall be continued. The court shall consider the recommendations of CFS.

- (5) If probable cause exists to believe the minor is a minor in need of care and the need for shelter care is not found, the complaint shall be dismissed.

§11-4-11 Setting of Adjudicatory Hearing; Hearing; Electronic Hearing; Burden of Proof

- (1) Upon filing of the Complaint, the Youth Court shall set a date for the hearing which shall not be more than ten (10) days after filing, excluding weekends and holidays. If the adjudicatory hearing is not held within ten (10) days after the filing of the petition, the petition shall be dismissed, unless:
- (a) the hearing is continued upon motion of the parent/guardian/custodian;
 - (b) service of process upon the parties cannot be completed;
 - (c) the hearing is continued upon motion of the presenting officer by reason of the unavailability of material evidence or witnesses; or
 - (d) other good cause shown to the Court.
 - (e) The hearing may be held by electronic means in the discretion of the Judge.
- (2) The adjudicatory hearing shall be conducted for the sole purpose of determining whether the minor is in need of care.
- (a) If the parent, guardian or custodian admits to the allegations of the Complaint, the Youth Court shall proceed to disposition, only if the Youth Court finds;
 - (i) the parent, guardian or custodian fully understands their rights as set forth in §11-4-9 and fully understands the potential consequences of their admission;
 - (ii) the parent, guardian or custodian voluntarily, intelligently and knowingly admits to all facts necessary to constitute a basis for Youth Court action; and
 - (iii) the parent, guardian or custodian have not, in their purported admission to the allegations, set forth facts which, if found to be true, constitute a defense to the allegations.
 - (b) If the allegations of the Complaint are disputed, the Youth Court shall hear testimony concerning circumstances which gave rise to the Complaint.
 - (c) The burden of proof shall be by a preponderance of the evidence.
 - (d) If the requirements of either subsection (a) or (b) are met, then the Youth Court shall find that the minor is in need of care, and immediately proceed to disposition. A finding that the minor is in need of care shall constitute a final order for purposes of appeal.

§11-4-12 Summonses and Subpoenas

- (1) At least five (5) days prior to the adjudicatory hearing, summonses shall be issued to the parent, guardian or custodian.
- (2) The summons shall contain the name of the court, the title of the proceedings, and the date, time, and place of the hearing, along with a statement that failure to obey the summons may result in civil penalties, including detention.
- (3) A copy of the complaint shall be attached to the summons; however, a summons need not be issued if the parent/guardian/custodian has already made a court appearance in the same cause, and has also received sufficient notice of the time, place and purpose of the adjudicatory hearing.
- (4) The summons or subpoena shall be delivered personally by a law enforcement officer of this jurisdiction or process server.
- (5) If a person who has been served a summons or subpoena fails or refuses to appear at the hearing, that person may be held in contempt of court, unless good cause is shown.
- (6) Subpoenas may be issued to any persons the parties believe necessary for the proper adjudication of the hearing.

§11-4-13 Disposition; Electronic Hearing

- (1) The Youth Court shall hear evidence and other relevant information as to proper disposition and a description of all reasonable and appropriate alternatives available. CFS shall make a dispositional recommendation as follows:
 - (a) a case plan for the parent(s)/guardian(s)/custodian(s) calculated to resolve the problems presented in the Complaint;
 - (b) an explanation showing the necessity for the proposed case plan and the benefits to the minor(s) and parent(s)/guardian(s)/custodian(s); and
 - (c) the available resources and alternatives and goals recommended for the parent(s)/guardian(s)/custodian(s) to achieve reunification of the family.
- (2) The Youth Court may make any of the following dispositions as to placement and custody which are listed by priority:
 - (a) permit the minor(s) to remain with his parents, guardians or custodians, subject to such limitations and conditions as the court may prescribe;
 - (b) place the minor(s) with a relative within the boundaries of the Choctaw Indian Reservation subject to such limitations and conditions as the court may prescribe;
 - (c) place the minor(s) in an approved foster home within the boundaries of the Choctaw Indian Reservation subject to such limitations and conditions as the court may prescribe;
 - (d) place the minor(s) in shelter care facilities designated by the Court;

- (e) place the minor(s) in a foster home or relative's home outside of the external boundaries of the Choctaw Indian Reservation, subject to such limitations and conditions as the Court may prescribe; or
 - (f) accept recommendations that termination proceedings be initiated.
- (3) Pursuant to 25 C.F.R. Ch. 1, §20.510, a plan for permanency placement must be submitted to the Court within six (6) months of a minor(s) being taken into custody, and a permanency hearing must be held within twelve (12) months from a minor(s) being taken into custody, which results in the legal custody of the minor(s) being made with an approved placement when reunification is no longer viable.
 - (4) Dispositional orders are to be in effect for the time limit set by the Youth Court, but no order shall continue after the minor reaches t twenty-one (21) years of age.
 - (5) Dispositional orders are to be reviewed at the Youth Court's discretion, but at least once every six (6) months pursuant to 25 C.F.R. Ch. 1, §20.510.
 - (6) The Court shall have the discretion to order the parties to comply with alcohol and/or drug testing and to require that the parties bear the costs of such testing.
 - (7) The Court shall have the discretion to order the parties to provide necessities for the minor(s) while in the legal custody of CFS, including but not limited to child support, clothing, hygiene items, medications, school supplies, school fees, and extracurricular activity fees.
 - (8) The Court shall have the discretion to order the parties to participate and complete such programs that have been recommended by Choctaw Behavioral Health or such other mental health providers.
 - (9) Recommendations for the parties to participate in programs that are made available to the Tribe through grant-funded programs may be utilized as resources toward reunification, as part of a comprehensive service plan.
 - (10) Recommendations for the parties to participate in culturally-sensitive, traditional programs, whether formal or informal, may be utilized as resources toward reunification, as part of a comprehensive case plan.
 - (11) Failure of the parties to abide by the orders of the Youth Court may result in sanctions of civil contempt with penalties that may include a fine, detention, community service, or any combination thereof to deter further and future contempt.
 - (12) The dispositional order constitutes a final order for purposes of appeal.
 - (13) The hearing may be held by electronic means in the discretion of the Judge.

§11-4-14 Modification of Dispositional Order

The Youth Court may modify a dispositional order at any time upon the motion of any of the parties showing a change of circumstances or other good cause shown.

§11-4-15 Dispositional Modification Hearing; Notice

Notice in writing of the hearing for a modification of the dispositional order shall be given to the the necessary parties and their counsel at least 48 hours before the hearing:

§11-4-16 Contempt of Court

- (1) Any willful disobedience or interference with any order of the Youth Court constitutes contempt of court.
- (2) The Choctaw Youth Court may sanction an adult for contempt of court in accordance with the Choctaw Tribal Code, including but not limited to fines and detention.

§11-4-17 Confidentiality of Court Records and Proceedings; Confidential Referrals

- (1) A record of all hearings under this Title shall be made and preserved.
- (2) All Youth Court records shall be confidential and shall not be open to inspection to any but the following:
 - (a) counsel of record or guardian ad litem;
 - (b) the minor’s parent, guardian or custodian, or their counsel of record;
 - (c) the Caseworker; or
 - (c) the Attorney General’s Office.
- (3) All parties shall maintain the confidentiality of youth court proceedings and papers.
- (4) The identity of any person making a report of suspected child abuse to CFS, Choctaw Police Department, or to the Choctaw Children’s Advocacy Center (“CCAC”), or to any other such law enforcement, social services or child advocacy agency shall be confidential.

§11-4-18 Appeal

- (1) For purposes of appeal, a record of the proceedings shall be made available to the parent(s), guardian(s) or custodian(s) or to their counsel of record. Costs of obtaining this record shall, be paid by the party seeking the appeal, unless waived by order of the court.
- (2) Any party to a Youth Court hearing may appeal a final order or disposition of the case by filing a written Notice of Appeal with the Tribal Supreme Court within thirty (30) days of the final order or disposition.

- (3) No decree or disposition of a hearing shall be stayed by such appeal, except by order of the Youth Court.
- (4) All appeals shall be conducted in accordance with C.T.C. §7-1-1, *et. seq.*