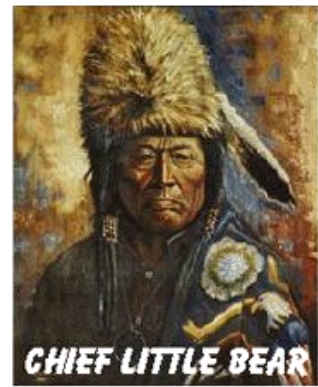


**CHIPPEWA CREE TRIBE
CHILDREN'S COURT
JUVENILE INFORMAL PROCEDURES**

December 2020



PURPOSE

The purposes of this detailed Juvenile Informal Process are to promote public safety and reduce juvenile delinquency by developing individual responsibility and accountability and provide staff more details for facilitating the informal process. These purposes must be pursued through means that are fair, just and recognize the unique characteristics and needs of juveniles and follow the Title VI Children's Protection Code Informal Process.

When the Children's Court Counselor reviews an initial complaint (youth is a first-time offender) she may decide with the consent of the Presenting Officer (Assistant Prosecutor) that an informal agreement would be in the best interest of the youth.

If the Juvenile Presenting Officer recommends that no further action be taken; or suggest to the child and the child's parent, guardian or custodian they will appear for an informal hearing under Title 5 Children's Protection code. The petition shall be filed within seventy-two (72) hours if the child is in custody. If the child has been previously released to his parent, guardian, custodian, relative or responsible adult, the petition shall be filed within five (5) days and an informal hearing shall be held.

Informal Hearing

- A. During the course of the preliminary investigation to determine what further action shall be taken, the juvenile presenting officer, children's court specialist and juvenile probation officer shall confer with the child and the child's parent, guardian or custodian for the purpose of effecting adjustments or agreements that make the filing of the petition unnecessary.
- B. The Children's counselor shall consider the following factors in determining whether to proceed informally or to file a petition:
 1. Nature and seriousness of the offense;
 2. Previous number of contacts with the police, children's court specialist or the court;
 3. Whether filing a petition or proceeding with an informal adjustment of the matter would be in the best interests of the minor and Tribe;
 4. Age and maturity of the child;
 5. Attitude of the child regarding the offense;
 6. Willingness of the child to participate in a voluntary program, and;
 7. Participation and input from the child's parent, guardian or custodian.

Informal Hearing Process

- A. After conducting a preliminary investigation, the children's court counselor, juvenile probation officer, juvenile presenting officer or other appropriate court personnel shall hold an informal hearing with the child and the child's parent, guardian or custodian to discuss alternative courses of action in the particular case.
- B. The children's court counselor shall inform the child, the child's parent, guardian or custodian of their basic rights of this code. Statements made by the child at the informal conference shall not be used against the child in determining the truth of the allegations in the petition.
- C. At the informal hearing, upon the basis of the information obtained during the preliminary investigation, the children's court specialist may enter into a written

agreement with the child and the child's parent, guardian or custodian specifying particular conditions to be observed during an informal adjustment period, not to exceed thirty (30) days. The child and the child's parent, guardian or custodian shall enter into the agreement with the knowledge that consent is voluntary and that they may terminate the adjustment process at any time and petition the court for a hearing in the case.

- D. The child shall be permitted to be represented by counsel at the informal conference. No statement made during the informal hearing conference may be admitted into evidence at an adjudicatory hearing or any proceeding against the minor under this Title.
- E. If the child does not desire to participate voluntarily in a diversion program, the children's court specialist, juvenile probation officer, or juvenile presenter shall file a petition under the Children's Protection Code.
- F. Upon the successful completion of the informal process, the case shall be closed and no further action taken in the case.
- G. The children's court specialist, juvenile probation officer or juvenile presenter shall set forth in writing the conclusions reached at the informal adjustment conference and the disposition agreed to by the parties for remedying the situation. The children's court specialist, juvenile probation officer, or juvenile presenter shall review the minor's progress every thirty (30) days. If at any time after the initial thirty-day period, the officer concludes positive results or not being achieved, or if the child fails to successfully complete the terms of his informal adjustment agreement, the juvenile officer may file a petition in the case under the Children's Protection code.
 - a. Conditions for probation during the 30 days shall be outlined in a contract with the child, legal guardian, presenting officer, probation officer and children's court counselor signature; to include remain law abiding, curfew, school enrollment, random drug test, etc.

Filing and Content of Petition

- A. Formal "juvenile offender" proceedings shall be instituted by a petition filed by the juvenile presenter on behalf of the tribe and in the interests of the child. The petition shall be entitled, "In the matter of a child" and shall set forth with specificity:
 1. The name, birth date, residence, and tribal affiliation of the child;
 2. The names and residences of the child's parent, guardian or custodian;
 - A citation to the specific section(s) of this code which give the court jurisdiction over the proceedings;
 - A citation to the criminal statute or other law or ordinance which the child is alleged to have violated;
 - A plain and concise statement of facts upon which the allegations are based, including the date, time and location at which the alleged acts occurred; and
 - Whether the child is in custody and, if so, the place of detention and time he was taken into custody.

Issuance of Summons

- A. After a "juvenile offender" petition has been filed, the court shall direct the issuance of summons to the child; the child's parent, guardian or custodian; the child's counsel;

appropriate medical and/or alcohol rehabilitation experts; and any other person the court deems necessary for the proceedings.

Content of the Summons

The summons shall contain the name of the court, the title of the proceedings, and the date, time, and place of the hearing. The summons shall also advise the parties of their applicable rights under Children's Protection code. A copy of the petition shall be attached to the summons.

Service of the Summons

The summons shall be served upon the parties at least five (5) days prior to the hearing. The summons shall be delivered personally by a Process Server or appointee of the court. If the summons cannot be delivered personally, the court may deliver it by registered mail. If the summons cannot be delivered by registered mail, it may be by publication. A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing. If a person who has been issued a summons fails to appear at the hearing, that person shall be held in contempt of Court.