

Washoe Tribe of Nevada and California

Law & Order Code

TITLE 10 - JUVENILE PROCEDURES

[Last Amended: 9/28/09, by Resolution No. 292-WTC-09. Effective Date: 10/10/11. Current Through: 12/14/11.]

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Washoe Tribe of Nevada and California

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TITLE 10 – JUVENILE PROCEDURES

[Last Amended: 9/28/09, by Resolution No. 292-WTC-09. Effective Date: 10/10/11. Current Through: 12/14/11.]

DECLARATION OF INTENT

There is hereby established within the Tribal Court of the Washoe Tribe of Nevada and California a juvenile division to be known as the Juvenile Division of the Tribal Court of the Washoe Tribe of Nevada and California.

10-10 SHORT TITLE, PURPOSE AND DEFINITIONS

10-10-010 Short Title

Title 10 shall be entitled the Juvenile Justice Code.

10-10-015 Purpose

The Juvenile Justice Code shall be liberally interpreted and construed to fulfill the following expressed purposes:

1. To preserve and retain the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of children coming within the provisions of this Code;
2. To recognize that alcohol and substance abuse is a disease which is both preventable and treatable;
3. To remove from children committing juvenile offenses the legal consequences of criminal behavior and to substitute therefore a program of supervision, care, and rehabilitation consistent with the protection of the Washoe Tribal community;
4. To achieve the purposes of this Code in a family environment whenever possible, separating the child from the child’s parents only when necessary for the child’s welfare or in the interests of public safety;

5. To separate clearly in the judicial and other processes affecting children under this Code the “juvenile offender” and the “child in need of supervision,” and to provide appropriate and distinct dispositional options for treatment and rehabilitation of these children and families;
6. To provide judicial and other procedures through which the provisions of this Code are executed and enforced and in which the parties are assured a fair hearing and their civil and other legal rights recognized and enforced;
7. To provide a continuum of services for children and their families from prevention to residential treatment, with emphasis whenever possible on prevention, early intervention, and community-based alternatives; and;
8. To provide a forum where an Indian child charged to be “delinquent” or a “status offender” in other jurisdictions may be referred for adjudication and/or disposition.

10-10-020 Definitions and Terms

When used in this title, unless the context otherwise requires:

1. “Adult” means a person eighteen (18) years or older.
2. “Child” means a person less than eighteen (18) years of age.
3. “Minor traffic Violation” means a violation of any Tribal ordinance or resolution governing the operation of a motor vehicle upon any street, alley, or highway within the jurisdiction of the Tribe other than:
 - (a) Criminal homicide; or
 - (b) Driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance, or a drug in violation of Title 5 of the Washoe Tribe Law and Order Code.
4. “Adjudicatory Hearing” means a proceeding in the Juvenile Court to determine whether a child has committed a delinquent act or is a child in need of supervision as alleged in a petition.
5. “Consent Decree” means a Court order suspending a juvenile proceeding prior to adjudication and placing the child or the family under the supervision of the Court pursuant to terms and conditions negotiated with the Juvenile Probation Officer.
6. “Counsel” means an advocate or attorney.
7. “Court” or “Juvenile Court” means the Juvenile Division of the Tribal Court of the Washoe Tribe of Nevada and California.

8. “Custodian” means a person, other than a parent or guardian, to whom legal custody of the child has been given.
9. “Detention” means exercising authority over a child by physically placing him or her in any juvenile facility designated by the Court and restricting the child’s movement in that facility.
10. “Disposition Hearing” means a proceeding in the Juvenile Court to determine how to resolve a case after it has been determined at the adjudicatory hearing that the child has committed a specific “juvenile offense(s)” or is a “child” in need of supervision.
11. “Foster Home” means a home which has been approved by the Juvenile Court to accept placement of children under the age of eighteen (18).
12. “Guardian” means a person assigned by a Court of law, other than a parent, having the duty and authority to provide care, shelter, and control of a child.
13. “Group Home” means a residential facility which is approved by the Juvenile Court to care for children under the age of eighteen (18).
14. “Juvenile Detention Facility” means any juvenile facility (other than a school) that cares for juveniles or restricts their movement, including secure juvenile detention facilities, alcohol or substance abuse emergency shelter or halfway houses, foster homes, emergency foster homes, group homes, and shelter homes.
15. “Juvenile Offender” means a child who commits a delinquent act prior to the child’s eighteenth (18th) birthday.
16. “Juvenile Proceedings” means any proceeding affecting the rights, obligations, custody, or welfare of a child under the age of eighteen (18) years.
17. “Parent” means a natural or adoptive parent, but does not include persons whose parental rights have been legally terminated, nor does it include the unwed father whose paternity has not been acknowledged or established.
18. “Probation” means a legal status created by Court order whereby a “juvenile offender” is permitted to remain in his home under prescribed conditions and under the’ supervision of a person designated by the Court. A “juvenile offender” on probation is subject to return to Court for further proceedings in the event of his failure to comply with any of the prescribed conditions of probation.

- 19. “Shelter Care” means a residential facility which is licensed to care for children under the age of eighteen (18) in an unrestricted setting.
- 20. “Transfer to Tribal Court” means transferring a child from the jurisdiction of the Juvenile Court to the jurisdiction of the Tribal Court which results in the termination of the Juvenile Court’s jurisdiction over that offense.
- 21. “Tribal Council” means the Tribal Council of the Washoe Tribe of Nevada and California.
- 22. “Tribal Court” means the adult Court for the Washoe Tribe of Nevada and California.
- 23. “Tribal Territory” means that area within the exterior boundaries of the Washoe Tribe of Nevada and California.

10-20 JURISDICTION

10-20-010 Jurisdiction Over Children

The Tribal Court shall have original jurisdiction over all Indian children living or found within the exterior boundaries of the territory of the Tribe.

10-20-020 Jurisdiction Over Adults

The Tribal Court shall have such jurisdiction over adults, whether Indian or non-Indian, within the exterior boundaries of the territorial jurisdiction of the Tribe, as is incidental to its jurisdiction over children and as may be necessary to accomplish the purposes of this Title 10.

10-20-030 Jurisdiction Over Stepparents

The stepparents of any child subject to the provisions of this Title shall be subject to the same Court orders as the natural parents of such child under the provisions of this Title.

10-20-040 Subject Matter Jurisdiction

- 1. Except as otherwise provided in this Title, the Tribal Court has exclusive original jurisdiction in proceedings:
 - (a) Concerning any child living or found within the Tribal territory who is in need of supervision because he or she:
 - (1) Is a child who is subject to compulsory school attendance and is a habitual truant from school;

- (2) Habitually disobeys the reasonable and lawful demands of parents, guardian, or other lawful custodians, and is unmanageable; or
- (3) Deserts, abandons or runs away from home or usual place of abode, and is in need of care or rehabilitation.

A child that falls under the above section shall not be considered a delinquent or juvenile offender.

- (b) Concerning any child living or found within the Tribal territory who has committed a delinquent act. A child commits a delinquent act if he or she:
 - (1) Is convicted of a criminal offense under the law of the Washoe Tribe or any other jurisdiction except criminal homicide or attempted criminal homicide or any rule or regulation having the force of law; or
 - (2) Violates the terms or conditions of an order of Court determining that he is a child in need of supervision.

10-20-050 Jurisdiction of Other Courts

This Title does not deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children in divorce or domestic relations cases.

10-20-060 Jurisdiction of Traffic Offenses

This Title does not deprive the Tribal Court when not sitting as a Juvenile Court of original jurisdiction to try juveniles charged with minor traffic violations but:

- a. The restrictions set forth in Subsection 3 of 10-50-060 are applicable in those proceedings; and
- b. The Tribal Court may, upon adjudication of guilt of the offenses, refer any juvenile to the Juvenile Court for sentencing if the referral is deemed in the best interest of the child and where the minor is unable to pay the fine assessed or has been ordered to be imprisoned. Any child charged pursuant to this subsection shall be accompanied at all proceedings by a parent or legal guardian.

10-20-070 Retention of Jurisdiction by Court

When jurisdiction is obtained by the Court in the case of any child, the Court may retain jurisdiction of the child until he reaches the age of twenty-one (21) years.

10-20-080 Transfer of Cases to Juvenile Court

If, during the pendency of a criminal charge, except a charge of criminal homicide or attempted criminal homicide, brought against a person in the Tribal Court, it is ascertained that the person accused was under the age of eighteen (18) years when the alleged offense was committed, the Court shall forthwith transfer the case and record to the Juvenile Court.

10-20-090 Commission of Class A Offense by Child 16 Years or Older

If a child 16 years of age or older is charged with an act which would be a Class A offense if committed by an adult, the Tribal Prosecutor may petition the Juvenile Court to certify the child as an adult. Any child so certified shall be held to answer criminal charges in the Court which would have trial jurisdiction of such an offense if committed by an adult. No child under 16 years of age may be so certified.

10-20-100 Transfer Hearing

The Juvenile Court shall conduct a hearing to determine whether jurisdiction of the child should be transferred to Tribal Court. The transfer hearing shall be held within ten (10) days of receipt of the petition by the Court. Written notice of the time, place, and purpose of the hearing is to be given to the child and the child’s parent, guardian, or custodian at least seven (7) days before the hearing. At the commencement of the hearing, the Court shall notify the child and the child’s parent, guardian, or custodian of their rights under this Code.

10-20-110 Deciding Factors in Transfer Hearing

The following factors shall be considered when determining whether to transfer jurisdiction of the child to Tribal Court:

1. The nature and seriousness of the offense with which the child is charged;
2. The nature and condition of the child, as evidenced by his age, mental, and physical condition; and
3. The past record of offenses.

10-20-120 Standard of Proof in Transfer Hearing

The Juvenile Court may transfer jurisdiction of the child to Tribal Court only if the Court finds clear and convincing evidence that both of the following circumstances exist:

1. There are no reasonable prospects for rehabilitating the child through resources available to the Juvenile Court; and

2. The offense allegedly committed by the child evidences a pattern of conduct which constitutes a substantial danger to the public.

10-20-130 Pre-Hearing Report in Transfer Proceedings

At least seven (7) days prior to the transfer hearing, the petitioner shall prepare a pre-hearing report for the Juvenile Court and make copies of that report available to the child and the child's advocate, parent, guardian, or custodian. The pre-hearing report shall address the issues described in sections 10-20-110 above.

10-20-140 Written Transfer Order

A child may be transferred to Tribal Court only if the Juvenile Court issues a written order after the conclusion of the transfer hearing which contains specific findings and reasons for the transfer in accordance with section 10-20-110 above. This written order terminates the jurisdiction of the Juvenile Court over the child with respect to the offense alleged in the petition. No child shall be prosecuted in the Tribal Court for a criminal offense unless the case has been transferred to Tribal Court as provided in this Chapter.

10-30 JUVENILE COURT PERSONNEL

10-30-010 Definitions

1. Professional Personnel – Members of those health services professions licensed by the State of Nevada or by any other jurisdiction; attorneys; persons who have had specialized training or experience in providing child welfare services; and other persons recognized by the Juvenile Court as regularly providing child welfare services.
2. Social Services Agency – An agency or organization, funded from any source, which utilized professional personnel to provide child welfare services.
3. Social Service Personnel Professional – Personnel who are employed by a social services agency, or other employees of a social services agency who work under the direction and supervision of professional personnel in regularly providing child welfare services.
4. Juvenile Probation Officers – Personnel who are hired as employees of the Washoe Tribal Court and work under the direction and supervision of the Chief Judge of the Washoe Tribal Court. Juvenile Probation Officers may also be appointed to serve as Parole/Probation Officers pursuant to Section 4-10-080 of Title 4.

5. Juvenile Court Judge – The Chief Judge of the Washoe Tribal Court, appointed by the Washoe Tribal Council, shall serve as the Juvenile Court Judge.

[Amended 9/17/02, Resolution No. 92-WTC-2002.]

10-30-020 Use of Services

1. The Juvenile Court shall use the services of social services agencies and personnel and professional personnel to the fullest extent it considers practical in juvenile proceedings.
2. The services of social services agencies and personnel and professional personnel shall be used by law enforcement personnel to the maximum extent possible in juvenile proceedings.

10-30-030 Duties and Responsibilities of Social Services Agency

1. A social services agency which undertakes to provide services shall have the following duties and responsibilities:
 - (a) To assist the Juvenile Court as that Court may direct;
 - (b) To prepare such preliminary investigation reports as may be appropriate, and such predisposition reports as may requested by the Juvenile Court; and
 - (c) To provide such post-disposition services as may be directed by the Juvenile Court.
2. A social services agency shall not be required to provide services other than those for which the Tribal Council or Bureau of Indian Affairs has contracted or which the social services agency normally and customarily provides in the absence of or notwithstanding a contract.

10-30-040 Duties and Powers of Probation Officers

1. Juvenile Probation Officers shall be appointed by the Chief Judge of the Washoe Tribal Court and work under the general direction and supervision of Chief Judge of the Washoe Tribal Court, and shall organize, direct, and develop the administrative work of the juvenile probation.
2. Probation officers and. assistant probation officers shall have the powers as Category II peace officers.

[Amended 9/17/02, Resolution No. 92-WTC-2002.]

10-30-050 Duties and Powers of the Juvenile Court Judge

In carrying out the duties and powers specifically enumerated under this Juvenile Justice Code, a Judge of the Juvenile Court shall have the same duties and powers as a Judge of the Tribal Court, including, but not limited to, the contempt power, the power to issue arrest or custody warrants, the power to issue subpoenas, and the power to issue search warrants.

10-40 PROCEEDINGS PRIOR TO ADJUDICATION

10-40-010 Order of Juvenile Court Directed to Parents, Other Adults; Summons or Notice; Hearing

An order directed to a parent or person, other than a child, shall not become effective:

1. Unless an opportunity for a hearing has been given to such parent or other person pursuant to summons or other notice, at which hearing he may be represented by counsel, witnesses may be produced and examined in his behalf, and he may have the right to cross-examine any witness giving testimony affecting him; and
2. Until a copy of such summons or other notice has been served on such person personally or by registered or certified by mail to his last known address, unless service has been waived in writing.

10-40-020 Initiation of proceedings

1. A complaint alleging that a child is delinquent or in need of supervision shall be referred to the Probation Officer. The Probation Officer shall conduct a preliminary inquiry to determine whether the best interests of the child or of the public require that a petition be filed. If judicial action appears necessary, the Probation Officer may prepare a petition and submit it to the Tribal Prosecutor. If the Prosecutor determines that judicial action appears necessary the petition shall be filed with the Juvenile Court.
2. If the Probation Officer refuses to prepare and submit a petition, the complainant shall be notified by the Probation Officer of his right to a review of his complaint by the Tribal Prosecutor. The Tribal Prosecutor, upon request of the complainant, shall review the facts presented by the complainant and after consultation with the Probation Officer shall prepare and file a petition with the Court when he believes such action is necessary to protect the Tribe or interests of the child.
3. When a child is in detention or shelter care, a petition alleging delinquency or need of supervision shall be dismissed with prejudice if it

was not filed within ten (10) days from the date the complaint was referred to the Probation Officer.

10-40-030 Informal Adjustment

1. During the course of the initial investigation by the Probation Officer of a complaint regarding a juvenile, the Juvenile Probation Officer may confer with the child and the child's parent, guardian, or custodian for the purpose of effecting adjustments or agreements instead of filing a petition and proceed against the juvenile informally.
2. The Juvenile Probation Officer shall consider the following factors in determining whether to proceed informally or to file a petition:
 - (a) Nature and seriousness of the offense;
 - (b) Previous number of contacts with the police, Juvenile Probation Officer or the Court;
 - (c) Age and maturity of the child;
 - (d) Attitude of the child regarding the offense;
 - (e) Willingness of the child to participate in a voluntary program; and
 - (f) Participation and input from the child's parent, guardian, or custodian.
3. Upon the filing of a petition, the Judge may place a minor under supervision of the Court pursuant to a supervision and consent decree without a formal adjudication of delinquency, upon the recommendation of the Probation Officer and the written consent and approval of the minor and his parents or guardian, under the terms and conditions provided for in the decree. The petition may be dismissed upon successful completion of the terms and conditions of the supervision and consent decree.

10-40-040 Contents, Signature of Verified Petition

1. Except as provided in Subsection 2, a petition initiating Court action or a petition for revocation may be signed by any person who has knowledge of the facts alleged, or is informed of them and believes that they are true.
2. A petition alleging that a minor is in need of supervision may be signed only by:
 - (a) A representative of a public or private agency licensed or authorized to provide care or supervision of children; or
 - (b) A representative of a public or private agency providing social service for families; or
 - (c) A school official, law enforcement officer, or probation officer.

3. The Tribal Prosecutor shall sign every petition alleging delinquency or need of supervision, and shall represent the petitioner in all proceedings.
4. Every petition shall be entitled “In the Matter of a Child Under 18 Years of Age”, and shall be verified by the person who signs it.
5. Every petition shall set forth specifically:
 - (a) The facts which bring the child within the jurisdiction of the Court as indicated in Section 10-20-040, and the date when the delinquency occurred or the need for supervision arose;
 - (b) The name, birth date, and residence address of the child;
 - (c) The names and residence addresses of his parents, guardian, or custodian, and spouse if any. If neither of his parents, guardian, or custodian resides or can be found within the Tribal territories, or if their residence addresses are unknown, the petition shall state the name of any known adult relative residing within the Tribal territories, or if there is none, the known adult relative residing nearest to the Court; and
 - (d) Whether the child is in custody, and if so, the place of detention and the time he was taken into custody.
6. When any of the facts required by Subsection 5 are not known, the petition shall so state.

10-40-050 Issuance of Summons; Immediate Delivery of Child

1. After a petition has been filed and after such further investigation as the Court may direct, unless the parties named in this Section voluntarily appear, the Court shall direct the Clerk to issue a summons requiring the person or persons who have custody or control of the child to appear personally and bring the child before the Court at a time and place stated in the summons. The summons must inform the person of the child’s right to be represented by an attorney at the initial hearing and the parents, guardian, or custodian must be informed of their right to be represented by counsel. A copy of the petition shall be attached to each summons.
2. If the person so summoned is other than a parent or guardian of the child, then the parent or guardian or both shall also be notified by a similar summons of the pendency of the case and of the time and place appointed.
3. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the Judge, is necessary.
4. If upon oath or affirmation it appears to the Court that the child is in such condition or surroundings that his welfare or the Tribe’s interest or safety

requires that his custody be immediately assumed by the Court, the Judge may order, by endorsement upon the summons, that the person serving it shall at once deliver the child to the Probation Officer in whose custody the child shall remain until further order of the Court.

10-40-060 Service of Summons

1. Service of summons shall be made personally by the delivery of a true copy thereof to the person summoned. If the Judge is satisfied that it is impracticable to serve the summons personally, he may order service by registered or certified mail addressed to the last known address, or by publication thereof, or both, as he may direct. It is sufficient to confer jurisdiction if service is affected at least forty-eight (48) hours before the time fixed in the summons for the return thereof.
2. Service of summons, process, or notice required by this Title may be made by any citizen over the age of 18 years. All necessary expenses of service of summons, process, or notice shall be paid by the Tribe as provided in other cases.

10-40-070 Issuance of Writ of Attachment of the Person

In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the Judge that the service will be ineffectual or the welfare of the child requires that he shall be brought forthwith into the custody of the Court, the Court may issue a writ for the attachment of the person of the parent or guardian or custodian of the child, or any of them, commanding the Probation Officer or any peace officer to bring before the Court, at a time and place stated, such person or persons. Violation of the writ or any orders of the Court may be punished as contempt.

10-50 DETENTION

10-50-010 Definitions

1. Foster Care Facility – Any arrangement for the care and custody of up to six (6) children in a situation which is not the home of the parents, guardian, or custodian of the children.
2. Group Home Facility – Any arrangement for the care and custody of from seven (7) to fifteen (15) children in a situation which is not the home of the parents, guardian, or custodian of the children.
3. Institutional Facility – Any arrangement for the care and custody of more than fifteen (15) children in a situation which is not the home of the parents, guardian, or custodian of the children.

4. Detention Facility – Any arrangement for the care and custody of a child in a situation the primary function of which is to restrain the child, or to prevent harm or damage to other persons or property by the child.

10-50-020 Establishment of Standards and Rules for Custody and Detention Facilities

1. The Juvenile Court shall direct the designated social services agency to establish standards for and rules regarding foster care, group home, institutional, and detention facilities. These standards and rules shall be in full force and effect unless disapproved by the Tribal Council upon review.
2. The standards and rules established under this Section may regulate all aspects of the facilities defined in Section 10-100-010 relating to the welfare, health, and safety of the children in custody in those facilities. These standards and rules shall be made available in written form to any person requesting a copy of them, and shall be available for inspection at the office of the Clerk of the Court.

10-50-030 Approval of Custody and Detention Facilities

1. Facilities which comply with the standards and rules adopted under Section 10-100-020 shall be approved by the Juvenile Court, following investigation by the designated social services agency and recommendation for approval. Facilities which do not meet the standards and requirements of Section 10-50-020 shall not be approved.
2. Prior to approval, facilities may be required to allow inspection by the designated social services agency, to permit that agency to make its recommendation to the Juvenile Court.
3. The Juvenile Court shall reconsider the approval of each facility at least once each year and shall re-approve only those facilities which continue to meet the requirements established under Section 10-100-020, and which are recommended for re-approval by the designated social services agency.
4. Notwithstanding any other provisions of this Title 10, all records and proceedings of the Juvenile Court relating to approval or disapproval of facilities shall be open and public.

10-50-040 Use of Custody and Detention Facilities

No child shall be placed in any facility unless that facility has been approved under Section 10-100-030. In cases of emergency, the Juvenile Court may direct the placement of a child in a non-approved facility for a period of no more than three 3 days. However, no child shall be placed in any area of any facility,

whether or not approved, which is also used for the custody or detention of adults.

10-50-050 Exemption for State Approved Facilities

The provision of this Title requiring approval of custody detention facilities do not apply to facilities which are approved by the State of Nevada or its subdivisions.

10-50-060 Taking Custody of Child

1. Except as provided in Section 10-50-090, any Peace Officer or Probation Officer may take into custody any child who is found violating any law or ordinance or whose surroundings are such as to endanger his welfare. When a child is taken into custody, the Officer shall immediately notify the parent, guardian, or custodian of the child, if known, and the Probation Officer. Unless it is impracticable or inadvisable or has been otherwise ordered by the Court, or is otherwise provided in this Section, the child shall be released to the custody of his parent or other responsible adult who has signed a written agreement to bring the child to the Court at a stated time or at such time as the Court may direct. The written agreement shall be submitted to the Court as soon as possible. If such person fails to produce the child as agreed or upon notice of the Court, a writ may be issued for the attachment of the person or of the child requiring that the person, or child, or both of them, be brought into the Court at a time and place stated in the writ.
2. If the child is not released, as provided in subsection 1, the child shall be taken without unnecessary delay to the Court or to the place of detention designated by the Court, and as soon as possible thereafter, the fact of detention shall be reported to the Court. Pending further disposition of the case the child may be released to the custody of the parent or other person appointed by the Court, or may be detained in such place as shall be designated by the Court, subject to further order.
3. Except as provided otherwise in this section, a child under 18 years of age shall not at any time be confined or detained in any police station, lockup, jail, or prison, or detained in any place where the child can come into communication with any adult convicted of a crime or under arrest and charged with a crime; except that where no other detention facility has been designated by the Court, until the Judge or Probation Officer can be notified and other arrangements made therefore, the child may be placed in a jail or other place of detention, but in a place entirely separate from adults confined therein.

10-50-070 Requirement of Detention Hearing

1. A child who is taken into custody and detained shall be given a detention hearing conducted by the Judge within seventy-two (72) hours of being detained, excluding weekends and holidays, or within twenty-four (24) hours after such child submits an application, excluding weekends and holidays. A child shall not be released after a detention hearing without the written consent of the Judge.
2. Notice of the detention hearing shall be given to the child and the child's parent, guardian, or custodian and the child's counsel as soon as the time for the detention hearing has been set. The notice shall contain:
 - (a) The name of the Court;
 - (b) The title of the proceedings;
 - (c) A brief statement of the juvenile offense the child is alleged to have committed or facts alleging the child is in need of supervision; and
 - (d) The date, time, and place of the detention hearing.
3. Detention hearings shall be conducted by the Juvenile Court separate from other proceedings. At the commencement of the detention hearing, the Court shall notify the child and the child's parent, guardian, or custodian of their rights under this Code. The general public shall be excluded from the proceedings. Only the parties, their counsel, witnesses, and other persons requested by the parties or the Court shall be admitted.
4. A child alleged to be delinquent or in need of supervision must not, before disposition of the case, be detained in a facility for the secure detention of juveniles unless there is probable cause to believe that:
 - (a) If the child is not detained, he is likely to commit an offense dangerous to himself or to the community, or likely to commit danger to property;
 - (b) The child will run away or be taken away so as to be unavailable for proceedings of the Court or to its officers;
 - (c) The child was brought to the Probation Officer pursuant to a Court order or warrant; or
 - (d) The child is a fugitive from another jurisdiction.
5. The Court shall issue a written finding stating the reasons for release or continued detention of the child. If the Court determines that there is a need for continued detention, the Court shall specify where the child is to be placed until the adjudicatory hearing.

10-50-080 No Detention for Traffic Offenses

Whenever any child is halted by a Peace Officer for any violation of a traffic law, the Peace Officer may prepare and issue a written traffic citation under the same criteria as would apply to an adult violator. If the child gives his written promise

to appear in Court by signing the citation, the Officer shall deliver a copy of the citation to the child and shall not take him into physical custody for the violation.

10-50-090 Detention in Cases of Homicide

During the pendency of a charge against a child of criminal homicide or attempted criminal homicide, the child may petition the juvenile division for temporary placement in a juvenile detention facility pending final disposition of the issue of jurisdiction.

10-50-100 Temporary Detention of Children

Provision may be made for the temporary detention of children in a detention home to be conducted as an agency of the Court or in some other appropriate public institution or agency; or the Court may arrange for the care and custody of such children temporarily in private homes subject to the supervision of the Court, or may arrange with any private institution or private agency to receive for temporary care and custody children within the jurisdiction of the Court.

10-50-110 Reimbursement of Tribe for Expenses of Temporary Detention of Children; Action Against Parent, Guardian

1. When a child is detained in a facility for the temporary detention of children or other commitment facilities for the detention of children, the Tribal Council is entitled to collect from the parent, parents, or guardian of such child all sums of money expended by the Tribe for the care and support of the child during the period of his detention.
2. If the parent, parents or guardian fails or refuses so to reimburse the Tribe, the Tribal Council may recover from such parent, parents, or guardian by appropriate legal action all sums of money due together with interest thereon at the rate of twelve percent (12%) per annum.

10-60 ADJUDICATION

10-60-010 Adjudication Proceedings

1. Proceedings under this Title against any child shall not be deemed to be criminal in nature. Any proceedings under this Title against a child shall be heard separately from the trial of cases against adults, and without a jury. The general public shall be excluded and only such persons having a direct interest in the case may be admitted.
2. The juvenile shall be advised of his rights under law in his first appearance before the Court. He shall be informed of the specific allegations in the petition and given an opportunity to admit or deny such allegations.

3. If the allegations are denied, the Court shall set a date and time to hear evidence on the petition. If the juvenile is in custody the hearing shall be held within 15 days of the initial appearance.

10-60-020 Subpoenas to Witnesses

Upon application of a party, the Clerk of the Court shall issue, and the Court on its own motion may issue, subpoenas requiring attendance and testimony of witnesses and production of records, documents, or other tangible objects at any hearing.

10-60-030 Right to Representation by Counsel

If a child is alleged to be delinquent or in need of supervision, the child and his parents, guardian, or custodian shall be advised by the Court that the child is entitled to be represented by counsel at all stages of the proceedings and his right to have counsel appointed for him at the Tribe’s expense if the child is unable to afford counsel. In cases alleging the child in need of supervision, the parents, guardian, or custodian shall be informed of their right to be represented by counsel at their own expense.

10-60-040 Double Jeopardy Prohibited

Criminal proceedings and other juvenile proceedings based upon the offense alleged in the petition or an offense based upon the same conduct are barred where the Court has begun taking evidence or where the Court has accepted a child’s admission of the facts alleged in the petition. No child may be prosecuted first as a juvenile and later as an adult or in two juvenile court hearings for the same offense.

10-60-050 All Relevant Evidence Admitted

In adjudicatory hearings all relevant and material evidence helpful in determining the questions presented [including oral and/or written reports], may be received by the Court and may be relied upon to the extent of its probative value. The parties or their counsel shall be afforded an opportunity to examine and controvert all evidence received and to cross-examine individuals making reports when reasonably available.

10-60-060 Dismissal of Petition – Juvenile Offender

If the Court finds that facts alleging a child to be a juvenile offender have not been established beyond a reasonable doubt it shall dismiss the petition and order the child released from any detention imposed in connection with the proceeding.

10-60-070 Dismissal of Petition – Child in Need of Supervision

If the Court finds that facts alleging a child to be in need of supervision have not been established by a preponderance of the evidence it shall dismiss the petition and order the child released from any detention imposed in connection with the proceeding.

10-60-080 “Juvenile Offender” Finding

If the Court finds that the child has knowingly and voluntarily admitted the allegations contained in the petition or that the facts alleged have been proven beyond a reasonable doubt, the Court shall immediately make and record its finding and schedule a disposition hearing. Additionally, the Court shall specify in writing whether the child is to be continued in an out-of-the-home placement pending the disposition hearing.

10-60-090 “Child in Need of Supervision” Finding

If the Court finds that the child has knowingly and voluntarily admitted the allegations contained in the petition or that the facts alleged have been proven by a preponderance of the evidence, the Court shall immediately make and record its finding and schedule a disposition hearing. Additionally, the Court shall specify in writing whether the child is to be continued in an out-of-the-home placement pending the disposition hearing.

10-60-100 Predisposition Study and Report

1. After an adjudication that a juvenile is an offender or in need of supervision, the Court shall direct that a predisposition study and report to the Court be made in writing by a Probation Officer or another agency authorized by law, concerning the child, his family, his environment, and other matters relevant to the need for treatment or disposition of the case. The juvenile may, with the consent of the Court, waive his right to a predisposition study.
2. On its motion or that of a party, the Court may continue the hearings under this section for a reasonable period to receive reports and other evidence bearing on the disposition. In this event, the Court shall make an appropriate order for detention or temporary care of the continuance.

3. Where there are indications that the child may be mentally ill or mentally retarded, the Court may order the child to be examined at a suitable place by a physician, psychiatrist, or psychologist prior to a hearing on the merits of the petition. Such examinations made prior to hearing or as part of the study provided for in Subsection 1 shall be conducted on an out-patient basis unless the Court finds that placement in a hospital or other appropriate facility is necessary.
4. The Court, after hearing, may order examination by a physician, surgeon, psychiatrist, or psychologist of a parent or custodian who gives his consent and whose ability to care for or supervise a child before the Court is at issue.

10-70 DISPOSITION

10-70-010 Procedure of Court on Entry of Order

1. If the Court finds that the child is within the purview of this Title, it shall so decree and may, by order duly entered, proceed as follows:
 - (a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the Court may determine;
 - (b) Commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children, or place him in a family home;
 - (c) Order such medical, psychiatric, psychological, or other care and treatment as the Court deems to be for the best interests of the child, except as herein otherwise provided;
 - (d) Order the parent, guardian, custodian, or any other person to refrain from continuing the conduct or neglect which, in the opinion of the Court, has caused or tended to cause the child to come within or remain under the provisions of this Title;
 - (e) Place the child, when he is not in school, under the supervision of a public organization to work on public projects. The person under whose supervision the child is placed shall keep such child busy and well supervised and shall make such reports to the Court as it may require; and
 - (f) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory school attendance so that the child may be employed full time, or both, if the child is at least sixteen (16) years of age, has demonstrated the capacity to benefit from such placement or exemption, and is under the strict supervision of the Juvenile Court.
2. At any time, either on its own volition or for good cause shown, the Court may terminate its jurisdiction concerning the child.

3. An adjudication by the Court upon the status of any child shall not operate to impose any of the civil disabilities ordinarily resulting from conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with a crime or convicted in any Court, except as provided in Section 10-20-090. This disposition of a child or any evidence given in the Court shall not operate to disqualify the child in any future civil service application or appointment; nor shall the name or race of any such child in connection with any proceedings under this Title be published in or broadcast[ed] or aired by any news medium without a written order of the Court.
4. Whenever the Court commits a child to any institution or agency it shall transmit at the time the child is received at the institution or prior thereto a summary of its information concerning the child. The institution or agency shall give to the Court such information concerning such child as the Court may at any time require.

10-70-020 Contents of Decrees and Orders

Every final decree or order entered by a Judge of the Tribal Court concerning a child within the purview of this Title, shall contain, for the benefit of the child, an explanation of the procedure for sealing juvenile records.

10-70-030 Modification, Amendment and Termination of Decrees and Orders

For good cause upon motion by any party or on its own initiative, the Court may modify, change, amend, or terminate any decree or order previously made.

10-70-040 Penalties for Disobedience of Court Orders; Contempt

Any person, except a child, who willfully violates, neglects, or refuses to obey the terms of any order of disposition made by the Court under the provisions of this Title is guilty of a Class C offense and may also be punished for contempt.

10-70-050 Selection of Custodian by Court

In placing a child under the guardianship or custody of any individual or of any public or private agency or institution, the Court, whenever practicable, shall give preference to placing the child with a relative, Tribal member, or Tribal foster home.

10-70-060 Review of Placement by Court

1. Except as provided in Subsection 3, the placement by the Court of a child in a home or institution shall be reviewed by a Judge semi-annually for

the purpose of determining if continued placement or supervision is in the best interest of the child and the public.

2. In conducting such review, the Court may:
 - (a) Require a written report from the child’s Probation Officer, social worker or other guardian or custodian of the child which may include but is not limited to an evaluation of the child’s progress and recommendations for further supervision, treatment, or rehabilitation; and
 - (b) Request any information or statements it deems necessary for the review.
3. The provisions of this Section do not apply to the placement of:
 - (a) A delinquent child; or
 - (b) A child in the home of the child’s parent or parents.
4. This Section does not limit the power of the Court to order a review or similar proceeding other than semiannually.

10-70-070 Appeals of Findings

Orders and Findings made by the Juvenile Court may be appealed in the same manner as provided in the Tribal Code for the appeal of criminal convictions. In all appeal proceedings, the Appeals Court shall conduct closed sessions and shall follow all provisions of this Title 10 relating to the confidentiality of Juvenile Court proceedings.

10-80 MISCELLANEOUS PROVISIONS

10-80-010 Reimbursement of Tribe for Ancillary Services; Action Against Parents

1. When a child who is under the jurisdiction of the juvenile division of the Court pursuant to this Title receives ancillary services administered or financed by the Tribe, including but not limited to transportation or psychiatric, psychological, or medical services, the Tribe is entitled to be reimbursed for such services from the parent, parents, or guardian of the child.
2. The Tribal Council may adopt a sliding scale for determining the amounts to be reimbursed for such services based on the ability of the parent, parents, or guardian to pay, but the Court shall review each case and make a finding as to the reasonableness of the charge in relation to the parent’s, parents’, or guardian’s ability to pay.
3. If the parent, parents, or guardian refuses or otherwise fails to reimburse the Tribe for such services, the Tribal Council may bring the appropriate

legal action to recover all money owed to it, together with interest thereon at twelve percent (12%) per annum commencing thirty (30) days after an itemized statement of the charge for such services is submitted to the parent, parents, or guardian.

10-80-020 Compensation for Care of Children

1. Whenever a child is committed by the Court to custody other than that of its parents, and no provision is otherwise made by law for the support of the child, the Court may order and decree, after a hearing, that the parent shall pay, in such manner as the Court may direct and within the parent's ability to pay, a sum of money as will cover in whole or in part the support of the child. If the parent shall willfully fail or refuse to pay the sum, the Court may proceed against him for contempt of court.
2. Whenever the court shall order the parent or parents of a child to pay for the support of a child, as herein provided, the same shall be paid to the Washoe Tribe.

10-80-030 Medical Treatment, Care, and Examinations of Children

1. The Court may cause any child adjudged within its jurisdiction to be examined by a physician, psychiatrist, psychologist, or qualified person.
2. Whenever a child concerning whom a petition has been filed appears to be in need of nursing, medical, surgical, or other care, the Court may order the parent or other person responsible for the care and support of the child to provide such care. If the parent or other person fails to provide such care, the Court may adjudge that the person having the duty under the law to support the child pay part or all of the expenses of such care in the manner provided in Section 10-80-020.

10-80-040 Fingerprinting, Photographing Accused Child

1. Fingerprints of a child fourteen (14) years of age or older who is referred to Court may be taken and filed by law enforcement officers investigating the commission of an act which would constitute a Class A offense if committed by an adult. If the Court does not find that the child committed the alleged act, the fingerprint card and all copies of the fingerprints shall be destroyed. If a child under fourteen (14) years of age is being investigated for an act which would constitute a Class A offense if committed by an adult, he may be fingerprinted with a proper Court order.
2. If latent fingerprints are found during the investigation of an offense and the investigating officer has reason to believe that they are those of the child in custody, he may fingerprint the child regardless of age or offense

for purposes of immediate comparison with the latent fingerprints. If the comparison is negative, the fingerprint card and other copies of the fingerprints taken shall be immediately destroyed. If the comparison is positive and the child is under fourteen (14) years of age and referred to Court, the fingerprint card and other copies of the fingerprints shall be delivered to the Court for disposition. If the child is not referred to Court, the prints shall be immediately destroyed. Fingerprints shall not be submitted to the Federal Bureau of Investigation or an investigation bureau of any state unless the child is found to have committed an act of delinquency which would constitute a Class A offense if committed by an adult.

3. If the Court finds that a child fourteen (14) years of age or older has committed an act of delinquency which would constitute a Class A offense if committed by an adult, the prints may be retained in a file but they shall be kept separate from those of adults, under special security measures limited to inspection for comparison purposes by law enforcement officers or by staff of the depository only in the investigation of a crime.
4. A child in custody shall not be photographed for criminal identification purposes without the consent of the Judge unless the case is certified for criminal prosecution.
5. Any person who willfully violates any provision of this section is guilty of a Class C offense.

10-80-050 Probation Violators: Confinement of Persons Over 18

Whenever the Court has taken jurisdiction over a person pursuant to the provisions of this Title, it may order any person over the age of 18 years and under the age of 21 years who has been placed on probation by the Court to be placed in jail for the violation of such probation.

10-80-060 Closed Records; Availability to Certain Persons

1. Records of the Juvenile Court shall be closed, shall not be accessible to the general public, shall not be subject to disclosure or inspection as public records, and shall not be used in any other proceedings other than the juvenile proceedings except as permitted under this Section.
 - (a) Juvenile Court Records and the information contained within them, in both juvenile protection cases and juvenile delinquency cases, may be used as the basis for, or evidence in, any juvenile protection proceeding or in any criminal investigation or criminal prosecution of a person charged with neglect or abuse of a child.

(b) The information in Juvenile Court Records may be discussed with a Multi-Disciplinary Team or with a Child Protection Team meeting, pursuant to WTLOC §8-60-010.

2. Nothing in Section 10-80-060(1) shall prevent a child who is subject of Juvenile Court proceedings, the parent, guardian, or custodian, or any person authorized in writing by the child or his parents, guardian, custodian, the Tribal Prosecutor, counsel for the child, counsel for the parent, counsel for the custodian, or counsel for the guardian, from inspecting and copying such records.

[Amended 9/11/2009, by Resolution No. 292-WTC-09]

10-80-070 Destruction of Records

Records of a Juvenile Court case shall be physically destroyed soon after the twenty-second (22nd) birthday of the child as practicable.

10-80-080 Unauthorized Release or Publication of Juvenile Court Records, an Offense

The release of Juvenile Court Records or the information contained within those records, except as provided within Titles 8 and 10 of the WTLOC, or any publication of such records, shall be a class C offense and shall be punished as provided in Title 4, Criminal Procedure.

[Amended 9/11/2009, by Resolution No. 292-WTC-09; Amended 6/28/96, Resolution No. 96-WTC-43]

10-90 SCHOOL ATTENDANCE

10-90-010 Duty to Attend School; Excuses

1. Compulsory Attendance – It is the duty of every child residing on the Reservation from age six (6) and until turning eighteen (18) years of age to attend public or private school for the full time designated as the length of the school day by the school district in which the child attends school throughout the school year, unless the child is exempted under the provisions in Paragraph 2 below. A child may be excused from doing so because of illness or other circumstances which make absence reasonable pursuant to the requirements of Paragraph 3 below. It is the duty of the parent, legal guardian, or custodian of every child to ensure the school attendance of such child.
2. Exemptions – Every child who satisfies the following requirements shall be exempted from compulsory attendance:

- (a) Have completed twelve (12) grades of elementary and high school or who have had an equal amount of education in a private school or from a private tutor.
 - (b) Are enrolled in a Tribally approved school or program.
 - (c) Are being instructed by a private tutor or are being homeschooled in study and recitation in the several branches of study required to be taught in the public schools of the state in which the child would normally attend school and in compliance with relevant laws of such state.
 - (d) Are disqualified from attendance because of their physical or mental condition or because of personal services that must be rendered to their dependents.
 - (e) Are satisfactorily attending an occupational program.
 - (f) Have successfully demonstrated proficiency by passing the General Education Development exam.
 - (g) Are satisfactorily attending an adult education program, community college, or other higher education institution for not less than four (4) hours per calendar week.
3. Excuses – The parent, legal guardian, or custodian of any child shall provide to school authorities a written or verbal explanation for any absence of the child from school. The school principal or a designated representative shall determine whether an absence is excused because of an illness or other circumstances making the absence reasonable.

[Amended 7/14/06, Resolution No. 2006-WTC-64.]

10-90-020 Truant Children

- 1. A truant child is a child:
 - (a) Whose absence from school has not been excused; and
 - (b) Whose parent, legal guardian, or custodian has been given written notice of the absence.
- 2. Each day during which a child is absent without excuse for any period of time may be considered a separate occasion of truancy, if the child's parent, legal guardian, or custodian is given the required written notice.

10-90-030 Taking Absent Children Into Custody

- 1. During school hours, any Tribal Law Enforcement Officer, or school employee designated by Tribal Council resolution may take into custody without a warrant any child who has been reported by school officials to be absent from school and in probable violation of Section 10-90-010.
- 2. Any child taken into custody shall immediately be taken to the school official who reported the truancy of the child. If the child cannot be taken

to the school official during regular school hours, the child instead shall be taken immediately to his parents, guardian, or custodian.

3. Upon locating an absent child, the Law Enforcement Officer or school employee may decline to take the child into custody if he considers such custody unnecessary. In each such case, the Officer or employee shall investigate the circumstances of the incident and shall include the full results of his investigation and a description of his actions in the written report.
4. A written report of all actions taken under this Section, including the details of any decision to not take an absent child into custody, shall be made to Juvenile Probation within two working days of such actions.

[Amended 5/8/2009, Resolution No. 280-WTC-2009.]

10-90-040 Habitual Truancy Proceedings

1. A habitual truant is a child:
 - (a) Who has been found by school officials to be truant upon three (3) separate occasions in one six-week period; and
 - (b) Who needs the supervision of the Juvenile Court to assure future school attendance.
2. Any person authorized to take a truant child into custody, any school official, the Prosecutor for the Washoe Tribe, or the parent, guardian, or custodian of a child may file a petition with the Juvenile Court alleging that the child is a habitual truant. A petition may be filed only if the person filing the petition reasonably believes that the child is a habitual truant. The Juvenile Court shall hear and consider habitual truancy petitions in the same manner and following the same procedures as for other petitions heard by the Juvenile Court. All parties to such proceedings shall have all of the rights provided to parties in other Juvenile Court proceedings.
3. If the Juvenile Court finds that the evidence presented at the hearing establishes that it is more probable than not that a child is a habitual truant, the Court shall enter a decree finding that the child is a habitual truant.
4. If a child is found to be a habitual truant, the Juvenile Court may make any disposition regarding custody, placement, and supervision of the child which will assure future school attendance by the child. Preference shall be given to a disposition which provides for the custody of the child by the parents, guardian, or blood relatives. Habitually truant children may be ordered to perform community service.

[Amended 5/8/2009, Resolution No. 280-WTC-2009.]

10-90-050 Truancy Offenses

1. The intentional failure of any parent, guardian, or custodian of a child to assure the school attendance of the child is a Class D offense. Any person guilty of failing to assure school attendance may be prosecuted and punished as provided in Title 4, Criminal Procedure. In addition to the sentencing guidelines provided in Title 5, the Court may sentence the parent of a habitual child to community service and/or to appropriate counseling such as parenting classes.
2. Intentional or knowing action by any person to induce a child to be truant is a Class D offense. Any person guilty of inducing truancy may be prosecuted and punished as provided in Title 4, Criminal Procedure. In addition to the sentencing guidelines provided in Title 5, the Court may sentence such a person to perform community service.

[Amended 5/8/2009, Resolution No. 280-WTC-2009.]

10-100 ACTS OF JUVENILE DELINQUENCY

10-100-010 Possession or Consumption of Alcoholic of Beverages

Any juvenile who possesses or consumes any alcoholic beverage is guilty of an act of juvenile delinquency, and shall be subject to disposition as provided in this Title 10.

10-100-020 Curfew Violation

1. Any juvenile who violates a curfew established by this Section is guilty of juvenile delinquency, and shall be subject to disposition as provided in this Title 10.
2. On the Dresslerville Colony in Douglas County, Nevada, it shall be unlawful for any minor child under the age of eighteen years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or public grounds, public places, and public buildings, places of amusement and entertainment, or vacant lots within the County between the hours of ten p.m. and six a.m. of the following day and immediately preceding a scheduled school day of the Douglas County School District's high school. Provided however, that the provisions of this Section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care or custody of the minor, or where the minor is upon an emergency errand or legitimate

business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

3. On the Carson Colony or Stewart Community of Nevada, it shall be unlawful for any minor child under the age of eighteen (18) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or public grounds, public places, and public buildings, commercial parking areas, places of amusement and entertainment, or vacant lots within Carson Colony and Stewart Community: a) for those under the age of fifteen (15) years between the hours of ten p.m. and five a.m.; b) for those age fifteen (15) years but less than eighteen (18) years between the hours of midnight and five a.m. The provisions of this Section do not apply to a minor: a) accompanied by his or her parent, guardian, or other adult person having care or custody of that minor; or b) directed upon an emergency errand by his or her parent, guardian, or adult person having care or custody of that minor; or c) who is attending or traveling to or from a school, community, or private function with approval of his or her parent or guardian or adult person having care or custody, provided that a responsible adult person is physically present and immediately available to chaperone or supervise that function; or d) who is at his or her own residence or the adjacent common areas of the residence. Any minor violating this Section may be arrested and taken into custody by a Law Enforcement Officer for transportation to the juvenile detention center, or cited and released to a parent or guardian, or taken home to his or her parent, guardian, or other adult person having care and custody. Upon disposition the minor may be dealt with as deemed appropriate by the juvenile division of the First Judicial District Court, including a fine in an amount not to exceed one hundred fifty dollars (\$150).
4. On the Woodfords Community in Alpine County, California, it shall be unlawful for any minor under the age of eighteen (18) years to loiter about any public street, avenue, alley, parking lot, park, or other public place between the hours of 10:00 p.m., if the next day is a school day, or 12:00 o'clock midnight if the next day is a Saturday, Sunday, or a legal holiday, and the time of sunrise the following day unless accompanied by his or her parent or legal guardian having legal custody and control of his or her person, or by his or her spouse of the age of eighteen (18) years.

10-100-030 Curfew Exemptions

1. The curfews established in Section 10-100-020 above shall not apply to:
 - (a) Any juvenile who is in the company of his parent, guardian, or custodian;
 - (b) Any juvenile who is proceeding directly to his home from any scheduled, schools, religious, or Tribal activities and is so proceeding without delay;

- (c) Any juvenile who is in the home of another with the permission of the juvenile's parent, guardian, or custodian and the person residing in the home where the juvenile is found; or
 - (d) Any juvenile who is in the company of an adult, if the juvenile's parent, guardian, or custodian has knowledge of the juvenile's whereabouts and has given express permission for the juvenile to be away from his home or place of residence in that particular occasion.
2. Special Exemptions – By resolution, the Tribal Council may establish special exemptions from established curfews to allow juveniles to attend or participate in governmental, educational, or cultural events, or in other events of general public interest.