

TRIBAL TRUANCY CODE SELF-ASSESSMENT

CONSIDERING A TRAUMA-INFORMED APPROACH



Truancy Code Self-Assessment

Purpose

The purpose of this checklist is to support tribal courts, diversion programs and truancy prevention programs in evaluating tribal code and policy to determine opportunity for trauma informed language and practice. This checklist is modeled after the Bureau of Indian Affairs Model Indian Juvenile Code while the format was inspired by the National Child Traumatic Stress Network's Trauma Informed Juvenile Justice Court Self-Assessment. The checklist does not reflect every provision contained in the BIA Model Juvenile Code but is instead a selection from the full Truancy Chapter. Tribes are encouraged to consider other provisions within the Truancy Chapter to use as a guide when developing trauma informed tribal code and policy.

Included in each provision is a corresponding indication of the trauma-informed principles the language reflects. Specifically, the checklist includes reference to either the *National Child Traumatic Stress Network's Essential Elements of a Trauma Informed Juvenile Justice System (indicated by an E with a corresponding number)* or the *Substance Abuse and Mental Health Services Administration's Concept of Trauma and Guidance for a Trauma Informed Approach (indicated by a P with a corresponding number)*.

Conducting the Self-Assessment

When conducting the self-assessment, tribes might consider forming a team with cross-system representation. This might include individuals from juvenile court, mental health, schools, law enforcement, truancy prevention programs, health care, prosecutors, defense attorneys, advocates, and importantly, youth and family consumers. The self-assessment team could work together to select some or all of the provisions to evaluate and importantly, identify others for discussion that may not be included here.

Rating Element Benchmarks

The following ratings were selected as a way to guide the evaluation process. Each benchmark is rated using the following definitions:

- *Not a current practice*: no knowledge of code, policy or practice

- *Under discussion or consideration*: code, policy or practice has been discussed or considered for development but is not currently part of routine operations
- *Informal practice*: code, policy or practice is not formalized but is used by court staff, judges, or other individuals in the truancy system
- *Formal operating policy*: practice is formalized in policy but not reflected in tribal code
- *In tribal code*: practice is reflected in the language of the tribal code

Considerations

In an effort to move toward trauma informed systems change, it is recommended that tribal codes consider the impact of trauma on youth by including language regarding trauma informed practice and training to court staff. Language regarding trauma informed practices could appear in others portions of your tribal code (for example youth in need of care or juvenile delinquency) but are included in the checklist below as an example of what this language could entail and because trauma is a valuable consideration in understanding truancy.

Trauma screening and assessment are often recommended components of trauma informed systems and service delivery. It is recommended that trauma screening and assessment occur during the course of a youth's interaction with the justice system. To prevent the potential for re-traumatization, trauma screening and assessment should occur only once. However, the results of any trauma screening and assessment should be considered at multiple points throughout the life of a case (e.g. at initial interaction with law enforcement, during informal proceedings and in the determination of sanctions). This ensures that sanctions, incentives, case planning and those interacting with the youth are considering the potential trauma experiences and related symptoms a youth may have.

Tribes considering trauma screening and assessment should critically examine available tools to ensure they are the most appropriate for the community. Trauma screening tools can be administered by service providers who are not mental health clinicians. However, assessments require those administering the tool to be licensed mental health professionals. Tribes should

therefore consider whether the community currently has the required clinical resources needed to implement each of these components.

Resources that Inform This Document

[Bureau of Indian Affairs Model Indian Juvenile Code](#)

[National Child Traumatic Stress Network’s Trauma Informed Juvenile Justice Court Self-Assessment](#)

[Substance Abuse and Mental Health Service Administration’s Concept of Trauma and Guidance for a Trauma Informed Approach](#)

Trauma Informed Truancy Code Self-Assessment						
Purposes (see §1.01 Purposes in Model Code)						
	Not a current practice	Under Discussion or Consideration	Informal Practice	Formal Operating Policy	In Tribal Code	Notes Supporting Rating
Statement detailing the title as construed and interpreted to fulfill the following purposes:						
<ul style="list-style-type: none"> ▪ Secure care, protection and the mental and physical wellbeing of children coming within the provision of the title 						
<ul style="list-style-type: none"> ▪ To preserve and retain unity of family 						
<ul style="list-style-type: none"> ▪ To remove from children committing delinquent acts the 						

legal consequences of criminal behavior and to substitute programs of supervision, treatment and rehabilitation that consider experiences of childhood trauma						
<ul style="list-style-type: none"> Coordination of services for children and their families with an emphasis on prevention, early intervention, diversion and community-based alternatives 						
<i>Corresponding trauma informed elements/ principles: E1: Trauma-informed Policies & Procedures; E4: Trauma-informed Programming and Staff Education</i>						
Compulsory School Attendance – Notice (See §4.01.130 in Model Code)						
	Not a current practice	Under Discussion or Consideration	Informal Practice	Formal Operating Policy	In Tribal Code	Notes Supporting Rating
Annual notice of compulsory school attendance requirements provided to families by mail, tribal newspaper or website.						

Corresponding trauma informed elements/principles E1: Trauma-informed Policies & Procedures; P2: Trustworthiness & Transparency

Rights, Rules and Procedures (see §4.12 in Model Code)

	Not a current practice	Under Discussion or Consideration	Informal Practice	Formal Operating Policy	In Tribal Code	Notes Supporting Rating
Failure to Appear Tribal Truancy Code does not provide for placement outside the home in truancy cases.						
<ul style="list-style-type: none"> ▪ Code makes clear that there is no valid court order exception to the prohibition against secure detention of status offenders. 						
<ul style="list-style-type: none"> ▪ Code allows for the court to consult with child and family regarding appropriate incentives and sanctions in truancy proceedings 						
<ul style="list-style-type: none"> ▪ When issuing sanctions, code allows for the court to consider any hardship 						

<p>this would place on the family and shall not impose sanctions that would cause undue hardship.</p>						
<p>Corresponding trauma informed elements/ principles: E6: Trauma-informed Cross System Collaboration, E8: Trauma-informed approaches to address disparities and Diversity, P4: Collaboration & Mutuality, P5: Empowerment, Voice, & Choice, P6: Cultural, Historical, & Gender Issues</p>						
<p>Temporary Custody (See §4.03 in Model code)</p>						
	<p>Not a current practice</p>	<p>Under Discussion or Consideration</p>	<p>Informal Practice</p>	<p>Formal Operating Policy</p>	<p>In Tribal Code</p>	<p>Notes Supporting Rating</p>
<ul style="list-style-type: none"> ▪ If child is taken into temporary custody, child must be returned to home or school without an unreasonable delay. 						
<ul style="list-style-type: none"> ▪ No physical or mechanical means of restraint should be used. 						
<ul style="list-style-type: none"> ▪ Police/truancy officer/truancy enforcement personnel may bring child to medical facility if medical attention is needed. 						

<ul style="list-style-type: none"> Police/truancy officer/truancy enforcement personnel should provide a referral to appropriate community service after release from temporary custody. 						
<p>Corresponding trauma informed elements/ principles: E6: Trauma-informed Partnering with Youth and Families, E7: Trauma-informed Cross System Collaboration, P4: Collaboration & Mutuality, P5: Empowerment, Voice, & Choice</p>						
<p>Supervisory Conditions (See §4.04 in Model Code)</p>						
	<p>Not a current practice</p>	<p>Under Discussion or Consideration</p>	<p>Informal Practice</p>	<p>Formal Operating Policy</p>	<p>In Tribal Code</p>	<p>Notes Supporting Rating</p>
<ul style="list-style-type: none"> Whenever a child is subject to supervisory conditions, the court shall order only the least restrictive conditions consistent with the best interest of the child 						
<ul style="list-style-type: none"> The code allows the court to consider any undue hardship to the family that may result from imposed supervisory conditions 						

<ul style="list-style-type: none"> Code specifies that supervisory conditions under this provision do not include: bail, electronic monitoring or other similarly intrusive measures or out of home placement 						
<p>Corresponding trauma informed elements/ principles: E1: Trauma-Informed Policies and Procedures, E6: Trauma-Informed Partnering with Youth and Families, P1: Safety, P4: Collaboration and Mutuality, P5: Empowerment, Voice and Choice</p>						
<p>Informal Truancy Proceedings (see §4.05 in Model Code)</p>						
	<p>Not a current practice</p>	<p>Under Discussion or Consideration</p>	<p>Informal Practice</p>	<p>Formal Operating Policy</p>	<p>In Tribal Code</p>	<p>Notes Supporting Rating</p>
<ul style="list-style-type: none"> Attendance Review Conference -defined and purpose stated 						
<ul style="list-style-type: none"> Informal Truancy proceedings are voluntary for youth and family. 						
<p>Corresponding trauma informed elements/ principles: P2: Trustworthiness & Transparency, P5: Empowerment, Voice, & Choice</p>						
<ul style="list-style-type: none"> Tribal Truancy Board Tribal code includes a community truancy board requirement to be used in the event that an informal 						

<p>process did not result in an attendance plan</p>						
<ul style="list-style-type: none"> ▪ The composition of the truancy board is based on the particular needs of the child and child’s parent, guardian or custodian and may include the Juvenile Case Coordinator and interdisciplinary representation of professionals in the community 						
<p><i>Corresponding trauma informed elements/ principles: E7: Trauma-informed Cross System Collaboration; P4: Collaboration & Mutuality</i></p>						
<ul style="list-style-type: none"> ▪ Child and caregivers are informed that participation in the tribal truancy board is voluntary 						
<p><i>Corresponding trauma informed elements/ principles: P5: Empowerment, Voice, & Choice</i></p>						
<ul style="list-style-type: none"> ▪ The truancy board meets with the child and caregivers to identify and discuss the particular needs of the child and family with a 						

goal of ensuring regular school attendance						
<p>Corresponding trauma informed elements/ principles: E6: Trauma-informed Partnering with Youth and Families, E7: Trauma-informed Cross System Collaboration, P4: Collaboration & Mutuality, P5: Empowerment, Voice, & Choice</p>						
<ul style="list-style-type: none"> ▪ The truancy board, in collaboration with the child and caregivers, develop a truancy remediation plan 						
<p>Corresponding trauma informed elements/ principles: E6: Trauma-informed Partnering with Youth and Families, E7: Trauma-informed Cross System Collaboration, E8: Trauma-informed Approaches to Address Disparities and Diversity, P4: Collaboration & Mutuality, P5: Empowerment, Voice, & Choice, P6: Cultural, Historical, and Gender Issues</p>						
<ul style="list-style-type: none"> ▪ The Juvenile Case Coordinator periodically reviews the effectiveness of the truancy remediation plan which includes regular contact with the child and caregivers, an assessment of the child's attendance and whether services being provided should be reduced or discontinued 						

Corresponding trauma informed elements/ principles: E6: Trauma-informed Partnering with Youth and Families, E7: Trauma-informed Cross System Collaboration, E8: Trauma-informed Approaches to Address Disparities and Diversity, P4: Collaboration & Mutuality, P5: Empowerment, Voice, & Choice, P6: Cultural, Historical, and Gender Issues

<ul style="list-style-type: none"> Time and location of tribal truancy board meetings are convenient for the child and child's caregivers and not scheduled during school hours 						
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Corresponding trauma informed elements/ principles: P2: Trustworthiness & Transparency

Disposition (§4.10)

	Not a current practice	Under Discussion or Consideration	Informal Practice	Formal Operating Policy	In Tribal Code	Notes Supporting Rating
<ul style="list-style-type: none"> Disposition orders entered by the court shall continue in force for not more than six (6) months, unless extended in accordance with modification and extension provisions. 						

Corresponding trauma informed elements/ principles: P2: Trustworthiness & Transparency

Others? Provisions identified as priorities by the tribe or self-assessment committee						
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