

**PROCEDURES FOR  
INDIAN YOUTH**

Juvenile Justice staff who are working with an Indian youth must follow the procedures outlined in this policy, as required by the Indian Child Welfare Act (ICWA)/Michigan Indian Family Preservation Act, (MIFPA), if:

- The Indian youth is charged with any of the following status offenses [MCL 712A.2(a)(2 - 4) or (d)]
  - (1) The juvenile has deserted his or her home without sufficient cause, and the court finds on the record that the juvenile has been placed or refused alternative placement or the juvenile and the juvenile's parent, guardian, or custodian have exhausted or refused family counseling.
  - (2) The juvenile is repeatedly disobedient to the reasonable and lawful commands of his or her parents, guardian, or custodian, and the court finds on the record by clear and convincing evidence that court-accessed services are necessary.
  - (3) The juvenile willfully and repeatedly absents himself or herself from school or other learning program intended to meet the juvenile's educational needs, or repeatedly violates rules and regulations of the school or other learning program, and the court finds on the record that the juvenile, the juvenile's parent, guardian, or custodian, and school officials or learning program personnel have met on the juvenile's educational problems and educational counseling and alternative agency help have been sought. As used in this sub-subdivision only, "learning program" means an organized educational program that is appropriate, given the age, intelligence, ability, and psychological limitations of a juvenile, in the subject areas of reading, spelling, mathematics, science, history, civics, writing, and English grammar.

MCL 712A.2(d) If the court finds on the record that voluntary services have been exhausted or refused, concurrent jurisdiction in proceedings concerning a juvenile between the ages of 17 and 18 found within the county who is 1 or more of the following:

- (1) Repeatedly addicted to the use of drugs or the intemperate use of alcoholic liquors.
- (2) Repeatedly associating with criminal, dissolute, or disorderly persons.
- (3) Found of his or her own free will and knowledge in a house of prostitution, assignation, or ill-fame.
- (4) Repeatedly associating with thieves, prostitutes, pimps, or procurers.
- (5) Willfully disobedient to the reasonable and lawful commands of his or her parents, guardian, or other custodian and in danger of becoming morally depraved.

**AND/OR**

- The Indian youth is the subject of a protective proceeding.

**Note:** ICWA does not apply if the Indian youth committed an offense that would be a crime if committed by an adult unless that Indian youth is also the subject of a protective proceeding.

Caseworkers should consult the Native American Affairs (NAA) website for tribal-specific juvenile justice resources at <http://www.michigan.gov/americanindians>.

**Aftercare for  
Indian Child(ren)**

See NAA 420, Aftercare for Indian Child(ren).

**Independent Living**

See NAA 415, Independent Living Services for Indian Child(ren).

**LEGAL BASIS**

Fostering Connections to Success and Increasing Adoptions Act, 42 USC 675 et seq.

Indian Child Welfare Act, 25 USC 1901 et seq.

Patient Protection and Affordable Care Act, 42 USC 18001 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.