



**AGENDA TOPIC**

<b>III. Rule 27A-Admissibility of Statements Given by Minors</b>	DAVID FUREIGH
The committee reviewed the questions sent to it by the Supreme Court and briefly discussed the memoranda prepared by Keegan Rank and Jean Pierce. Members agreed to hold further discussion until the January 3, 2020 meeting so Monica Diaz can be present. Chris Yannelli completed a review of the statutes which give additional protection to children under the age of 14. He will email the list to Katie Gregory for distribution to all Committee members.	
Action Item:	Chris Yannelli will send his research to Katie Gregory for distribution.

**AGENDA TOPIC**

<b>IV. Proposed Form/Rule Re: Tribal Participation in Juvenile Court</b>	BRIDGET KOZA
<p>Bridget Koza reviewed her work on preparing additions to Rule 50, a form to designate tribal representatives and a form to facilitate filing notices of intervention in cases involving the Indian Child Welfare Act. The committee discussed the following issues:</p> <ul style="list-style-type: none"> <li>○ The effect of the rule and form on tribal participation in ICWA proceedings, including the designation of tribal representatives and who may represent a tribe;</li> <li>○ Whether the intervention form should be a notice or motion;</li> <li>○ CARE access under the rule and the limits of "participation" in a hearing;</li> <li>○ The creation of different forms for district court and juvenile court;</li> <li>○ Whether a form is necessary if a rule details how a tribe may participate in ICWA proceedings;</li> <li>○ The difference between participation and intervention under the rule and how a rule and/or form can effectively convey the differences; and</li> <li>○ The best combination of a rule and a form to detail the procedures for tribal intervention. Is it appropriate to combine intervention and participation in the same form or create separate forms?</li> </ul>	
Concerns were raised that the form might be more limiting than current practice allows. The consensus was that the form should be divided into two parts so that intervention and designation of a representative are covered on separate forms.	
The committee asked Bridget Koza to redraft the form to create separate forms for district and juvenile court proceedings that cover intervention. She will create a separate tribal representation form to be used by the court to identify persons or agencies representing a tribe. The Committee discussed whether a simple contact information form would aide clerical staff in recording tribal representatives in court. Jordan Putnam will rewrite the proposed language in Rule 50 to incorporate a clearer definition of intervention to include "seeking affirmative relief."	
The agenda item will be put back on the agenda for January 3, 2020 for further discussion.	
Action Item:	Bridget Koza will amend the draft forms and discuss them at the January 3, 2020 meeting. Jordan Putnam will also prepare another draft of Rule 50 for discussion.

**AGENDA TOPIC**

<b>V. Old or New Business</b>	MIKELLE OSTLER
Under New Business, Mikelle Ostler addressed a request from the 4 <sup>th</sup> District Juvenile Court to revise Rule 25(f) to provide for a no contest plea in abeyance by changing "admission" to "plea" within the rule. Members of the Committee expressed concern that the revision to Rule 25(f) would conflate the plea of no contest with a plea in abeyance because it may allow offenders to avoid responsibility	

while also allowing an "admission" to appear on their record. Other members noted that as an operation of law, a plea of no contest could potentially be interpreted as an admission under Rule 25(f). They suggested that because Rule 25(a) fills in the gap in section 25(f) the no contest plea exists as an admission and therefore, a change in the language may be unnecessary. Ultimately the Committee recommended that a formal request be submitted for the next meeting so the Committee could examine the language of the rule in more depth if the current interpretation of Rule 25(a) and Rule 25(f) are not sufficient.

Action Item:

Mikelle Ostler will report back to Katie Gregory if the 4<sup>th</sup> District would like to make a formal proposal to revise Rule 25.

DRAFT