

CHAPTER 4 - DISPOSITION

401 DISPOSITION PROCEEDINGS

A. Purpose and Conduct of Disposition Hearing. Disposition hearings shall be conducted by the Court separate from other proceedings. The Court shall conduct the disposition hearing to determine how to resolve a case after it has been determined at the adjudicatory hearing that the child is a juvenile offender. The Court shall make and record its dispositional order. At the disposition hearing, the child and the child's parent, guardian or custodian shall have the applicable rights set forth in this Code. The public shall be excluded from the proceedings. Only the parties, their counsel, witnesses, and persons requested by the parties or ordered by the Court shall be admitted.

B. Notice of Disposition Hearing. Notice of the disposition hearing shall be given to the child and the child's parent, guardian or custodian, the child's counsel and any other person the Court deems necessary for the hearing at least ten (10) days prior to the hearing.

C. Evidence and Reports. In the disposition hearing, the Court may consider all relevant and material evidence in determining the questions presented, including oral and written reports, and may rely on such evidence to the extent of its probative value even though not otherwise competent. The Court shall consider any predisposition report, physician's report or social study it may have ordered and afford the child, the child's parent, guardian or custodian and the child's counsel an opportunity to controvert the factual contents and conclusions of the report(s). The Court shall also consider the alternative predisposition report or recommendations prepared by the child or the child's counsel, if any.

D. Disposition Alternatives. If a child is found by the Court to be a juvenile offender or stipulates that he is a juvenile offender, the Court may make and record one or more of the following orders of disposition for the child's supervision, care and rehabilitation:

1. permit the child to remain with his parent(s), guardian, custodian, or some other suitable person subject to such conditions and limitations as the Court may prescribe;
2. place the child in the legal custody of a relative or other suitable person, or an institution approved by the Nation, subject to such conditions and limitations as the Court may prescribe;
3. order the child and, in the Court's discretion, the parents, guardian, or custodian to pay restitution and/or fines and/or perform community service;
4. place the child on probation under such conditions and limitations as the Court may prescribe.