



Impacts and Implication of McGirt ruling on Oklahoma Juvenile Healing to Wellness Courts

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Tribal Youth Resource Center
www.TribalYouth.org

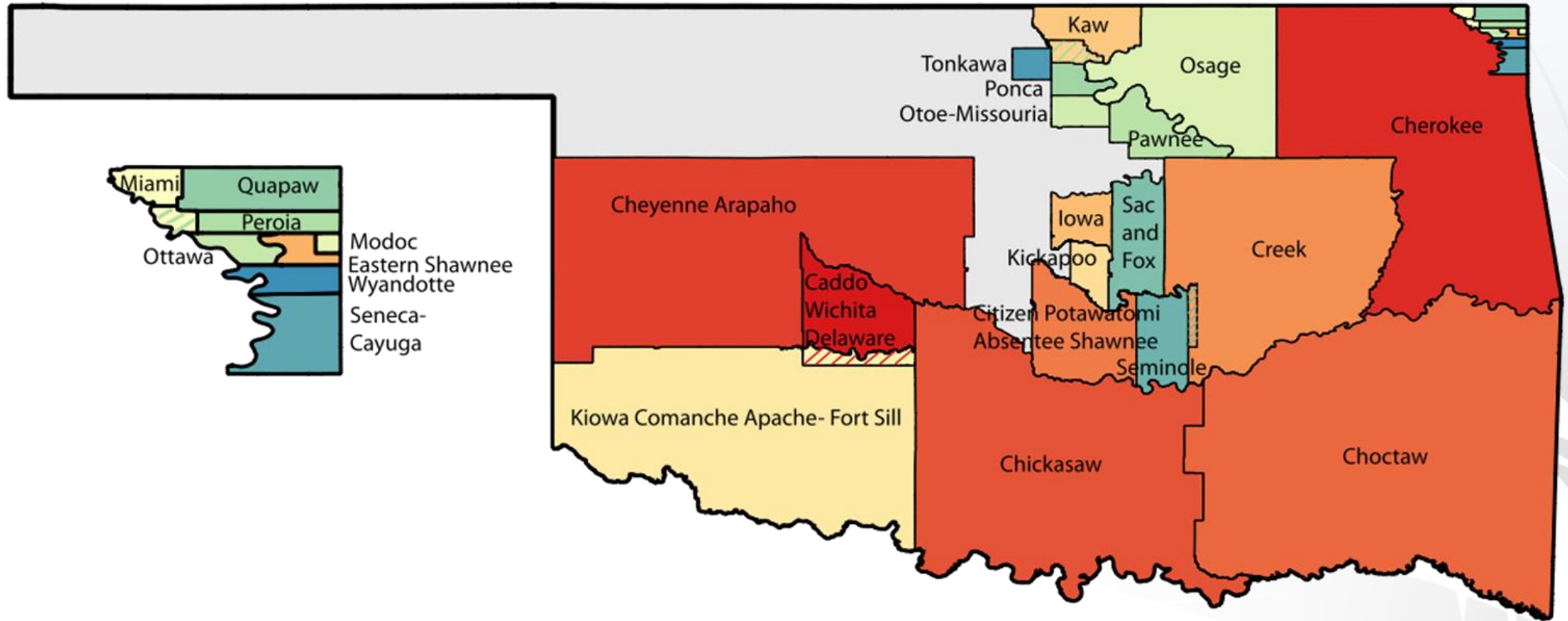
▶ Before We Get Started...

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State of Oklahoma



Choctaw Nation of Oklahoma District Map





OKLAHOMA NOTIFICATION STATUTE

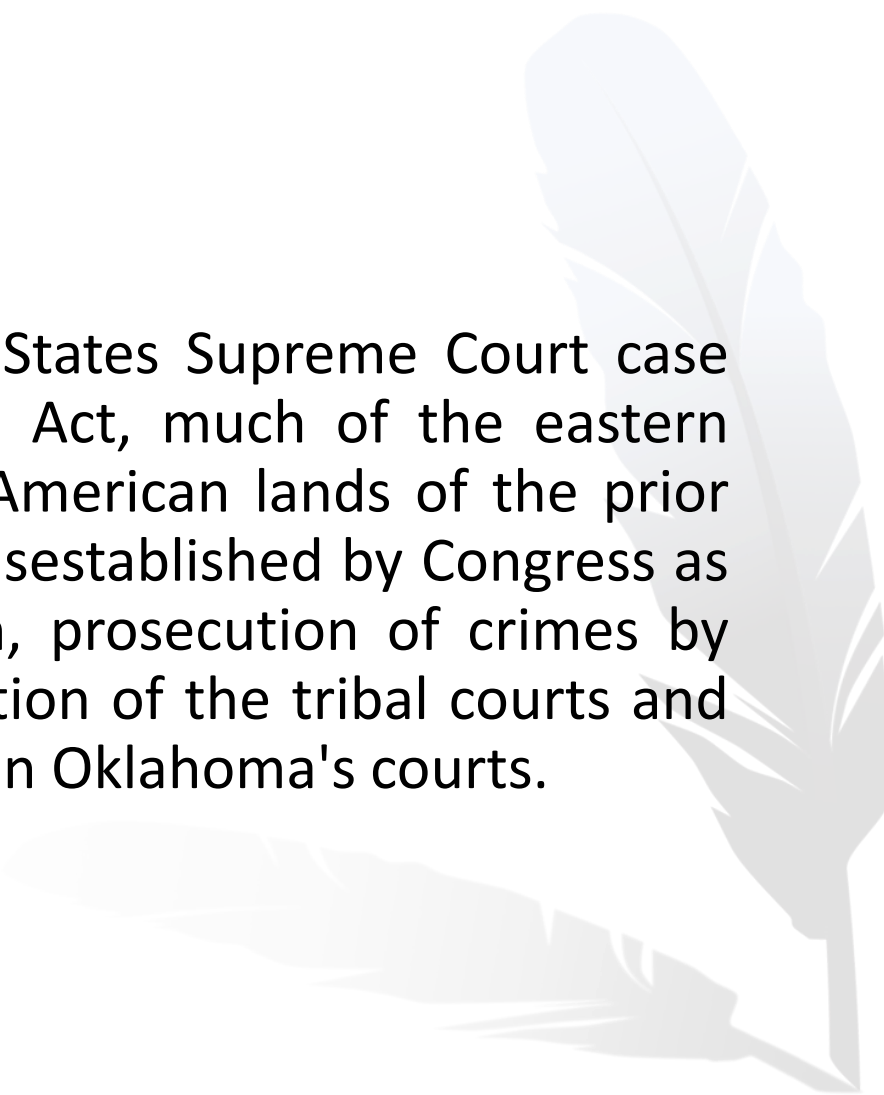
OKLAHOMA STATUTES: TITLE 10A-2-2-101 (G) TAKING OF A CHILD INTO CUSTODY


As a part of the intake process, an employee of the Office of Juvenile Affairs or a county juvenile bureau shall inquire as to whether there is any American Indian lineage or ancestry that would make the child eligible for membership or citizenship in a federally recognized American Indian tribe or nation. If the employee of the Office of Juvenile Affairs or a county juvenile bureau determines that the child may have American Indian lineage or ancestry, the employee shall notify the primary tribe or nation of membership or citizenship within three (3) judicial days of completing an intake of such determination. Any information or records related to taking the child into custody shall be confidential, shall not be open to the general public, and shall not be inspected or their contents disclosed.



MCGIRT V. OKLAHOMA

McGirt v. Oklahoma, (2020), was a landmark United States Supreme Court case which ruled that, as pertaining to the Major Crimes Act, much of the eastern portion of the state of Oklahoma remains as Native American lands of the prior Indian reservations of the Five Civilized Tribes, never disestablished by Congress as part of the Oklahoma Enabling Act of 1906. As such, prosecution of crimes by Native Americans on these lands falls into the jurisdiction of the tribal courts and federal judiciary under the Major Crimes Act, rather than Oklahoma's courts.





RULING FOR CHEROKEE NATION HOGNER V. STATE

The Cherokee Nation's reservation was never disestablished by Congress as reaffirmed by the U.S. Supreme Court in July 2020 in *McGirt v Oklahoma* and subsequent Hogner decision which was decided on March 11, 2021.



CHEROKEE NATION





PRE AND POST DECISION PROGRAMS

Juvenile Justice programs before decisions

- Numbers
- Were not provided the opportunity to work with our youth

Post Decision

- Provided the ability to handle our own cases and provide restorative approaches to reduce substance use and delinquent behavior
- Lack of resources before and now



IMPACT OF DECISION

- Increased staffing
- Lack of placement opportunities
- Rapid increase in caseload
- On-going resistance to decision by various entities within the reservation and outside the reservation
- Rapid building of capacity
 - Healing to Wellness Court (HWC) grant was a key solution to helping us build prevention and intervention into our programs



HWC BEFORE MCGIRT

Choctaw Nation JHTW

- Programming prior to Sizemore
- Challenges

Cherokee Nation HWC

- Programming prior to Hogner
- Challenges



HWC POST MCGIRT

Choctaw Nation

- Development of Juvenile Services Unit
 - Becoming own referral source
 - Covering a larger service area
- Supervision/Individualized case planning
- Incorporating culture into programming
- Educational programming
- Restorative approach- Restitution to victims
- Intensive Treatment
- Incentives/Sanctions
- Planning for the future





HWC POST MCGIRT

Cherokee Nation

- Hybrid Court/Program
 - Individualized case planning (Obj 4&5)
 - Holistic approach (Obj 1, 3 &5)
 - Incorporating culture into programming (Obj 1)
 - Educational programming (Obj. 1)
 - Art programming (Obj. 6)
 - Intensive treatment (Obj 6)
 - Outpatient
 - In-patient
 - Incentives (Obj 5)
 - Planning for the future
 - On-going program review (Obj 3)



COLLABORATION

- Key partnerships
 - Other Tribes
 - Treatment Programs
 - Cultural resources
 - Community resources





SUCCESS STORIES

- Choctaw Nation

- Cherokee Nation





CONTACT US



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THANK YOU

