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| **healing to wellness court** 2  *The Judge as  Protector of Rights* **Key component Bench Card** | | | | | | | |
| **Participants enter Tribal Healing to Wellness Court through various referral points and legal processes that promote tribal sovereignty and the participant’s due (fair) process rights.** | | | | |
| Key Concepts, Considerations, & Questions   |  |  | | --- | --- | | **Referral Points** | Is the referral process formal or informal? (by word/paper?) | | Is the referral process institutionalized? (will it last?) | | Are referral points identified, associated with offices and/or individuals? | | **Legal Processes** | What legal procedures are in place/needed? | | Do team members have working knowledge of related court procedures? | | Do procedures support due process and civil rights? | | **Inter-Sovereign Collaboration** | Do other sovereigns exercise jurisdiction over Tribal members? | | Do intra and/or inter-sovereign transfer protocols require formulation? | | Are MOU/As feasible, or required to further Court’s purpose? | | **Due Process** | Are participants’ due process rights fully protected? | | Are participants made aware of waivers of due process? | | | | | “Excerpt from Statute, P & P, Court Rules, etc.”  “Alumni Quote” | | | |
| ***Jurist – Judicial roles & responsiblities*** | | | | | | | |
| Functions and Formalities | | Community Connection – Familiarize community members on **HOW** one gets into Wellness Court  Tribal Council Connection – Keep Tribal leadership informed of judicial policy and/or rule-making  Court Capability – Maintain constant communication with team member agencies/partners | | | | □ | |
| Legal Process  & Procedures | | Illustrate referral process in flow chart/diagram – [cite to responsible party/legal authority]  Assure referred candidates completely understand the Wellness Court process  Develop Court forms that facilitate referral process and other Court procedures  For each procedure, collect the data that best assesses process and outcome | | | | □ | |
| Ethics & Protocol | | Discuss team member professional ethical standards where appropriate  Maintain a referral process that protects candidate/participant confidentiality  Respond readily to team member ethical concerns/complaints [document process and resolution]  Respond to complaints regarding team member behavior swiftly [review grievance procedure] | | | | □ | |
| Legal Context & Considerations  *(Assure no conflict with existing law)* | | Constitution  Code  Council Resolution  Common Law  Court Rule  Custom | | | | □  □  □  □  □ | |
|  | | | | | | | |
| SUGGESTED  Practices  Training  Coaching  Support | |  |  | | --- | --- | | Review referral process regularly | □ | | Maintain communication w/ referral points | □ | | Educate team/community about due process | □ | | Analyze police contact and arrest data w/ team | □ | | Respond to due process/other complaints | □ | | | **Related NADCP Core Competency**  # 7 - Judge “effectively leads the team to develop all the protocols and procedures of the program.” | | | |  |
| See Process & Procedure Bench Card 11 & 13 | | | |
| Resources/  Technology | [www.WellnessCourts.org](http://www.WellnessCourts.org), [www.home.tlpi.org](http://www.home.tlpi.org), [www.ndci.org](http://www.ndci.org), [www.american.edu/spa/jpo/initiatives/drug-court/](http://www.american.edu/spa/jpo/initiatives/drug-court/) , [www.ndcdr.org](http://www.ndcdr.org), [www.drugcourtonline.org](http://www.drugcourtonline.org) | | | | | |  |
| “*A Tribal Court is a critical player in the process of nation building; It advances sovereignty, helps uphold the constitution . . . preserves tribal customs . . . enhances a Native nation’s self-governance capabilities and expands the possibilities for the nations’ future*.”  Flies-Away, Garrow, & Jorgensen | | | | | | | |