

**Tribal Healing to Wellness Court Technical Assistance Project
Resource Publication Series**

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**Tribal Healing to Wellness Courts:
The Judge's Bench Book**



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This report was prepared by the Tribal Law and Policy Institute and supported by Grant No. 98-DC-VX-K004, awarded by the Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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Preface

A Tribal Healing to Wellness Court is not simply a tribal court that handles alcohol or other drug abuse cases. It is, rather, a component of the tribal justice system that incorporates and adapts the *Wellness Court* concept to meet the specific substance abuse needs of each tribal community. It therefore provides an opportunity for each Native community to address the devastation of alcohol or other drug abuse by establishing more structure and higher level of accountability for these cases and offenders through a system of comprehensive drug testing, treatment services, immediate sanctions and incentives, team-based case management, and community support.

Tribal Wellness Courts face a number of unique issues and challenges not generally encountered by state drug court systems. Consequently, the development of Tribal Wellness Courts has required special strategies that have emerged during the course of program planning and implementation. Because Tribal Wellness Courts are relatively new and evolving, they are continually adapting to meet the needs of their target populations and their communities.

Healing to Wellness Courts, in effect, contribute to the on-going community and nation building process of Indigenous tribal governments. As each Tribal (Indigenous) Nation can only be as strong and steadfast as its citizens and families, Healing to Wellness Courts help to put misguided individuals back on track, on to a healing to wellness journey. Each tribal community and nation must define and describe the nature of this healing journey. Its direction and pathway must be guided by each Indian Nation's culture, tradition, common practices, and vision.

This publication is a part of the Tribal Healing to Wellness Court Technical Assistance Project Resource Publication Series. The full series is as follows:

- Publication #1 *Healing to Wellness Courts: A Preliminary Overview of Tribal Drug Courts*
- Publication #2 *Tribal Healing to Wellness Courts: The Key Components*
- Publication #3 *Tribal Healing to Wellness Courts: Treatment Guidelines for Adults and Juveniles*
- Publication #4 *Tribal Healing to Wellness Courts: The Judge's Bench Book*
- Publication #5 *Tribal Healing to Wellness Courts: Program Development Guide*
- Publication # 6: *Tribal Healing to Wellness Courts Operational Materials*
(with American University)

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I. Introduction

For every difficult and demanding journey, one must have a leader. In a Healing to Wellness Court that person is the judge. This Bench Book is designed to provide instruction and practical tools to judges in their efforts to guide those traveling on the road to wellness. This Bench Book is also useful for Wellness Court Team Members and community leaders who are interested in designing, creating and implementing a Wellness Court Program. On the following pages the reader will find useful policies and examples of court procedures for Healing to Wellness Courts. However, this Bench Book is only a general resource. The success of your Wellness Court will flow from good leadership, teamwork, and from the efforts of the participants themselves.

It is important that tribal policy-makers, steering committee members, Wellness Court team members, and others understand the role of the judge in a Healing to Wellness Court. The judge is key to helping defendant/participants, subject to the vices of alcohol and/or drug abuse find a better path. Some need only a slight nudge to get them going in the right direction. Others require a more forceful push or shove. In order for these individuals to complete their healing journey, they require ongoing mentorship, monitoring, and immediate punishments for noncompliant behavior, and rewards for their achievements. The Wellness Court judge embodies those characteristics that support these functions.

It is also important for tribal leaders and Wellness Court team members to understand the technical and practical functions of the Wellness Court. By understanding the way it works, tribal leaders, agencies, and community members can come together to help direct the participants' healing.

Why a Bench Book?

- To provide general guidelines for judges.
- To provide examples of court procedure.
- To provide tools to assist judges in their Wellness Court role.
- To educate Wellness Team members and the community about the process of the Wellness Court and role of Wellness Court judges.

A. Healing to Wellness Courts

A Healing to Wellness Court is unlike the typical adversarial criminal court. The purpose of the Healing to Wellness Court is primarily to assist participants in addressing addiction issues and to engage in healthy behavior and conduct. The court, or the team, usually consists of the judge, prosecutor, public defender or advocate, treatment specialist, probation officer, and other staff. These individuals work together as a team to assist the participant in completing his or her treatment plan requirements. From the participant's perspective this is a long and difficult journey. Throughout this journey the goal of the Healing to Wellness Court is to heal and rehabilitate. This is accomplished through teamwork. Gone are the attributes of the adversarial system as the team focuses on the healing process instead of retribution and punishment.

As tribal communities develop what are known in state jurisdictions as “Drug Courts,” it has become clear that this name does not adequately convey the desired purpose and meaning of what tribal jurisdictions believe this process is about. In a meeting of a sub-group of the Tribal Advisory Committee (TAC)¹ the name *Healing to Wellness Courts* was recommended as a better way of describing the goal of these courts. Some Tribes had already named their process “Wellness Court” or “Alternative Court” and over time others have begun to name their new judicial processes in their native languages. As tribal jurisdictions identify their courts in their own way, they are taking ownership of these courts and they are becoming unique and special in their communities and to their people.

B. Customary and Traditional law

The Wellness Court philosophy is centered upon healing the individual both physically, spiritually, and socially. For many tribal peoples the healing process is intertwined with the use of customary or traditional legal process and values. Because each tribe uses different traditional law methods, the bench book will not outline a specific traditional law method, except to give a few examples.

Generally, tribal peoples have recognized the intimate connection between dispute resolution and physical and spiritual healing. Traditional dispute resolution authorities and traditional healers look to the underlying causes of disputes or sickness and seek physical, spiritual and social remedies to heal these hurts and to right the relationships of the individuals, their families, and their communities. The goal is to heal ailments and relations so that members of families, clans, bands, and villages continue living together in productive ways.

In planning a Wellness Court it may be necessary to identify traditional dispute resolution authorities and healers for participation as steering committee members, judges, Wellness Court team members, or as counselors, mentors, or facilitators/mediators among family or extended family. These authorities or healers may appeal to traditional law or values to motivate the individual and family or extended family to better themselves and their relationships with each other, as well as to participate in community activities and ceremonies.

Additionally, Wellness Courts are modifying western alcohol and drug education and counseling and therapeutic processes so that they are relevant and effective in native communities. Such modifications include the use of the “Red Road” approach which focuses on the historical use and impact of alcohol on native communities; the use of “Talking Circles” as group therapy, the use of “Sweat Lodges” for support groups, and the integration of ceremony throughout the treatment phases and graduations. Tribes also use a variety of outdoor, wilderness adventure, or “Culture Camps,” also known as “experiential therapy” to incorporate traditional instruction in hunting, fishing, gathering, ranching, farming, and other subsistence and ceremonial activities.

Finally, many tribes find it important to encourage individuals and their families to participate in ongoing community and traditional activities (organizations, churches, ceremonies, initiations, practices, etc.) that may not fit into any of the before mentioned categories.

¹ See Appendix E for listing of the Tribal Advisory Committee (TAC) to Tribal Healing to Wellness Courts.

C. The Role of Treatment

A well-structured treatment program is the foundation for a successful Healing to Wellness Court. Thus, the judge must take extra steps to educate him or herself, as well as to encourage the cross training of team members from different tribal agencies, in the different components of treatment. The basics include:

- Clinical screening (*Does the participant appear to have a problem?*)
- Clinical assessment (*What specific types of treatment does the participant need?*)
- Treatment planning (*What tailoring must be done to fit the specific needs of the individual? What are the individual's strengths and weaknesses?*)
- Treatment in phases (*What educational classes, counseling, group therapy, mentoring, traditional, other educational or therapeutic activities, and planning, activities and support groups to avoid relapse, are scheduled over the course of the year or more that an individual will be in the program?*)
- Individual counseling (*What is it's purpose?*)
- Group therapy (*What type of group therapy is used and for what purpose?*)
- Relapse prevention (*What types of counseling, activities and support groups are available to help the individual identify what causes the urge to drink or use drugs, and how can he or she plan to deal with these urges?*)
- Family issues (*Are family or household members engaged in treatment activities? Are alcohol and/or drug abusing family or household members eligible for Wellness Court participation? Are other treatment services available to family or household members?*)

Wellness Court judges must be knowledgeable about these components and should not blindly assume that the treatment provider will take care of this side of things (as is often the case when a judge in a criminal docket puts a defendant on probation and orders him or her to treatment). Early in the Wellness Court planning process the judge should lead the team in inventorying available treatment classes, counseling, groups, traditional activities, community activities, other educational and therapeutic activities, mentoring, and support groups, to identify the gaps that will need to be filled in designing a standard phased treatment calendar of activities. The team may also choose to import western-style group therapies such as cognitive behavioral therapies. These therapies consist of facilitated workbook exercises geared to identify and improve the decision-making skills of participants, and if a juvenile court, for their parents.

Wellness Court judging requires a belief that treatment can work. Effective judges also convey this philosophy to the team in word and deed. The National Institute of Drug Abuse has shown that treatment is more effective in helping people achieve sobriety than where no treatment is provided at all. However, it is more complicated than we might have imagined. Alcohol and drugs may leave the body in as little as 30 days, but the brain may still be affected. Drugs can stay and disrupt brain functioning for 5-7 years, depending on the drug quantity and frequency of use.

Also, alcohol and drug use usually occur with the use of tobacco. Research indicates that tobacco use not only affects young people in negative ways when they are young, it increases the likelihood of problems with alcohol. Those who smoke tobacco tend to drink twice as much as non-smokers. This is a treatment issue the provider should address in the program design. Another interesting finding is that cognitive models offer a greater likelihood of success than other models currently in use. Part of the reason may be that alcohol and drugs tend to impair the decision-making areas of the brain; therefore, focusing on those areas may assist in the improvement process. Group therapy also tends to be more beneficial than individual counseling. This occurs due to the peer pressure generated by others who know the problems and community in a way the counseling staff may not.

Each phase of treatment focuses on a piece of the healing journey. The first phase involves a detoxification and a cleansing of the body and mind. The second phase focuses on growth, whereby the individual acquires new tools. The third phase focuses on maintaining and practicing the skills these individuals have learned. The last phase is the aftercare phase, whereby the participant demonstrates that he or she knows what to do when the threat of relapse (renewed use of alcohol and/or drugs) occurs and can move on in the journey to wellness with less support from the staff. It is a time when the participant confronts the fear and excitement of being on their own and being successful.

Treatment is essential and cannot be taken for granted in the Healing to Wellness Court. Without a strong treatment program, the Healing to Wellness court is like any other criminal diversion or probation program. This means that to have true success, the judge must ensure that the whole team understands treatment, in general terms, and that team members have a common and shared philosophy. The entire team should attend treatment trainings whenever possible to advance each person's knowledge about how treatment works.

II. The Judge

A. Healing and Reconnecting

One of the most difficult yet essential transitions in the healing journey is the ability of a participant to connect for the first time, or to reconnect, to the community. The judge may serve as the primary role model, mentor, and facilitator for this process. An effective Wellness Court judge encourages participants to strive for more through the power of his or her words and deeds. The judge must be willing to be concerned and resourceful in identifying the basic needs of the participants (possibly as basic as food and housing, medical attention, and transportation, or the often obvious need for training or employment) and in troubleshooting with the team to meet such immediate needs.

B. The Judge as a Leader, a Professional, and Guide

The judge, as leader and guide for those traveling on the road to wellness, plays a crucial role in the participant's healing journey. That is to say, the judge presides over the *way-station*² toward wellness. Depending upon the jurisdiction, the judge is responsible for a myriad of judicial, administrative and mentoring duties. These duties consist primarily of assuring proper court processes and procedures and include what might seem to be an unorthodox role of supporter and motivator. This is because this *way-station* (or wellness court process) is not an adversarial process. The judge in the Healing to Wellness Court context is no longer a neutral decision-maker, rather, he is committed to promoting the wellness of program participants. A seasoned criminal court judge may have to rethink and retrain for this process – which requires compassion and commitment to the goal. The judge in Wellness Court must be able to get beyond the physical barrier separating a judge from a defendant/participant. By coming down from the bench, the judge joins participants on their road to wellness and supports these travelers along their healing journey.

Throughout this process, the judge must exhibit *judgely* traits; be competent, consistent, and committed. Not only should the judge be familiar with all the court's practices and procedures, he/she must be educated and trained in alcohol and drug abuse issues in *Indian Country* and be aware of the difficulties and challenges native participants will face as they journey toward wellness. The judge must learn about healing processes and the importance of the desire to be healed, that a participant must choose to be well and cannot be forced to make that choice. The judge must learn what types of treatment are available in his/her jurisdiction and what the process entails. A visit to a treatment facility might prove useful and insightful to the judge to gain an appreciation for residential treatment and therapy. Moreover, the Judge must be consistent in following up with incentives and sanctions with each participant and treat all participants the same.

A Healing to Wellness Court judge must be committed to the Wellness Court philosophy. The team will look to the judge to guide them and help the court succeed. The judge must be committed to attending all staffings, hearings, team meetings, and trainings to set the example

² Way station as opposed to Weigh-Station since Healing to Wellness Courts help individuals find a better way.

for others. As the team leader, the judge needs to set the example and lead the team in finding the right path for individual participants. A teamwork philosophy valuing everyone on the team is imperative for success, and the judge must be willing to guide the team in creating this atmosphere. This may be a difficult change for those who are steeped in the adversarial process. The judge must exercise patience in guiding the individual members of the team to participate and promote this philosophy.

To expect participants in a Healing to Wellness Court and staff to act professionally and follow the rules, the judge must lead the way. A participant who is asked to abstain from drinking will have difficulty following this rule if he or she sees the judge (or a team member), drinking and making poor choices regarding their behavior in the local bar. A parent cannot expect a child to obey instructions when he or she sees the parent engaging in the same prohibited behavior. The role of a wellness court judge is no different. This is not to say that judges must not drink or step foot out of their home. However, judges must be mindful of the way they live their lives and the examples they set for all community members.

If the judge is the hub in the wheel, a weak hub will affect the entire wheel. It is paramount that the judge be professional and be a contributing member of the community. If the judge is facing personal problems, he or she needs to address these problems and find remedies. Life is a difficult process and everyone has battles to face. It is the stronger person who admits that they have problems and seeks to rectify those problems.

As a Professional, a Leader, and Guide a Wellness Court Judge:

- Retrains, rethinks, and removes himself or herself and court staff from the adversarial process into the Wellness Court process;
- Guides court staff, Wellness Court team members, and participant through the Wellness Court process;
- Presides consistently and compassionately over ongoing wellness status hearings;
- Is Competent in his or her knowledge about healing process;
- Is Consistent in rulings and orders;
- Is Committed to the Wellness Court philosophy; and
- Sets an example of leading a well life.

C. The Judge as a Manager

The judge as a manager may again have to step out of his/her traditional role. The judge manages court staff and the Wellness Court team during staffings prior to each status hearing. In place of issuing orders, the judge works to gain consensus among team members regarding a participant's healing journey. The judge assists team members in fulfilling their roles in relation to the Wellness Court process. When a problem arises, the judge works with the team and staff to find a solution, rather than issuing an individually derived order from the bench. The judge manages team meetings and ensures they are productive and fulfill the purpose of helping participants move through their healing journey. As a manager and coach, the judge helps participants and monitors their success. An effective Wellness Court judge uses her authority to impose team recommended sanctions when necessary and appropriate. However, the judge is more content and satisfied when she gives incentives and provides motivation to participants to

keep them moving forward. This role may be opposite that of the traditional role for a judge, but it is essential to the success of a Wellness Court.

A Manager:

- Manages team and court staff to assist them in fulfilling their roles;
- Manages team meetings, weekly staffings, and weekly status hearings;
- Manages participants' journeys through the healing process by serving as authority figure, monitor, mentor, and motivator.

D. The Judge as a Protector of Rights

As in every judicial setting, there are rules and procedures that must be followed. Procedural rules are necessary to protect participants' rights and to protect the integrity of the court. Although some may want to toss out the procedural rules along with the adversarial process, the judge must remind individuals that rules are necessary for everyone's protection. The judge must lead the way in following the rules so that these rules will become a part of the everyday process of the Wellness Court. They will ultimately assist participants in following their healing path. If the rules are not followed, participants may become lost or fail to complete the process and, therefore, their healing journey.

A Protector:

- Implements rules to preserve participants' rights and to keep them on their healing path;
- Implements rules to preserve the integrity of the court;
- Leads the way in consistently applying the rules.

The Judge's Role in Protecting Participants' Rights: The Healing to Wellness Court judge is responsible for motivating and guiding the healing journey of program participants, as well as protecting their rights. To accomplish this, the judge must assure that the participant:

- Is treated fairly and respectfully by court staff, team members, and other participants;
- Has his/her privacy protected in all aspects of the program and its procedures, particularly in the participant's treatment plan;
- Is provided a means for expressing concerns and grievances regarding the Healing to Wellness Court processes and procedures;
- Understands the rules and regulations of the Healing to Wellness Court;
- Plays an active role in the creation of his/her own treatment plan;
- Understands his/her treatment plan and all of its components;
- Is fully aware of the consequences for non-compliance of the treatment plan, particularly sanctions that can result from non-compliance;
- Is not denied an advocate so that his/her understanding of the various aspects of the Healing to Wellness Court Program is clear;
- Understands the schedule of incentives and sanctions to be given for compliance or non-compliance to his/her treatment plan; and

- Graduates from the program if he/she completes all components of their treatment plan as well as other program requirements.

E. The Judge as an Evaluator

Not only does the judge evaluate each participant's progress, as the leader of the Wellness Court he or she may constantly evaluate the progress and development of the court itself. Evaluation can and should be conducted in several ways. Though an outside evaluator may be used every year to evaluate the process and success of court, the judge should encourage the team to engage in their own internal evaluation process by collecting, reporting, and analyzing a given set of data. The team should design a plan for collecting and analyzing the data. The team should work together to identify relevant benchmarks to be used to evaluate progress. The team should also revisit this issue often to ensure that the gathering of data is efficiently and effectively accomplished and that the program is always improving its process and outcomes as a result of this analysis.

An Evaluator:

- Evaluates participant's progress;
- Evaluates the work of the court staff and the services that each team member and other tribal staff provide through internal and outside evaluation;
- Works with the team to identify what data should be collected and how it should be analyzed.

F. The Judge as an Enforcer

Healing to Wellness Court participants are expected to follow the rules of the court. As the judge must maintain order in the Healing to Wellness Court forum, he or she will require participants to adhere to agreed-upon rules and impose sanctions when necessary. These rules may include that the participant:

- Attend all Healing to Wellness Court status hearings and be on time;
- Submit to any reasonable request of rehabilitative, medical, psychological program(s) or diagnostic(s) as directed by the Healing to Wellness Court team or treatment provider;
- Attend and participate in all counseling sessions on time. In the event that a participant is unable to make their scheduled session, they should call their counselor or probation officer at least 2 hours in advance and make up missed sessions within 7 days;
- Submit to random drug screens and/or breathalyzers;
- Keep their probation officer, or designated office, informed of /his/her address, phone number, and activities away from home or place of employment;
- Attend school full-time, maintain full-time employment, or a combination of the two. Participants should provide proof of school or work. If a participant is not employed or in school, then proof of an employment search must be provided to the Wellness Court team at the status hearing;

- Make satisfactory progress in the Wellness Court Program as measured by phase or point requirements (by meeting the requirements to graduate from each required treatment phase);
- Complete all sanctions imposed by the Wellness Court; and
- Pay all court costs, restitution, fines, and/or victim's compensation fee as ordered by the Wellness Court.

G. Additional Issues

Conflicts of Interest: A common challenge for tribal courts, or any courts in smaller jurisdictions, is conflicts of interest. A conflict of interest can occur if the judge:

- Is related to the participant;
- Is related to the staff or team member working with the participant; or
- Has prior knowledge or has been contacted about the circumstance that brought the participant to the Healing to Wellness Court.

In tribal communities it can be difficult for judges because they are often related to many individuals who come before them. Thus, one common practice is that a judge will recuse himself or herself when any relative of “first-degree” (parent, child, uncle, cousin) appears before the judge. However, in smaller communities this may significantly delay of the Wellness Court process. In the Healing to Wellness Court context it is appropriate for each court to have its own guidelines about recusal when a relative is a participant. Unlike in the adversarial context, in Wellness Courts there is usually a team that helps to determine how to respond to each participant’s progress or non-compliance to treatment plans. If a Wellness Court team primarily makes the final decision and the judge or judges merely signs his/her name to the order, there may not be a problem with dealing with a first-degree relative. Of course, it will depend upon each individual court’s rules and procedures.

A rule of thumb that might prove helpful - when the judge has a family relationship or familiar relationship with a participant, another judge should sign the order. When the individual before the judge is well-known to the judge through family or friendship ties, and that relationship may sway the judge or *give the appearance* of swaying the judge, the judge should recuse himself or herself. It is important to recuse oneself when there is an appearance of influence, because it is the court’s reputation that may be damaged otherwise. Where a court has a reputation that the judge gives favors to those he knows or is related to, it weakens the court and it is extremely difficult to get rid of this reputation. To avoid this problem entirely, the judge’s best option is recusal.

Guideline:

When the individual before the judge is well-known to the judge through family or friendship ties, and that relationship may sway the judge or give the appearance of swaying the judge, the judge should recuse himself or herself.

Ex Parte Communications: An ex parte communication is any communication with a judge by a party to a case (defendant/plaintiff/witness/prosecutor/attorney/probation officer) without the other party present. The reason an ex parte communication is unethical is because it allows only one side of the case to have a conversation with the judge without the other. It will seem unethical even if the party making contact has no intention of trying to influence the judge. Ex parte communications result in the appearance of influence and judges need to avoid this, particularly in smaller communities where it is common for a judge to run into many people at a local store, post office, or other places of business.

Ex parte communications are more difficult with Healing to Wellness Courts because often the hearings are held in an informal, non-adversarial, atmosphere. The rule of thumb is that any conversation pertaining to a case or a participant, except for possible scheduling matters, should not occur unless representatives from all parties, or the team, are present. It is up to the judge to enforce this rule. If the judge allows ex parte communications to occur, they will become a normal and everyday occurrence. However, if the judge stops these conversations before they occur, this rule will become part of the normal routine. Participants should be told to speak to their probation officer, treatment provider, or the individual specifically monitoring their plan and should not make a habit of speaking directly to the judge about in-depth monitoring and treatment issues. This is not to say that a judge, when running into a participant in the community, cannot greet and encourage him in his program. Individual tribal healing to wellness courts must determine their own policy regarding communication with judges and decision makers.

Guideline:

In-depth conversations pertaining to a case or a participant, except for possible scheduling matters, should not occur unless representatives from all parties, or the team, are present.

H. Juvenile Wellness Court vs. An Adult Wellness Court

A Juvenile Healing to Wellness Court Program works under the same guidelines stated in this Bench Book. However, juvenile courts differ from adult courts in several aspects. Normally a juvenile court does not have many of the trappings or terminology of adult court and focuses more toward rehabilitation than retribution. Juveniles are often made wards of the court meaning the court can dictate services and programs juveniles must complete. Also, parents play a large role in juvenile court. These distinctions between the adult and juvenile courts necessitate that judges play a different role in the juvenile court. The development of Family Healing to Wellness Courts may also generate new guidelines and procedures.

In a Juvenile Wellness Court the judge must encourage participation from parents. The Healing to Wellness Court judge encourages parents to participate and contribute to their child's healing journey. This journey is difficult in general. However, the way may be even more

demanding for young people facing obstacles caused by alcohol and/or drug abuse. Just like any difficult journey, travelers need the support of family and friends, and, most importantly, parents. Without the support and dedication of parents or mentors, young people will have a difficult time completing their journey. As a result, parents and mentors of all youth participating in the Wellness Court are required to adhere to program rules and regulations. The Healing to Wellness judge, therefore, ensures that parents:

- Accompany their child to all status hearings;
- Support their child in accomplishing all components required in their treatment plan;
- Accept sanctions (when required) if their child fails to accomplish all components of their treatment plan in a timely manner;
- Inquire of their child how he/she is doing in the program, and report any problems to the probation officer as soon as they become apparent;
- Respect and obey all orders from the team or court requiring them to be an active participant in the wellness and healing of their child; and
- Encourage, praise, or discipline their child based on their Healing to Wellness Court progress.

III. Access and Acceptance

A. Legal Screening & Process

Although the ultimate goal of the Healing to Wellness Court is the healing of individuals and communities, admission into the Wellness Court is limited. It is not open to all offenders who have a substance abuse problem. Rather, the Wellness Court Program is limited to non-violent offenders³ and those who will clinically benefit from the existing phased treatment components. When individuals are arrested for an alcohol or drug-related offense, or is screened as having an alcohol and/or drug abuse problem in conjunction with other offenses, the Wellness Court considers their participation if they do not have a prior violent crime conviction and the prosecutor is not charging them with an accompanying violent crime. The only significant limiting factor for admission into the Wellness Court program, in general, is that the defendant must not have any charges relating to violence.⁴ Each Wellness Court can determine who is eligible to participate in the program and for how long. Some courts may chose to be more limiting than others due to resource availability for both treatment and judicial staff. For example, the use of probation officers may be a factor as not all tribal courts staff probation offices. Others may open the program to more participants if they are able to access more resources. As Tribal Healing to Wellness Courts develop across the country, protocols will result for determining who can gain access to the program. While it may take time to develop the most appropriate criteria for each jurisdiction, the more difficult challenge will be for the participant to accept the demands of the healing to wellness journey.

After a defendant is deemed eligible for admission, there are three possible avenues into the program. Tribal jurisdictions may apply one or all of these methods or develop other ways of referring a criminal defendant into a Wellness Court docket. Potential ways that a defendant may be admitted into the Healing to Wellness Court Program:

Pre-Adjudication: Some individuals may be admitted into a Healing to Wellness Court prior to the entry of a guilty plea in criminal court. There can be problems with pre-adjudication programs because if an individual fails to complete the wellness court program, the case pending against him can be anywhere from 1-12 months old. Often, witnesses will have moved, urine or blood samples will be lost or destroyed, or memories about the incident will have faded, making it difficult for later prosecution.

Diversion: The criminal charge may be set aside by the judge until completion (or failure to complete) the Wellness Court program. Usually, the judge sets a timeline or deadline to complete the program. The defendant must waive time (if the tribe has a statutory time limit for prosecution) and the case is continued with a time waiver.

³ However, if a Wellness Court is funded only by tribal dollars, and not D.C.P.O./B.J.A. funds, there is no such limitation unless the Tribe adopts this rule.

⁴ Here it is crucial for prosecutors to understand the non-violent offender limitation and if applicable arrange plea agreements with this in mind.

Example: The defendant “waives time” (agrees not to come back later and argue that he was not timely prosecuted in criminal court) for 6 months (or whatever the average time for completion of Wellness Court) plus 30 days to enroll and complete the Wellness Court Program. A criminal court hearing date is set for six months from that time. At that time, the defendant appears to show the Court his progress or certificate of completion. If the defendant was terminated from Wellness Court, the case is set for trial and the 30 days gives the prosecution time to bring the defendant to trial. The criminal court may also choose to give the defendant a second chance.

Post-Adjudication: Post-adjudication may involve deferment of sentencing or a plea agreement with conditions of probation or adjudication with a stayed imposition of sentence:

Deferment: Similar to diversion, but the defendant has entered a plea to the charge. Sentencing is deferred, giving the defendant time to enroll and complete Wellness Court. If the tribe has a statutory time limit on sentencing, the judge must take a time waiver from the defendant. A sentencing hearing is set and at that time different options may occur.

- i. If the defendant completes the Wellness Court, the judge will allow him/her to withdraw a guilty plea, and the judge will dismiss the case.
- ii. The defendant may have failed to complete the Wellness Court program and the judge will allow the defendant more time. This can occur only if there is a valid excuse for failing to complete Wellness Court.
- iii. The defendant has failed to complete the Wellness Court Program and the judge sentences the defendant on the pending case.

Plea Agreement: A plea agreement is made between the prosecutor, defendant, his attorney (if he has one), and the criminal court judge. One of the terms of probation may be to complete Wellness Court. Again, if the defendant fails to complete the program, he is subject to the penalties outlined in the plea agreement.

If a participant is doing poorly in Wellness Court, his program may be terminated and he can be sent back to criminal court prior to his pending sentencing date. At this point he should be sentenced.

The judge is the ultimate decision-maker regarding which defendants are admitted to the program. It is his or her responsibility to ensure that Wellness Court participants are non-violent and that they have a reasonable opportunity to succeed. It is critical that a judge be familiar with all of the requirements for eligibility to ensure the appropriate participants are chosen. The judge must also make certain there is coordination between the team and the team member whose duty it is to recommend admission. This may often be the tribal prosecutor. Therefore, the judge must review all deferment agreements and plea bargain arrangements. The judge must carefully construct sentences in those agreements where he believes a community member could benefit from Wellness Court but is unwilling to participate. Thus, it is very important for the judge to actively review all cases to select candidates who are suited to the goals of the program.

Guideline:

It is the judge's responsibility to make certain each participant is eligible for the Wellness Court program. The judge must review all paperwork to ensure a defendant who becomes a participant is appropriately placed.

B. Clinical Screening & Process

In addition to legally screening and processing an individual for Wellness Court participation, the individual must also be clinically screened for eligibility. In other words, it must be determined whether a person has an alcohol and/or substance abuse problem, and whether this individual will benefit from the types and levels of treatment available as part of the Wellness Court Program. Clinical screening involves the obtaining of basic background information from the individual and his or her family and reviewing the individual's legal, familial or social, and financial support information (to inform the type(s) of treatment recommended). Clinical screening should be distinguished from clinical assessment. Clinical screening may be undertaken by an intake officer who may be a probation officer, an alcohol or drug counselor, or a wellness court coordinator. This individual should be trained to use standard interview techniques and questionnaires, such as a Substance Abuse Subtle Screening Inventory (SASSI) or a Bio Psycho Social History instrument. Clinical assessment(s) are far more in depth and are designed to gather information that will allow the treatment team to determine appropriate treatment strategies for each individual (i.e., what combination and frequency of classes, counseling, group therapy, support groups, and other activities will aid the participant in his or her successful treatment?). There are many additional types of standard, commercial assessment tools available that must be administered by trained counselors or psychologists to identify significant mental health or developmental problems, such as fetal alcohol syndrome or related disorders.

Guideline:

It is the judge's responsibility to direct the team to designate an intake officer who will undertake timely clinical screenings of potential participants and to understand the nature, purpose, and resource requirements of this process.

IV. Initial Appearance

A. Initial Status Hearing

Once a criminal defendant becomes a Healing to Wellness Court participant, a judge's responsibility is to formally welcome the new member to the program. This is accomplished during the initial status hearing. At the start of the weekly status hearing, the judge should set-aside the first few minutes to welcome new members. The welcome ceremony seeks to accomplish several goals. First, it is an important opportunity for the judge to establish a rapport with the participant. It gives the judge a chance to explain to the participant the process and the expectations of the Wellness Court. Moreover, it provides a forum for explaining the rules and regulations of the court and the consequences that exist if rules are broken.

During the welcome, the judge may decide to administer a commitment oath or require the participant to state a pledge. This pledge should dedicate the participant to his new journey toward wellness. It should emphasize the healing journey that will take place over the next several months. The new participant should commit that he/she will work to heal themselves, which in turn works to heal the community.

At this initial hearing, the judge should also explain the Wellness Court process, its rules, and its goals to the new participant. The judge may engage the participant in a conversation about these rules to make sure the participant understands them and is willing to abide by them. It may also be useful to speak with the participant about his goals to ensure these goals are part of his treatment plan. Throughout this discussion, milestones should be identified that will illustrate progress to the court and the participant. Achievement of these milestones and goals over time will help the participant feel he is progressing on this long and arduous journey.

In an initial appearance the judge should formally recognize the admission of new participants to the program. There is no formal text for the greeting, but the judge should reemphasize to the participant the journey and the commitment to wellness, self, and community. This should serve to motivate the participant at the start of his quest.

The beginning of the program is an important time for the participant and for the judge. The participant is embarking on a difficult and demanding journey and it is the responsibility of the judge to ensure that the participant realizes the significance of the moment. The judge must also motivate the participant to embrace the journey and give him a sense of welcome. The judge should let the participant know that the court exists to help him overcome his problem and not just to punish his crime.

B. Other Possibilities for the Initial Appearance

During the initial appearance, the judge might also issue each new participant a Wellness Binder. The binder can serve as a permanent filing place for participants to organize all documents relating to their participation in the program. The Court encourages participants to photocopy all forms, reports, and other materials associated with the Wellness Court. The binder

serves as a symbol, signifying the lessons learned during a Wellness Journey. As the binder fills, this becomes symbolic of the growth being experienced by the participant. His travels down the path toward Wellness help to educate him about the possibilities associated with a better way of life.

The judge may also want to issue a *uniform* to the participant, i.e. a t-shirt, a pin, a patch, or other identifying icon(s) that can serve as a symbol of belonging. The judge and all team members can wear a similar shirt, or icon, and the participant is welcomed and made to feel a part of this process through presentation of the icon. A unifying symbol is important because it demonstrates that the participants are ultimately the same as the judge and the rest of the team. It helps to ensure that the participant does not feel inferior, but recognizes that they are capable of changing, becoming well, and most importantly, they are not alone in their journey.

Judicial duties are important for:

- Ensuring that candidates are qualified and committed;
- Analyzing each candidate carefully to assess whether the services the wellness court provides are able to meet that participant's particular needs;
- Orienting each new participant with a formal welcome; and
- Ensuring that participants are given any materials and supplies required by the program.

V. Staffing

Staffing, or team consideration of a participant's progress, is critical to the Healing to Wellness Court process. These meetings provide the team an opportunity to discuss the participant's progress with his/her treatment plan and wellness journey. The judge plays a significant role in the staffing process. He is the core member who ensures that staffing meetings are conducted efficiently and professionally. In addition, he must also participate in the review of each participant. The judge should be prepared to offer suggestions regarding participants and render final decisions when disputes arise among core members – unless the Court's procedure allows for another method. In most wellness courts, the judge must also approve or decline the sanctions and incentives recommended by the Core Team.

The judge, in staffing, must be efficient with the team's time. Staffing has the potential to last a long time, especially when all team members are genuinely engaged in the process. Therefore, the judge must guide the meeting to ensure that all case files are discussed. As a result, the judge must push the group to remain on task and not drift from the case at hand. The Wellness Judge must remember that efficiency is the key to staffing.

The following are examples of a judge's role during staffing meetings:

- Calls the meeting to order and asks the members if there are any announcements or information needing to be shared;
- Organizes the presentation of information. The judge, if not done by a coordinator, might assign the order in which team members will present their information;
- Asks (at the end of the probation report) other team members if they have anything to contribute in regarding to that particular participant;
- Facilitates the conversation and discussion around the staffing table. The judge might do this in a pre-arranged order;
- Solicits recommendations regarding sanctions and incentives and makes sure all opposing viewpoints are heard and discussed;
- Inquires as to a team member's absence, and makes sure another team member is prepared to provide the necessary information an absent member usually contributes;
- Identifies issues brought up in the staffing and sets a time in the future for discussion and debate with team members or others when necessary;
- Moves efficiently to the next participant once all information and decisions are made.

Staffing involves a team of professionals, dedicated to guiding participants toward healing and wellness. It is the judge's responsibility to understand each of the team member's roles. By understanding the team's roles, the judge can ensure efficiency and commitment to the participants. Understanding involves not only technical recognition of the team members'

vocational roles, but also an understanding and recognition of the ethical duties owed by the team to the participants and each other.

Potential team members include:

- Judge
- Public Defender
- Prosecutor
- Treatment Provider
- Coordinator
- Probation Officer
- Law Enforcement
- School Representative (when working with a Juvenile Healing to Wellness Court)

A. Staffing Issues

Understanding the roles and responsibilities of each team member is as important to the team members as it is to the judge. Each member of the team must know what is expected of everyone else as they each begin to develop the trust necessary to operate within a Wellness Court environment. Confidentiality among Wellness Court team members cannot be stressed strongly enough. Because treatment is such a strong component of a Wellness Court, issues surrounding treatment will also become important as team members review participant compliance and discuss the most appropriate way to address each Wellness Court participant.

Confidentiality: Team members will not feel comfortable sharing information about participants in the Wellness Court Program unless there is assurance that their discussions are kept confidential. Therefore, a confidentiality agreement should be developed and signed by all team members who attend staffing meetings.

For example, a participant may be working very hard to remain clean and sober, but other circumstances in his/her life may be contributing to their continued alcohol and/or drug use. Another participant may be using on a regular basis because he/she doesn't believe any serious consequences will occur for them. There is now a situation where two participants are using; however, the circumstance motivating their behaviors are different. It will be essential for team members to share information about these participants, especially when they are considering (as a team) what sanctions to recommend for non-compliance. The information and discussion about each participant must remain between the team only for the sole purpose of furthering the participant's healing journey. Discussion of these matters outside the team is unprofessional and not only violates the participants trust in team members, but breaches the participants right to keep certain matters confidential.

When the Judge Does Not Attend Staffings: Most judges believe that the more information a judge has available to them, the more informed they can be when making decisions regarding Wellness Court participants. They also find this information can be helpful to them if the situation arises where a Wellness Court participant has another charge and must be sentenced through the regular court system. However, in the case where ex-parte communication is a concern, certain judges may prefer not to be present during staffings. Although it is preferable for the Wellness Court team to

have the judge present, when he/she is not, a process should be in place (possibly in the *Policies and Procedures Manual*) addressing what information the judge want to receive regarding what was addressed concerning each participant.

For example, if a sanction or incentive is to be applied, does the judge want to know why, or does the judge trust the recommendation of the team that this needs to happen. Each court may differ on whether the judge will be present and, if not, how they want to address what information the judge should receive. This communication may be general in nature, and can include information such as:

- The participant is/is not compliant.
- The recommended incentive/sanction is
- The participant needs to be admonished about
- The participant should be encouraged to

The type of communication to the judge should be carefully decided and addressed based upon what is best for each tribal court and its team members. In all Wellness Courts, the judge needs to be able to trust that the team members have made their best and most informed recommendations. The judge should also feel confident that he/she is applying the appropriate sanctions and/or incentive without the benefit of full knowledge regarding why a sanction or incentive is being applied.

Who is the Participant's Family?: It is always important for participants, especially juveniles, to have family support as they progress through the Wellness Court Program. These family members can be critical in helping treatment staff better understand the behaviors of their clients. Who makes up the family is not the same in all families. For some Wellness Court participants an extended family may be the support for these individuals.

With adults, the immediate family can be a wife or husband, parent(s), or child(ren). With children, the immediate family may be a parent(s), grandparent(s), aunt or uncle, or an older sibling. Regardless of the living arrangements, the team needs to identify who the family is for each participant because what is taking place in the home will certainly have an impact on the behavior of the participant and the team needs to be made aware of this during staffing. In this way, the team can make decisions and recommendations to the judge that are more closely related to each participant's circumstances.

Having an understanding of the home environment and identifying needs within the home may be especially helpful, and family members can contribute in this area. The knowledge of family involvement, or lack of, will be important to the Wellness Court team as they make decisions regarding their Wellness Court participants.

Recidivism: As some participants work through their issues with alcohol and/or drug abuse, they may reoffend while taking part in the Wellness Court Program. The team must decide whether they are going to keep those participants who reoffend (and are found guilty) in the program. Some of the questions that can be asked and addressed are:

- What may have caused this to happen?
- Was this behavior related to a treatment issue that triggered a relapse?

- How was the participant performing in the Wellness Court Program prior to the offense?
- Is this an offense that can be dealt with more intensively with the Wellness Court process?
- Is this a violent offense?
- Do you believe you should keep the participant in the program until a decision regarding guilt is made by a presiding judge?

These situations will require an examination of the circumstances surrounding each individual case.

Cross Jurisdictional Issues: Should your Wellness Court Program take participants from other areas? Before you make the decision consider:

- The ability of participants in a program to learn from each other.
- Does the potential client have the ability (i.e., transportation) to participate in your program? This is important because, even if you make the decision to allow someone outside of your jurisdiction in the program, you want to make sure you are not setting that person up to fail.
- What is the status of resources available in your community? Are you preventing someone in your own community from entering your Wellness Court program if you take someone from another community?
- Other communities may have valuable resources to share with you and you with them.

All of these are important considerations. Whenever possible, remember that it is important to collaborate. This can enhance opportunities for participants and possibly the available resources to your programs.

In addition to the regular exchange of information and decision-making that takes place during staffing meetings, other special issues often arise. Some may include:

Ex Parte Communications if Judge Does Not Participate in Wellness Team: If the Wellness Court Judge does not participate in team deliberations, she must be made aware of the Team's concerns and recommendations regarding participants' status. In sharing this information with the judge, team members must be careful to avoid any ex parte communications. The Wellness Court and/or team must then develop a procedure for providing information and recommendations to the judge. For example:

1. The team, through a spokesperson, can inform the judge of the status of the participant and their recommendations in open court when the case is called.
2. Prior to the hearing, the team, through a designated or appointed member, can submit a brief written report to the judge for his/her review.
3. An informal meeting with the judge, perhaps immediately prior to the hearings (after the Staffing Meeting), can occur in chambers. However, the judge must ensure a representative of the defendant, the treatment provider and/or probation officer, is present to provide an alternative opinion and point of view.

The easiest way to avoid *ex parte* communication is for the Wellness Team to include the judge, a representative of the prosecution (or equivalent position), and participant. However, if this is not possible, the best method is to convey this information in open court before of all parties so there is no risk of *ex parte* communication.

Confidentiality: Regardless of whether the judge attends the Staffing meetings or receives the team’s recommendations in another manner, the judge and court staff must strictly adhere to a rule of confidentiality. It is very difficult in smaller tribal communities, where everyone knows one another, not to engage in *gossip* or rumor. However, the judge has a standard of impartiality, respect, and confidentiality to uphold. If the judge or court staff do not respect participants before the court by talking about the status of their healing and their case, the Court loses respect from the community. Participants may feel uncomfortable and have problems trusting in the Wellness Court, find it difficult to work hard on their wellness, and, perhaps, not complete the program, all because they believe the court did not respect them enough to keep any of their information confidential. It is the judge’s responsibility to set an example for the court staff and to ensure they are respecting each participant by not talking about their progress to others who do not have a legitimate interest and responsibility to the healing journey. Though court hearings are open to the public and anything that occurs in court is classified as public information, the judge and court staff still should not talk about their conversations regarding participants outside the courtroom or wellness team meetings.

Guideline:

It is the judge’s responsibility to set the example and monitor with court staff to ensure everyone is respecting the participant and not discussing his progress outside the wellness court context.

Cross Jurisdictional Issues: Often individuals who enter Wellness Court may have other cases pending in the Tribe’s criminal docket, or even in neighboring state jurisdictions. However, most cases will be in Tribal Court. The Tribal Court criminal judge (who in many places serves as the Wellness Court judge) can transfer these cases to the Wellness Court. The Wellness Court may need to work with the Tribal Criminal Court to develop a procedure to facilitate transfer. Otherwise, a circumstance could arise where a participant, though he completes the Wellness Court after successful transfer, believing he has taken care of his criminal court case, might face a criminal sanction. A procedure to help avoid potential problems is as follows:

1. When an individual is referred to Wellness Court, through diversion, deferment, or upon sentencing, his name should be run through the tribal court and local law enforcement to determine whether there are outstanding cases or warrants. Although this may seem troublesome, it is worth the effort and may save time and problems later. If the Wellness Court Team includes law enforcement this problem might be avoided.

2. If other matters are discovered, the proper authority can consolidate them into a plea agreement or diversion plan. For example, pending criminal court cases can be dismissed if the participant completes the Wellness Court. Or, community service, which is often a part of Wellness Court, can be ordered.
3. These cases should then be transferred along with the Wellness Court case to the Wellness Court judge. If the Tribal Court judge has ordered certain conditions, i.e. community service, the Wellness Court judge should respect this and to ensure that it happens.
4. If a participant fails to complete Wellness Court, the cases should be transferred back to Tribal Court.
5. When a participant completes Wellness Court, the Wellness Court judge should make sure the criminal court is aware of his completion for final disposition of remaining criminal cases.

If a participant has cases pending in a neighboring state or county jurisdiction, this presents a different problem. For those Tribal governments who exercise criminal jurisdiction, the Wellness Court judge may be able to request the matter be transferred to the tribal court. Depending upon the tribe's relationship with the local outside courts, the judges may be able to reach an agreement or understanding. An agreement might be made to stay the state court case until the defendant/participant is given an opportunity to complete the Tribal Wellness Court. A participant's completion could positively affect the state case. Cooperation such as this, however, will require the tribal court judge to develop a working relationship with state court judges, which itself may be a long-term project, but well worth the effort.

Guideline:

The judge should develop a procedure to know whether a participant has any outstanding cases in tribal court or state court and make sure that they are handled appropriately.

Family Issues: The purpose of the Healing to Wellness Court is to help promote healing of the individual. Often, this involves addressing family issues. In an adversarial criminal court, family plays a minor role, if any at all. However, in Wellness Court the family can play a large role. In Juvenile Wellness Courts it is the responsibility of the parents to transport minors to their treatment and court sessions. They, too, must be dedicated to the healing process. If parents fail to fulfill their role, the judge may need to warn them (or their guardian) of potential consequences, namely the termination of the minor from Wellness Court or even sanctions for the parent.

In adult Wellness Court, support of the family is as essential. The judge should allow any family members of the participant to appear in court with him (given there is adequate room in the facility). On the other hand, family members can contribute to relapse and can even contribute to the negative behavior. The judge should remind participants that, to break their cycle of abuse, they may have to distance themselves from some members of their family. Regardless of the issue, the judge must be constantly aware that the participant is engaging in a

healing process and the family is part of their process. The family should not be relegated to the minor role they play in a regular criminal court.

Guideline:

The judge must allow and encourage the family to be a part of the healing process and the family should not be relegated to the minor role they play in an adversarial court.

Recidivism: One of the most difficult challenges for a Healing to Wellness Court is the development of its own philosophy and policy regarding recidivism. One Court may adopt a Zero Tolerance policy and a failure will result in termination from the program. Another Court may adopt the philosophy that individuals deserve many chances because of the nature of addiction and its prevalence among indigenous people. There is no one correct philosophy. Each Court should adopt the approach that best suits itself. However, the judge needs to be informed about the nature of addiction and realize how the journey is to become sober and that process may involve setbacks or relapses. The judge should lead the team and work with them to develop a policy that is applied consistently across the program. The judge should remind the team and the participant that the path to a sober life is difficult and relapse is expected. The team needs to work together to determine when relapses should result in a participant being sanctioned or terminated, when continued use should result in discharge from the program, and when to allow someone else who can benefit into the program.

Guideline:

The judge needs to be mindful and informed about the nature of addiction, which may involve setbacks or relapse, and work with the team to develop a philosophy that focuses on responding to recidivism.

Treatment Issues: In Healing to Wellness Court, the treatment program provides the therapeutic environment for participants. The judge and the court provide the legal pressure and supervision to keep them involved. Treatment should be planned to meet the individual needs of each participant. Treatment includes phase that guide the participant through the program and provide a way to measure success and monitor progress. Situations will occur when participants will relapse. The judge and the team must be made aware of this so they can support relapse prevention and long-term recovery.

Treatment Planning: The treatment plan is a “road map” of what takes place for each participant during treatment. The treatment plan should be based on careful assessment of the individual’s needs, strengths, and weaknesses. Some plans may focus on anger, while another might emphasize grief or loss issues. Often, a combination of issues in a person’s life, in addition to substance abuse/dependency, are addressed in the treatment plan.

This plan should also address the number and type of counseling sessions, any special assignments or activities given to the participant and goals participants work toward. These aspects of the treatment plan allow participants, their families, the judge, and the Wellness Court team to identify the level of compliance and progress being made by the participant.

Phased Treatment: Phased treatment allows participants to begin their program with clinical support, guidance, and accountability. At first, participants experience biological, emotional, and spiritual difficulties as they withdraw from chemicals they have depended on over a long period of time. As each phase is completed participants go through different feelings, thoughts, and behaviors. They will make mistakes, either by breaking rules or by using drugs/alcohol again. The Wellness Court judge and team must be aware of this so they can effectively provide structure and support. As participants move through the phases they begin to take control of their own treatment and progress, and begin to rely less on the team. Again, it is important for the judge and the team to be aware of this as they empower the person in their sobriety and positive choices. Many Wellness Court programs assign “*points*” to each phase to allow the participants, judge, and team to monitor and measure progress.

The last phase of treatment is usually aftercare, where participants begin a transition out of the program and back into the community. It is also a time when plans are developed for long-term recovery.

Phases of Participants in Treatment

A. Phase I – Entering the Program

1. Detoxing – Bio, psycho, social, spiritual
2. Feelings – Confusing, fear, anger, hurt
3. Behavior – Acting out, testing limits, cravings, using
4. Examples of General Requirements
 - Attend individual substance abuse counseling with primary counselor once per week. Sessions qualify when they are 45 minutes long.
 - Attend treatment groups conducted by qualified personnel once per week.
 - Attend wellness activities that are community based on a once a week basis.
 - Check in with probation or assigned team member, at least 3 times a week.
 - Submit to random drug and alcohol testing.
 - Attend AA/NA or any 12-Step meeting, twice per week.
 - Attend Status Hearings each week.
 - Attend Relapse Prevention Meetings once per week.
5. Examples of General requirements needed to pass Phase I
 - a) Participant must be current on restitution payments as applicable.
 - b) Participant must be current on payment of Healing to Wellness Court fines and fees, if required.
 - c) Participant must complete all community service hours, as required.

B. Phase II – Starting to Work

1. Admitting your problem
2. Missing your friend (alcohol, drugs)
3. Looking at your life
4. Feelings – mixed, anger, anxiety, sadness, okay
5. Behavior – craving, testing limits, not knowing how to act
6. Examples of general requirements of Phase II:
 - Attend individual substance abuse counseling with primary counselor once per week. Sessions qualify when they are 45 minutes long.
 - Attend treatment groups conducted by qualified personnel once per week.
 - Attend wellness activities that are community-based on a once a week basis.
 - Check in with probation, at least 2 times per week.
 - Submit to random drug and alcohol testing.
 - Attend AA/NA or any 12-Step meeting, once per week.
 - Attend Status Hearings every other week.
 - Attend Relapse Prevention Meetings once per week
7. Examples of General requirements needed to pass Phase II:
 - a) Participant must be current on restitution payments as applicable.
 - b) Participant must be current on payment of Healing to Wellness Court fines and fees, if required.
 - c) Participant must complete all community service hours, as required.

C. Phase III – Gaining Ground

1. Awareness of your life—good and bad
2. Beginning to make amends to family and friends
3. Working on sobriety
4. Looking for new approaches for life
5. Sober activities
6. Feelings – Healthy – Good – More clear – More spiritual
7. Behavior – Positive, accountable, responsible
8. Examples of General Requirements of Phase III
 - a) Attend individual substance abuse counseling with primary counselor once per week. Sessions qualify when they are 45 minutes long.
 - b) Check in with probation or assigned team member for monitoring once per week.
 - c) Submit to random drug and alcohol testing.
 - d) Attend Status Hearings once per month.
 - e) Attend Relapse Prevention Meetings once per week.
9. Examples of General Requirements Needed to Pass Phase II
 - a) Participant must be current on restitution payments as applicable.
 - b) Participant must be current on payment of Healing to Wellness Court fines and fees, if required.
 - c) Participant must complete all community service hours, as required.

D. Phase IV – Succeeding

1. Looking outside into the community
2. Looking inside – spiritually
3. Seeking new friends, activities
4. Looking at old friends, old wounds
5. Practicing what you've learned
6. Feelings – Hope, healthy, very good, different, fear
7. Behavior – Making the right choices, making mistakes, testing limits, testing yourself
8. Example of General Requirements for Phase IV
 - a) Attend Relapse Prevention Classes on a once per week.
 - b) Check-in with probation or assigned team member twice per month.
9. General requirements needed to pass Phase IV:
 - a) Participant must pay entire balance due to Healing to Wellness Court fines, fees and restitution.
 - b) Participant must complete discharge summary.
 - c) Participant must complete all required post-testing.
 - d) Participants must present their Testimony to the Healing to Wellness Court.

Relapse: At any point during treatment phases, participants can lapse or relapse due to changes and struggles occurring within them. In the Wellness Court Program the issue of relapse will emerge in the treatment of each participant. A lapse (slip) is a single incident of use, usually followed by remorse and a return to abstinence. A relapse is a return to the previous levels of drug and/or alcohol use after a period of abstinence. It can also be the return to the alcohol and drug- use “*lifestyle*” as well. It is also the last step of an “*internal*” process of stressors and responses within the participant. Throughout the phases of treatment participants should be made aware of relapse and what individual issues may be “*the triggers*” for relapse to happen. They should also be working on their personal relapse prevention plan.

The Wellness Court judge and team must look at relapse as part of the healing process. A participant should be held accountable to his/her treatment plan through sanctions or other types of program structure in the phased treatment approach. Some participants may need restrictions on where they go or who they socialize with. Some may need detox, jail time, increased treatment scheduling, or return to an earlier phase of treatment. The judge should not look at relapse as a participant being disrespectful to the court or its authority. The Wellness Court is a program where a judge can plan with the team and treatment provider to implement solutions allowing participants to work toward their own healing and recovery.

B. Sanctions and Incentives

Sanctions and incentives are essential to the success of a Wellness Court. They are used to encourage participants to move forward, reward them for success, and reprimand them for setbacks. Much like teaching a child, the Wellness Court teaches individuals to lead sober lives. Sanctions and incentives are necessary components of the Wellness Court and are useful to promote sober behavior.

A sanctions and incentives schedule should be determined at the beginning of a participant's enrollment in the program. The participant may even contribute to the development of his/her own schedule as part of his participation. However, it is the judge's duty to impose sanctions and incentives. The decision of the judge is usually based on the team's recommendation. If incentives and sanctions are not given, an important part of the Wellness Court will fail. During status hearings, the judge might first call those cases that will have sanctions or incentives. This will remind all Wellness Court participants about the importance of moving forward in their program and the consequences of setbacks. Judges must remember that setbacks are part of the healing process and they must not lose patience with the participant. Setbacks require a lot of patience and understanding, and the resulting sanctions must be imposed firmly and consistently, though not harshly.

Moreover, the judge should have the authority to change the sanction or incentive. He must give reasons, however, why he is forgoing the team's recommendation. However, it is not a good practice to consistently ignore the team's recommendation or the team's commitment to the process will be damaged. Changing the sanction or incentive must be an exception to the rule, rather than the rule.

Incentives are just as important as sanctions, if not more so. They can be developed individually to meet the needs of the participant, but they need to be consistent with those given to others. They should not include relief from treatment sessions, or a group session, because this could support relapse. Incentives should be administered in a manner illustrating that the team and judge are proud and happy with the participant's progress.

Incentives and sanctions can be given to increase participation, reward or discourage specific behavior, increase respect, and increase learning in areas where improvement is needed. To achieve this type of response, the person delivering the sanction or incentive must treat

participants with dignity and respect, using appropriate facial, voice and body language. Incentives and sanctions should occur as close to the event as possible. Do not wait a month to reward or sanction a behavior.

Guidelines:

- It is the judge's duty to impose sanctions and incentives that were developed during the enrollment process.
- The team recommends the incentive or sanction. The judge can alter this, however, this should not happen on a regular basis.
- Incentives and sanctions should be imposed immediately to demonstrate to participants the consequences of their actions.

Examples of Incentives:

- Verbal praise in Court
- Reduction in community service hours
- Reduction in fees
- Extending curfew
- Leaving the court early or being heard first during the session
- Moving to the next phase of the program
- Special rewards from area stores, movies, food stores, restaurants
- Less frequent contact with program staff

Examples of Sanctions:

- Community Service hours.
- Verbal expression of poor performance.
- Assignment of a book report on the topic.
- Detention.
- Helping Elders with chores
- Additional court sessions
- Fines for non-compliance.
- Being required to stay the entire court session.
- House arrest
- Jail sentence (where available and practiced)

VI. Status Hearing

Once a week the court will hold status hearings to track participants' progress within the program. The status hearing provides the judge an opportunity to interact with participants and monitor how they are complying with their individual treatment plan. Status hearings are not formal in the traditional courtroom sense. They serve as a forum for the judge to interact and have a dialog with each participant. Status hearings not only give the judge an opportunity to assert his authority with the participants, but show his/her concern and commitment to the participants' wellness journeys. During status hearings the judge must ensure that participants know they are in a court and their behavior and responses should be courteous and respectful. The judge must set the courtroom environment. The judge must conduct the hearings in a manner that demands respect, while also showing respect to the participants, team and others present. The status hearing is where the judge can imprint his personality and style on the court. It is his moment to lead and must be undertaken with the utmost dedication and earnestness.

Following are examples of the judge's responsibilities during a Status Hearings:

- Assumes control and performs an opening ceremony (when appropriate);
- Offers a few words of his own before calling the first participant;
- Calls participants in a prearranged strategic order;
- Determines compliance; he asks a series of questions with the goal to assess compliance;
- Inquires of participants whether they are experiencing any problems or challenges;
- Assigns sanctions or issues incentives based on the participant's compliance or non-compliance;
- Issues bench warrants (if applicable in the jurisdiction) for any participant who failed to appear for a scheduled Status Hearing;
- Asks core members if they have information they want to announce to the group; and;
- Performs a benediction, closing words.

Status hearings are central to the Wellness Court experience. They give participants an opportunity to interact with the court and other participants. This creates an atmosphere of community that encourages the participants to maintain their course while on their journey to Wellness. Moreover, the Status Hearings are a forum for the Judge to "get to know" the participants. When the judge develops a personal interest in each participant's journey, they are more likely to be successful.

Example Status Hearing Rules: Participants must adhere to Healing to Wellness Court rules during all status hearings, and the Judge is responsible for making sure these rules are maintained. Rules to consider might include:

- Participant shall not be under the influence of illicit drugs or alcohol at Status Hearings;
- Participant shall not be in possession of any controlled substances or drug paraphernalia at any Status Hearing. Possession of paraphernalia or drugs will result in immediate arrest (if jurisdiction has this capability);
- Participant shall not be in possession of any weapons while attending a Status Hearing. Possession of a weapon will result in immediate arrest, and (if federally funded) expulsion from the program;
- Participant shall be on time for all Court appearances;
- Disruptive behavior, both in and outside the courtroom, is strictly prohibited;
- Participant does not speak when the Judge or other team members are speaking;
- Participant must stand when addressing the Court or when addressed by the Court. Stand facing the judge; do not approach the judge unless invited to do so;
- Sit in chairs provided in the courtroom. Do not sit on the court's tables;
- Participant may not wear hats or sunglasses while in the courtroom and must follow the proper dress code as outlined in the participant manual (developed by the Wellness Court team);
- Personal electronic devices are prohibited in the courtroom. This includes, but is not limited to, radios, cassette players, CD players, tape recorders/players, video recorders, cellular phones and beepers. These items are subject to confiscation;
- Eating, drinking beverages, active reading of any materials such as newspapers/magazines, or the use of tobacco in any form is prohibited in the courtroom;
- Participant shall not use profanity under any circumstance;
- Participant shall not loiter in the bathroom;
- Telephone calls are not allowed (incoming and outgoing) unless it is an emergency and is approved by the judge, coordinator, or probation officer.

The Custodial Process: In addition to the positive nature of the status hearing, it is also the forum for the judge to bring those participants into custody who are in violation of their treatment plans. On occasion it will be necessary to place participants into custody for noncompliance with a sanction or perhaps because the participant has a new warrant for his arrest. If this is necessary the prosecutor (or equivalent) should make the court aware as soon as possible. When possible, if there are circumstances where an individual must be taken into custody, this should occur in the presence of the other participants. There are two reasons for this. First, it sets an example for the other participants. Secondly, it does not allow the participant a chance to leave if he hears he is going into custody.

Guideline:

The Court should develop a procedure for taking participants into custody and give these cases priority during status hearings.

The court should set up a procedure for taking an individual into custody. An example of such a procedure follows:

1. The prosecutor or wellness team advises the court the participant must be taken into custody.
2. The court alerts the bailiff (or law enforcement officer) and the jail that they are going to take someone into custody (for jurisdictions without jails, another process must be developed). Many tribal courts do not have bailiffs to take individuals into custody. If this is the case, the probation officer or equivalent may take the participant into custody if they have this authority, or the court may grant the probation officers that authority temporarily. If probation officers are not available the tribal or Bureau of Indian Affairs law enforcement officer must be called to arrest the participant. [Alaskan Tribal Courts may have to develop a different procedure and process in this type of situation.]
3. The judge calls the case and after some discussion with the participant orders that he be taken into custody. In a written sanction order, a reason must be stated why this is occurring and for what period of time the participant is to be incarcerated.
4. The participant is placed into custody in the courtroom, either by placing him in handcuffs or allowing him to sit quietly in a separate part of the courtroom.
5. The participant is transported to jail by jail staff or police.

If participants are absent from status hearings without prior approval, the Judge will need to issue a warrant for the participant's arrest. The Judge should set up a procedure for doing so. An example of this procedure might read as follows:

- The Judge may either issue the warrant after the first non-appearance, or continue the case until the next status hearing to give the participant an opportunity to appear and explain his absence;
- Once the warrant is ordered, the court staff should prepare the warrant and deliver it to the police or agency that serves warrants;
- Many tribes often have difficulty serving warrants because the police are understaffed or for other reasons. The Judge may need to meet with the Chief of Police to set up a procedure or Memorandum of Agreement governing the service of warrants. Another possibility is to authorize the probation officer, who is a member of the Team, to serve the warrant and arrest the participant.

VI. Graduation

The ultimate responsibility of the judge as the leader of the Team is to help ensure that Wellness Participants graduate successfully from the program. Graduation is the culmination of the hard work by the participant, and the encouragement and support from the judge and the team. A participant, upon successful completion of all components of his treatment plan is eligible for graduation from the program. The judge must review the files and ensure that all the requirements have been met. Once approved for graduation, the team schedules the participant's graduation ceremony. Graduation ceremonies should occur regularly. Graduation is a significant moment in the Wellness Court Program. The court, therefore, reserves time throughout the year for participants to exit the program. The graduation ceremony is a symbol of the participant's commitment to the program, the community's commitment to the participant, and the program's commitment to the people. The graduation ceremony should be held in a large facility where community members can assemble and join in the celebration. The judge will sign a court order, formally commending graduation. Finally, the judge can present the graduate with a gift from the court. Because the judge should be acutely aware of the struggle undergone by each successful participant over the course of his/her participation, the judge can determine what is special to the individual graduate, thus making the gift personally significant and meaningful.

Graduation, just as the status hearings, is a forum for the judge to exercise his leadership and authority. During graduation, the judge should present himself in a stern but caring manner. He must call attention to the achievements made by the graduate and use the moment to encourage other participants to complete their own journeys.

Judicial Responsibilities Involving Graduation:

- Ensure dates are set throughout the year for graduation.
- Select a gift for each participant.
- Conduct graduation ceremony in a professional and distinctive manner, recognizing the achievements of the graduate and using that to motivate current participants.
- Sign a court order commending the graduate.
- Make certain that each participant leaves the program with an individual after-care plan.

The graduation ceremony is a symbol of the participant's commitment to the program, the community's commitment to the participant, and the program's commitment to the people.

VII. Termination

Unfortunately, not all participants will graduate. Sometimes, the team or judge must choose to terminate a participant. The goal of the program is wellness and if an individual refuses to cooperate and contribute in his own healing journey, the judge must remove him from the program and create a space for another willing participant.

Termination is a relatively simple process. A participant may be terminated from the Wellness Court Program when he has shown consistent contempt and has refused to adhere to the components of his treatment plan. Violations must be severe and must exist over a significant amount of time. Termination is a decision requiring majority support from the team. No single member (including the judge) should terminate a participant from the program. Termination should be the last resort. The team must exhaust all other avenues of correction before commencing a termination. Once a participant is terminated, he/she is subject to punishment from the Tribal Court for the offense he originally committed.

Specific reasons for termination are provided in this publication. Termination is an option for the team when it finds that the benefit to the participant is outweighed by the harm to the Wellness Program. Termination, however, is not a sign that the Court is “giving-up” on the member. It only means that the Tribe believes another form of adjudication is more effective in the given case. Therefore, if a participant is terminated from the program, he may later be readmitted upon arrest for another crime. Termination is the most extreme sanction bestowed upon a participant, and the court encourages the judge and the team to use it sparingly and only in the most extreme and difficult cases. The judicial role in termination is to act as a team member. The judge shall cast a vote in the termination proceeding, along with the other member of the team. In addition, he may also recommend termination as a sanction, just as all team members may do. The judge should not terminate a participant on his own motion.

Guidelines:

- A participant should be terminated when she/he shows consistent contempt for the court and refuses to adhere to the program;
- The violations must be severe;
- Termination must be the last resort;
- The decision to terminate should be supported by a majority of the core team.

Appendix A: Key Components of Tribal Healing to Wellness Courts

Key Component #1: Tribal Healing to Wellness Courts bring together community-healing resources with the tribal justice process, using a team approach to achieve the physical and spiritual healing of the participant and the well being of the community.

Key Component #2: Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.

Key Component #3: Eligible substance abuse offenders are identified early through legal and clinical screening and are promptly placed in the Tribal Healing to Wellness Program.

Key Component #4: Tribal Healing to Wellness Programs provide access to holistic, structured and phased, substance abuse treatment and rehabilitation services that incorporate culture and tradition.

Key Component #5: Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substance use.

Key Component #6: Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.

Key Component #7: Ongoing judicial interaction with each participant and judicial involvement in team staffing is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness to meet three purposes: providing information to improve the Healing to Wellness process; overseeing participant progress; and preparing evaluative information for interested community groups and funding sources.

Key Component #9: Continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.

Key Component #10: The development of ongoing communication, coordination, and cooperation among team members, the community and relevant organizations are critical for program success.

Appendix B: Glossary

abuse: Substance abuse should be distinguished from “experimental use,” “regular use,” and “dependency.” Substance abuse is observed as the use of increased amounts of the substance, the trying of other types of drugs or alcohol, thoughts of being drunk or high when sober, more and more time spent thinking about, obtaining, and using the substance, problems with family and police, thoughts about quitting which are not followed up, and increased guilt or shame about using the substance.

affidavit: Written statement signed under oath.

aftercare: Classes, counseling, groups and/or activities which focus on assisting participants after they complete the Healing to Wellness Court Program, including facing challenges of re-connecting to the community, and the development of external support systems.

assessment (or clinical assessment): A process completed by treatment staff to determine the participant’s level of chemical dependence and need for treatment services, including the identification of the specific types, the sequence, and intensity of treatment services needed (note that this process is generally completed after legal and clinical screenings).

case management: Services which focus on securing, coordinating, and monitoring the appropriate treatment interventions and related services (medical and dental services, job search and training skills, housing, heating, electricity, transportation, etc.) needed to treat each participant successfully.

case staffings: Meetings of wellness court team members, usually held just prior to wellness court appearances by participants, in which information about the participant’s drug testing results, attendance and participation in required treatment and other required activities, and other information relevant to the individual’s progress in treatment is shared with the wellness court team. Recommendations regarding services which the participant needs are also made to the judge during this time.

charging document: The legal form used by the prosecution to begin the criminal process against an offender.

clinical screening: Determination of whether the prospective participant has a substance abuse problem that can be addressed by available treatment services and if there are other problems, such as a mental health disorders, that should also be addressed.

co-occurring disorders: Other difficulties both medical (such as fetal alcohol or mental illness problems) and non-medical (such as educational or family problems), that need to be addressed by the wellness program.

confidentiality: privacy of information; in the substance abuse treatment context, confidentiality relates to federal and frequently state provisions regarding requirements prohibiting or limiting disclosure of information regarding an individual's enrollment in a substance abuse treatment program.

detoxification: A process of discontinuing drug and alcohol use that leads to reduction and elimination of drugs and alcohol from the participant's body. Detoxification may or may not need to be medically supervised depending upon the type of drug being discontinued and the physiological effects of the detoxification process.

dual diagnosis: a clinical assessment that the participant suffers from both substance addiction and a mental condition.

due process: the required process of law as set forth in the federal Bill of Rights, the Indian Civil Rights Act and/or applicable tribal or state law – generally providing that an individual is entitled to have notice and an opportunity to be heard (e.g., an opportunity to present his or her case in a legal dispute) and that no law or government procedure should be arbitrary or unfair.

incentives: Rewards used within the Healing to Wellness Court program to promote and recognize compliance and healing.

information system: The mechanisms by which a program gathers, uses and reports information about its participants and activities. The system may be computerized (automated) or manual.

interagency agreements: Written documents that document the agreements and relationships developed by the organizations or agencies involved in the Wellness Court and their commitments to the program.

legal screening: Determination of whether the prospective participant meets the eligibility criteria for the wellness court related to criminal history, type and severity of offense and other criteria as defined by the team during initial planning.

memorandum of agreement: Written document between units of government that reflect the interests of the organizations and their commitments to the program.

outcome evaluation: Gathering information to determine a program's success in meeting its goals. An outcome evaluation may look at a program's impact on the individual and on the community.

outpatient treatment: A program or set of services for assisting a participant with his or her healing from drug or alcohol abuse which does not make use of hospitalization or confinement to a facility.

participant: This is the term used for adults or juveniles who are referred to and are accepted into a Healing to Wellness Court Program.

phased treatment plan: The plan developed for each Wellness Court participant which entails completing specified tasks and achieving specified milestones at various levels of program activity. Most adult Wellness court programs, for example, are designed in three to five phases, requiring 12 or more months to complete.

process evaluation: The development of information that describes and analyzes how a program is operating, whether it is operating as envisioned, and whether any operational problems have developed.

program monitoring: providing oversight and periodic measurements of a program's performance against its stated goals and objectives.

protocols: The rules and procedures used for program operations.

relapse: A resumption of alcohol or other drug use after of period of not using the substance(s).

releases of information: Written consent forms permitting information to be transferred from one place to another concerning the person signing the release form. A release may be used to provide permission to gather information about health, treatment participation, criminal history and other aspects of the participant's history or situation which may be of use by the wellness court.

sanctions: responses to an individuals' noncompliance with program conditions to promote the individual's behavioral change and eventual compliance and healing.

status/review hearing: Review hearings conducted by the wellness court to assess the progress (or lack thereof) of each wellness court participant.

violent offender: In the context of drug courts, the term refers to the definition of "violent offender" as set forth in the statutes that authorize federal funding for drug court programs and prohibit the use of these funds for a "violent offender." The statutes defines "violent offender" as a person who either (1) is charged with or convicted of an offense, during the course of which offense or conduct the person carried, possessed, or used a firearm or dangerous weapon; there occurred the death of, or serious bodily injury to any person; or there occurred the use of force against the person of another, without regard to whether any of the circumstances previously described is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm, 42 U.S.C. S 3796ii *et seq.*

Appendix C: Resource Materials Relating to Native American Treatment

- Beck, Peggy V., Walters, Anna L.; The Sacred Ways of Knowledge Sources of Life. Navajo Community College Press (1977)
- Center for Substance Abuse Treatment. Strategies for Integrating Substance Abuse Treatment and the Juvenile Justice System: A Practice Guide. Substance Abuse and Mental Health Services Administration. U.S. Department of Health and Human Services. June 1999.
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- Woititz, Geringer, Janet, EdD., Adult Children of Alcoholics. Health Communications, Inc. (1983).

Appendix D: Resource Materials Relating to Drug Courts

The following publications may be ordered from:

The National Criminal Justice Reference Service

P.O. Box 6000 Rockville, MD 20849-6000

Phone (800) 851-3420

Fax (410) 792-4358

puborder@ncjrs.org

Title:

NCJRS Number:

Healing to Wellness Courts: A Preliminary Overview	NCJ 178907
Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives	NCJ 183930
Looking at a Decade of Drug Courts	NCJ 171140
Defining Drug Courts: The Key Components	DD 165478
1997 Drug Court Survey Report Executive Summary	NCJ 168280
Drug Court Resources Series Practical Guide for Applying Federal Confidentiality Laws to Drug Court Operations	NCJ 176977
Juvenile and Family Drug Courts: An Overview	NCJ 171139
Guideline for Drug Courts on Screening and Assessment	NCJ 171143
Drug Court Monitoring, Evaluation, and Management Information Systems	NCJ 171138
Drug Court Identification and Testing in the Juvenile Justice System	NCJ 167889

National Association of Drug Court Professionals

901 North Pitt Street, Suite 370 Alexandria, VA 22314

Phone (703) 706-0576

Fax (703) 706-0577

Title:

NADCP Tribal Mentor Courts: A Regional Approach to Provide Training and Technical Assistance to Native American Healing to Wellness Courts by Native American Healing to Wellness Courts

OJP Drug Court Clearinghouse and Technical Assistance Project

4400 Massachusetts Ave, N.W., Washington, D.C. 20016-8159

Phone (202) 885-2875

Fax (202) 885-2885

Resource Publications:

Drug Court Practitioner's Guide to Confidentiality Regulations. Consultant: Rebecca Holland. June 1999.

Good Beginnings: Developing and Sustaining a Drug Court Alumni Association. March 2002.

Taking Aim: How to Develop and/or Refine Your Target Drug Court Population. August 2002.

The Interrelationship Between the Use of Alcohol and Other Substances by Addicted Persons.
Consultant: John Marr. August 2000.

Drug Testing in a Drug Court Environment. Consultants: Jerome Robinson and Dr. James Jones. August 2000.

The Interrelationship Between the Use of Alcohol and Other Substances by Addicted Persons.
Consultant: John Marr. August 2000.

Statistical Updates of Drug Court Program Activity:

Drug Court Activity Update: Summary Information on All Drug Courts with Detailed Information Regarding Participants and Impacts for Adult Programs: June 2001

Juvenile Drug Court Activity Update: Summary Information on Participants and Impacts: June 2001

Family Drug Court Activity Update: Summary Information on Participants and Impacts: June 2001

Tribal Drug Court Activity Update: Summary Information on Participants and Impacts: June 2001

Drug Court Activity Update: Composite Summary Information Regarding Participants and Impacts for All Programs: June 2001

Resource Memorandum, Reports and Other Publications

Applying Drug Court Concepts in the Juvenile and Family Environment: A Primer for Judges. June 2000 revised

Background Information on State Court Administrative Office Activities in Support of Local Drug Court Programs: May 2001

Background Information on State Court Administrative Office Activities in Support of Local Drug Court Programs: Summary Analysis of Survey Responses. February 2001.

Compilation Summary Analysis of Sixty Drug Court Evaluation Reports Published During the Period: 1995 - June 2000.

Part I: Overview

Part II: Adult Programs

Part III: Juvenile Programs.

Compilation of Tribal Drug Court Operational Materials; June 2001

Cost Benefits Reported By Drug Court Programs. Memorandum Report. August 2001 (updated)

Estimated Costs for Post Natal Care of Drug Exposed Babies. March 2002.

Handling of Tobacco Use by Juvenile Drug Court Participants: Program Policies and Experience. December 1999
Juvenile Drug Courts: Where Have We Been? Where Should We Be Going? Caroline S. Cooper, Michael Nerney, Judge John Parnham, and Betsy Smith. February 2000 (Final Draft)
Juvenile and Family Drug Courts: An Overview. 2000 (rev.)
Looking at a Decade of Drug Courts. 2000 (rev.)
Meeting of State Drug Court Coordinators: February 22-23, 2001. American University. *Summary of Meeting Discussions.* March 2001.
Memo to DCPO Re Drug Court Services Being Provided to Women. January 1999
Strategies for Institutionalizing Drug Court Programs. Summary of Focus Group Discussions and Recommendations. February 13-14, 1998. January 1999 (final)

Annual Compilations of Legal Resources

Selected Federal, State and Tribal Court Decisions Relating to Drug Court Programs:
Part I: Memorandum: Decision Summaries: June 2002
Part II: Court Decisions: June 2002
State and Tribal Statutes Relating to Drug Court Programs (Rev.): June 2002
Pending Bills in State Legislatures Relating to Drug Court Programs. June 2002
Rules of Court Enacted by State and Local Courts Relating to Drug Court Programs: June 2002

Survey Reports

2000 Drug Court Survey Report:
Executive Summary
Volume I: Judicial System Perspectives (Part I)
Volume II: DUI Drug Courts
Volume II: Criminal Justice Agency Perspectives (Part III: Defense; Part IV: Prosecution; Part V: Law Enforcement; and Part VI: Corrections)
Volume III: Treatment Provider Perspectives (Part VII)
Volume IV: Participant Perspectives (Part VIII)

Curriculum

Cultural Proficiency Curriculum for the Drug Court Practitioner. (eight modules). Encounter Medical Group (foundation materials); National Development Research Institutes (final curriculum). August 2002.
Cultural Proficiency in Drug Court With African American Men. National Development Research Institutes. August 2002.
Team Building for Drug Courts. Frank Gavin. July 2002.

The National Clearinghouse for Alcohol and Drug Information

Phone (800) 729-6686

Fax (301) 468-6433

<u>TIP # :</u>	<u>Title/Reference #:</u>
TIP 3	Screening and Assessment of Alcohol-and Other Drug-Abusing Adolescents BKD108
TIP 4	Guidelines for the Treatment of Alcohol-and Other Drug-Abusing Adolescents BKD109
TIP 7	Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System BKD138
TIP 8	Intensive Outpatient Treatment for Alcohol and Other Drug Abuse BKD139
TIP 9	Assessment and Treatment of Patients with Coexisting Mental Illness and Alcohol and Other Drug Abuse BKD134
TIP 12	Combining Substance Abuse Treatment with Intermediate Sanctions for Adults in the Criminal Justice System BKD144
TIP 17	Planning for Alcohol and Other Drug Abuse Treatment for Adults in the Criminal Justice System BKD165
TIP 19	Detoxification from Alcohol and Other Drugs BKD172
TIP 21	Combining Alcohol and Other Drug Abuse Treatment With Diversion for Juvenciles in the Justice System BKD169
TIP 23	Treatment Drug Courts: Integrating Substance Abuse Treatment with Legal Case Processing BKD 205
TAP 1	Approaches in the Treatment of Adolescents with Emotional and Substance Abuse Problems PHD580
TAP 2	Medicaid Financing for Mental Health and Substance Abuse Services for Children and Adolescents PHD581
TAP 3	Need, Demand, and Problem Assessment for Substance Abuse Services PHD582
TAP 4	Coordination of Alcohol, Drug Abuse, and Mental Health Services PHD583
TAP 6	Empowering Families, Helping Adolescents: Family-Centered Treatment of Adolescents with Alcohol, Drug Abuse, and Mental Health Problems BKD81

- TAP 8 Relapse Prevention and the Substance-Abusing Criminal Offender
BKD121
- TAP 9 Funding Resource Guide for Substance Abuse Programs
BKD152
- TAP 10 Rural Issues in Alcohol and Other Drug Abuse Treatment
PHD662
- TAP 11 Treatment for Alcohol and Other Drug Abuse: Opportunities for Coordination
PHD663
- TAP 13 Confidentiality of Patient Records for Alcohol and Other Drug Treatment
BKD156
- TAP 17 Treating Alcohol and Other Drug Abusers in Rural and Frontier Areas
BKD174
- TAP 18 Checklist for Monitoring Alcohol and Other Drug Confidentiality Compliance
PHD722
- TAP 19 Counselor's Manual for Relapse Prevention With Chemically Dependent
Criminal Offenders
PHD723
- TAP 20 Bringing Excellence to Substance Abuse Services in Rural and Frontier America
BKD220
- TAP 23 Substance Abuse Treatment for Women Offenders: Guide to Promising Practices
BKD310

National Drug Court Institute

901 North Pitt Street, Suite 370 Alexandria, VA 22314
Phone (703) 706-0576
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Title:

Research on Drug Courts: A Critical Review, CASA, 1998
NDCI Fact Sheet, No. 1: Family Drug Courts; An Alternative Approach
to Processing Child Abuse and Neglect Cases
Federal Confidentiality Laws and How They Effect Drug Court Practitioners, 1999
Drug Courts: A Research Agenda, 1999
Drug Court Publications: Resource Guide, 1999
DUI/Drug Courts: Defining a National Strategy, Monograph #1, 1999
Development and Implementation of Drug Court Systems, Monograph #2, 1999
Drug Courts: A Revolution in Criminal Justice

Other:

Notre Dame Law Review, "Therapeutic Jurisprudence and the Drug Treatment Court
Movement," Vol. 74, 2, January 1999

Appendix E: Tribal Advisory Committee (TAC) to Tribal Healing to Wellness Courts

Adrienne Active, Wellness Coordinator, Alaska Federation of Natives (Alaska)
Max Aguiar, Prosecutor, Gila River Indian Community
Donna Arch, Court Counselor, Eastern Band of Cherokee Indians (North Carolina)
Caroline S. Cooper, Director, Drug Court Clearinghouse, American University
(Washington, D.C.)
Hon. Brenda C. Desmond, Special Master, Missoula County Judicial District (Montana)
James Edwards, Caseworker/Consultant, Cook County Social Casework Department (Illinois)
Reba Elders, Treatment Specialist, Eastern Band of Cherokee Indians (North Carolina)
Hon. Mark Filosa, Special Master, 3rd Judicial District Juvenile Drug Court (New Mexico)
Lisa Jaeger, Tribal Government Specialist, Tanana Chiefs Conference, Inc. (Alaska)
Hon. Joseph Flies-Away, Associate Judge, Hualapai Tribal Court (Arizona)
Richard Franits, Director, Youth and Family Counseling (New Mexico)
H. Chico Gallegos, Staff Counsel & Chief Financial Officer, Native American Alliance
Foundation (Oklahoma)
Jerry Gardner, Executive Director, Tribal Law and Policy Institute (California)
Cindy Haro, Attorney, Legal Services of the Virgin Islands (United States Virgin Islands)
Brian Hendrix, Executive Director, Payne County Drug Court, Inc. (Oklahoma)
Susan James-Andrews, President, James-Andrews and Associates (Virginia)
Hon. Ronald E. Johnny, Chief Judge, Duckwater Shoshone Tribal Court (Nevada)
Hon. B.J. Jones, Chief Judge, Sisseton-Wahpeton Tribal Court (North Dakota)
Hon. Richard Martin, Judge, Native Village of Chickaloon (Alaska)
Kimberly Martus, Tribal Justice Consultant, Alaska Tribal Justice Resource Center (Alaska)
Hon. Jeff Maupin, Judge, Native Village of Barrow (Alaska)
Dave McCullough, Attorney, Michael Minnis and Associates (Oklahoma)
Ada Pecos Melton, President, American Indian Development Associates (New Mexico)
Doug Modig, Consultant, Gathering of Eagles (Alaska)
Elton Naswood, Program Manager, Tribal Law and Policy Institute (California)
Hon. Jay Pedro, Judge, Gila River Indian Community (Arizona)
Ray Perales, Consultant, Native American Alliance Foundation (Wisconsin)
Edward Reina, Chief of Police, Yavapai-Prescott Indian Tribe (Arizona)
Hon. Pat Riggs, Judge, Ysleta Del Sur Pueblo (Texas)
Ann Wallace-Filosa, Program Director, Las Cruces Juvenile Drug Court (New Mexico)
Clarissa Rodrigues-Coelho, Program Manager, Drug Courts Program Office (Washington,
D.C.)
Donna White, Court Administrator, Poarch Band of Creek Tribal Court (Alabama)
Dr. Kenneth Robinson, President, Correctional Counseling, Inc. (Tennessee)
Edward Vance, Tribal Court Prosecutor, Yavapai-Apache Nation (Arizona)
Hon. Don Sollars, Tribal Judge Emeritus, Blackfeet Tribal Alternative Court (Montana)
Hon. Ernest White, Judge, Poarch Band of Creek Tribal Court (Alabama)
Hon. Irene Toledo, District Judge, Navajo District Court (New Mexico)
Hon. Jill E. Tompkins Shibles, Executive Director, National Tribal Justice Resource
Center (Colorado)
Janna Walker, Executive Director, Native American Alliance Foundation (Oklahoma)
Jonathan Whitefoot, Public Safety Commissioner, Yakama Nation (Washington)

L Winnemucca, Contract Facilitator, Native American Alliance Foundation (Florida)
Pat Sekaquaptewa, Associate Director, Tribal Law and Policy Institute (California)
Randrick (Kimo) Souza, Project Coordinator, Mesa Gang Intervention Project (Arizona)
Rita Weeks, Court Administrator, Fort Peck Tribal Court (Montana)
Sarah Stuckey, Counselor, Youth and Family Counseling (New Mexico)
Susan Spotted Bear, Program Director, Blackfeet Tribal Alternative Court (Montana)
Wayne Weston, Program Development Specialist, Cangleska, Inc. (South Dakota)
Wilbur Woodis, Data Manager/Counselor, Indian Health Service (Maryland)

Appendix F: Sources of Additional Information on Healing to Wellness Courts

Tribal Law and Policy Institute (TLPI)

Jerry Gardner, Executive Director
Pat Sekaquaptewa, Associate Director
Elton Naswood, Program Manager
8235 Santa Monica Blvd., Suite 211
West Hollywood, California 90046
Telephone: 323/650-5467 Fax: 323/650-8149
Website - <http://www.tribal-institute.org>

Native American Alliance Foundation (NAAF)

Janna Walker, Executive Director
Chico Gallegos, Staff Counsel and Chief Financial Officer
7844 95th East Avenue
Tulsa, OK 74133
Telephone: 918/461-2190 Fax: 918/461-2290
Website: www.native-alliance.org

OJP Drug Court Clearinghouse & Technical Assistance Project

Caroline S. Cooper, Director
School of Public Affairs
American University
4400 Massachusetts Avenue, N.W., Brandywine 100
Washington, D.C. 20016-8159
Telephone: 202/885-2875 Fax: 202/885-2885
Website - <http://www.american.edu/justice>

Bureau of Justice Assistance

Office of Justice Programs
U. S. Department of Justice
810 Seventh Street N.W.
Washington D. C. 20531
Tel: 202-616-6500 Fax: 202-305-1367
Website - <http://www.ojp.usdoj.gov/BJA>

Center for Substance Abuse Treatment

Substance Abuse and Mental Health Services Agency
Rockwall II Building, Suite 740
5600 Fishers Lane
Rockville, MD 20857
Phone 301-468-2600 or 1/800/729-6686 - National Clearinghouse for Alcohol and Drug Information
website: www.samhsa.gov/csat/csat.htm