

# Disparities in Tribal Youth Incarceration

## Tribal Youth Incarcerated 3X More Often Than White Youth

Tribal youth<sup>1</sup> were more than three times as likely to be detained or committed in juvenile facilities as their white peers, according to nationwide data collected in October 2019 and recently released. In 2010, Tribal youth’s incarceration rate was 2.9 times as high as their white peers. In 2019, that ratio grew to 3.3, a 14% increase.<sup>2</sup>

There are 11 states with at least 8,000 Tribal youths,<sup>3</sup> and Tribal youth are more likely to be in custody than white youth in all but two of these states: New Mexico and Texas.

Juvenile facilities, including 1,510 detention centers, residential treatment centers, group homes, and youth prisons<sup>4</sup> held 36,479 youths as of October 2019. (These data do not include the 653 people under 18 in prisons at year-end 2019<sup>5</sup> or the estimated 2,900 people under 18 in jails at midyear 2019.<sup>6</sup>) Between 2010 and 2019, juvenile placements fell by 48%. During these years, white youth placements declined faster than Tribal youth placements (48% vs. 39%), resulting in the growth of an already significant disparity.

Nationally, the youth placement rate was 114 per 100,000. The Tribal youth placement rate was 236 per 100,000, compared to the white youth placement rate of 72 per 100,000.

In the 11 states with at least 8,000 Tribal youths, disparities grew by more than 10% in four states and decreased by at least 10% in six states.

- In seven states, Tribal youth are at least three times more likely to be held in placement as are white youth: Minnesota, North Carolina, South Dakota, California, Washington state, Montana, and Alaska.
- North Carolina and California have seen their racial disparity more than double.
- Three states decreased their racial disparity by at least one-quarter: Montana, Texas, and New Mexico.

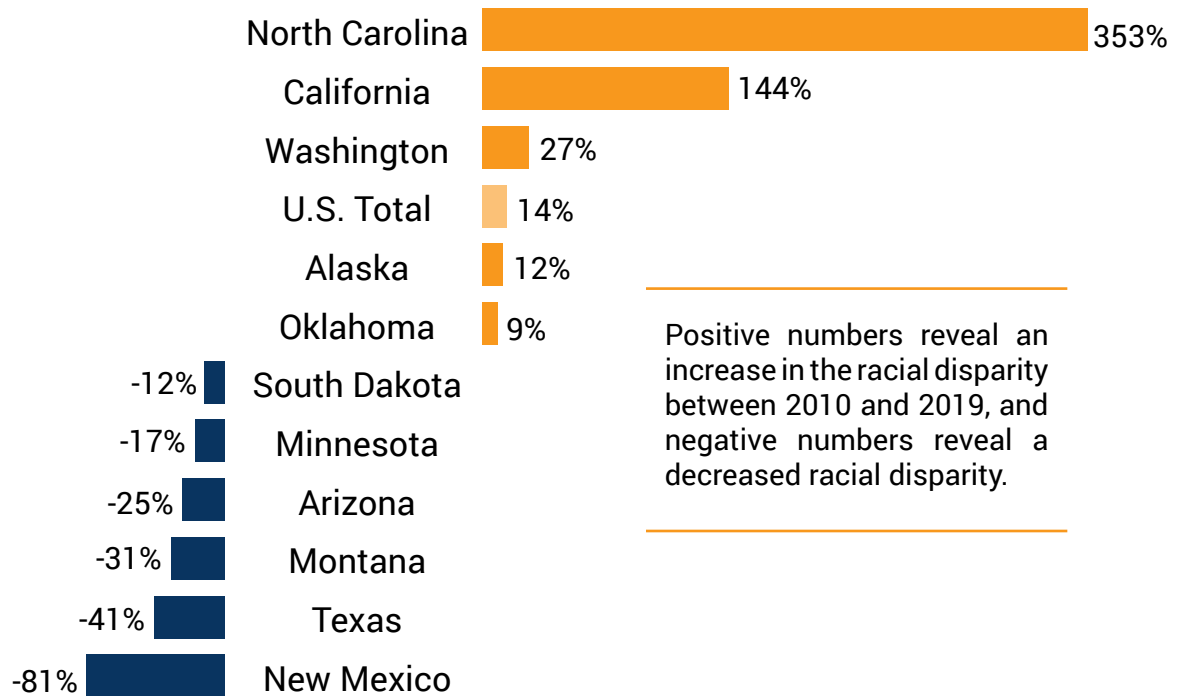
Tribal/White Youth Placement Rate per 100,000 (2019)

State	Tribal Rate	White Rate	T/W Disparity
Alaska	693	219	3.2
Arizona	101	62	1.6
California	212	48	4.4
Minnesota	852	73	11.7
Montana	332	100	3.3
New Mexico	62	277	0.2
North Carolina	296	37	8.0
Oklahoma	105	53	2.0
South Dakota	486	109	4.5
Texas	34	74	0.5
Washington	257	60	4.3
<b>U.S. Total</b>	<b>236</b>	<b>72</b>	<b>3.3</b>

The table above and the figure on page 2 are limited to the 11 states with at least 8,000 Tribal youths between 10- and 17-years old.

Numbers in the last column reveal the extent to which Tribal youth are more likely to be incarcerated than white youth. For example, in Alaska, Tribal youth are 3.2 times more likely to be held in a juvenile facility than their white peers. Numbers less than one reveal white youth are more likely than Tribal youth to be held in that state.

## Change in Tribal/White Placement Disparity; 2010 vs. 2019



- 1 For the purposes of this fact sheet, all "Tribal youth" are by definition non-Hispanic/Latinx. (The underlying dataset labels them as American Indian.) See: Sickmund, M., Sladky, T.J., Puzanchera, C., & Kang, W. (2021). *Easy Access to the Census of Juveniles in Residential Placement, Glossary*. National Center for Juvenile Justice. <https://www.ojjdp.gov/ojstatbb/ezacjrp/asp/glossary.asp#Race>. There are roughly 620,000 American Indian youths in the United States, 52% of whom are not Latinx. American Indian youth who claim Latinx ethnicity are included only among the Latinx/Hispanic data; there is no option available to review disparities for all 620,000 American Indian youths in a comprehensive category.
- 2 Most data in this report are derived from Sickmund, M., Sladky, T.J., Puzanchera, C., & Kang, W. (2021). *Easy Access to the Census of Juveniles in Residential Placement*. National Center for Juvenile Justice. <https://www.ojjdp.gov/ojstatbb/ezacjrp/>
- 3 Puzanchera, C., Sladky, A. and Kang, W. (2020). *Easy Access to Juvenile Populations: 1990-2019*. National Center for Juvenile Justice. <https://www.ojjdp.gov/ojstatbb/ezapop/>
- 4 Puzanchera, C., Hockenberry, S., Sladky, T.J., and Kang, W. (2020). *Juvenile Residential Facility Census Databook*. National Center for Juvenile Justice. <https://www.ojjdp.gov/ojstatbb/jrfcdb/>
- 5 Carson, E.A. (2020). *Prisoners in 2019*. Bureau of Justice Statistics. NCJ 25115. <https://bjs.ojp.gov/content/pub/pdf/p19.pdf>
- 6 Zeng, Z. and Minton, T. (2021). *Jail Inmates in 2019*. Bureau of Justice Statistics. NCJ 255608. <https://bjs.ojp.gov/content/pub/pdf/ji19.pdf>

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**State of California**

**WELFARE AND INSTITUTIONS CODE**

**Section 16001.9**

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16001.9. (a) All children placed in foster care, either voluntarily or after being adjudged a ward or dependent of the juvenile court pursuant to Section 300, 601, or 602, shall have the rights specified in this section. These rights also apply to nonminor dependents in foster care, except when they conflict with nonminor dependents' retention of all their legal decisionmaking authority as an adult. The rights are as follows:

(1) To live in a safe, healthy, and comfortable home where they are treated with respect. If the child is an Indian child, to live in a home that upholds the prevailing social and cultural standards of the child's Indian community, including, but not limited to, family, social, and political ties.

(2) To be free from physical, sexual, emotional, or other abuse, corporal punishment, and exploitation.

(3) To receive adequate and healthy food, adequate clothing, grooming and hygiene products, and an age-appropriate allowance. Clothing and grooming and hygiene products shall respect the child's culture, ethnicity, and gender identity and expression.

(4) To be placed in the least restrictive setting possible, regardless of age, physical health, mental health, sexual orientation, and gender identity and expression, juvenile court record, or status as a pregnant or parenting youth, unless a court orders otherwise.

(5) To be placed with a relative or nonrelative extended family member if an appropriate and willing individual is available.

(6) To not be locked in any portion of their foster care placement, unless placed in a community treatment facility.

(7) To have a placement that utilizes trauma-informed and evidence-based deescalation and intervention techniques, to have law enforcement intervention requested only when there is an imminent threat to the life or safety of a child or another person or as a last resort after other diversion and deescalation techniques have been utilized, and to not have law enforcement intervention used as a threat or in retaliation against the child.

(8) To not be detained in a juvenile detention facility based on their status as a dependent of the juvenile court or the child welfare services department's inability to provide a foster care placement. If they are detained, to have all the rights afforded under the United States Constitution, the California Constitution, and all applicable state and federal laws.

(9) To have storage space for private use.

(10) To be free from unreasonable searches of personal belongings.

(11) To be provided the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and education rights holder if other than the parent or parents, and when applicable, representatives designated by the child's Indian tribe to participate in the juvenile court proceeding, and to communicate with these individuals privately.

(12) To visit and contact siblings, family members, and relatives privately, unless prohibited by court order, and to ask the court for visitation with the child's siblings.

(13) To make, send, and receive confidential telephone calls and other electronic communications, and to send and receive unopened mail, unless prohibited by court order.

(14) To have social contacts with people outside of the foster care system, including, but not limited to, teachers, coaches, religious or spiritual community members, mentors, and friends. If the child is an Indian child, to have the right to have contact with tribal members and members of their Indian community consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(15) To attend religious services, activities, and ceremonies of the child's choice, including, but not limited to, engaging in traditional Native American religious practices.

(16) To participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with the child's age, maturity, developmental level, sexual orientation, and gender identity and expression.

(17) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and expression, mental or physical disability, or HIV status.

(18) To have caregivers, child welfare and probation personnel, and legal counsel who have received instruction on cultural competency and sensitivity relating to sexual orientation, gender identity and expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender children in out-of-home care.

(19) To be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court, child welfare, medical, or vital records, to be referred to by the child's preferred name and gender pronoun, and to maintain privacy regarding sexual orientation and gender identity and expression, unless the child permits the information to be disclosed, or disclosure is required to protect their health and safety, or disclosure is compelled by law or a court order.

(20) To have child welfare and probation personnel and legal counsel who have received instruction on the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) and on cultural competency and sensitivity relating to, and best practices for, providing adequate care to Indian children in out-of-home care.

(21) To have recognition of the child's political affiliation with an Indian tribe or Alaskan village, including a determination of the child's membership or citizenship

in an Indian tribe or Alaskan village; to receive assistance in becoming a member of an Indian tribe or Alaskan village in which the child is eligible for membership or citizenship; to receive all benefits and privileges that flow from membership or citizenship in an Indian tribe or Alaskan village; and to be free from discrimination based on the child's political affiliation with an Indian tribe or Alaskan village.

(22) (A) To access and receive medical, dental, vision, mental health, and substance use disorder services, and reproductive and sexual health care, with reasonable promptness that meets the needs of the child, to have diagnoses and services explained in an understandable manner, and to participate in decisions regarding health care treatment and services. This right includes covered gender affirming health care and gender affirming mental health care, and is subject to existing laws governing consent to health care for minors and nonminors and does not limit, add, or otherwise affect applicable laws governing consent to health care.

(B) To view and receive a copy of their medical records to the extent they have the right to consent to the treatment provided in the medical record and at no cost to the child until they are 26 years of age.

(23) Except in an emergency, to be free of the administration of medication or chemical substances, and to be free of all psychotropic medications unless prescribed by a physician, and in the case of children, authorized by a judge, without consequences or retaliation. The child has the right to consult with and be represented by counsel in opposing a request for the administration of psychotropic medication and to provide input to the court about the request to authorize medication. The child also has the right to report to the court the positive and adverse effects of the medication and to request that the court reconsider, revoke, or modify the authorization at any time.

(24) (A) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections.

(B) At any age, to consent to or decline services regarding contraception, pregnancy care, and perinatal care, including, but not limited to, abortion services and health care services for sexual assault without the knowledge or consent of any adult.

(C) At 12 years of age or older, to consent to or decline health care services to prevent, test for, or treat sexually transmitted diseases, including HIV, and mental health services, without the consent or knowledge of any adult.

(25) At 12 years of age or older, to choose, whenever feasible and in accordance with applicable law, their own health care provider for medical, dental, vision, mental health, substance use disorder services, and sexual and reproductive health care, if payment for the service is authorized under applicable federal Medicaid law or other approved insurance, and to communicate with that health care provider regarding any treatment concerns or needs and to request a second opinion before being required to undergo invasive medical, dental, or psychiatric treatment.

(26) To confidentiality of medical and mental health records, including, but not limited to, HIV status, substance use disorder history and treatment, and sexual and reproductive health care, consistent with existing law.

(27) To attend school, to remain in the child's school of origin, to immediate enrollment upon a change of school, to partial credits for any coursework completed, and to priority enrollment in preschool, afterschool programs, a California State University, and each community college district, and to receive all other necessary educational supports and benefits, as described in the Education Code.

(28) To have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for career, technical, and postsecondary educational programs, and information regarding financial aid for postsecondary education, and specialized programs for current and former foster children available at the University of California, the California State University, and the California Community Colleges.

(29) To attend Independent Living Program classes and activities, if the child meets the age requirements, and to not be prevented by caregivers from attending as a consequence or punishment.

(30) To maintain a bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.

(31) To work and develop job skills at an age-appropriate level, consistent with state law.

(32) For children 14 to 17 years of age, inclusive, to receive a consumer credit report provided to the child by the social worker or probation officer on an annual basis from each of the three major credit reporting agencies, and to receive assistance with interpreting and resolving any inaccuracies.

(33) To be represented by an attorney in juvenile court; to have an attorney appointed to advise the court of the child's wishes, to advocate for the child's protection, safety, and well-being, and to investigate and report to the court on legal interests beyond the scope of the juvenile proceeding; to speak to the attorney confidentially; and to request a hearing if the child feels their appointed counsel is not acting in their best interest or adequately representing their legal interests.

(34) To receive a notice of court hearings, to attend court hearings, to speak to the judge, to view and receive a copy of the court file, subject to existing federal and state confidentiality laws, and to object to or request the presence of interested persons during court hearings. If the child is an Indian child, to have a representative designated by the child's Indian tribe be in attendance during hearings.

(35) To the confidentiality of all juvenile court records consistent with existing law.

(36) To view and receive a copy of their child welfare records, juvenile court records, and educational records at no cost to the child until the child is 26 years of age, subject to existing federal and state confidentiality laws.

(37) To be involved in the development of their own case plan, including placement decisions, and plan for permanency. This involvement includes, but is not limited to, the development of case plan elements related to placement and gender affirming health care, with consideration of the child's gender identity. If the child is an Indian child, the case plan shall include protecting the essential tribal relations and best interests of the Indian child by assisting the child in establishing, developing, and

maintaining political, cultural, and social relationships with the child's Indian tribe and Indian community.

(38) To review the child's own case plan and plan for permanent placement if the child is 10 years of age or older, and to receive information about their out-of-home placement and case plan, including being told of changes to the plan.

(39) To request and participate in a child and family team meeting, as follows:

(A) Within 60 days of entering foster care, and every 6 months thereafter.

(B) If placed in a short-term residential therapeutic program, or receiving intensive home-based services or intensive case coordination, or receiving therapeutic foster care services, to have a child and family team meeting at least every 90 days.

(C) To request additional child and family team meetings to address concerns, including, but not limited to, placement disruption, change in service needs, addressing barriers to sibling or family visits, and addressing difficulties in coordinating services.

(D) To have both informal and formal support people participate, consistent with state law.

(40) To be informed of these rights in an age and developmentally appropriate manner by the social worker or probation officer and to be provided a copy of the rights in this section at the time of placement, any placement change, and at least once every six months or at the time of a regularly scheduled contact with the social worker or probation officer.

(41) To be provided with contact information for the Community Care Licensing Division of the State Department of Social Services, the tribal authority approving a tribally approved home, and the State Foster Care Ombudsperson, at the time of each placement, and to contact any or all of these offices immediately upon request regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.

(b) The rights described in this section are broad expressions of the rights of children in foster care and are not exhaustive of all rights set forth in the United States Constitution and the California Constitution, federal and California statutes, and case law.

(c) This section does not require, and shall not be interpreted to require, a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

(d) The State Department of Social Services and each county welfare department are encouraged to work with the Student Aid Commission, the University of California, the California State University, and the California Community Colleges to receive information pursuant to paragraph (28) of subdivision (a).

(Repealed and added by Stats. 2019, Ch. 416, Sec. 3. (AB 175) Effective January 1, 2020.)



# JUDICIAL COUNCIL OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION  
CENTER FOR FAMILIES, CHILDREN & THE COURTS

## **ICWA Information Sheet: Delinquency – Child’s Indian Status – Right to Political and Cultural Connections – ICWA Requirements**

### **Overview**

The Indian Child Welfare Act (“ICWA” 25 U.S.C. §§1901 *et. seq.*) and corresponding state law are the source of significant legal rights and protections for Indian children and their tribes. Some, but not all of ICWA’s requirements apply to **all** juvenile cases, including delinquency cases. In addition, ICWA is not the **only** reason why a child’s Indian status and American Indian heritage is of importance in a delinquency case. Whether or not ICWA itself applies, children who identify as American Indian have unique legal protections and access to unique resources.

### **Duty of Inquiry**

A juvenile probation department has an affirmative and continuing duty to inquire about a child’s Indian status, that is, whether the child is a member or eligible for membership in an Indian tribe and the child of a member of an Indian tribe. Inquiry must occur whenever the department makes contact with a child that could result in a petition under Section 601 or 602 (Welf. & Inst. Code § 224.2(a)) and whenever a child is placed in the temporary custody of the probation department pursuant to Welfare and Institutions Code § 307 (Welf. & Inst. Code § 224.2(b).) The duty to inquire begins at initial contact and the probation officer must complete this inquiry even if the child comes into contact with the probation department as a result of conduct that would be considered a crime if the child were an adult. (*In re. W.B.* (2012) 55 Cal. 4th 30, 40)

This duty of inquiry includes asking the child, parents, legal guardian, Indian custodian (if any), extended family members and others who have an interest in the child whether the child is, or may be, an Indian child and where the child, the parents, or Indian custodian is domiciled. (Welf. & Inst. Code § 224.2(b).) If this inquiry gives the probation officer “reason to believe” that the child is an Indian child, the probation officer must make further inquiry as soon as practicable. The purpose of further inquiry is to discover whether the child is a member (citizen) of a federally recognized Indian tribe and includes at a minimum:



1. Interviewing the child, parents, Indian custodian, and extended family members to gather the information required in Welf. & Inst. Code § 224.3(a)(5). (Welf. & Inst. Code § 224.2(e)(1)). Essentially this is a family tree back to great-grandparents;
2. Contacting the Bureau of Indian Affairs and California State Department of Social Services for assistance in identifying the names and contact information of the tribes the child may be a member or eligible for membership in; and
3. Contacting the tribes and any other person that may reasonably be expected to have information regarding the child's membership or citizenship status or eligibility. This contact with the tribes is distinct from sending notice on the form ICWA-030. You must make these contacts even if you are not required to send the ICWA-030 notice. This contact must include at a minimum contacting the tribe's designated agent for receipt of ICWA notice by telephone, facsimile or email and sharing information with the tribe necessary to make a membership determination. If the tribe determines the child is a member or eligible for membership you must share information about the current status of the child and the case. (Welf. & Inst. Code § 224.3(e)(3)).

If as a result of this inquiry the probation officer knows or has reason to know that the child is an Indian child, then ICWA requirements beyond inquiry may apply in certain circumstances.

### **When do ICWA requirements beyond inquiry apply?**

All of the remaining ICWA requirements such as notice, active efforts, qualified expert witness testimony and heightened evidentiary standards apply only when a child is either in foster care or at risk of entering foster care and one of the three additional factors apply:

1. The petition under Welfare and Institutions Code section 601 or 602 alleges only status offenses and no conduct which would be criminal if the child were over age 18. (This includes allegations such as a child refuses to obey the orders of a parent or guardian, is beyond parental control, violates age-based curfew ordinances, or is truant or disobedient in school or has engaged in underage drinking or underage possession of alcohol or tobacco because even though this conduct is prohibited in the Penal Code, such conduct would not be a crime if committed by an adult.) (*In re. W.B.* at 42);
2. The court has set a hearing to terminate parental rights (regardless of whether or not there was "criminal" conduct) (*In re. W.B.* at 59); or
3. The court has placed the child in foster care, or in an adoptive or pre-adoptive placement, due to abuse or neglect in the child's home. (*In re. W.B.* at 60). In these situations, the court must make a specific finding that placement outside the home of the parent or legal guardian is based entirely on harmful conditions within the child's home. (*In re. W.B.* at 59) Without such a specific finding it is presumed that the placement is based at least in part on the child's criminal conduct. (*In re. W.B.* at 60) If there is such a finding, then ICWA requirements apply regardless of whether the conduct which brought the child before the court was criminal in nature.

## **Significance of Native American & Indian Identification (regardless of ICWA application)**

### **Services for Native American Children**

Following inquiry, if a child and the child's family identify as Native American, that is, as possessing native heritage or a cultural connection with an Indian tribe, then, whether or not ICWA itself applies, as **in all cases** the family's cultural identity is important for case planning and placement purposes. Native American children and their families may be entitled to a broad range of services which should be used whenever possible when developing case plans. You can find these services in your area by looking here <http://www.courts.ca.gov/5807.htm>. Programs may have different eligibility requirements. Some services are available to all individuals who self-identify as American Indian or indigenous while others may only be available to members of federally recognized tribes.

Following inquiry, if a child is an Indian child that is or may be placed in a foster care placement, identifying the child's tribe is important and legally required under the Welfare and Institutions Code apart from ICWA itself. A child's tribe is a required member of the Child and Family Team (CFT) convened for development of the child's case plan, including provisions relating to services and placement. Collaboration with the child's tribe is required as a matter of state law and may expand options available for the child through the provision of culturally appropriate services and through application of tribal standards to assessments and placement approvals. (Welf. & Inst. Code § 16501(a)(4))

### **Legal Rights of All Native American and Indian Children in Foster Care (regardless of ICWA)**

If the child is a member or eligible for membership in a tribe, you are required to look to tribal members when seeking a foster care placement for an Indian child (ie a child who is a member or eligible for membership in a tribe) regardless of whether ICWA applies to the case. (Welf. & Inst. Code §§ 727.1 (a); 16501.1 (c))

All children placed in foster care have rights as specified in California law, commonly known as the Foster Youth Bill of Rights. (W.I.C. §16001.9) Native American children, regardless of membership in a federally recognized tribe, enjoy the following rights:

1. To receive adequate clothing and grooming and hygiene products that respect the child's culture and ethnicity.
2. To be placed with a relative or nonrelative extended family member if an appropriate and willing individual is available. (This is also the first order of placement in the ICWA placement preferences.)
3. To participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities.

4. To attend religious services, activities, and ceremonies of the child's choice, including, but not limited to, engaging in traditional Native American religious practices.

Indian children who are placed into foster care are entitled to all the same rights as other foster children under WIC 16001.9 and also have unique protections for their cultural and political identity as Indian children. These protections for the cultural and political rights of Indian children in foster care apply equally whether they are placed in foster care under WIC §§300, 601 or 602 (WIC 16001.9(a).) These protections include the right to:

1. a placement that upholds the prevailing social and cultural standards of the child's Indian community, including, but not limited to, family, social, and political ties; (WIC 16001.9(a)(1))
2. be provided with names and contact information for representatives of the child's Indian tribe and to communicate with these individuals privately; (WIC 16001.9(a)(11))
3. have contact with tribal members and members of the child's Indian community consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe; (WIC 16001.9(a)(14))
4. engage in traditional Native American religious practices; (WIC 16001.9(a)(15))
5. have probation personnel who have received instruction on ICWA and on cultural competency and sensitivity relating to, and best practices for, providing adequate care to Indian children in out-of-home care; (WIC 16001.9(a)(20))
6. recognition of the child's political affiliation with an Indian tribe or Alaskan village, including a determination of the child's membership or citizenship in an Indian tribe or Alaskan village; to receive assistance in becoming a member of an Indian tribe or Alaskan village in which the child is eligible for membership or citizenship; to receive all benefits and privileges that flow from membership or citizenship in an Indian tribe or Alaskan village; and to be free from discrimination based on the child's political affiliation with an Indian tribe or Alaskan village; (WIC 16001.9(a)(21))
7. have a representative of the child's Indian tribe in attendance during hearings; (WIC 16001.9(34))
8. a case plan that includes protecting the essential tribal relations and best interests of the Indian child by assisting the child in establishing, developing, and maintaining political, cultural, and social relationships with the child's Indian tribe and Indian community; (WIC 16001.9(37))

Probation and social services must ensure that all of these rights are respected, including assisting a child to become enrolled with the child's tribe when the child is eligible for membership but requires enrollment.



## Probation Departments Requirements Indian Child Welfare Act, Federal ICWA Regulations & Guidelines, California Statutes & Rules of Court \*

### I. Investigation/Intake Requirements

A. *Initial inquiry:* A juvenile probation department has a continuing duty to inquire about the child's Indian status, that is, whether the child is a member or eligible for membership in an Indian tribe and the child of a member of an Indian tribe. Inquiry must occur whenever the department makes contact with a child that could result in a petition under Section 601 or 602 (Welf. & Inst. Code § 224.2(a).) and whenever a child is placed in the temporary custody of the probation department pursuant to Welfare and Institutions Code § 307 (Welf. & Inst. Code § 224.2(b).) The duty to inquire begins at initial contact and the probation officer must ask the child, parents, guardians, Indian custodians (if the child is living with an Indian person), and available extended family and relatives whether the child may be an Indian child. (WIC, § 224.2(a); California Rules of Court, rule (hereafter "CRC") 5.481(a).)

**Practice Tip:** If you are making a "reasonable efforts" finding to support the possibility the child may enter foster care for the purposes of drawing down title IV-E funding, then it is essential the ICWA inquiry be made.

### II. Further Inquiry

A. *Further inquiry:* If, as a result of this inquiry or from any other source, you have reason to believe the child is an Indian child, then ask more questions to learn about the child's Indian status. You must (1) interview the child, parents, and available extended family members to gather family background information; (2) contact the Bureau of Indian Affairs (BIA) and the California Department of Social Services (CDSS) for assistance with contact information and in determining the tribes to contact if the information available identifies only possible ancestral tribal groups rather than federally recognized tribes; and (3) contact the tribe(s) the child is potentially affiliated with by fax, phone and email to determine the child's status. (WIC, § 224.2(e); CRC 5.481(a)(4).)

B. *How do I know? Tips to help figure out if you have reason to know the child is an Indian child:*

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, or a member of the child's extended family says or provides information to anyone involved in the case that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian reside or are domiciled on an Indian reservation; or
3. The child or parent possess an identification card indicating membership in a tribe or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service. (WIC, § 224.2(d); CRC 5.481(a)(5).)

C. *Document inquiry on Juvenile Wardship Petition (Form JV-600) and ICWA-010(A):*

1. Item 2 on form JV-600 requires you to have conducted an initial inquiry and further inquiry if it is warranted.
2. You are also responsible for documenting your investigation on ICWA-010(A) and having the parents complete the ICWA-020 forms. If the child is or there is reason to believe the child is an Indian child, you and the court will need to take specific steps to prevent the breakup of the child's Indian family.

D. *Document active efforts if child taken into custody:* If you know or have reason to believe the child is an Indian child AND the child is already in foster care, or you think the child is at risk of entering foster care, then you must find resources and services that are culturally specific to the Indian child's family. These resources and services are the active efforts that you must document to show that you are actively trying to prevent the breakup of the child's Indian family. Just as you would document reasonable efforts in non-ICWA cases, you must also document these active efforts in the detention report. You can find resources to help fulfill the active efforts requirement at <http://www.courts.ca.gov/5807.htm> (25 U.S.C. § 1912(d); WIC, §§ 361.7; 727.4(d)(5)(D); CRC 5.484(c).)

\*All citations in this chart are to the Indian Child Welfare Act (ICWA) (25 U.S.C. 1901 et seq.), Federal ICWA Regulations found at 25 C.F.R. Part 23, Federal Guidelines for Implementing the Indian Child Welfare Act available at <https://www.bia.gov/sites/bia.gov/files/assets/bia/ois/pdf/idc2-056831.pdf>, California Welfare and Institutions Code (WIC), and California Rules of Court (CRC) effective as of January 1, 2020.

## II. Rights of all Indian Children in foster care

Indian children who are placed into foster care are entitled to all the same rights as other foster children under WIC 16001.9 and also have unique protections for their cultural and political identity as Indian children. These protections for the cultural and political rights of Indian children in foster care apply equally whether they are placed in foster care under WIC §§300, 601 or 602 (WIC 16001.9(a).) These protections include the right to:

1. a placement that upholds the prevailing social and cultural standards of the child's Indian community, including, but not limited to, family, social, and political ties; (WIC 16001.9(a)(1))
2. be provided with names and contact information for representatives of the child's Indian tribe and to communicate with these individuals privately; (WIC 16001.9(a)(11))
3. have contact with tribal members and members of the child's Indian community consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe; (WIC 16001.9(a)(14))
4. engage in traditional Native American religious practices; (WIC 16001.9(a)(15))
5. have probation personnel who have received instruction on ICWA and on cultural competency and sensitivity relating to, and best practices for, providing adequate care to Indian children in out-of-home care; (WIC 16001.9(a)(20))
6. recognition of the child's political affiliation with an Indian tribe or Alaskan village, including a determination of the child's membership or citizenship in an Indian tribe or Alaskan village; to receive assistance in becoming a member of an Indian tribe or Alaskan village in which the child is eligible for membership or citizenship; to receive all benefits and privileges that flow from membership or citizenship in an Indian tribe or Alaskan village; and to be free from discrimination based on the child's political affiliation with an Indian tribe or Alaskan village; (WIC 16001.9(a)(21))
7. have a representative of the child's Indian tribe in attendance during hearings; (WIC 16001.9(34))
8. a case plan that includes protecting the essential tribal relations and best interests of the Indian child by assisting the child in establishing, developing, and maintaining political, cultural, and social relationships with the child's Indian tribe and Indian community; (WIC 16001.9(37))

An Indian child's tribe is a required member of the child's Child and Family Team required to be consulted on development of the child's case plan and must be contacted concerning placement options when foster care placement is or may be required. (WIC §§ 16501a)(4); 727.1(a).)

You can find culturally relevant services at <http://www.courts.ca.gov/5807.htm>.

## III. ICWA's requirements other than inquiry apply only to 602 cases where the child is in foster care or at risk of entering foster care AND one of the following:

1. The proceeding arises out of conduct which would not be criminal if committed by an adult;
2. The court is setting or considering setting a hearing to terminate parental rights; or
3. The court makes a specific finding that the foster care placement is based entirely on conditions within the child's home.

In these cases, and only in these cases, you must comply with all the substantive ICWA requirements<sup>1</sup> in addition to the duties of inquiry, further inquiry and protection of legal rights of all Indian children in foster care discussed above.

## IV. ICWA Notice Requirements

- A. You must send notice in form ICWA-030 to the child's parents or guardians, the Indian custodian (if any), and the tribe(s) that the child may be a member or eligible for membership in (identified following inquiry and further inquiry), for any hearing that could result in a foster-care placement, termination of parental rights, pre-adoptive placement or adoptive placement. For all other hearings, once the child's tribe has been identified the tribe is entitled to the same notices as other parties. Because the detention hearing is considered an emergency proceeding, you are not required to delay the detention hearing to provide such notice (WIC § 224.1 (1).) However early notice to and contact with the child's tribe(s) is required for the report that must be submitted to the court and will allow a speedy determination of the child's tribal status and early identification of tribal resources that may be available to meet the child's needs, meet the requirements set out in section II above, and the *active efforts* requirements of ICWA. (25 USC § 1912(a); WIC, §§ 224.3, 319 (b); 727.4(a)(2); CRC 5.481(b).)
- B. *What to send:* Send mandatory form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, including attachments and a copy of the petition and the report prepared for the hearing. (25 U.S.C. § 1912(c); WIC § 224.3(a)(5).)
- C. *Where/who to notice:* Notice must be sent to the child's parents, including the adoptive parents, the guardian(s), the Indian custodian (if any), the child's potential tribe(s), and in some cases the Sacramento area director of the BIA or the Secretary of the Interior. (See F. below).
- D. *How to send notice:* Notice must be sent by registered or certified mail, return receipt requested, but if a tribe intervenes in the case you may thereafter send notice to it in the same manner as to other parties.

<sup>1</sup> See *In re W.B.* (2012) 55 Cal.4th 30.

- E. *Where to send tribal notice:* When sending notices to the child's tribe(s), the notices must be addressed to the tribal chair or other tribal representative designated for receipt of ICWA notice. You can find a link to the most current list of agents for service of ICWA notice on the BIA website here: <https://www.bia.gov/bia/ois/dhs/icwa>. Send notice to all tribes of which the child may be a member or eligible for membership until the court confirms the child's tribe or if there is more than one tribe, the court determines which tribe is the child's tribe, after which notice need only be sent to that tribe. (WIC, §§ 224.2, 224.3; CRC 5.481(b).)
- G. *Purpose of notice:* The purpose of notice is to let the tribe(s) know of the involuntary child custody proceeding potentially involving an Indian child and allow the tribes to investigate to determine whether the child is a tribal member or eligible for membership and whether or not to participate in the proceedings. Therefore, it is important that the information you provide be complete and accurate. If it is not, your notice may be held to be inadequate. (25 USC § 1912(a); WIC, § 224.3; CRC 5.481(b).)
- H. *How to prove notice:* File with the court copies of all notices, with the certified mail receipts, any return receipts, and all responses from a tribe or the BIA.
- NOTE: It is not sufficient for you to state on the report that notice was sent.

**V. Detention Report Requirements for Indian Child in case when ICWA requirements apply** (25 U.S.C. § 1912(d); WIC, §§ 361.7, 636(c)(2); CRC 5.485(c).)

- A. Documentation to support your inquiry as to possible Indian ancestry and results of inquiry; and
- B. Documentation to support the required court findings regarding *reasonable efforts* and *active efforts* to prevent removal.

**VI. Disposition Report Requirements If an Indian Child Is Involved and It Is Probable the Child Will Be Entering Foster Care or Is Already in Foster Care**

- A. Document any further inquiry efforts you have made to determine if an Indian child is involved by completing and attaching ICWA-010(A) to the disposition report;
- B. Prepare a case plan in collaboration with the CFT within 60 days of removal or by the date of the dispositional hearing, whichever occurs first, that includes resources and services that are remedial, rehabilitative, and culturally specific to the Indian child's family and designed to prevent the breakup of the Indian family. (25 USC § 1912(d); WIC, § 361.7; CRC 5.485(c).) In preparing the case plan, you must solicit and integrate the input of the child's identified Indian tribe. (CRC 5.785(c)(2));
- C. Comply with ICWA notice requirements discussed in section IV above;
- D. Obtain a qualified expert witness (QEW) meeting the requirements of section VII(B) below to testify at the hearing;
- E. Make efforts to obtain a placement that complies with the ICWA placement preferences set out in section VII(D) and (E) below and document those efforts in your dispositional report; and
- F. Document in the report your active efforts and reasonable efforts and make recommended legal findings for the court to adopt. (25 U.S.C. § 1912(d); WIC, §§ 361.7, 706.5(a) and (b), 706.6.)

**VII. Placement Requirements**

- A. *ICWA preferences:* Where ICWA applies, the foster care placement of an Indian child requires placement in accordance with the ICWA preferences as further discussed in D below.
- B. *Evidentiary standard:* Where ICWA applies, the standard to support foster care placement is proof by clear and convincing evidence, including the testimony of at least one qualified expert witness, that, taking into account the prevailing social and cultural standards of the child's tribe, continued custody of the child with his or her parent or Indian custodian is likely to result in serious emotional or physical damage to the child. (25 U.S.C. § 1912(e); WIC, §§ 361, 361.31, 361.7(c); CRC 5.485(a).)
- C. *Qualified Expert Witness Testimony:* A QEW must be knowledgeable in the prevailing social and cultural standards of the Indian child's tribe, including that tribe's family organization and child-rearing practices. Persons most likely to meet the requirements are: 1) a person designated by the tribe as having the necessary expertise; 2) a member or citizen of the tribe recognized by the tribal community as having the necessary expertise; 3) another expert having substantial experience in the delivery of child and family services to Indians, AND with extensive knowledge of the prevailing social and cultural standards and child-rearing practices of the Indian child's tribe. NOTE that an employee of your probation department cannot serve as a QEW. (25 USC §1912 (e); WIC, § 224.6; CRC 5.485(a).)
- D. *Placement Preferences:* As with any child, the placement should be the least restrictive setting that best approximates a family and where the child's special

needs, if any, may be met. Unless the child's tribe has by resolution specified a different preference, preference must be given in order of priority to placement with (1) a member of the Indian child's extended family; (2) a foster home licensed, approved, or specified by the Indian child's tribe; (3) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or (4) an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs. If no placement is available that meets these preferences, efforts must be made to place the child with a family committed to preserving the child's family ties and tribal relations. (25 USC § 1915(b); WIC, § 361.31; CRC 5.485(b).)

- E. *Documentation of efforts regarding placement:* Because the court must make a finding that the placement accords with ICWA, you must document in your report the efforts made to find a placement that meets the preferences of ICWA and the good cause for deviating from priority placements. These efforts would include contacts with members of the child's extended family, contacts with the child's tribe(s) seeking input and resources for placement, and contacts with other relevant Indian organizations. (See IID for resources.) These efforts should be made and documented each time there is a change in the Indian child's placement. (WIC, § 361.31; CRC 5.482(f).)

#### **VIII. Status Review, Permanency Planning, and Postpermanency Planning Hearing Requirements**

- A. Document further inquiry efforts you have made to determine if an Indian child is involved by completing and attaching ICWA-010(A) to the disposition report;
- B. Provide notice in accordance with section IV above; and
- C. Prepare and file a report with recommended legal findings and orders supported by evidence of continued compliance with:
1. Reasonable and active efforts requirement discussed in IID above; and
  2. Efforts to find a placement that complies with ICWA preferences as discussed in VIID above.

#### **IX. Termination of Parental Rights Requirements (WIC, §§ 366.26; 727.31)**

- A. Provide evidence supported by the testimony of at least one QEW **beyond a reasonable doubt** that custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.
- B. Prepare and file a report with recommended legal findings and orders supported by evidence of continued compliance with:
1. *Reasonable efforts* and *active efforts* requirements discussed in IID above (25 USC § 1912(d); WIC, §§ 361.7, 366.26(c)(2)(B); CRC 5.485(a)); and
  2. *Adoptive preferences:* Absent good cause to the contrary, for any adoptive placement of an Indian child preference of placement shall be given in priority order to (1) a member of the child's extended family, (2) other members of the Indian child's tribe or (3) other Indian families. (25 USC § 1915(a); WIC, § 727.3.)
- C. *Good cause not to terminate parental rights:* State law now recognizes that many tribal cultures do not believe in the termination of parental rights. Accordingly, it is good cause not to terminate parental rights if the termination would interfere with a connection to tribal community or membership or the child's tribe has identified guardianship, long-term foster care, or another permanent plan as the preferred plan for the child. (WIC, § 366.26(c)(1)(B)(vi); CRC 5.725.(2)(vi).)





Office of Juvenile Justice and Delinquency Prevention

## Juvenile Healing to Wellness Courts

### CTAS PURPOSE AREAS

- 1** Public Safety and Community Policing  
(COPS Tribal Resources Hiring Grant Program and Tribal Resources Grant Equipment/Training), CFDA #16.710
- 2** Comprehensive Planning Demonstration Project  
(OJP/BJA), CFDA #16.608
- 3** Justice Systems and Alcohol & Substance Abuse  
(OJP/BJA—Tribal Courts Assistance Program and Indian Alcohol and Substance Abuse Prevention Program), CFDA #16.608
- 4** Corrections and Correctional Alternatives  
(OJP/BJA—Tribal Justice Systems Infrastructure Program), CFDA #16.596
- 5** Violence Against Women  
(OVW—Tribal Governments Program – Tribal Governments Program), CFDA #16.587
- 6** Victims of Crime  
(OJP/OVC—Children’s Justice Act Partnerships for Indian Communities), CFDA #16.583
- 7** Victims of Crime  
(OJP/OVC- Comprehensive Tribal Victim Assistance Program), CFDA#16.582
- 8** Juvenile Justice  
(OJP/OJJDP—Tribal Juvenile Healing to Wellness Courts), CFDA #16.731
- 9** Tribal Youth Program  
(OJP/OJJDP—Tribal Youth Program – TYP), CFDA #16.731

For additional information on the Juvenile Healing to Wellness Courts program, contact:

**Sharie Cantelon**  
Program Manager  
Office of Juvenile Justice and Delinquency Prevention  
Office of Justice Programs  
Sharie.Cantelon@ojp.usdoj.gov  
(202) 532-5604

### HISTORY

#### OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to support local and state efforts to prevent delinquency and improve the juvenile justice system. OJJDP collaborates with professionals from diverse disciplines to improve juvenile justice policies and practices by supporting states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. The Office strives to strengthen the juvenile justice system’s efforts to protect public safety, hold offenders accountable, and provide services that address the needs of youth and their families.

OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states, tribes and communities to support local programming.

### OVERVIEW

#### COORDINATED TRIBAL ASSISTANCE SOLICITATION

The Department of Justice (DOJ) launched its Coordinated Tribal Assistance Solicitation (CTAS) in Fiscal Year 2010 in direct response to concerns raised by tribal leaders about the Department’s grant process that did not provide the flexibility tribes needed to address their criminal justice and public safety needs.

Through CTAS, federally recognized tribes and tribal consortia were able, for the first time ever, to submit a single application for most of DOJ’s tribal grant programs. DOJ designed this comprehensive approach to save time and resources and allow tribes and DOJ to gain a better understanding of the tribes’ overall public safety needs. CTAS is currently operated through collaborative efforts across many department components, bureaus, and offices, including:

- Bureau of Justice Assistance (BJA)
- Executive Office for United States Attorney’s (EOUSA)
- Office of Community Oriented Policing Services (COPS)
- Office of Intergovernmental and Public Liaison (OIPL)
- Office of Justice Programs (OJP)
- Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- Office of Tribal Justice (OTJ)
- Office for Victims of Crime (OVC)
- Office on Violence Against Women (OVW)



## PURPOSE AREA PROVIDERS



**Bureau of Justice Assistance  
Office of Justice Programs  
U.S. Department of Justice**  
810 Seventh Street NW, 4th Floor  
Washington, DC 20531  
(202) 616-6500 | [www.bja.gov](http://www.bja.gov)

Email [tribalgrants@usdoj.gov](mailto:tribalgrants@usdoj.gov) for questions regarding the Coordinated Tribal Assistance Solicitations.



**U.S. Department of Justice  
Office of Community Oriented  
Policing Services**  
145 N Street NE  
Washington, DC 20530  
(800) 421-6770 | [www.cops.usdoj.gov](http://www.cops.usdoj.gov)



**Office on Violence Against Women**  
145 N Street, NE, Suite 10W.121  
Washington, D.C. 20530  
(202) 307-6026 | [www.justice.gov/ovw](http://www.justice.gov/ovw)



**Office of Juvenile Justice and  
Delinquency Prevention**  
810 Seventh Street NW  
Washington, DC 20531  
(202) 307-5911 | [www.ojjdp.gov](http://www.ojjdp.gov)



**Office for Victims of Crime**  
810 Seventh Street NW, Second Floor  
Washington, DC 20531  
(202) 307-5983 | [www.ovc.gov](http://www.ovc.gov)

## OVERVIEW

### JUVENILE HEALING TO WELLNESS COURTS PROGRAM

The Juvenile Healing to Wellness Courts program was incorporated into the CTAS in Fiscal Year 2015 as Purpose Area 8, the first time that an OJJDP CTAS Purpose Area included a specific court focus. This program aims to develop and enhance the capacity of tribal courts to respond to the alcohol and substance use related issues of youth under the age of 21. This includes the development of a new juvenile healing to wellness court or enhancements to an existing juvenile healing to wellness court. The principal objectives of this program include: identifying the relevant data that is being collected with regard to tribal underage alcohol possession and consumption, and its related issues; inventorying policies, procedures, assessment tools, and services that address youth under age 21 who possess or consume alcohol and suffer from alcohol-related issues; determining gaps in such policies, procedures, assessment tools and services; and developing or enhancing the same. Gaps to be addressed by grantees may include culturally appropriate provisions for right to counsel for persons under age 21 who have alcohol-related issues; and judicial policies that work appropriately in tribal justice systems to allow for delinquent charges/records to be expunged after completion of court-ordered action or programming.

Under this program, grantees can direct funding to support enhancements to their existing tribal juvenile healing to wellness court in one or more of 10 key components<sup>1</sup>:

#### 1. Individual and community healing

**focus** The court uses a team approach to achieve the physical and spiritual healing of the individual participant and to promote Nation building and the well-being of the community.

#### 2. Referral points and legal process

Participants enter tribal healing to wellness court through various referral points and legal processes that promote tribal sovereignty and the participants' due (fair) process rights.

#### 3. Screening and eligibility

Eligible participants are identified early through legal and clinical screening for eligibility. Grant funds may not be used to serve violent offenders. For purposes of this grant program, the term violent offender means a juvenile who has been convicted of or adjudicated delinquent for a felony-level offense that (1) has as an element the use, attempted use, or threatened use of physical force against the person or property of another or the possession of a firearm; or (2) by its nature involved a substantial risk that physical force against the person or property of another may have been used in the course of committing the offense.

#### 4. Treatment and rehabilitation

Tribal healing to wellness court provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

#### 5. Intensive supervision

Tribal healing to wellness court participants are monitored through intensive supervision that includes frequent and random testing for alcohol and drug use, while participants and their families benefit from effective team-based case management.

#### 6. Incentives and sanctions

Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with the tribal healing to wellness court requirements.

#### 7. Judicial interaction

Ongoing involvement of a tribal healing to wellness court judge with the tribal wellness court team and staffing and ongoing tribal wellness court judge interaction with each participant are essential.

#### 8. Monitoring and evaluation

Process and performance measurement and evaluation are tools used to monitor and

evaluate the achievement of program goals; identify needed improvements to the tribal healing to wellness court and to the tribal court process; determine participant progress; and provide information for governing bodies, interested community groups, and funding sources.

### **9. Continuing interdisciplinary and community education**

Continuing interdisciplinary and community education promote effective tribal healing to wellness court planning, implementation, and operation.

**10. Team interaction** The development and maintenance of ongoing commitments, communication, coordination, and cooperation among tribal healing to wellness court team members, service providers and payers, the community, and relevant organizations, including the use of formal written procedures and agreements, are critical for tribal healing to wellness court success.

## **ONGOING SUPPORT**

OJJDP's Tribal Youth training and technical assistance (TTA) center assists selected project sites as they work to achieve their goals and objectives under each of these programs. Through this TTA, OJJDP assists tribal grantees to increase their skills, knowledge and capabilities in developing effective and sustainable programs for reducing juvenile crime and increasing youth potential in tribal communities. The TTA provided to the OJJDP CTAS grantees includes both onsite visits and long-distance support consisting of email, phone and online meetings. It also includes the opportunity for peer-to-peer learning through a new grantee orientation webinar and a required initial Strategic Planning meeting (i.e., Strat Pak).

**Strategic Planning** The Strategic Planning phase was created to support OJJDP CTAS grantees through a strategic planning process that includes developing a mission and vision statement, developing an advisory board, creating a logic model, action planning, and communications and sustainability planning. The strategic planning process helps to identify program challenges and strategies to address them and to create partnerships that are important for implementation and sustainability. The Strategic Plan is required by OJJDP as a special condition of the tribal grant. All awardees will be required to travel to a strategic planning training and submit a comprehensive plan for implementation of their program.

**The Tribal New Grantee Orientation** OJJDP CTAS grantees are required to participate in a web-based new grantee orientation. This training provides all new grantees an opportunity to meet the OJJDP leadership and program management team. The orientation gives grantees to gain a greater understanding of key grant administration resources (such as the OJP post-award Instructions, Financial Management Guide, and reporting requirements) as well as a greater awareness of common shortfall in grant administration. Finally, this training offers an opportunity for grantees to ask any questions

about the goals, objectives, and key upcoming activities of the Juvenile Healing to Wellness Courts program.

OJJDP's Tribal Youth TTA center is also available to provide assistance to all federally recognized tribes and can be accessed at [www.tribalyouthprogram.org](http://www.tribalyouthprogram.org).

## **FUNDING & ELIGIBILITY**

Only federally recognized tribes are eligible to apply for funding under Purpose Area 8 (Juvenile Healing to Wellness Court). This includes Alaska Native Villages and tribal consortia consisting of two or more federally recognized Indian tribes. Please see the CTAS solicitation document for more information on funding amounts.

## **BENEFITS**

The Purpose Area 8 funding provides support for tribes to implement and enhance Juvenile Healing to Wellness Courts focused on issues related to underage drinking and substance use. The issues of alcohol and substance use and abuse among American Indian and Alaska Native youth is well documented. The rehabilitation and treatment-focused approach of the Healing to Wellness court is supportive of individual needs of the youth and can include programming that honors the culture of each tribe. Other benefits reported by grantees are the increased collaboration with other jurisdictions that results from development of Memoranda of Understanding (MOU's). This can include partnerships between tribal and non-tribal organizations.

## **STRATEGIES**

Some examples of programs for tribal youth funded by OJJDP include the Winnebago Traditional Wellness Court, enhancing its capacity to respond to underage drinking, alcohol-related issues, and delinquency of tribal youth offenders who are younger than 21 and have contact with the tribal juvenile justice system. The program will complete an inventory and gap analysis of the Court's policies, procedures, assessment tools, data collection methods, and services concerning youth offender alcohol consumption and its related issues; conduct a strategic planning process; and serve a at-risk youth offenders under age 21 who have alcohol-related issues. Similarly, the goal of the Lac du Flambeau (LdF) Band of Lake Superior Chippewa Indians Juvenile Tribal Healing to Wellness Court is to improve the health and wellness of LdF Tribal youth, and increase public safety in the LdF community, by decreasing rates of alcohol use and abuse by youth under the age of 18.

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<sup>1</sup>Overview of Tribal Healing to Wellness Courts, 2nd Edition, September 2014. A product of the Tribal Law and Policy Institute, West Hollywood, CA.

## FUNDING AGENCY OVERVIEW

BJA | OVC | COPS | OVW | OJJDP



The **Bureau of Justice Assistance (BJA)**, Office of Justice Programs, U.S. Department of Justice, supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. BJA provides leadership, services, and funding to America's communities by emphasizing local control; building relationships in the field; developing collaborations and partnerships; promoting capacity building through planning; streamlining the administration of grants; increasing training and technical assistance; creating project accountability; encouraging innovation; and ultimately communicating the value of justice efforts to decision makers at every level.

BJA works with the Office of Tribal Justice, the Office of Justice Program's American Indian and Alaska Native Affairs Desk, and other federal agencies, in addition to many culturally appropriate organizations, to maintain focus with the field and to ensure the program's goals and objectives are achieved.



Established in 1988 through an amendment to the Victims of Crime Act (VOCA) of 1984, **Office for Victims of Crime (OVC)** is charged by Congress with administering the Crime Victims Fund (the Fund). Through OVC, the Fund supports a broad array of programs and services that focus on helping victims in the immediate aftermath of crime and continuing to support them as they rebuild their lives. Millions of dollars are invested annually in victim compensation and assistance in every U.S. state and territory, as well as for training, technical assistance, and other capacity-building programs designed to enhance service providers' ability to support victims of crime in communities across the Nation.



The **Office of Community Oriented Policing Services (COPS)** was created through the Violent Crime Control and Law Enforcement Act of 1994. The COPS Office is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territory, and tribal law enforcement agencies through information and grant resources.

Community policing is a philosophy that promotes organizational strategies which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. The COPS Office has also produced and compiled a broad range of information resources that can help law enforcement better address specific crime and operational issues, and help community leaders better understand how to work cooperatively with their law enforcement agency to reduce crime.



The **Office on Violence Against Women (OVW)** is component of the United States Department of Justice. In recognition of the severity of the crimes associated with domestic violence, dating violence, sexual assault, and stalking, Congress passed the Violence Against Women Act of 1994 (VAWA 1994) as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA is a comprehensive legislative package designed to end violence against women and was reauthorized in both 2000 and 2005. The legislative history of VAWA indicates that Congress seeks to remedy the legacy of laws and social norms that serve to justify violence against women. Since the passage of VAWA, there has been a paradigm shift in how the issue of violence against women is addressed nationwide.

OVW was created specifically to implement VAWA and subsequent legislation. OVW administers financial and technical assistance to communities around the country to facilitate the creation of programs, policies, and practices aimed at ending domestic violence, dating violence, sexual assault, and stalking.



The **Juvenile Justice and Delinquency Prevention (JJDP) Act** established OJJDP, a component of the Office of Justice Programs, U.S. Department of Justice, to support local and state efforts to prevent delinquency and improve the juvenile justice system. OJJDP collaborates with professionals from diverse disciplines to improve juvenile justice policies and practices by supporting states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. The Office strives to strengthen the juvenile justice system's efforts to protect public safety, hold offenders accountable, and provide services that address the needs of youth and their families.

OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice issues; disseminates information about juvenile justice issues; and awards funds to states to support local programming.

REV. 12/2/2016



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November 2017

Office of Juvenile Justice and Delinquency Prevention  
Tribal Youth Training and Technical Assistance Center

# Tribal Juvenile Healing to Wellness Court Handbook

Practical Planning and Supportive Tools



This project was supported by Award No. 2015-MU-MU-K011 awarded to the Indian Country Child Trauma Center, University of Oklahoma Health Sciences Center, by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs

<https://www.tribalyouthprogram.org>

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## **INTRODUCTION:**

The Tribal Juvenile Healing to Wellness Court is a transformative judicial process that may be categorized within the growing number of “problem-solving” courts. Generally, problem-solving courts, are specialized courts that work to support identified populations with therapeutic interventions, targeted judicial responsiveness, and multi-disciplinary approaches. Problem-solving courts develop and provide coordinated and supportive responses to assist with the challenges faced by particular populations based on known trends, evidence, themes and historic judicial outcomes. The development of these courts has been birthed out of the necessity to reduce recidivism, increase community safety, and bolster the effectiveness of the judicial system with effectual methodologies for targeted populations. Examples of problem solving courts include but are not limited to: the adult drug court, the adult wellness court, the juvenile drug court, homelessness court, domestic violence court, etc., to learn more about specialized courts you can visit Crime Solutions.gov, <https://www.crimesolutions.gov/TopicDetails.aspx?ID=49>

There is no one singular definition or type of Tribal Juvenile Healing to Wellness Court. Generally, the Tribal Juvenile Healing to Wellness Court applies focused judicial responsiveness in conjunction with treatment, mentorship, cultural connectivity, and community engagement to support youth sobriety, wellness and future autonomy. A holistic and individualized case plan is developed to support the wellness and healing of the individual while also providing for judicial accountability. Like other problem-solving courts, the Tribal Juvenile Healing to Wellness Court (TJHWC) utilizes evidence both traditionally known (*indigenous knowledge*) as well as those of the western body of knowledge to support tribal youth on a path to wellness, health and community belonging.

This handbook is designed to support both newly developing and established Tribal Juvenile Healing to Wellness Courts. Sections are designed to support teams that may be working through a strategic planning process to implement or expand a TJHWC. This handbook is provided as an introductory resource and does not make final determinations related to the components that should be included within all TJHWC. We know that tribal communities are

unique and varied. There is no resource that can be an exhaustive guide to the many processes, components, and methodologies that may be necessary to support a unique tribal community. Therefore, individualized resource support, technical assistance, and team inquiry should be conducted as needed to best support the increased capacity and strength of a TJHWC. The reader will notice that both Tribal and Non-Tribal resources, information, and guidance are included within this handbook. The information contained within is much like many of the TJHWC that are in operation today, incorporating a body of both western and indigenous/traditional knowledge to support the well-being, health, and healing of Tribal Youth. Tribal communities should feel empowered to utilize all knowledge supportive of the needs of their unique tribal youth. As such, the handbook includes many resources from across the body of knowledge related to youth behavior, development, and best practices related to juvenile drug treatment and wellness courts.

**Note on supportive resources:** The reader will also notice the substantial incorporation of two distinct resources:

1. The "*Tribal Healing to Wellness Courts Ten Key Components, 2<sup>nd</sup> Ed.*," developed by the Tribal Law and Policy Institute. The Tribal Ten Key Components are foundational elements that have been identified to support Tribal Wellness Courts. These components have been identified as some of the most foundational elements supportive of a wellness court system and have been identified within operational tribal wellness courts throughout Indian Country. They are therefore referenced throughout this handbook. Please look for the key symbol: 🔑 along with a numerical character. The key symbol along with a numerical character will denote a key component which can be reviewed further within the "Tribal Healing to Wellness Courts Ten Key Components, 2<sup>nd</sup> Ed." (2014) Learn more about the Key Components by visiting this link:

<http://www.wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Court%20The%20Key%20Components.pdf>

2. The Juvenile Drug Treatment Court Guidelines, Office of Juvenile Justice and Delinquency Prevention, December 2016. The juvenile drug treatment court



guidelines are designed for youth with substance use disorders who come into contact with the juvenile justice system. Guidelines have been developed based on research, evidence, and systematic reviews of literature with hopes of improving the lives of youth. While the guidelines are not tribal specific, the information within the

guidelines is supportive of treatment and support for youth with substance use disorders and provides practices, information and useful resources. For more information about the guidelines by visiting this link:

<https://www.ojjdp.gov/pubs/250368.pdf>

**Stop to Reflect:** The reader should look for the reflection points throughout the sub-sections of each chapter (*indicated by the symbol to the right*). Please utilize these reflection points to assist with individual reflection or group discussion as part of the planning process.



**Learn More:** Look for the ◇ symbol to learn more about a specific topic or see a sample in the appendix.

**A Note on Language and Terms Utilized in this Handbook:**

The use of the terms American Indian/Alaska Native (AI/AN), Native American, Indigenous, Tribal Person are used within this manual. Identifying terms may originate from a resource that is noted or mentioned. Most often the term “Tribal Youth” or “Native Youth” is utilized. The author notes no singular term can describe the many unique nations that may utilize this handbook.



The handbook does not make a determination related to the terms "substance use disorder, substance abuse, or addiction," as the use of these terms varies widely among individual practitioners, communities, and tribal nations. Due to the wide range of use; the terms utilized within this handbook may include, substance use disorder, misuse of over-the-counter substances, misuse of prescription drugs, misuse of illicit drugs and alcohol, and addictive disorders. The tribal community should determine the words and phrases that will be utilized within their individual court system.

Finally, no matter the structure of the TJHWC the over-arching goals remain the same; to support systematic judicial change and to increase positive judicial outcomes for tribal youth. We hope that this handbook serves as a supportive tool for your community. Further training and technical assistance is available for any component found within the handbook and can be requested from the Office of Juvenile Justice and Delinquency Prevention Tribal Youth Training and Technical Assistance Center.

**OJJDP Tribal Youth Training and Technical Assistance Center  
Resource Division for Law and Policy**

Visit us online at <https://www.tribalyouthprogram.org>

Phone: 405-271-8001 Email: [TribalYouthTTACenter@ouhsc.edu](mailto:TribalYouthTTACenter@ouhsc.edu)



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The views within this document are those of the author(s) and do not represent those of the U.S. Department of Justice or the Office of Juvenile Justice and Delinquency Prevention.

# 1

## PART 1: PLANNING

There are many considerations to be made during the planning and development process of a Tribal Juvenile Healing to Wellness Court (TJHWC). Conceptually, the TJHWC may exhibit characteristics of other operational adult and juvenile tribal healing to wellness courts. Teams may choose to incorporate methods which have been identified to increase the likelihood of participant success. However, in light of the unique strengths and needs of each tribal community, TJHWC will vary from community to community. Understanding the foundational elements that may be incorporated within a TJHWC will assist the TJHWC team with a clear path toward effective implementation.

**This section of the handbook will introduce the following to help you get started:**

- ❖ Fundamental concepts of TJHWC (*based on wellness court implementation from across tribal nations*)
- ❖ Stakeholder Identification
- ❖ Community Engagement
- ❖ Team Players
- ❖ Action Plans

The Tribal Juvenile Healing to Wellness Court is a court strategy that involves team-driven, collaborative and innovative justice practices. The approaches developed by the team are supportive of youth who are court involved and who may suffer from addiction disorders, are engaged in the misuse of illicit drugs and/or alcohol or engaged in the misuse of prescription or over the counter drugs. Based on the needs of the specific tribal youth, as well as the community, the TJHWC will target behaviors related to these behaviors and possible disorders. The TJHWC team will implement strategies to support the effective treatment and healing of the tribal youth.

A number of components and strategies may be implemented to provide support within the TJHWC. The following table includes some common components found in adult healing to wellness courts, juvenile drug treatment courts, and juvenile wellness courts.

**Example Tribal Wellness Court Components: (Table 1A)**

<b>(Physical Healing) Substance Use Disorder/Addiction Treatment</b>	<b>Individual/Family Counseling</b>
<b>Educational Support</b>	<b>On-going Judicial Interaction and Support</b>
<b>Employment Training/Assistance</b>	<b>(Spiritual Healing) Cultural/Traditional Guidance</b>
<b>Community Support/Engagement</b>	<b>Pro-Social Activities</b>
<b>Family Engagement/Communication</b>	<b>Other Components as Identified by the Community</b>

The above noted components, along with any others identified and implemented by the team are combined to provide a holistic healing approach that will in turn, provide the juvenile participant an opportunity to grow, experience healing, and become free from the cycle of negative outcomes related to substance use disorders, and the use of illicit drugs or alcohol. The therapeutic interventions within the TJHWC work to support the prevention of future participant contact with the justice system. “Designed with and from tribal team, collaborative, and imaginative perspectives, healing to wellness courts help heal and mend human depressions and decay that hinder tribal community and nation building.” (Flies-Away and Garrow, 2013) The TJHWC need not be limited by common judicial practices or conventional court procedures. The TJHWC has the opportunity to develop and implement unique processes that can impact tribal youth in positive ways.



**Reflection:**

1. What circumstances within the community indicate the necessity of the TJHWC? What components will be the easiest to incorporate into your existing judicial system?

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2. What components may be more difficult to incorporate as part of the TJHWC?

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3. Review the “Tribal Healing to Wellness Courts Ten Key Components,” 2<sup>nd</sup> Ed., [Tribal Law and Policy Institute](#), individually or as a team. 🔑 **See Key Component 10** as communication and team coordination are critical elements to the development of a successful wellness court.

## Stakeholder Identification: Collaboration is Key

Collaborative development is central to the success of the TJHWC. Gathering members of the community, justice system, health, social service, and other partner agencies will ensure that the community voice is at the center of the development of the TJHWC. Partners offer differing perspectives related to community issues. They are often able to share wisdom that can bolster the overall understanding of identified strengths and challenges to the development of the TJHWC. Since partner agencies often serve ancillary roles within the TJHWC it is important to involve key members of the tribal community to ensure a holistic approach at the primary stages of court planning. “Tribal healing to wellness courts are developed at the local level to reflect the unique strengths, circumstances, and capacities of each community,” (Key Components, 2003). Who are your community stakeholders? Review the table below to see examples of stakeholders within a tribal community.

### Examples of Community Stakeholders: (Table 1B)

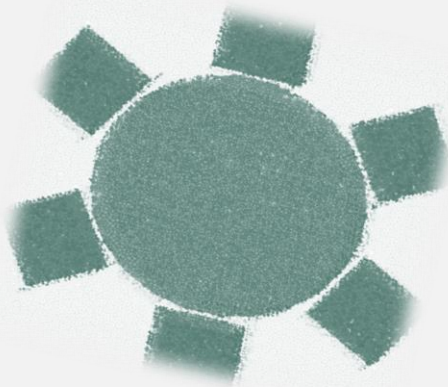
<b>Court Clerk/Staff</b>	<b>Tribal Leadership/Elders</b>
<b>Cultural/Spiritual Leadership</b>	<b>Education Provider</b>
<b>Social Service Provider</b>	<b>Program/Tribal Evaluator</b>
<b>Prosecutor</b>	<b>Public Defender</b>
<b>Judge</b>	<b>Probation/Law Enforcement</b>
<b>Behavioral Health Provider</b>	<b>Primary Care/Medical Provider</b>
<b>Local Non-Profit Partners</b>	<b>Cross-Jurisdictional Partners</b>
<b>Tribal Youth</b>	<b>Tribal Families</b>

Individuals who are identified as key stakeholders may then become members of your steering or tribal community advisory committee. “An effective steering committee is made up of key leaders in the community- people who are in the position to leverage resources, enlist

the cooperation of other agencies, influence policy making, and build community awareness of your work,” (Gurnell, 2014). It is imperative that the TJHWC developmental coordinators identify key leaders to ensure support and participation within the TJHWC planning and implementation activities. *◇ See the Appendix for more about Stakeholders and Steering Committees.* The community may identify any of the above listed stakeholders to participate as part of the steering or advisory community. In some communities existing advisory or steering committees may already be in place for the judicial system or within the tribal administrative structure. TJHWC development coordinators should work with tribal leadership to create a list supportive of the tribal community.

### **Everyone at the Table: Engaging the Committee**

“The Tribal Juvenile Healing to Wellness Court fosters system wide involvement through its commitment to share responsibility and participation of program partners,” (Key Components, 2003). Stakeholder planning and development provides the opportunity to identify programmatic and tribal community strengths, as well as existing service gaps. The TJHWC involves system-wide collaboration. Each stakeholder has the ability to share wisdom that will provide an overall contribution to the



*A cross-section of committed individuals with a common purpose will best serve the overall development process of the Tribal Juvenile Healing to Wellness Court.*

healing journey for youth. This journey will be unique within each tribal

community. Development of an advisory committee charter is an important and helpful step to engage the commitment of stakeholders and advisory committee members. Sharing the tribal vision, mission, and formalizing roles and responsibilities within the TJHWC advisory committee structure with a formalized charter is a positive step for the TJHWC. An advisory committee charter will assist with a clear plan to support collaboration and future services.

*◇ See the Appendix for a sample Advisory Committee Charter.*



**Reflection:**

**1.** Does the tribal community have an existing committee of invested stakeholders and elders? How will the team work with tribal leadership to identify key stakeholders and develop the community advisory committee?

Make a short list of possible stakeholders to invite to a discussion or round-table of the TJHWC development process.

**Proposed List of Stakeholders:**

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**What steps will the TJHWC coordinator or team take to reach out to these stakeholders?** Example: *Step 1: TJHWC Coordinator will send outreach email to tribal leadership and set up initial discussion on court development process.*

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**What follow up may be necessary to support the Advisory Committee?** Example: *Space for Meetings, Scheduling, Agendas, Charters for the Committee, etc.*

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## Community Engagement and Awareness: Reaching Tribal Youth

Community support for the TJHWC may contribute to participant referrals, system support and sustainability. The court processes and procedures should, “reflect each Native nation’s culture, tradition, and vision,” (Key Components, 2014) <sup>1</sup>. Once you have stakeholders gathered, how do you engage in meaningful dialogue? Assembling community input, and participating in meaningful assessment is an important aspect of TJHWC development process.

There are a number of ways that TJHWC advisory committee and team members can work together to garner community information that will provide local guidance to the team and advisory committee. Several modalities of community engagement processes are included below. The team should review and converse on which processes may be most helpful within the tribal community.

### Community Engagement Processes

**Asset Mapping:** *What is a Community Asset?* A community asset can be a person, physical structure, community service, business, etc., (See the [Community Tool Box](#) for more about Community Assets and Asset Mapping). Mapping community assets can assist the TJHWC with an assessment of the community strengths and supports. Asset maps have been an established and useful tool for several decades. Asset maps assist and provide a means of listing community resources in a singular document/shared list. The TJHWC process provides alternatives to formal system processing. TJHWC procedures that are utilized will engage community partnerships on an ongoing basis. Mapping the community and finding strengths can be a useful tool to identify both current and future community partnerships and resources for youth in the TJHWC. “When efforts are planned on the strengths of the community, people are likely to feel more positive about them, and to believe they can succeed,” (Berkowitz, 2016).





**Public Forums and Community Meetings:** The TJHWC team may wish to host a public forum or regular community meeting in order to increase public awareness of the development of the TJHWC. Forums and meetings are great ways to gather community input regarding current judicial needs within the community.

One important aspect of the community meeting process can be to include the **youth voice**. “Consider inviting young people to your meetings, like any other culture, “youth culture,” encompasses beliefs, attitudes and practices that you will need to understand in order to communicate effectively with participants,” (Gurnell, 2014). Many communities have found success in working with local tribal youth councils to discuss the issues that matter most to the community youth. Further, court involved youth that have successfully completed case plans can provide knowledgeable feedback about the current tribal court processes that could be improved or enhanced by the TJHWC. Listening to the community youth voice will assist the team in developing a youth-guided process that will benefit the target of TJHWC services. Often the judicial system overlooks the power and wisdom of the youth perspective. Creating a system that is supportive of youth needs requires practitioners to hear and understand the thoughts and perceptions of youth and to engage that feedback within the development process of the TJHWC.

**Multi-Stage Processes:** There are many formal and informal processes that may support effective community engagement. The TJHWC team may wish to utilize a process such as the *Community Readiness Process*, which assesses readiness for prevention initiatives and guides future strategies for accomplishing increased awareness. Within the Community Readiness Process the TJHWC team can work together to identify an issue that is faced by the tribal community. The team then works together to gather community input about the issue at hand. Once the results are quantified the outcomes of the Community Readiness Process provide the TJHWC team valuable feedback regarding community perceptions of the identified issue. These outcomes may provide further insight for the TJHWC regarding the development process of the TJHWC.

The community may choose to engage in a process such as the *Gathering of Native Americans (GONA)*. The GONA is a multi-day process and includes the belief that every community member is of value, and that GONA is a safe place for communities to share, heal, and plan for the community. GONA focuses on increasing strengths and healing. Thousands of GONA have been held all over North America (UIHS, 2013). The core tenants of belonging, mastery, interdependence, and generosity support increased communicative processes and engagement.

**So why are community engagement processes and important step toward the development of the TJHWC?**

Community dialogue, feedback, and understanding of the structure, purposes, and goals of the TJHWC will assist with contribution to the partnerships and resources necessary to increase service capacity and bolster long-term sustainability. The TJHWC is encompassed by multi-level community support, including but not limited to health, wellness, education, monitoring services, employment, and other supportive roles within a phased treatment process. The National Drug Court Institute notes that, “community support for the drug court requires an intensive educational effort. Drug courts often engage the community to serve on court advisory boards, to volunteer in the program, and to provide resources or opportunities for program participants,” (Reilly, 2008). Further, “community partnerships provide necessary resources and create the network of community and political support needed to maintain the effort in the long term,” (id.). Sustainability of the TJHWC is an important consideration even at the beginning stages of planning and development. The TJHWC team can work together to plan both short term and long term community engagement processes to support the TJHWC.



**How will the team  
engage the community?**



**Reflection:**

1. What community engagement process will the TJHWC team utilize to gather community input?

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2. Has the TJHWC team worked to identify community assets? What people, places, buildings, and resources exist to support the TJHWC?

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**3. Identifying all resources.** Traditional use of lakes, rivers and streams have been utilized within tribal youth diversion programs. Youth engagement with traditional agricultural initiatives, such as planting, gathering and preparing traditional foods show promising outcomes in many communities. These examples of the sharing of traditional knowledge and use of natural resources may be implemented as components of TJHWC. The team can be creative in identifying resources to support the TJHWC and work with community input to increase the capacity for youth opportunity within the structure of the TJHWC.

**Take a moment to list the assets within your community that can be supportive of the TJHWC. Start with People, Places and Things. Challenge the team to be creative.**

<b>People</b>	<b>Places</b>	<b>Things</b>
Example: Judicial Leader, Elder, Cultural Guide	Example: Community Health Center, Mental Health Service Center/Park for recreational activities	Example: Ceremony/Gatherings/ Music/Storytelling (these may be tangible or intangible)

## Team Players: Working Together to Provide Healing and Wellness Opportunities

The TJHWC utilizes a team approach to provide healing opportunities for tribal youth. Systematic differences exist between traditional juvenile justice approaches and the TJHWC. In contrast to the adversarial approach of the traditional justice system, the TJHWC collaboratively plans, communicates and supports the



TJHWC participant. A typical court team may include, but is not limited to the following:

### **Prospective Juvenile Healing to Wellness Court Team (Table 1C):**

**Judge**  
**Case Manager/Team Coordinator**  
**Prosecutor/Tribal Attorney/Defense Attorney**  
**Alcohol/Drug Treatment Provider**  
**Human Services/Social Services Provider**  
**Probation/Law Enforcement**  
**Traditional Knowledge Holders/Elders**

### **Other System Providers identified by the TJHWC team**

🔑 *See Tribal Ten Key Component 1 and visit the Handbook Appendix for more about Wellness Court Team Structure*

The TJHWC steering/community advisory committee should take the time to actively identify team members and then work to define the roles and responsibilities of each member. Team members should have the commitment, desire, and ability to serve tribal youth will participate in the TJHWC.

Consistency for participants is key within the TJHWC framework, therefore, “the core planning and implementation team members should remain with the program for a sufficient period of time, if necessary in an advisory role or as a member of the steering committee,”

(Tribal Healing to Wellness Courts Ten Key Components, 2014) <sup>9</sup>. Team members that are identified will play a significant role in the life of the TJHWC participant. It is important to identify individuals that have the capacity to engage within the structure and time commitment required by the TJHWC process.

Consideration for time and capacity to serve within the TJHWC should be given at the start of planning. In many tribal communities, judicial staff, attorneys, and law enforcement officers may serve within the structure of the TJHWC, but may have other duties to fulfill. The team may want to outline time commitments and availability early on, so that meetings, planning, and coordination can be conducted as cooperatively as possible. Working together on a TJHWC vision and mission will unify the team as the court is implemented. Identifying and maintaining consistent meeting times, coordinated efforts, and follow up will assist the team with consistent team cooperation related to the TJHWC.

**Supportive Strategies for Effective Planning (Table 1D):**

<p><b>Shared Responsibility and Defining Roles and Responsibilities</b></p>	<p>“Teams function best when members share responsibility,” (Gurnell, 2014). Working together to define responsibilities and protocols will assist in the long-standing and cooperative nature of the team and the services that will be provide to tribal youth. ◊ <i>See the Appendix for more about team roles and responsibilities.</i></p>
<p><b>Mutual Respect</b></p>	<p>Methods of shared decision making and conflict resolution are important to “ensure mutual respect, prompt and consistent meeting of program and individual responsibilities, and community recognition of the professional integrity of the TJHWC team members.” (The Key Components, 2014). 🔑</p>
<p><b>Incorporation of Elders and Traditional Healers</b></p>	<p>The TJHWC commonly reflects the traditional customary values of the community. TJHCW often directly incorporates traditional skill-building and cultural engagement elements within the structure of the phased plan. The TJHWC team should not overlook involving a traditional leader or elder in the planning process or as an active team member. (The Key Components, 2014). 🔑</p>
<p><b>Understanding Team Capacity/Developing an Effective Communication Plan</b></p>	<p>Often team members have other roles or may serve in other capacities within the tribal structure. Understanding team capacity and availability is important to the success of the TJHWC communication plan.</p>
<p><b>Early identification of crisis plans and emergency plans to serve tribal youth</b></p>	<p>The TJHWC will serve youth who may have issues related to alcohol use and the use of addictive substances. The team should work together in the early stages of planning to prepare emergency/crisis plans to serve youth who are engaged within the tribal judicial system.</p>

### **The TJHWC Team Development Process-Responsive Steps (Table 1E):**

- Choose steering committee/advisory team members, and team members that are committed to the long term success of the TJHWC. Ensure that advisory team members will remain available for a term that is long enough to support effective implementation. (*Planning ahead to ensure that advisory committee roles are fulfilled and creating a continuity of understanding amidst team and tribal administrative changes is important*)
- Define Key Team Members Early On. As additional team members are identified, continue to provide clear roles, responsibilities and duties. Ensure team understanding of individual team member capacity and availability.
- Create a team communication plan and utilize different methods of communication to support cooperative efforts. Phone, email, and in-person meetings can effectively support the work of the TJHWC. In some communities email and conference calls assist remote staff with case updates. In other more remote communities email/internet is not a reliable method of communication. Choose procedures and methods that will work best for the tribal community and accommodate staff capacity and availability.
- Begin the process of developing TJHWC team policies and procedures that include the defined roles and responsibilities of advisory council and team members.





**Reflection:**

1. What roles will comprise TJHWC team? What positions are currently in place? What positions will need to be filled?

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2. Have roles and responsibilities been formalized? What steps need to be taken to formalize the roles and responsibilities of team members?

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3. Does the current judicial system have a communication plan in place? What methods of communication work best within the tribal community? (*Phone, email, fliers, pamphlets, etc.*)

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4. Has the TJHWC court developed a vision and mission? If so, what is the vision and mission of the TJHWC? If not, work with the advisory/steering committee and formulate a vision statement and mission statement. For more about developing a vision and mission statement review this archived webinar on Developing a Mission and Vision from the OJJDP Tribal Youth Training and Technical Assistance Center:

[https://www.youtube.com/watch?v=oFpIBbctq\\_c&list=PLEYI\\_nJGyPIH6TQxvxbGW6QzKvt71xSjt&index=5](https://www.youtube.com/watch?v=oFpIBbctq_c&list=PLEYI_nJGyPIH6TQxvxbGW6QzKvt71xSjt&index=5)

- **Mission Statement-** A mission statement briefly and clearly articulates:
  - What we do
  - Why we do what we do
  - Who we do it for
  - What values drive our mission
  - The here and now
- **Vision Statement-** A vision statement:
  - Provides a visualization of what the organization intends to become
  - Presents a description of the project as you'd like to see it in five, ten or more years

(Adapted from: "Developing Our Mission and Vision Using the Needs and Resources of the Community," Ethleen Iron Cloud Two Dogs, 2016)

**Tribal Juvenile Healing to Wellness Court Mission Statement:**

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### **Tribal Juvenile Healing to Wellness Court Vision Statement:**

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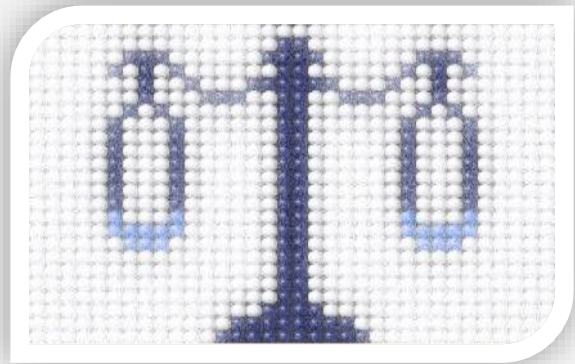
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## **Action Planning: Building a Solid Foundation to Support Wellness Court Implementation**

What steps are necessary to implement a functional TJHWC? Once a steering or advisory committee has had the opportunity to enlist team members, action must be taken to develop and implement the supportive infrastructure of the court. This will take time, a coordinated effort, and follow-through by the team. Preparing a course of action to support the potential tribal youth participants is important. Youth will have specific needs that will be accommodated by the services offered through the case planning process. Therefore it is vital that the team take the time to make a cohesive plan for implementation of the case processes that will be applied within the TJHWC.



Take some time to think about the intricate designs of patterned beadwork. Skilled bead workers will take the time to sketch or draw a plan for a design before ever beginning a project. Focused effort, skill, patience, and purpose are combined to create the finished product.

It takes teamwork to create a functional Tribal Juvenile Healing to Wellness Court. It is vital to collaboratively formulate a step-by-step plan that will bring about the vision and mission of the Tribal Juvenile Healing to Wellness Court team.

## **What is action planning and how can you effectively work together to design the TJHWC?**

The TJHWC team will develop goals and objectives to support the implementation of the TJHWC. Developing an action plan is an initial step that supports reaching the identified goals and objectives of the TJHWC. “An action plan describes the way your organization will meet its objectives through detailed action steps that describe how and when the steps will be taken,” (Community Toolbox, 2016). An action plan outlines the steps and stages necessary to the development of the TJHWC and identifies potential barriers that may arise. A complete action plan will also identify strategies to overcome existing or potential barriers. Working as a team to define responsibilities, action steps, strengths, and methods to overcome barriers will assist in the successful implementation of the TJHWC. Action plans also remain adaptable as needs



emerge and previous needs are met. The plan in place should be a good fit for your community and for the services that are provided to tribal youth. ◇ *See Appendix for a sample action planning template.*

## **So how can the team effectively engage in planning for the TJHWC?**

Understanding the general processes within a wellness court setting will assist with thoughtful planning efforts. The multi-disciplinary structure of a wellness court may be unconventional for many practitioners. Taking the time to review resources, participate in training, and gather information on wellness court structure will assist the team with informed planning processes. The TJHWC utilizes a multi-disciplinary approach, which may give rise to special training needs.

The TJHWC team members should be involved in interdisciplinary education and training before the first case is heard. (Tribal Healing to Wellness Courts Ten Key Components, 2014) 🔑. Cross-system training will support mutual understanding of the issues that may arise as teams work together to serve youth. Legal practitioners should become familiar with the fundamentals

of substance abuse, screening, assessment and treatment options. Conversely, treatment providers should have a foundational understanding of the juvenile justice system, problem-solving court frameworks, and general legal processes.

Training and education opportunities for staff should be identified and pursued on an on-going basis. A team that remains apprised of new data, information, and innovative treatment approaches that are supportive of youth with substance use disorders and/or youth who engage in illicit substance/alcohol use will provide a better quality of services. Team training on the impact of trauma and the implementation of trauma informed systems may also be supportive of transformational services that are offered to youth within the wellness court.

Proper training and education for TJHWC team members will generate a forum wherein tribal youth have the support, tools and resources necessary to seek the healing and wellness that they deserve. Effective planning is the first stage of a continuously evolving program that will benefit the Tribal community. While there are many resources available to support the planning and development of the Tribal Juvenile Healing to Wellness Court, the most important resource that can be utilized are the champions and other community leaders that work together to bring change to the community.



**Reflection:**

1. Does the TJHWC have established goals and objectives for the TJHWC? One method for developing goals and objectives is the S.M.A.R.T Process. S.M.A.R.T. is an acronym for Specific, Measurable, Achievable, Realistic, and Time-Bound goal and objective setting. Learn more about the S.M.A.R.T process in this archived action planning webinar, [Cultural Protocol for Action Planning](#) available from the OJJDP Tribal Youth Training and Technical Assistance Center.

List your current goals and objectives for the Tribal Juvenile Healing to Wellness Court. Utilize the S.M.A.R.T. process to review and reflect on the goals set forth by the team.

*Example:*

*Goal 1: To develop a Tribal juvenile healing to wellness court within twelve (12) months, that is integrative of Tribal traditional legal and healing practices.*

*Objective 1A: To identify key stakeholders and develop a community advisory committee within a three (3) month period to assist in the infrastructural development of the Tribal juvenile healing to wellness court.*

Goal 1 and Supporting Objectives:

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Goal 2 and supporting objectives:

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Goal 3 and supporting objectives:

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*Review the TJWHC Goals and Objectives in S.M.A.R.T. format. Discuss if the goals are Specific, Measureable, Achievable, Realistic, and Time-Bound.*



## Part 1: Planning

### Quick Review

- **Identifying Stakeholders**
  - Identify stakeholders to support the work of the TJHWC
  - Take action steps to work with stakeholders and develop an advisory/steering committee
  - Meet regularly with the community advisory committee. Create a community advisory committee charter to support on-going efforts.
  
- **Engaging the Community**
  - Identify a process to engage community members as the TJHWC is implemented
  - Consider sustainability even in the early stages of planning.
  - Include the youth voice/perspective as the TJHWC is developed.
  
- **Identifying Team Members**
  - Develop roles and define responsibilities early on to carry out the vital work of the court.
  - Cross-train team members before the first case is heard.
  - Work as a team to identify the true mission and vision of the TJHWC.
  
- **Action Planning**
  - Establish goals and objectives for the TJHWC court, using processes like S.M.A.R.T. to increase effective goal-setting practices.
  - Identify action steps that can support the long term vision and mission of the TJHWC.
  - Write your plan down so the TJHWC team can revisit it regularly.



### Learn More: Referenced Resources

1. Bureau of Justice Assistance, U.S. Dept. of Justice: Tribal Healing to Wellness Courts, The Key Components, (2003). Retrieved from: <https://www.ncjrs.gov/pdffiles1/bja/188154.pdf>
2. Tribal Healing to Wellness Courts: The Key Components, 2<sup>nd</sup> Ed., Tribal Law and Policy Institute, May 2014. Retrieved from: <http://www.wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Courts%20The%20Key%20Components.pdf>
3. Joseph Thomas Flies-Away and Carrie E. Garrow: Healing to Wellness Courts: Therapeutic Jurisprudence+, " Mich.St.L.Rev.403, (2013). Retrieved from: <http://digitalcommons.law.msu.edu/lr/vol2013/iss2/9>
4. Bill Berkowitz and Eric Wadud: The Community Toolbox: Assessing Community Needs and Resources-Work Group for Community Health and Development, University of Kansas, (2016). Retrieved from: <http://ctb.ku.edu/en/table-of-contents/assessment/assessing-community-needs-and-resources/identify-community-assets/main>
5. Kretzmann, J.L. & McKnight J.P.: Mapping Community Capacity. Institute for Policy Research, Northwestern University. Neighborhood Trust Innovations Network, (1996). Retrieved from: [www.racialequitytools.org/resourcefiles/mcknight.pdf](http://www.racialequitytools.org/resourcefiles/mcknight.pdf)
6. Gathering of Native Americans: United Indian Health Service, Home Page, (2013). Accessed March 2017. Retrieved from: <http://www.unitedindianhealthservices.org/gathering-native-americans-gona>
7. Betty Gurnell, Meg Holmberg and Susan Yeres: Starting a Juvenile Drug Court: A Planning Guide, National Council of Juvenile and Family Court Judges, (2014). Retrieved from: [http://www.ncjfcj.org/sites/default/files/NCJFCJ\\_JDC\\_PlanningGuide\\_Final.pdf](http://www.ncjfcj.org/sites/default/files/NCJFCJ_JDC_PlanningGuide_Final.pdf)
8. The Community Toolbox: Developing an Action plan, University of Kansas, (2016). Retrieved from: <http://ctb.ku.edu/en/table-of-contents/structure/strategic-planning/develop-action-plans/main>
9. Dennis Reilly, Atoundra Pierre-Lawson: Ensuring Sustainability for Drug Courts, Monograph Series 8, National Drug Court Institute, (2008). Retrieved from: <http://www.ndci.org/sites/default/files/ndci/Mono8.Sustainability.pdf>
10. Peter Nathan and Jack Gorman: A Guide to Treatments that Work, 4<sup>th</sup> Edition, Nathan and Gorman, Oxford Press, (2015).
11. Iron-Cloud Two Dogs, Ethleen, "Cultural Protocol for Action Planning," also "Developing a Mission and Vision," Office of Juvenile Justice and Delinquency Prevention Tribal Youth Training and Technical Assistance Center, (2016). Retrieved from: <https://www.youtube.com/channel/UCnNec1JCnhp7iCnGhXPsvEw>

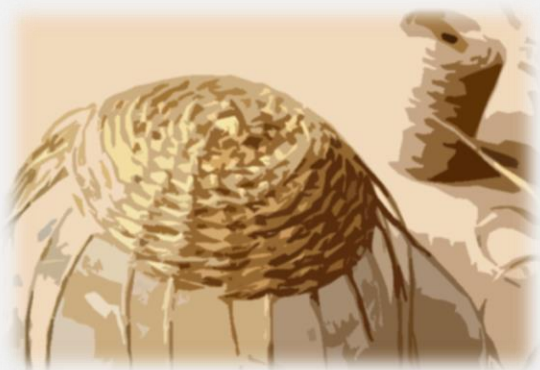
Updated November 2017, Anna Clough, JD

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# 2

## PART 1: IMPLEMENTATION

Implementation of the Tribal Juvenile Healing to Wellness Court (TJHWC) is the weaving together of system providers, participants, services, and processes.



Understanding the core elements of

implementation will assist in crafting an environment wherein Tribal youth have the opportunity to experience wellness.

### **Eligibility Criteria- Factors for consideration:**

Defining criteria to support the community's youth is dependent upon unique tribal community factors. Data related to youth-focused treatment court indicate there are several criteria to ensure equitable treatment for youth. **"Ensure equitable treatment for all youth by adhering to eligibility criteria and conducting an initial screening. Eligibility criteria should include the following:**

- Youth with a substance use disorder.
- Youth who are 14 years old or older.
- Youth who have a moderate –o-high risk of reoffending."

(See Guideline 2.1, OJJDP Juvenile Drug Treatment Court Guidelines, 2016)

### **Initiating Processes: Defining the Target Population**

As part of the development process of the TJHWC your team will have, "taken the time to define a target population and eligibility criteria," (Gurnell, et al., 2014). The TJHWC team will work together to create an acceptance process for participants. The factors to be considered for participant eligibility should be consistent, yet offer flexibility for special circumstances. Youth may enter into the TJHWC through various referral sources

and at differing judicial stages. It is possible that youth may enter into the TJHWC “prior to any charges being filed against them or before a delinquency event, after charges have been filed but before a plea has been entered in the proceedings, or after a plea or finding of guilt in the delinquency matter,” (Tribal Ten Key Components, 2014) ¶ . Processes for admittance from various referral sources will be created by the TJHWC Advisory Committee and team.

### **Supporting Effective Referral Processes**

Regardless of the stage in which the participant is accepted, it is likely that referral processes will be the key method by which a youth engages as a participant of the TJHWC. **Memorandum of Understanding**, commonly referred to as “MOU,” should be negotiated at the start of the TJHWC development process in order to maintain a successful referral and communication system with partnering departments, agencies, or jurisdictions. Additional MOUs or enhanced MOUs may be developed as new partners are identified.

**What is an MOU?** An MOU is a formal written agreement between two or more parties. In most jurisdictions, an MOU is a non-legally binding\* document that will address the mutually respected and acknowledged terms by and between partnering agencies. Partner agencies may include service providers, courts of partnering states, tribes, counties, or municipalities, and other youth services providers. *\*Your team should confer with tribal leadership/legal support to review the laws and ordinances of your Tribal and state government related to MOUs, in some instances MOUs may have legally binding consequences, dependent upon local laws, ordinances, or customs.*

It is common for TJHWCs to establish partnerships with both tribal and non-tribal entities and jurisdictions. Therefore, MOUs may be developed with both *inter-agency* (external agency partners) and *intra-agency* (partners within the Tribal organization). As jurisdictional factors may be a consideration in the development process of the MOU, it is important for the case management team to work closely with the Community Advisory/Steering Committee and Tribal leadership to ensure that all agreements are coordinated and in agreement with Tribal laws, policies, and procedures. This type of unification is “successfully accomplished only with

careful planning and coordination,” (Thorne, 1996) and while prior disputes between jurisdictions may exist, the approach should be to, “circumnavigate obstacles, to seek cooperative ventures,” (*id*).

In the event that formal MOUs are not able to be developed, your team may wish to engage letters of support from community agencies and potential partner jurisdictions, which may in turn lead to increased potential for youth to engage within the TJHWC.

◇ *See Appendix for sample MOU.*

**How MOU support the development of the TJHWC (Table 2A):**

<b>Establishes roles and responsibilities of partner agencies and departments which contributes to sustainability.</b>
<b>Defines agreed upon terms in a clear format which provides clear expectations.</b>
<b>Formalizes relationships which increases the likelihood of effective cooperation.</b>
<b>Supports holistic service provision for Tribal Youth through coordinated efforts.</b>



**Reflection:**

1. What identified wellness court partnerships currently exist that can be formalized by MOU development?

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2. Are there existing barriers within the Tribal community that may hinder the process of implementing formal MOUs with partner departments and/or agencies?

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3. What strategies can the team implement in order support the partnerships necessary to provide comprehensive case services to youth participants? *Example: Instead of formal MOUs the team will solicit letters of support from agencies that wish to support the TJHWC.*

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### **Tribal Juvenile Healing to Wellness Court Code and Policy Development**

In addition to MOUs, a “wellness court planning process may include additional tasks such as drafting a Tribal code or ordinance to define the power and authority of the wellness court, to adopt special policies and procedures, to define the scope of behaviors that fall within the scope of the wellness court, and to identify any particular individual rights protected by existing Tribal and applicable federal laws,” (Tribal Ten Key Components, 2003) ♣. It is important to review the core goals and objectives of the system and then structure the codes or ordinances to support the legalities of the desired implementation processes. The wellness court structure will vary based on the unique characteristics of the Tribal community. Therefore, model or other example codes should be adapted to fit the needs of the community. In the event that the tribal community will enact Tribal judicial code to support the juvenile healing to wellness court, the following table indicates some topical areas that may be considered as the code is developed.

#### **Developing Tribal Juvenile Healing to Wellness Court Code**

##### **Topical Areas to Consider (Table 2B):**

Establishment of Jurisdictional Authority	Definition of Court Structure
Reference to TJHWC policies and procedures	TJHWC Court Rules
Rights of the Youth Participant	Notices related to Deferment of Prosecution/Expungement or Other Legal Processes Specific to Post-Case Outcomes
References to Methods of Monitoring and Drug/Alcohol Testing	Authority for Team Structure
Authority for the Issuance of Orders Related to Case Processes	Length of Case Process
Reference to Any Other Legality to Support the Structure of the TJHWC.	Appellate Procedure

## Wellness Court Code Development Strategies

- Review current code and juvenile court processes.
- Engage in dialogue with Tribal leadership regarding the structure and legal authority of the TJHWC.
- Develop and Implement Code specific to the TJHWC.
- When major sections of code cannot be amended or implemented, try implementing lesser amendments to the Tribal juvenile code. Example: Provide for the legal authority of the TJHWC with a broad statement such as, *“diversionary or alternative court processes shall be allowable under the Tribal Code.”*
- Consider the rights of youth and their family as code is developed.

### Code and Policy Development (cont.)

Developing and adopting code to support the wellness court structure contributes to due process of law, procedural fairness for Tribal youth, and sustainability. Legal authority through implemented code provides guidance for all persons engaged within the TJHWC case process. In addition to code development, policies and procedures utilized by the TJHWC team should be established to support consistency in working with Tribal youth.

In the instances that the wellness court team finds the process of code development difficult, other strategies to provide for the legal authority of the court may be utilized. A Tribal resolution that supports the implementation of the TJHWC may provide administrative backing for the court. A simple addition to current code that notes the use of diversionary or traditional court processes is another method by which the legal authority of the wellness court may be created.

Teams should work with Tribal leadership, the judiciary, and any other pertinent partners in the process of developing or amending Tribal code. Taking the time to define the parameters of the TJHWC will serve the community and those who engage within the TJHWC.

## Family Engagement and the Tribal Youth Participant:

As part of the TJHWC case process, the team will develop new participant processes. This may include an orientation for youth and their caretaker(s). It is important to develop tools and resources for youth participants that are developmentally appropriate and unique to their strengths and needs. Guidebooks, forms, and resources should be clearly written and easy to understand. TJHWC forms and resources should be provided youth participants **and** their parent(s)/caregiver(s).

◇ See Appendix for a sample Participant Handbook Outline.

One of the most important relationships that the TJHWC can bolster as they provide services is that of the parent/caregiver. A 2010 study of three distinct tribal communities, concluded, *"having a supportive relationship with a parent could protect from harmful and destructive behaviors,"* (Mmari, 2010). Familiarizing the youth, their caregiver(s), and the TJHWC team is an important step to creating a healing environment. Having parental or support within the home is an important role within the overall participant support system. Where parental involvement is lacking, it is widely recognized "that family members other than biological parents play a pivotal role in youth well-being in tribal communities," (McKay et al., 2014). As well, the TJHWC team should be aware that "aunts, uncles, cousins and siblings have all been shown to influence Tribal youth substance abuse or abstinence from substance abuse," (Kulis et al., 2006).

## Tribal Youth, Family, and Trauma

Court-involved Tribal families may be impacted by complex trauma. Trauma may be present, intergenerational or historic. The TJHWC may identify cultural protocols and practices to support the healing of youth and their families, where applicable. Ceremonial practices led by trusted elders, interaction and engagement with healers, and mentorship by TJHWC leadership may create the necessary support for Tribal youth as they participate within the TJHWC.

Discussing the role of the family during the planning stages of the TJHWC will assist the team as case processes are fully implemented. Creating methods to engage the family will assist with overall case management for youth participants.

Family/Caregiver engagement is an important aspect of the healing process. In what ways can the TJHWC team work with youth to support family engagement? For more on family engagement within a juvenile drug treatment court setting review the article, [Engage, Involve, Empower: family Engagement in Juvenile Drug Treatment Courts,” \(Harris et. al., 2017\)](#). This technical assistance brief provides recommendations related to family engagement within a juvenile treatment court setting and also offers a Family Engagement Self-Assessment Tool.

## Screening Processes: Determining Eligibility Through Established Criteria

The processes and methodologies utilized to determine participant eligibility should be thoughtfully chosen and integrated into case planning process for TJHWC participants. Effective screening processes for acceptance and service provision should be explored within the planning stage and should be regularly revisited as services are offered within the TJHWC.

Although the TJHWC differs in some components from standard juvenile drug treatment courts, “a recent evaluation of Reclaiming Futures, as integrated with juvenile drug courts, found that participating youth had better outcomes in terms of reduced substance use when strict program eligibility criteria existed and youth had serious substance use and delinquency problems,” (JDTCG, 2016). Presumably, the creation of clear eligibility criteria is impactful to the overall success of the TJHWC. The TJHWC team should actively work with the Advisory Committee to determine eligibility criteria that meets the needs of the tribal community. Some of the factors that have been utilized to identify eligibility within a wellness or treatment court include:

**Examples of Screening Criteria (Table 2C):**

*Note that certain criteria, if established, will merit further assessment and review. Further, this is not an exhaustive list of screening criteria, there are many other criteria that may be screened.*

Age and Target Population	Readiness to Engage, Risk of Relapse/Recidivism
Nature of Treatment/Rehabilitation Needs	Strengths and Needs/Traditional Knowledge/Cultural Ways
Legal Eligibility (Past Court Involvement)	Trauma History
Substance Use Disorder/Co-Occurring Disorders	Family, Parent, Caregiver Involvement
<i>◇ See Appendix for more about screening tools and processes</i>	

## Screening Processes:

Generally, screening is a preliminary process to gather information about the applicant. It may entail an initial interview and review of the information shared in the participant's application. Within the treatment court setting, "screening is a brief process that distinguishes youth who might qualify for juvenile drug court based on a number of legal, clinical, and social criteria," (Gurnell, 2014) and that "screening can also identify the need for further assessment and evaluation," (*ibid.*).

It is important to design a screening framework that entails the varying legal and clinical criteria related to the TJHWC target population and services offered as part of the TJHWC. Screening tools such as the CRAFFT tool are often used in the youth treatment court setting. CRAFFT is a "mnemonic acronym that reflects the six domains assessed in the screen: being in proximity of alcohol or other drug use while in a car (C), using alcohol or other drugs to relax (R), or when alone (A), having forgotten (F) things when drinking or using drugs, having friends or family (F) express concerns about drinking or drug use, or having gotten into trouble (T) when drinking alcohol or using drugs," (Knight et al., 1999). A 2003 study found the CRAFFT to be an appropriate screening tool for use among Native-American adolescents and that the CRAFFT tool "may also be effective in school-based or community-based settings," (Cummins et al., 2003).

### **Supporting Tribal Youth through Effective Screening \***

*Early screening can support early intervention. The Indian Health Service recommends the CRAFFT screening tool to aid clinicians and others in identifying patients with alcohol and substance abuse problems. Visit <https://www.ihs.gov/asap/screeningtools/> to learn more about screening tools and Screening, Brief Intervention and Referral to Treatment sometimes referred to as "SBIRT".*

*The Substance Abuse and Mental Health Services Administration offers related resources for youth and young adults check out, "Alcohol Screening and Brief Intervention for Youth: A Practitioner's Guide," (2015) here [https://pubs.niaaa.nih.gov/OrderForm/EncForm/Youth\\_Guide\\_Order\\_Form](https://pubs.niaaa.nih.gov/OrderForm/EncForm/Youth_Guide_Order_Form)*

*See also, "Addressing Co-Occurring Disorders in Non-Traditional Service Settings," (2007), which speaks to identification of co-occurring disorders in non-medical settings. <https://store.samhsa.gov/product/SMA07-4277>*

\*Noted resources and/or tools are not endorsed. TJHWC teams should review resources and apply screening tools that are appropriate for the targeted youth criteria and the specific tribal community.

There are many screening tools that teams may use within a comprehensive screening process. The team should utilize tools and resources that are validated and appropriate for the Tribal community. Staff who will engage in the screening process should be trained in the various screening tools and processes to be implemented.

**Crisis Management:** It is important for all members of the team to fully understand the nature and scope of alcohol and drug addictive behaviors and/or disorders. As part of the screening process the team should plan and prepare for referrals that may require immediate attention by a physical or behavioral health service provider. The team should develop an emergency plan in the event that a youth participant is in need of crisis services or intervention. It is essential to



cross-train law enforcement, judicial personnel, and others who will work with TJHWC participants in crisis management. Youth may face risks due to withdrawal/overdose. Trained service providers should be available to support youth participants as needed.

**Co-Occurring Disorders:** The co-existence of both a mental health and substance use disorder is referred to as co-occurring disorders. TJHWC teams may encounter youth who have co-occurring disorders in addition to substance use disorders/addictive issues. "Other settings can serve as gatekeepers for the SA/MH system. These settings provide an opportunity to recognize persons who have a co-occurring disorder and engage them in a process that leads to referral for further assessment and integrated treatment," (SAMHSA, 2007). TJHWC staff should receive training and provide for referral or next steps for program participants when screening tools are utilized. Read more about co-occurring disorders here: <https://www.samhsa.gov/disorders/co-occurring>

The team should regularly assess the usefulness of chosen screening tools. Utilizing tools that are culturally appropriate and targeted to support Tribal youth may be helpful. The National Registry of Evidence Based Programs notes that there are a number of promising programs



grounded in tradition that provide useful intervention for Tribal youth. Learn more about these evidence based programs in the “Literature Review, Tribal Youth and Behavioral Health, Who Are American Indian and Alaska Native Youths?” (2015)

[http://www.nrepp.samhsa.gov/Docs/Literatures/NREPP%20Literature%20Review\\_Tribal%20Youth%20Behavioral%20Health.pdf](http://www.nrepp.samhsa.gov/Docs/Literatures/NREPP%20Literature%20Review_Tribal%20Youth%20Behavioral%20Health.pdf).

In addition to screening criteria set forth by the TJHWC team, specific funding agency requirements related to eligibility should be included as part of the overall screening and review processes.



**Reflection:**

1. What team member within the TJHWC will be responsible for screening youth participants? Will the team prepare and plan for crisis management?

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2. What resource centers/treatment providers within the community can accept referrals for drug/alcohol treatment or further assessment for any other criteria?

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3. Does the identified screener have training in the screening tools that will be utilized? Has the TJHWC made a training plan to support effective screening and referral processes?

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***\*The Author notes that the use of the term "disorder" within the context of screening, assessment, or treatment is noted as a diagnostic term, rather than a stigmatizing label or classification.***

## Clinical Assessment: Holistic Case Planning

Clinical assessment “is a comprehensive and individualized examination of the psychosocial needs and problems identified during the initial screening,” (Grisso, 2004). The resultant findings of the assessment will help shape and influence the case process for the TJHWC participant. Comprehensive assessment contributes to the individualized and holistic healing environment of the TJHWC. It is vital that the team engage with qualified treatment providers. As well, the team should have access to assessment results only as much as is necessary to create a comprehensive case plan for the TJHWC participant.

Supportive documents for the consent and release of reports and other information may be required by behavioral health or other treatment providers. Therefore, the team should work with the Advisory Committee and Tribal legal support to develop necessary forms. Participants should be provided with any required notices related to the release of information to the TJHWC team. The team may continually review provider recommendations. “Juvenile justice facilities have a legal and societal responsibility to respond to the needs of youth in their custody if those needs place the youth at risk of harm to themselves,” (Grisso, 2004 ).

**Example Criteria and Areas that May be Assessed (Table 2D):**

\*This is not an exhaustive list of assessment criteria, there are many other areas in which assessment can provide supportive information regarding participant needs.

Substance Use Disorder/Use History/ Readiness for Treatment	Family, Parent, Caregiver Involvement/Environmental Safety
Strengths/Needs	Cognitive Development/Education
Physical Health/Mental Health (Co- Occurring Disorders	Trauma/Risk of Self-Harm

◇ See Appendix for more information about adolescent assessment.

As the team refers participants for assessment, it is important to utilize providers that are trained in methods that are supportive of adolescent and family needs. Employing providers that are skilled in meeting the needs of the youth participants is a critical



element to the structure of the TJHWC. “The assessment of adolescents is a complex, challenging and multifaceted task, and developmental considerations are critically important,” (Cuffe, 2016). Further, “clinical assessments are characterized as “ongoing” and vary depending on a client’s history and needs,” (Tribal Ten Key Components, 2014) 🔑 *See Key Component 3 on Screening and Eligibility.* It is a suggested practice that participants screened or assessed with potential mental health issues should be referred to appropriate further assessment and treatment services if the tribe or the Tribal Wellness Court cannot provide adequate treatment options. 🔑

### **Tribal Youth and Treatment:**

There is an extensive amount of literature and information on how drugs and alcohol impact the youth brain and body. The TJHWC team should work together to develop case processes

that take into account the needs, behaviors, and challenges that may be faced by wellness court participants. “Repeated drug use changes the brain. Brain imaging studies of drug-addicted people show changes in areas of the brain that are needed to remember, make good decisions, and exercise self-control; quitting is difficult, even for those who feel ready,” (NIDA, 2016).

The Indian Health Service provides services through tribally and federally operated Youth Regional Treatment centers (YRTC) to address the issues of substance abuse and co-occurring disorders within a culturally supportive environment.

Learn more about the YRTCs here:  
<https://www.ihs.gov/yrtc/>

So what are the treatment options for Tribal youth? We know in many communities there are limited resources and options for youth treatment. However the TJHWC should actively work to identify treatment options for youth in the wellness court. These treatments range from outpatient, inpatient, and hybrids of either outpatient or inpatient options. Youth who enter into the wellness court should be screened and then assessed for appropriate treatment. The TJHWC will offer a case plan that is supportive of the necessary treatment that is identified by the treatment provider(s). Understanding the treatment process and activities is important for the TJHWC team. Therefore, judicial service providers should receive adequate training to understand the treatment process and related youth behaviors in regard to addiction and treatment.



**Reflection:**

1. What treatment providers have been identified by the TJHWC team to support youth behavioral health or drug/alcohol treatment services?

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2. How will youth and families access treatment? Does the TJHWC team have a partnership identified to support youth treatment and continued assessment?

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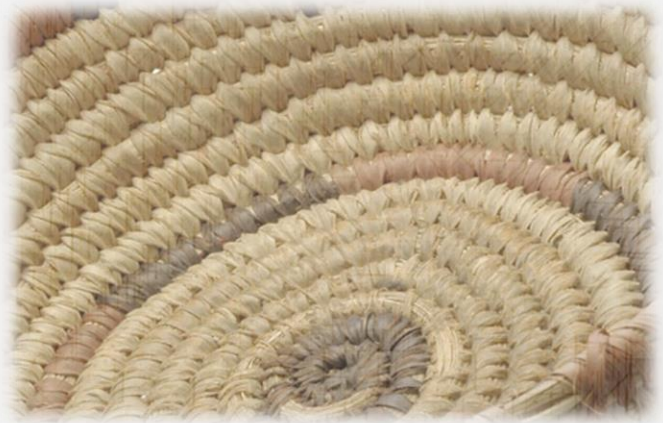
## Exploring Treatment Options

- **Outpatient/Intensive Treatment**
  - Traditionally recommended for less severe addictions and few additional mental health problems, and a supportive living environment
  - Varies in type and intensity of services offered
  - May be delivered in individual or group format or a combination of both
  - Low or moderate intensity outpatient treatment may occur once or twice per week
  - High intensity outpatient treatment may be twice a week for at least 3 hours
- **Partial Hospitalization**
  - Adolescents with more severe substance use disorders, but who can still safely be managed in a home or caretaker environment
  - Sometimes called “day treatment”
  - Treatment is approximately 4-6 hours per day
- **Residential/Inpatient**
  - Resource-intensive and involves a high level of care and supervision
  - For adolescents with severe levels of addiction whose mental health and medical needs require a 24 hour per day structured environment
  - Adolescents may also suffer from severe co-occurring disorders
  - Treatment may be short or long term, based on needs of adolescent
- **Traditional Healing and Culturally Specific Ceremony** 🔑
  - Traditional Healing Ceremony and Practices
  - Cleansing and Healing Practices (Sweat/Cleansing/Smudge/Journey)
  - Peacemaking, Mediation, Talking Circles/Traditional and Restorative Justice Practice
  - Elder Mentorship/Guidance Sharing of Traditional Knowledge and Lifeways

See: “Treatment Settings from Principles of Adolescent Substance Use Disorder Treatment: A Research Based Guide,” National Institute on Drug Abuse, National Institutes of Health. See also 🔑 Tribal Ten Key Component 4 Treatment and Rehabilitation

## The Phased System: Wellness Court Case Processes

**What is a phased case system?** The phased system is a framework to implement the components necessary to support behavioral transformation of the youth participant. Processes within the system will encourage the inter-twining of the youth participants, TJHWC team service partners, mentors, collaborators, as well as traditional and spiritual leaders. Ultimately, the framework will, “establish a solid structure for the participant and his or her family to heal,” (Tribal Ten Key Components, 2014) 🔑.



The coordination of therapeutic, legal, educational, social services, united with spiritual, and cultural supports the overall journey to wellness for the juvenile participant. The process of treatment will guide the overall case plan, therefore “to determine the length of the program, [the team] should consult with the treatment provider about how much treatment will be needed to have an impact with the target population,” (Gurnell, 2014). In the spirit of fairness and to increase the likelihood of completion, the case processes implemented within the TJHWC should not be more punitive than alternate options for the youth participant. The results of consultation with a treatment provider will assist in determining the applicable timeline for the youth participant. The team should work together to identify a minimum and maximum length of time that youth will be allowed to engage within the wellness court process. In many communities, the timeline for a wellness court case is approximately one year, however this may vary based upon individual

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**Developing a holistic case plan:** Consider the woven coils of this basketry image. Coiling is a method of native basketry that, “begins at the center of the basket and grows upon itself in spiral rounds, each attached to the round before and requires the most precisely trimmed elements,” (NMAI, 2003). Much like the intricacy of the coiled basket, the phased system relies on the strengths of the elements included within each stage of the process. Each stage will build upon the components, experiences, and successes of prior stages

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participant need. As plans are developed for participants, the TJHWC team should attempt to include goal-setting and realistic timelines for participant activities and progress. Ultimately the systematic structure that is developed by the team will be unique to the community's capacity and resources available. ♦ *See Appendix for a sample TJHWC case plan.*

The objective criteria that are selected by the team will be unique to the community. "Movement between structures phases should be dependent upon the completion of objective criteria," (Tribal Ten Key Components, 2014, NDCI Drug Court Benchbook) ¶ . The TJHWC should determine the criteria that will be included within the TJHWC case plan. Like other juvenile treatment court settings, the TJHEC team should be able to partner with other agencies to provide supportive services. "To be able to refer youth and families to a broad continuum of treatment and related options for services, the court must identify all organizations and agencies it will depend on for such services and involve them in the planning process," (Gurnell, et al., 2014).

### **TJHWC Common Case Plan Criteria**

#### **Intensive Supervision:**

The TJHWC integrates ongoing judicial accountability and rehabilitative opportunities for Tribal youth participants. Like other problem solving courts, providers have the ability to create individualized case plans. As part of case management and to increase the potential for case completion, the team should implement team engagement and intensive monitoring processes that support participant wellness and sobriety. Case management should involve the "judicial leadership, treatment, and community supervision," and "each wellness court must determine how to properly manage each case in compliance with wellness court goals and objectives," (Tribal Ten Key Components, 2014) ¶ See Key Component 5. Participant meetings/court dates that are planned and unplanned are generally a part of the case plan. The frequency of meetings/court dates will change over the course of the case plan.



## Alcohol and Drug Testing

In addition to frequent judicial contact and treatment, the youth will be responsible for working toward and maintaining sobriety. In order to monitor and gauge for use of substances, the TJHWC will implement substance testing policies and procedures. Substance (drug and alcohol) tests are a routine part of juvenile drug treatment and wellness courts case processes. These tests may be conducted through “urinalysis and can also include breathalyzers or other oral fluid analysis,” (JDTCG, 2016). According to research, “drug testing should be random, observed, frequent, and sensitive to any potential trauma the youth has experienced,” (JDTCG,

*Drug tests vary depending on the type of drug being tested and the type of specimen being collected. Urine, hair, saliva (oral fluid), or sweat can be used as test specimens. Drug tests screen for such drugs as marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids. (NIDA, 2017). Learn more about adolescent drug testing here: <http://www.ncjfcj.org/drug-testing>*

citing, Gatowski et al., 2016). The TJHWC team should clearly explain the testing processes, protocols, and standards as part of the orientation process. Additionally, Tribal communities may need to develop a partnership with a testing facility in the event that staff or tribal partners are unable to provide this service.

Testing is only one of the many components that are implemented to support youth healing. Testing results should be regularly communicated with the wellness court team, as results of testing will be integrated into the case plan. Positive drug/alcohol tests should be immediately communicated to the team so appropriate team responses can be conducted in a timely manner.

## Pro-Social Engagement and Education

Youth within a drug treatment court setting may “lack the basic social and life skills necessary to function at school and at home. To identify and meet these diverse and complex needs, services must be comprehensive and interventions must be tailed to individual participants and their families,” (BJA, 2003). There are any number of possible strengths-focused pro-social interventions that may be integrated within a TJHWC case plan. The TJHWC may wish to work with community stakeholders to increase the pro-social, educational, or goal supportive

opportunities within the tribal community. These may include partnerships that offer tutoring, skills building, mentorship, or other integrative responses to support TJHWC youth participants. Many TJHWC also find that the integration of traditional life skills, cultural ways, and community engagement are helpful to TJHWC participants.

### **Family-Based Services**

“Family based services will vary depending on the needs of the individual youth and the family. Whether inside or outside the home, treating the youth within the context of his or her family environment is critical. Many juvenile drug courts make services available in



the home. However, for participants who cannot be treated successfully while living at home, out-of-home placements such as group homes, foster care and independent living options may be needed,” (BJA, 2003). Family support is integral to youth success, but where family

engagement is low or non-existent, the TJHWC may identify ways to support increased family engagement and/or develop mentorship or community support options. The TJHWC may want to identify strategies to increase family support and involvement within the case process.

*Learn more about increasing parent and family involvement in this article, “Parent and Family Involvement in the Tribal Juvenile Justice System,” (McKay et al., 2014)*  
[http://www.rti.org/sites/default/files/resources/family\\_involvement.pdf](http://www.rti.org/sites/default/files/resources/family_involvement.pdf)

## Integration of Traditional Life-Skills and Cultural Ways

*“Today’s Tribal youth carry the wounds of their ancestors, compounded by generations of atrocities committed against this nation’s Indigenous people, including historical traumatic campaigns of eradication, reservation assignment, boarding schools, and relocation. Although, they carry these wounds, these contemporary youth will be the first generation with an opportunity to heal from historical trauma”- Ivy Wright-Bryan, National Director of Native American Mentoring, Big Brothers Big Sisters of America*

Through traditional culture and spirituality, Tribal communities can heal and reinvigorate the spirit of a child. This in turn helps youth have increased self-esteem and to strengthen their identity as Native people. Incorporating traditional healing practices and Tribal lifeways are two of the most important aspects in the success of a TJHWC. These cultural interventions are precisely what make TJHWC both unique and effective. Research indicates that culturally infused interventions are associated with lower depression, lower alcohol use, lower anti-social behavior, and lower levels of dysfunctional behaviors among Native youth (Melton et al, 2014). An important dimension to cultural identification is having a stake in Tribal society (Sanchez-Way & Johnson, 2000).

Embracing a tribal worldview and reviving Tribal traditions that can be incorporated into to the TJHWC allows for TJHWC participants to learn deeper lessons about their role in their community and engage in constructive sentences. A focus on traditional healing practices is ideal to increase the efficacy of cultural interventions. Medicine men and women, healers, and healing ceremonies have been cited as invaluable cultural resources for dealing with life crises (Beauvais and Oetting, 1999). Here, we acknowledge that traditional healing is an all-encompassing reintegration of Tribal norms. In order for youth to reap the countless benefits that traditional ceremonies and rituals provide, they must understand those experiences within the greater context of Tribal life. The TJHWC can work together to integrate cultural ways to support youth as they integrate these ways into their personal healing journey.

## TJHWC and Cultural Intervention



Effective programs employ a variety of approaches and interventions in a variety of settings (Sanchez-Way & Johnson, 2000). Many organizations across the country that work with Native youth have made adaptations to evidence-based programs in order to increase cultural relevance and increase effectiveness (Stratford & Murphy, 2016).

Ceremonial and traditional practices may be integrated within a supportive judicial environment to support Tribal youth. Note that not all practices are traditional or customary to all Tribal nations. Therefore, unique tradition, custom, knowledge, and wisdom should be incorporated and utilized as determined by Tribal elders and cultural leaders. Culturally integrative processes may occur within the court room through the use of Tribal language, Tribal kinship terms, talking circles, Tribal teachings, or any other methods identified by the TJHWC team. Culturally integrative processes may occur outside of the courtroom through activities, lessons, gatherings, ceremonies, or other practices identified by the TJHWC team.

The TJHWC should note that not all youth may have a desire or readiness to participate in cultural or ceremonial practices, therefore the TJHWC team should take care to support the individual needs of youth participants. ♦ *See Appendix for more about traditional healing and cultural lifeways within the TJHWC and for processes that have been integrated into wellness courts across the country.*



## Consequences and Rewards

A unique aspect of the treatment court framework that may be implemented by the TJHWC is the use of progressive consequences and rewards. This tailored body of judicial responsiveness to behavior is utilized to support the accountability of the participant. (See Key Component 6) 🔑 A designed set of consequences and rewards are utilized to encourage participant compliance and to deter non-compliance with the TJHWC case plan. Progression through the case plan is rewarded with various activities or tangible items. Conversely, lack of compliance with a case plan will result in the imposition of a consequence. "An effective system of incentives and sanctions promotes each youth's ability to take responsibility and be accountable for his or her actions while allowing them to complete the program," (JDTCG, 2016).

Research indicates that a system of consequences and rewards that is balanced and fair to increase the likelihood of participant success. Additionally, the team may need to consider a broad range of consequences and rewards that can be applied flexibly dependent upon participant need. Incentives that may be meaningful for one participant may not be as impactful with others. The types of rewards and consequences that will be utilized should be communicated to participants early in the case because, "without mutual understanding there will be no foundation for certainty and consistency," (Yeres, 2012).

### ***Are consequences and rewards cost effective?***

TJHWC staff may be concerned about the long-term costs related to the consequences and rewards system. "Fortunately, to be effective, incentives don't have to be elaborate or expensive, something as low cost as a candy bar has been shown to make a significant

### **Key research indicates that consequences and rewards should be:**

- Immediate
- Certain
- Consistent
- Fair
- Appropriate in Intensity
- Goal-Oriented
- Graduated
- Individualized
- Delivered in a 4 to 1 ratio (1 consequence for every 4 rewards)

*(Gurnell et.al, 2014, Gendreau et al., 1994)*



difference," (Yeres, 2012). Additionally, a reward that costs nothing is verbal praise, which has been shown to be effective in the context of drug treatment court systems. Data collected from youth treatment court settings "suggests that praise can be a powerful behavioral motivator when applied under the proper conditions," (Henderlong, 2002). A quick search into treatment court incentives will reveal numerous low-cost incentives and consequences, TJHWC teams should review resources and create a list of consequences and rewards that may be considered most impactful to the youth participants. This list may be modified as resultant data related to the consequences and rewards utilized becomes available. *◇ See Appendix for information regarding consequences and rewards.*



### **Effective Case Planning**

As the team integrates all the unique components within the TJHWC framework, the team should consider caregiver dynamics and the youth's ability to engage. As necessary providers are identified, and as the case plan is implemented, it is

important to identify and consider what will be necessary to support youth access to court, treatment, activities, and resources. Potential barriers for youth as they engage in their case plan should be factored into court orders. Strategies to support youth engagement within the case plan should be regularly discussed by the team. Effectively, "case management both facilitates a youth's participation in and, ideally successful completion of a treatment court program, ensuring that the youth and family are connected to and can access needed supports and services," (JDTCG, 2016).

**Steps to Assist Youth Engagement in the TJHWC Case Plan:**

1. Integrate providers that are readily accessible to youth participants, including the utilization of Tribal service providers when available.
2. Give youth adequate notice and opportunity to follow through with case components.
3. Consider treatment, educational needs, issues such as transportation, poverty, living situations, caregiver involvement, etc., as the youth participates within the case plan.

What barriers may exist that will necessitate team support for youth treatment, activities, and follow through for case plans?

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List two to three strategies to address transportation, living situations or caregiver involvement. Example: *Caregivers will be given advance notice about court dates so that work and transportation arrangements can be made. Telephonic appearances may be allowable in certain circumstances.*

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**Reflection:**

1. Various components to support youth within the wellness court are listed in this section. What supportive components within the community will be integrated within the TJHWC case plan?

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2. What partnerships or training may be necessary to support the components that will be integrated within the TJHWC structure?

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3. What existing resources or strengths of the community will support youth as they engage in the TJHWC case plan? (*Example: Mentorship/Tutoring Program Coordinator will be a partner as part of the TJHWC case plan*)

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## Part 2:Implementation

### Quick Review

- **Initiating Processes**
  - Identify the target population, acceptance criteria, and referral processes early in the development process.
  - Take action steps to develop supportive Memorandum of Understanding (MOU).
  
- **Wellness Court Code and Policy Development**
  - Support the administrative and legal framework of the court through code and policy development.
  - Work with Tribal leadership to develop policies and administrative processes.
  
- **Screening/Assessment/Treatment**
  - Screening is the initial step toward identifying eligible participants and assists with identifying issues that may need further assessment.
  - Screening tools should be validated and screeners should be trained in utilized tools.
  - Assessment is a secondary and on-going process that is conducted by a licensed or trained individual in the identified area of need (behavioral health/treatment/educational need etc.)
  - Treatment options will vary and will be dependent upon youth participant need.
  
- **The Phased System**
  - Integrates the many components of the case process.
  - May include a variety of monitoring, judicial contact, drug/alcohol testing, family-based services, cultural intervention, consequences/rewards, incentives, pro-social activities, and team-combined efforts to support Tribal youth.
  - Relies on community strengths to develop a holistic case plan.



### Learn More: Referenced Resources

1. Bureau of Justice Assistance, U.S. Dept. of Justice: Tribal Healing to Wellness Courts, The Key Components (2003). Retrieved from: <https://www.ncjrs.gov/pdffiles1/bja/188154.pdf>
2. Joseph Flies-Away, Carrie Garrow, & Pat Sekaquaptewa Bureau of Justice Assistance and Tribal Law and Policy Institute, Tribal Healing to Wellness Court Series, The Key Components, 2<sup>nd</sup> Edition, (2014). Retrieved from: <http://www.wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Courts%20The%20Key%20Components.pdf>
3. Betty Gurnell, Meg Holmberg, & Susan Yeres: Starting a Juvenile Drug Court: A Planning Guide, National Council of Juvenile and Family Court Judges, (2014). Retrieved from : [http://www.ndcrc.org/sites/default/files/starting\\_a\\_juvenile\\_drug\\_court\\_-\\_ncjfcj\\_jdc\\_planningguide\\_final.pdf](http://www.ndcrc.org/sites/default/files/starting_a_juvenile_drug_court_-_ncjfcj_jdc_planningguide_final.pdf)
4. Kristin N. Mmari, Robert Blum, & Nicolette Teufel-Shone: What Increases Risk and Protection for Delinquent Behaviors Among American Indian Youth Findings from Three Tribal Communities, Youth and Society, Volume 41, Issue 3, (Revised 2010) Retrieved from: <http://journals.sagepub.com/doi/abs/10.1177/0044118X09333645?legid=spyas%3B41%2F3%2F382&patientinform-links=yes>
5. Tasseli McKay, Christine Lindquist, Ada Pecos Melton, & Rita Martinez: Parent Involvement with Youth in the Tribal Juvenile Justice System, Perspectives from OJJDP's Tribal Green Reentry Initiative, (2014) RTI International, American Indian Development Associates, LLC,. Retrieved from: [http://www.rti.org/sites/default/files/resources/family\\_involvement.pdf](http://www.rti.org/sites/default/files/resources/family_involvement.pdf)
6. Stephen Kulis, Scott Okamoto, Andrea Dixon Rayle, & Soma Sen: Social Contexts of Drug Offers Among American Indian Youth and Their Relationship to Substance Use: An Exploratory Study. Cultural Diversity and Ethnic Minority Psychology, 12(1): 30-44. (2006). Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3046425/>
7. Juvenile Drug Treatment Court Guidelines: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, (2016). Retrieved from: <https://www.ojjdp.gov/pubs/250368.pdf>, also citing Gatowski
8. Thomas Grisso & Lee Underwood: Screening and Assessing Mental Health and Substance Use Disorders Among youth in the Juvenile Justice System, Resource Guide for Practitioners, National Center for Mental Health and Juvenile Justice, Policy Research Associations, Inc., OJJDP, OJP, (2004). Retrieved from <https://www.ncjrs.gov/pdffiles1/ojjdp/204956.pdf>
9. Tanya Dickinson & Anne Crowe: Capacity Building for Juvenile Substance Abuse Treatment, Juvenile Justice Bulletin, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, (1997). Retrieved from: <https://www.ncjrs.gov/pdffiles1/167251.pdf>
10. Steven Cuffe & Chirag Desai: Adolescent Assessment, Dulcan's Textbook of Child and Adolescent Psychiatry, 2<sup>nd</sup> Edition, American Psychiatric Association Publishing, (2016). Retrieved from: <http://psychiatryonline.org/doi/10.1176/appi.books.9781615370306.md05>
11. Win Turner, Randolph Muck, Rebekah Muck, Robert Stephens & Bhuvana Sukumar: Co-Occurring Disorders in the Adolescent Mental Health and Substance Abuse Treatment Systems, J Psychoactive Drugs, 36(4):455-62, (2004). Accessed 2017 <https://www.ncbi.nlm.nih.gov/pubmed/15751483?report=docsum>

12. Roger Herring: Substance Abuse among Native American Indian Youth: A selected review of causality, *Journal of Counseling and Development*, JCD Volume 72, Issue 6. (1994)
13. The Language of Native American Baskets, through the weaver's view, Smithsonian, National Museum of the American Indian (2003): Retrieved from: <http://nmai.si.edu/exhibitions/baskets/>
14. Susan Yeres & Frances Gurnell: Making Sense of Incentives and Sanctions in Working with Substance Abusing Youth, Answers to Frequently Asked Questions, *Juvenile and Family Justice Today*, (Spring 2012). Retrieved from: <http://www.ncjfcj.org/sites/default/files/Today%20Magazine%20I%20%26%20S%20Article%20Spring%202012.pdf>
15. Paul Gendreau, Francis Cullen, & James Bonta: Intensive Rehabilitation and Supervision: The Next Generation in Community Corrections? *Federal Probation*, 58-1-73-184. 1994 <https://www.ncjrs.gov/pdffiles1/Digitization/148335NCJRS.pdf>
16. Jennifer Henderlong & Mark Lepper: The Effects of Praise on Children's Intrinsic Motivation: A Review and Synthesis. *Psychological bulletin* 128(5): 774-795 (2002)
17. Joseph Flies-Away & Carrie Garrow: Healing to Wellness Courts: Therapeutic Jurisprudence, 2013 *Mich.St.L.Rev.*403, Retrieved from: <http://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1006&context=lr>
18. Ada Pecos Melton, Rita Martinez, & David J. Melton: Experiences with Incorporating Culture into Tribal Green Reentry Programs. (2014) Retrieved February 25, 2017, from <http://www.aidainc.net/Publications/greenreentryevaluationbrief.pdf>
19. Ruth Sanchez-Way, & Sadie Johnson: *Juvenile Justice Journal*, Volume VII, Number 2 (2000). Retrieved February 20, 2017, from [https://www.ncjrs.gov/html/ojjdp/jjnl\\_2000\\_12/cult.html](https://www.ncjrs.gov/html/ojjdp/jjnl_2000_12/cult.html)
20. Fred Beauvais et al.: Drug use, resilience, and the myth of the golden child. In *Resilience and Development: Positive Life Adaptations*, edited by M.D. Glantz and J.L. Johnson. New York, NY: Kluwer Academic/Plenum Publishers, pp 101-106 (1999)
21. Gina Vincent: Screening and Assessment in Juvenile Justice Systems: Identifying Mental Health Needs and Risk of Re-offending," Washington, DC: Technical Assistance Partnership for Child and Family Mental Health. (2011)
22. Lillian Cummins, Karen Chan & G. Alan Marlatt: "Validity of the CRAFFT in American-Indian and Alaska-Native Adolescents: Screening for Drug and Alcohol Risk," *Journal of Studies on Alcohol*, (September 2003).
23. Substance Abuse and Mental Health Administration, 'Co-Occurring Disorders,'" *Mental Health and Substance Abuse Disorders*, Retrieved here: <https://www.samhsa.gov/disorders/co-occurring>, July 2017

# 3

## PART 3: SERVICE PROVISION FOR TRIBAL YOUTH

Providing services to Tribal youth within the healing to wellness court can bring the opportunity for therapeutic change at the individual, family, and community level. The team will maintain the responsibility of engaging and providing for the unique needs of Tribal youth as they navigate a path to wellness.

### **Interdisciplinary Approaches and Effective Case Management**

The multi-disciplinary approach of the TJHWC provides holistic processes and services for the participant. In order to maintain this complex network of services, the TJHWC team must design a process to support the numerous interactions, services, and processes that will occur throughout the phased plan. Due to the varying nature of court systems, there is no singular definition of case management, but generally, "case management ensures that (1) clients are linked to relevant and effective services; (2) all service efforts are monitored, connected, and in synchrony; and (3) pertinent information gathered during assessment and monitoring is provided to the entire drug court team in real time," (Tribal Ten Key Components, 2014 citing NDCI ¶)."



Case Management processes are important to develop during the planning period. Case management plans for the TJHWC team should be in place prior to the start of services, and should be regularly assessed by the team to support effective service delivery.



Unlike many traditional juvenile court settings, the youth treatment court setting provides for ongoing communication and crosstraining. (Gurnell, 2014) The wellness court process includes intensive clinical and legal supervision. (Tribal Key Component 5 🔑) It is important for the team to recognize the value of creating an effective case management process. By implementing policies and procedures that support the on-going efforts of the court, the team will have a guided process to follow as they engage with cooperative partners as well as participants. As well, by developing processes for gathering and sharing information, the team can remain knowledgeable of the participant's needs and progress.

For newly developing courts, creating case management processes may seem like a difficult task, as the process of integrating all service providers and judicial services takes coordinated effort. However, these processes are worthwhile, in that the services offered will illuminate the paths and the journey to wellness for the youth participants. As case management processes are created, consideration should be given as to what activities will best meet the needs of the individual participant based on the assessment and screening processes. (JDTCG, 2016)

**Case Management Models/Structure (Table 3A):**

Independent	Each system—treatment, mental health, and the court—has its own case manager who reports to the operational team.
Coordinated	A single person communicates among the various systems to gather and coordinate information about each youth.
Collaborative	Each system designates a case manager, and they work together as a team, pooling information about each youth.

*See: National Council of Juvenile and Family Court Judges, Juvenile Drug Treatment Court Planning Guide.*

Each of the aforementioned models included requires some form of case staffing (coordinated sharing of information), however the processes for each model of case management system differ. Additionally, each model has both advantages and disadvantages. The TJHWC should review case management models and develop a process that is in line with the capacity and circumstances of the unique Tribal community. As well, as services are offered, the TJHWC team may be able to review the successes of the case management model through evaluation processes. "Ideally, a case manager is a consistent presence from the youth's first contact with the court, ensuring continuity of care, identifying gaps or duplication in services, and advocating for youth and families as they negotiate their way through what can be an intimidating maze of agencies and paperwork," (Gurnell, 2016).

### **Recommendations for Effective Case Management (Table 3B)**

- **Effective case management takes time, effort, engagement, and coordination.**
- **Identification of the case management style or method should be identified early on so the team can communicate effectively.**
- **Policies and procedures for case communication, updates, and information should be developed by the TJHWC and should be included in all new employee orientations, trainings, etc.**
- **The team should utilize record keeping software or maintain existing judicial record keeping processes. When non-tribal partners are involved, communication processes should be included in developed Memorandum of Understanding.**
- **Case staffing should occur on a regular basis and timely responses should be coordinated and supportive of timely decision making.**
- **Case communications should be kept confidential and use of systems that support confidentiality should be exercised to the furthest extent possible.**
- **Teams should utilize safeguards to protect client information such as locked file cabinets, safe and secure email transmissions, private rooms for staffing and phone calls, and completion of any necessary confidentiality agreements and waivers.**

Case management is vital to the continual provision of services to the Tribal youth participant. The case management process will support judicial responsiveness and needed services for the youth participant. Additionally, case progress can only be assessed if regular and ongoing updates are provided to the team in a timely manner. Youth participants will benefit from system and service provider cooperation.



## Program Impact: Usefulness of Evaluation

**“Native people have always been evaluators, using traditional ways of understanding (gained from historically based experiences and general knowledge passed down) what works and does not work and using oral tradition, storytelling, and narrative to disseminate findings.**

**Evaluation therefore should: Use the best scientific methods available with a clear emphasis on respecting and abiding by cultural protocols.** *(Roadmap for Collaborative and Effective Evaluation in Tribal Communities, 2013)*

Defining evaluation and the process of evaluation can vary widely. A simple definition of evaluation is “a structured process of assessing the success of a project in meeting its goals and to reflect on the lessons learned.” (Evaluation Toolbox, 2010). The development of an evaluation plan should occur early in the process of creating the TJHWC. Consistent evaluation can support review of implemented processes and quality of services provided. The OJJDP Juvenile Drug Treatment Court Guidelines note that data collection and program evaluation should focus on “continuous quality improvement rather than efforts to satisfy compliance,” (Campie and Sokolsky, 2016). Several studies have found that some practices “can negatively affect staff and can affect data quality when leaders require data collection only for compliance and surveillance purposes, (JDTCG, 2016).

Evaluation processes can sometimes bring negative feelings or thoughts for Tribal people. In *“A Roadmap for Collaborative and Effective Evaluation in Tribal Communities,”* the authors note, “despite being equally committed to the well-being of their children, Tribes are unlikely to embrace opportunities to investigate research questions proposed by funding entities or to assess their own performance without numerous fears, apprehension and concern based on their predominately negative historical experiences with evaluation,” (Children's Bureau, 2013). This fear may inhibit the program staff from engaging in a developed and supportive evaluation process for their project. However, evaluation and self-assessment processes are not new for Tribal people. Oral tradition, storytelling and narrative show us that traditional ways of understanding have always existed to improve community life. The TJHWC should work with

stakeholders to develop the processes for both informal assessment and program evaluation. "Evaluation can help problem-solving justice initiatives monitor services, assess whether they're achieving goals, and identify areas for improvement," (CCI, 2005).

See: *"Key Elements to Effective Evaluation:"*

- ❖ Answer Planning Questions- What are the best methods to use to make an impact?
- ❖ Establish Performance Measures- Look at quantifiable numbers, and relevant subject matter (youth served, compliance rate, hours of community service, etc.)
- ❖ Document Implementation- Once services are offered research can provide feedback on unforeseen difficulties and result in strategic planning to overcome barriers.
- ❖ Monitor Ongoing Performance- Staff can review the operational goals and measure performance.
- ❖ Measure the Project Impact- This may come after a sufficient period of service to measure the resultant impact of the efforts made.
- ❖ Respect Cultural Knowledge/Protocols- Evaluators should respect community knowledge regarding processes, procedures, and cultural ways.

(Adapted from: Center for Court Innovation, Problem-Solving Justice, "Evaluating Your Program,"no.10)

## **Data Collection Plans**

The team can also work together to develop a data collection plan. A data collection plan will assist the team in identifying the processes, information, and outcomes that will be assessed on a regular basis.

### **What is the purpose of a data collection plan?**

- Tells your program's story.
- Provides information for decision making, program development, resource allocation, funding, and quality improvement of services.
- Seeks answers to questions that are not readily available or easily discerned.

### **Culturally Appropriate Data Collection Considerations:**

- **Reciprocity:** What is being given back in exchange for what is being asked?
- **Transparency:** How will data be used and With whom it will be shared?
- **Collaboration:** Has the local community been engaged in how information will be collected and stored?
- **Cultural Competency Training:** Are individuals who are collecting data competent to understand the local cultural perceptions of gathering information?
- **Dissemination:** If applicable, how will programs share findings with the local community?

(Ethleen Iron Cloud Two-Dogs and Paulette Running Wolf, PhD, 2016)

### **Learn more about developing a data collection plan from this archived webinar:**

“Performance Measures: Developing a Data Collection Plan,” from the OJJDP Tribal Youth Training and Technical Assistance Center. Available here:

[https://www.youtube.com/watch?v=bcHqBW3eMss&index=9&list=PLEYI\\_nJGyPIH6TQxvxbGW6QzKvt71xSjt](https://www.youtube.com/watch?v=bcHqBW3eMss&index=9&list=PLEYI_nJGyPIH6TQxvxbGW6QzKvt71xSjt)

Identifying the appropriate methods for collecting, managing, evaluating and communicating data is an important process for the TJHWC. Care should be given to develop a plan that is culturally appropriate and inclusive of the community’s perceptions on program improvement, lessons learned, and resultant next steps. Data collection is a useful tool to support the TJHWC in the services that are offered to youth participants. By maintaining data collection processes, the TJHWC can evaluate the quality and success of the many service areas and programmatic offerings of the TJHWC.

Data is all the information that is gathered by the team related to services provided to youth. Some information that may be gathered by the TJHWC includes, but is not limited to: court history, circumstances that lead to referral, family information, use of illicit substances, other demographic or educational information and so on.

Performance measures are the process by which the collected data may be measured. Some federal funding agencies request information related to performance measures. The teams should review any performance measures that are indicated for the specific funding agency.

Generally, “performance measurement is the practice of gauging progress of a public program or activity in achieving the results that clients, customers, or stakeholders expect; it is therefore highly recommended that juvenile courts apply performance measures to data early,” (Thomas, 2014). As previously noted, data collection should not merely be driven for reporting purposes only. Effective data collection can enhance and improve the services and plans that are developed for youth participants.

Data collection tools range from electronic processes, to in-house collection methods that can be conducted using ordinary word processing software. Since there are a range of methods through which information can be gathered and collected, it is important for the TJHWC to develop a data collection plan that will capture relevant information unique to the community. Additionally, the Advisory Committee and team should be involved in developing and defining the performance measures to be included within the data collection plan.

**Does the TJHWC have a data collection plan or process in place?**

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**What tools or methods will be used to collect and house data?** *(Example: Electronic data management system, Excel, Virtual Database, Paper Files/Secure file rooms etc.)*

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## Sustainability: Planning for the Future

What is Sustainability? In plain terms, sustainability is “relating to or being a method of using a resource so that the resource is not depleted or permanently damaged. (Merriam-Webster, 2016). Sustainability planning for the TJHWC should include a long-term plan for supporting the needs of the court, youth participants, and the community at-large. Many Tribal communities are already aware of the inherent challenges related to programmatic stability and long-term sustainability. These challenges include may include numerous challenges such as lack of resources, economic development, or access to supportive partnerships. Although these challenges may be daunting, a thoughtful sustainability plan may contribute to the longevity of the TJHWC. Sustainability should be considered even at the start of the planning process and should continue as the court is developed and implemented. The Advisory Committee should be involved in an initial plan and should remain involved in the sustainability planning conversations to support the ongoing services, management, and collaborative partnerships of the TJHWC.

By creating and maintaining partnerships with other Tribal programs and service providers, services may be broadened and may contribute to future funding, resource identification and/or programmatic support. Program evaluation, can assist in identifying the effective use of current funding. Continual identification of supportive funding at the Tribal, state, federal, and private foundation level may help achieve the long-term financial needs of the program. Finally, sustainability planning that looks toward the future entails holding fast to the Indigenous worldview that seeks to secure life for future generations.

To support sustainability, the TJHWC should work on a sustainability plan. To learn more about sustainability planning review this webinar, “Planning for Sustainability,” from the OJJDP Tribal Youth Training and Technical Assistance Center. Available here:

[https://www.youtube.com/watch?v=iQWUqhnz88g&index=11&list=PLEYI\\_nJGyPIH6TQxvxbGW6QzKvt71xSjt](https://www.youtube.com/watch?v=iQWUqhnz88g&index=11&list=PLEYI_nJGyPIH6TQxvxbGW6QzKvt71xSjt)

**Practical Approaches for Effective Sustainability Planning (Table 3C):**

<b>Collaboration</b>
Partner and leverage resources and invite long-term commitment to change.
<b>Community Engagement</b>
Seek community buy-in to increase support of the goals and objectives of the court.
<b>Program Evaluation</b>
Evaluate the effectiveness of the program and identify the best use resources.
<b>Identification of Future Funding</b>
Seek funding sources that align with the values of the community
<b>Capacity Building</b>
Review and reflect on the Vision of the Tribal Juvenile Healing to Wellness Court
<b>Partnership Building</b>
Effective Partnerships are critical to sustainability.



**Reflection:**

1. What processes will the TJHWC implement to support ongoing case management? *Example team members will have access to court management broad based case software program.*

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2. Has the team discussed the long term sustainability of the TJHWC? What long-term sustainability strategies have been made in the past? What efforts can be supportive for the future of the TJHWC and the services that are offered?

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## Trauma-Informed Care:

Generational trauma and exposure to violence play may be challenges that are faced by many Native American Indian and Alaska Native Youth. Research indicates the long-lasting impacts of trauma and violence have created a loss of community and connection for Tribal youth, (DSG, 2016). Oppression, cultural trauma, violence, suicide, substance abuse, poverty, and individual incidents of trauma may all be impacting events, for Tribal youth (Bigfoot, 2007). Practitioners working with Tribal youth must be trained and skilled in understanding the behavioral outcomes of exposure to trauma events, and should systematically implement informed responses within the TJHWC framework. Creating trauma-informed policies, procedures, and systematic frameworks will assist in the effective response to trauma faced by the youth that participate in the TJHWC.

“The almost universal prevalence of trauma exposure among youth in the juvenile justice system has led to a call for innovative efforts to create trauma informed juvenile justice systems,” (NCMH). The first step in responding to the trauma treatment needs of these youth is to systematically identify these needs as youth become involved in the system. When and how should be decided by the TJHWC team.

Trauma screening processes can be an effective tool to plan for case management within the TJHWC process. As your team develops the TJHWC, mindfulness of the processes that will benefit the unique community needs is essential. Experts differ on when and how to screen for trauma. There are both immediate and delayed trauma screening processes. Regardless of how and when the screening is conducted, it is important to identify developmentally appropriate

### ***Understanding the Impact of Trauma:***

*Review a variety of trauma and trauma-informed care related resources through the Indian Country Child Trauma Center here:*  
<http://www.icctc.org/>

*Learn more about the implementation of Trauma Informed Juvenile Justice Processes. Check out the “Essential Elements of a Trauma-Informed Juvenile Justice System,” (2016) from the National Child Traumatic Stress Network, here:*

[http://www.nctsn.org/sites/default/files/assets/pdfs/jj\\_ee\\_final.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/jj_ee_final.pdf)

*Review Trauma-Informed Approaches and Trauma-Specific Interventions from SAMHSA here:*  
<https://www.samhsa.gov/>



trauma screening tools that are a good fit for your community's Tribal youth. Individual identification of trauma needs is important, but training the team to understand the impact of trauma is also helpful to service delivery for youth who may have experienced one or more traumas in their lifetime. The team may want to engage in a trauma audit to identify the policies and procedures that can be supportive of a trauma-informed justice environment.

Learn more about a trauma audit process here:

National Center for Juvenile and Family Court Judges,

<https://www.ncjfcj.org/sites/default/files/Trauma%20Audit%20-%20Snapshot.pdf>

Futures Without Violence,

<https://www.futureswithoutviolence.org/assessing-trauma-informed-practice-lessons-learned-from-a-trauma-audit/>

## Part 3: Service Provision for Tribal Youth

### Quick Review

- **Case Management**
  - Identify methods to provide ongoing and efficient communication between the TJHWC team, partners, committees and service providers.
  - Relate information to clients, families, and caretakers in a timely manner.
  
- **Evaluation**
  - The evaluation plan will address a method by which the team will review the processes, procedures, and activities of the TJHWC.
  - Evaluation should include successes, lessons learned, and next steps for improvement.
  - Evaluation is key in improving processes over time.
  
- **Data Collection Plans**
  - Collection of data can support evaluation processes and also provide the team with information related to the implemented case processes.
  - Tell the program's story and share both successes and lessons learned with community and partners.
  
- **Sustainability**
  - Sustainability should be implemented within a TJHWC planning process from the start of planning.
  - Support sustainability through the ongoing outreach and building of partnerships and supportive programs.
  
- **Trauma-Informed Care**
  - Generational and present trauma may impact many of the youth participants within the TJHWC.
  - Team members should gain an understanding of Trauma and Trauma-Informed Care (TIC).
  - TIC should be integrated into case policies, procedures, and court activities.



### Learn More: Referenced Resources

1. Bureau of Justice Assistance, U.S. Dept. of Justice, "Tribal Healing to Wellness Courts, The Key Components "(2003). Available at <https://www.ncjrs.gov/pdffiles1/bja/188154.pdf>
2. Joseph Flies-Away, Carrie Garrow, & Pat Sekaquaptewa: Bureau of Justice Assistance and Tribal Law and Policy Institute, Tribal Healing to Wellness Court Series, The Key Components, 2<sup>nd</sup> Edition, (2014). Retrieved from:  
<http://www.wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Courts%20The%20Key%20Components.pdf>
3. What is Evaluation," United Nations Office on Drugs and Crime, Defining Evaluation,  
<https://www.unodc.org/unodc/en/evaluation/what-is-evaluation1.html>
4. A Roadmap for Collaborative and Effective Evaluation in Tribal Communities, Children's Bureau, Office of the Administration for Children and Families, 2014  
<https://www.acf.hhs.gov/cb/resource/tribal-workgroup>
5. <http://www.courtinnovation.org/sites/default/files/documents/evaluatingyourprogram.pdf>
6. Betty Gurnell, Meg Holmberg and Susan Yeres: "Starting a Juvenile Drug Court: A Planning Guide," National Council of Juvenile and Family Court Judges, (2014). Accessed August, 2016.
7. Douglas Thomas: "7 Easy Steps to Measuring Performance of Juvenile Drug Courts," National Council of Juvenile and Family Court Judges, (2014)  
[http://www.ncjfcj.org/sites/default/files/NCJFCJ\\_7Series\\_Final.pdf](http://www.ncjfcj.org/sites/default/files/NCJFCJ_7Series_Final.pdf)
8. Kingsley: Case Management with At-Risk Youth,  
[http://smhp.psych.ucla.edu/qf/case\\_mgmt qt/Case Management with At-risk Youth.pdf](http://smhp.psych.ucla.edu/qf/case_mgmt qt/Case Management with At-risk Youth.pdf)
9. Case Management for Juvenile Offenders and Status Offenders Guidebook, 2005,  
[http://dhhs.ne.gov/children\\_family\\_services/Guidebooks/Case%20Management%20for%20Juvenile%20Offenders%20and%20Status%20Offense%20Guidebook.pdf](http://dhhs.ne.gov/children_family_services/Guidebooks/Case%20Management%20for%20Juvenile%20Offenders%20and%20Status%20Offense%20Guidebook.pdf)
10. Juvenile Diversion Programs, Evidence Ratings for Outcomes, National Institute of Justice  
<https://www.crimesolutions.gov/PracticeDetails.aspx?ID=37>
11. Best Practices in Juvenile Justice Reform, Case for Evidence Based Reform, The Future of Children, Princeton-Brookings  
[https://www.princeton.edu/futureofchildren/publications/highlights/18\\_02\\_Highlights.pdf](https://www.princeton.edu/futureofchildren/publications/highlights/18_02_Highlights.pdf)
12. National Child Traumatic Stress Network: <http://www.nctsn.org/resources/topics/juvenile-justice-system>
13. The Indian Country Child Trauma Center here: [www.icctc.org](http://www.icctc.org)
14. Futures Without Violence Here: [www.futureswithoutviolence.org](http://www.futureswithoutviolence.org)

# APPENDIX

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## Appendix- Table of Contents

1. Understanding Tribal Healing to Wellness Court Ten Key Components (P .80)
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The Appendix offers samples, templates and information on topics discussed in Parts 1, 2, and 3 of this handbook. Please note that templates and samples are not adapted to fit the unique needs of all Tribal communities and should therefore be utilized as resources only. No endorsement is made regarding any practice, approach, or treatment methodology included in this resource section.

## **Tribal Juvenile Healing to Wellness Court Handbook Understanding the "Tribal Healing to Wellness Courts: The Tribal Ten Key Components"**

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The Tribal Juvenile Healing to Wellness Court team may draw upon the *"Ten Key Components for Tribal Healing to Wellness Courts."* The components are presented as the basic operational characteristics of the healing to wellness court. For more information about the Tribal Ten Key Components listed below see, the *"Tribal Healing to Wellness Courts, The Key Components," 2nd ed., (2014).*

### **The Tribal Healing to Wellness Court: Ten Key Components**

#### **Key Component 1: Individual and Community Healing Focus**

The Tribal Healing to Wellness Court brings together alcohol and drug treatment, community healing resources, and the Tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant and to promote Native nation building and the well-being of the community.

#### **Key Component 2: Referral Points and Legal Processes**

Participants enter the Tribal Healing to Wellness Court through various referral points and legal processes that promote Tribal sovereignty and the participants' due process rights.

#### **Key Component 3: Screening and Eligibility**

Eligible court-involved persons with substance use disorders are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Healing to Wellness Court.

*\*Generally, grant funds may not be used to serve violent offenders.*

#### **Key Component 4: Treatment and Rehabilitation**

The Tribal Healing to Wellness Court provides access to holistic, structured, and phased alcohol and drug treatment and rehabilitation services that incorporate culture and tradition.

#### **Key Component 5: Intensive Supervision**

Tribal healing to wellness court participants are monitored through intensive supervision that includes frequent and random testing for alcohol and drug use as required by 42 USC 3797u, while participants and their families benefit from team-based case management.



**Key Component 6: Incentives and Sanctions (Consequences and Rewards)**

Progressive rewards and consequences are used to encourage participant compliance with the Tribal Healing to Wellness Court case requirements. (See 42 USC 3797u(c)(2).)

**Key Component 7: Judicial interaction**

Ongoing involvement of a Tribal Healing to Wellness Court judge with the Tribal Wellness Court team and judicial interaction with participants is essential.

**Key Component 8: Monitoring and Evaluation**

Process and performance measurement and evaluation tools are used to monitor and evaluate the achievement of the program goals; identify needed improvements to the Tribal Healing to Wellness Court and to the Tribal court process; determine participant progress; and provide information for governing bodies, interested community groups, and funding sources.

**Key Component 9: Continuing Interdisciplinary and Community Education**

Continuing interdisciplinary and community education promote effective Tribal Healing to Wellness Court planning, implementation, and operation.

**Key Component 10: Team Interaction**

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers, and coordinated partners are critical for Tribal Healing to Wellness Court success.

**Considerations for newly developing Tribal Juvenile Healing to Wellness Courts when utilizing the Tribal Ten Key Components:**

- ❖ The components are meant to be adaptable and flexible to assist with Tribal Healing to Wellness Court infrastructure and development.
- ❖ The components are helpful in supporting the design and planning processes for newly developing courts.
- ❖ Consider how the components can support the unique needs of Tribal youth, including supporting the development of a TJHWC that shelters youth who seek to overcome substance use disorders.

Resources:

1. Tribal Healing to Wellness Courts: The Key Components, 2<sup>nd</sup> Ed., Tribal Law and Policy Institute, May 2014. Available at:  
<http://www.wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Courts%20The%20Key%20Components.pdf>

## **Tribal Juvenile Healing to Wellness Court Handbook**

### **TJHWC Structure and Implementation**

### **Overview and Sample Templates**

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It is important to identify the potential contributors to the work of the Tribal Juvenile Healing to Wellness Court (TJHWC) at the outset of development. Generally, there are two core groups that provide the necessary support for the functionality of the TJHWC. In some communities, there may be three separate groups that support TJHWC development, the Steering Committee (SC), Advisory Committee (AC), and a TJHWC team. This overview will focus on two corporate bodies. The AC and the TJHWC team.

The AC and the TJHWC team actively work together to provide comprehensive and quality services for the youth participants of the TJHWC. The roles and the responsibilities of the TJHWC team will differ from those of the AC. The community should take the time to review general roles, responsibilities, and TJHWC structures to determine what will work best for the youth who will participate in the TJHWC.

#### **The Advisory Committee**

The AC is charged with the development of the over-arching framework and service delivery structure. Collaboration between all committee members is necessary to make decisions regarding the implications of policies and procedures within the broader Tribal judicial system. The AC will work together to develop and maintain the necessary infrastructural supports for many of the planning and operational components of the TJHWC. These may include, but are not limited to assisting with and maintaining of the following processes:

<b>Development of TJHWC Court Goals and Objectives</b>
<b>Development of Vision and Mission</b>
<b>Development of Strategic Plan</b>
<b>Development of Sustainability Plan</b>
<b>Development of Data Collection and Evaluation Processes</b>
<b>Development of Processes, Policies, and Procedures</b>
<b>Development of Memorandum of Understanding/Agreement/Procurement of Letters of Support</b>

<b>Development and Implementation of Legal Documents/Administrative Processes</b>
<b>Development of Agendas, Meeting Outlines, Charters</b>
<b>Development of Employment Opportunities, Job Descriptions and Necessary Administrative Procedures</b>
<b>Other Elements to Support Programmatic and Infrastructural Framework of the TJHWC</b>

The above listed components are all integral to support the implementation and cross-system needs of the TJHWC. Identifying those with the necessary expertise and knowledge needed to support development and strategic planning for the TJHWC is imperative. Members of the AC should have the knowledge and/or willingness to participate in training to support their role as part of the AC. The responsibilities of overall guidance and advisory capacity should be clearly defined in the AC Charter. As well, the AC will serve as an important source of information related to resources, services, and community partner identification.

**Membership of the Advisory Committee**

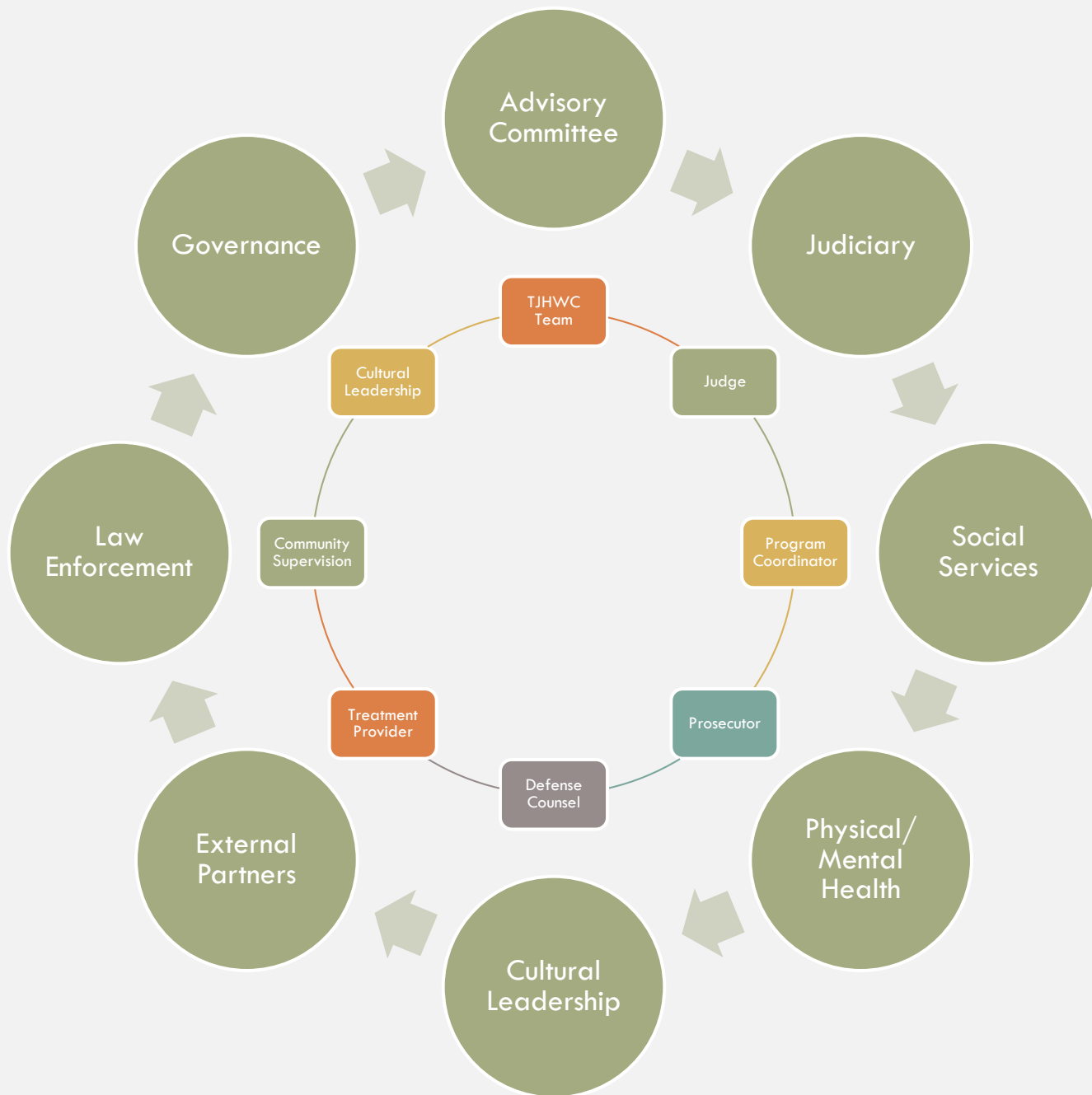
Members of the AC may come from a variety of backgrounds. For most healing to wellness courts, core membership of the AC may include, but is not limited to, individuals with skills or professional backgrounds in the following areas:

Judicial Leadership	Behavioral Health
Tribal Leadership	Substance Use Disorder Treatment
Cultural/Spiritual Leadership	Key Community Youth Partnerships
Social Services	Education
Prosecution	Law Enforcement
Probation	Agency/Community Partnerships
Community Leadership	Local Level Evaluation
Elder/Cultural Guidance	Other

The AC should be a representation of the Tribal community. The AC should have knowledge of community strengths, needs, and capacity. The AC may vary in size based on

community population and capacity. Regardless of the membership, the AC should be a devoted group of stakeholders who have the knowledge and passion to support community change through youth wellness. As well, the AC should remain committed to support TJHWC staff through effective leadership and collaboration. Members of the AC may also be members of the TJHWC team. These dual roles can serve to assist the AC in making decisions that support effective policy development. However, roles and responsibilities should remain distinct between AC roles and those of a TJHWC team member.

**Diagram 1: See the Advisory Committee Encircling the TJHWC Team**



Developed: OJJDP Tribal Youth Training and Technical Assistance Center  
Anna Clough, JD (2017)

## **Tribal Juvenile Healing to Wellness Court Advisory Committee/Board Sample Charter**

This example charter is provided to serve as a starting point for developmental processes only. The TJHWC Advisory Committee is unique to the tribal community, therefore the processes and administrative documents that are developed should be specific to the community's laws, ordinances, policies, or applicable procedures.

### **Title: Wellness Court Advisory Committee/Board Charter**

1. Official designation: "The [insert tribe] Juvenile Healing to Wellness Court Advisory Committee/Board."
2. Authority: Pursuant to Tribal Resolution [Insert resolution or Administrative Order Language, if any] dated, certifying the authorization of the creation and development of the TJHWC.
3. Objectives and Scope of Activities:
  - a. The primary objective of this Advisory Board shall be to advise and make non-binding recommendations to the [insert tribe] TJHWC.
  - b. The Advisory Board's scope of activities shall include, but is not limited to the following:
    - i. Monitor and review program deliverables and outcomes.
    - ii. Consult with and about youth related issues, services, and needs.
    - iii. Assess community needs.
    - iv. Identify community resources.
    - v. Assist in the development and implementation of the TJHWC.
    - vi. Assist in the strategic planning process and plan for long-term sustainability of the TJHWC for as long as services are needed within the community.
    - vii. Confer and assist the TJHWC with policy and procedure development
    - viii. Any other processes supportive of the infrastructural or ideological development of the TJHWC.
4. Description of Duties: The Advisory Board functions solely in an advisory capacity.
5. Authority to Issue Policy Recommendations: The Advisory Board shall have the authority to issue policy recommendations; the TJHWC shall have the independent obligation to act on any policy recommendation made by the Advisory Board regarding any relevant program directive related to the program action plan.
6. Membership:
  - a. Structure: The board shall consist of no less than \_\_\_\_\_ and no more than \_\_\_\_\_ members and shall be selected by [insert appropriate tribal process for the applicable administrative procedure]. To ensure adequate multi-disciplinary representation members shall be from various sectors and professional backgrounds, such as [include selected areas of representation].
  - b. Term of Service: [insert term of service].

- c. Board Officers: [Define roles and responsibilities associated with roles] (*Example: Chairman: Shall be responsible for calling meetings with the TJHWC*)
- d. Code of Conduct: [Insert Tribal code of conduct for boards and committees if applicable. If none exist, insert codes of conduct related to ethics, confidentiality, or administrative procedures.]
- e. Dismissal: [Insert dismissal procedure]
- f. Meetings: The board shall meet on a [Quarterly, Monthly, Weekly, Daily] basis and shall meet for special sessions when requested and as required by the needs of the TJHWC team.
- g. Record Keeping: [Insert record keeping processes]
- h. Recommendations and Reports: [Insert process for making recommendations and submission of reports to the board.]
- i. By-laws: By laws are important to the structure of meetings and other activities. The board should evaluate the use and need for by-laws. In some instances, Tribal administrative procedures will dictate applicable by-laws.
- j. Duration/Termination: This charter shall terminate \_\_\_\_ years from the adoption by the [insert Tribe].

*Signed:*

<u>John Doe</u>	<u>Board Chairman</u>	<u>1/1/2020</u>
<i>Signature</i>	<i>Authority</i>	<i>Date</i>

<u>Suze Doe</u>	<u>Secretary</u>	<u>1/1/2020</u>
<i>Signature</i>	<i>Authority</i>	<i>Date</i>

*Add more lines for Advisory Committee/Board members as needed.*

### The Tribal Juvenile Healing to Wellness Court Team

The TJHWC team roles will be unique and specific to the Tribal community. The following sample roles and responsibilities are included to begin the process of identifying core roles that may be helpful to a wellness court team in general. In some communities, individuals may or must serve dual roles. The TJHWC may encompass individuals from many professional, cultural, community, or other relevant areas. Review the sample list of individuals that may serve on a wellness court team:

Judge	Wellness Court Coordinator/Director
Case Manager/Administrative Assistants	Probation Officer/Mentorship Coordinator
Tribal Prosecutor/Public Defender	Tribal Police/Law Enforcement
Behavioral Health/Primary Care/Substance Use Treatment Provider	Educational Department Representative
Family/Social Services Representative	Community Leader/Tribal Elder/Cultural Guide

- The TJHWC Team is traditionally a multi-disciplinary team of key service providers whoe will interact with juvenile participants and their families to support judicial intervention and treatment planning efforts.
- The team will provide direct services and will be involved in the day-to-day processes and activities of the TJHWC.
- The team should meet on a consistent and ongoing basis to review cases and make service delivery recommendations.
- Although administrative or other task-oriented activities may shift between team members, as part of the development process the advisory/steering committee should take the time to define and assign key roles and responsibilities for each team member.

### Holistic Service Provision

In order to provide holistic services to youth participants of the TJHWC, it is important to have a team with the necessary skills and expertise to provide proper case management and support. Although team size may vary, it is important to identify members who are available to participate in regular case staffing. This is essential to consistent and collaborative efforts to provide quality services to Tribal youth.



Team members should be individuals who are either designated members of the TJHWC staff or who have specific time designated to support team case management. For most wellness courts, core membership of the team will include at least a Judge, Wellness Court Coordinator, Treatment Services Provider, and Family/Social Services Representative as necessary.

Team structure should coincide with community needs, service provider capacity, and operational framework of the TJHWC. Additionally, the involvement required for each team member should be clearly defined. As the TJHWC is further established, the team may make suggested policy changes to the advisory committee. Some changes may be more recognizable, and service and outcome measures are noted and evaluated.

It is important to note that in some communities, team members may also serve on the Advisory Committee and vice versa. For example, the cultural guide/ Tribal elder may serve as a team member coordinating cultural activities for youth participants, and may also serve in an advisory capacity. When individuals serve dual roles, they should be able to delineate their role and provide the support necessary to fulfill responsibilities in either a team-oriented capacity and/or an advisory capacity.

### Sample Roles and Responsibilities for TJHWC Team members

Note: The sample roles and responsibilities are a starting point for planning. Each community is different and may have varying roles, responsibilities, and duties.

<p>Judge</p>	<ul style="list-style-type: none"> <li>• Judge shall be the key leader of the TJHWC.</li> <li>• Judge shall make all final and binding recommendations in the management of the case.</li> <li>• Judge will explain the legal rights of the Defendant/Participant at the initial court appearance.</li> <li>• Judge will not only oversee the program performance and progress, but will also be instrumental in providing overall leadership and guidance for the team as a whole.</li> <li>• Judge shall be an individual who is willing to work with youth, their families, community members, and team staff to ensure that the TJHWC is a healing space for Tribal youth.</li> <li>• Judge shall participate in weekly reviews of the participant’s cases and shall review all recommendations made by the team.</li> <li>• Judge shall supervise and reinforce recommendations made by the team and use both sanctions and incentives to help participants’ progress through the TJHWC.</li> <li>• Judge shall issue orders that designate and coordinate responses to activities of the participant, for example, the Judge shall increase or decrease monitoring of the participant, and the Tribal Police/Probation officer shall then act upon that particular recommendation.</li> </ul>
<p>Wellness Court Coordinator</p>	<ul style="list-style-type: none"> <li>• Coordinator shall be primarily responsible for engaging the facilitating the participants’ entry into the TJHWC and monitoring case progress.</li> <li>• Coordinator will schedule all weekly case staffing and ensure that all team members are provided with case updates and recommendations.</li> <li>• Coordinator will maintain accurate records for data management and evaluation.</li> <li>• Coordinator will assist and make recommendations related to the policies and procedures and shall coordinate with the Advisory Committee regarding any requests to amend current policies or procedures.</li> <li>• Coordinator will maintain, develop, or procure resources necessary to provide participants with information to complete their TJHWC case process. These may include handbooks, manuals, resource sheets, etc.</li> <li>• Coordinator will work with both tribal and non-tribal partner agencies to ensure that all coordinated agreements are maintained and followed.</li> <li>• Coordinator will work to engage both the youth and the public and shall act as a liaison with federal, state, and Tribal representatives as is necessary to the functioning of the TJHWC.</li> </ul>

	<ul style="list-style-type: none"> <li>Coordinator will maintain accurate records for any funding agencies and shall complete all necessary and required reports pursuant to the Tribal financial policies and procedures.</li> </ul>
<p>Case Manager/Probation</p>	<ul style="list-style-type: none"> <li>Case manager will maintain case files and work with juvenile participants.</li> <li>Case manager will randomly conduct weekly alcohol, drug, and other monitoring activities such as home, school, and site visits.</li> <li>Case manager will coordinate with the family to support the youth in the development and completion of the case plan.</li> <li>Case Manager will attend staffing and court hearings and will prepare reports and conduct activities to support the successful completion of the program by youth participants.</li> <li>Case Manager may assist with screening processes and will support youth entrance into the TJHWC. This may include conducting necessary interviews and reviewing all necessary forms and agreements.</li> <li>Case Manager will work closely with the team to provide reports of the youth participant's progress through the TJHWC case process.</li> <li>Case Manager will make recommendations regarding the status of the case, and will assist all other team members in the continual improvement of case management and plans.</li> <li>Case Manager will be responsible for maintaining a comprehensive file and conducting processes necessary to accurately monitor participant progress, including, but not limited to random home and school visits that may occur outside of regular business hours.</li> </ul>
<p>Prosecutor</p>	<ul style="list-style-type: none"> <li>Prosecuting Attorney will maintain a case file for the youth participant.</li> <li>Prosecutor will work with the team to develop case plans and will make determinations with the team regarding entry of the youth into the TJHWC.</li> <li>Once accepted, the Prosecutor will work with the Court to issue any petitioners or orders for deferred prosecution, if necessary and in accordance with the laws of the Tribe.</li> <li>Prosecutor pursuant to Tribal Law, will coordinate strategies to address non-compliance.</li> <li>In some instances, this may not result in additional charges related to the admission of substance use and/or truancy being filed against the youth, while the youth is in the TJHWC program.</li> <li>Prosecutor will act in accordance of the laws of the Tribe and pursuant to policies, procedures, and codes developed specifically for youth within the TJHWC.</li> </ul>

<p>Public Defender</p>	<ul style="list-style-type: none"> <li>• Public Defender has a duty to support the rights and the needs of youth participants as they move through the process of the TJHWC.</li> <li>• Public Defender will work with the TJHWC to assist in recommendations for the TJHWC participant.</li> <li>• Public Defender will keep participants apprised of their rights pursuant to Tribal law and shall remain a participant advocate at all times.</li> <li>• Public Defender will participate as part of a team approach to case management while preserving the rights and upholding the duties of the Court to the program participant.</li> </ul>
<p>Tribal Police/Law Enforcement</p>	<ul style="list-style-type: none"> <li>• Tribal Police may be an initial contact and referral point for the TJHWC youth participants.</li> <li>• Tribal Police shall diligently work with the TJHWC to assist in referrals of youth related to substance use, or other behaviors stemming from the use of substances that may be addressed by participation in the TJHWC.</li> <li>• Tribal Police shall work with the team to provide accurate incident/arrest reports and shall provide delinquency history reports upon request by the TJHWC team.</li> <li>• Tribal Police may be requested to support the intensive monitoring process by assisting with follow up on curfew restrictions/drug testing and other monitoring efforts by the TJHWC team and as ordered by the TJHWC.</li> <li>• A member of the Tribal Police will serve on the Advisory Committee and shall support the TJHWC as needed to assist with the progress of the Tribal youth in the TJHWC.</li> </ul>
<p>Treatment Services Provider/Behavioral Health</p>	<ul style="list-style-type: none"> <li>• Provider shall conduct professional assessments related to Substance Use disorders and Mental Health Treatment needs.</li> <li>• Provider will coordinate with team to provide comprehensive planning services for the TJHWC Participant.</li> <li>• Provider will work with the team to ensure all necessary consent and release information forms are in place for the Tribal youth participant.</li> <li>• Provider will provide the court and team with case management recommendations and will make additional referrals for treatment when needed.</li> <li>• Provider will assist in the development of the wellness plan and will assist on developing coordinated rehabilitation efforts for the youth participant.</li> <li>• When available, Provider will locate culturally appropriate resources for the youth participant.</li> </ul>

<p>Tribal/Family Service Provider</p>	<ul style="list-style-type: none"> <li>• In the instance that the youth participant is a ward of the Tribal and/or state court and is also a participant in the TJHWC, the Tribal Service Providers may join in both the case management plan and also as the family support provider in the individual case.</li> <li>• Tribal/Family Service Provider shall make recommendations to the court regarding the best interest of the youth, interaction with custodial parents (if child is a ward of the court), and engagement of caretakers.</li> </ul>
<p>Education and Cultural Providers</p>	<ul style="list-style-type: none"> <li>• These providers will serve in an as-needed and ongoing role related and regarding curriculum and cultural healing practices to support youth participants in the TJHWC.</li> <li>• Cultural providers will play a key role in shaping the cultural support services to be integrated within the case plan.</li> <li>• Educational Providers may serve as key links for referral processes within the TJHWC due to their relationship with the community's tribal youth.</li> </ul>

Case Staffing: Core team members should meet weekly or as often as is necessary to make collaborative decisions regarding case management for youth participants. Non-core team members may be included in regular and ongoing court development or planning meetings. Other consultants or providers may be included as necessary.

It is important to remember that each community is unique. The youth within the community will benefit greatly from a TJHWC team that is created to serve individual community strengths and needs. It is important for developers of a TJHWC to take into account the capacity of current judicial department staff and identify staffing needs early on. Dual roles and responsibilities may be necessary in some communities, however no individual should become so over-burdened with responsibility that he/she is unable to provide adequate services. Defining roles and responsibilities will assist the TJHWC in providing supportive case management for TJHWC participants.

## Tribal Juvenile Healing to Wellness Court Handbook Resource: Template for Action Planning

Action Plan (Remember to break down multi-step goals into sub-parts)

Action Steps	Person Responsible	Deadline	Resources	Potential Barriers	Result
What tasks are to be completed?	By Whom?	By When?	What do you need to complete this task? (People/Money/Resources)	What potential problems exist that may inhibit completion of the task?	What are the outcomes of the task?
<p><b>Example:</b></p> <p><b><i>TJHWC team will develop policy and procedure manual for the TJHWC</i></b></p>	<p><i>All TJHWC current staff. Wellness court coordinator will be designated lead.</i></p>	<p><i>Within 3 months</i></p>	<p><i>Need resources to support the development of policies and procedures for the TJHWC. Need advisory team support. Need to set aside adequate time to develop the procedures manual. Need Team input.</i></p>	<p><i>Team does not have a lot of time to meet. Understaffed at the moment within the court, do not have extra time to devote to the development of a manual. Advisory team has been unavailable to review and edit.</i></p>	<p><i>Policies and procedures manual will be developed to support the infrastructure of the TJHWC.</i></p>
<p><b>Add rows as needed</b></p>					

**Creating an Action Plan:** Insert each goal and desired outcome for the TJHWC in the results column. Then as a team, review the steps necessary to achieve the goals/outcomes set forth. Each column should be considered as the team works together to develop action steps for each goal.

## **Tribal Juvenile Healing to Wellness Court Handbook Resource: Developing Intra-Agency Memorandum of Understanding (MOU)**

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As the Tribal Juvenile Healing to Wellness Court Advisory Team and Coordinator identify the roles and responsibilities of the TJHWC, it may be necessary to draft **intra-agency (meaning *within the agency*)** Memorandum of Understanding (MOU) to support the team infrastructure and to provide for the services necessary to implement of the TJHWC. The TJHWC advisory team, coordinator and staff should review any tribal policies, procedures or codes related to the development of intra-agency agreements.

Memorandum of Understanding are written documents that acknowledge agreements between parties. Within the context of the TJHWC, intra-agency MOU will generally address the agreement for provision of services by and between tribal service departments. The TJHWC is generally a multi-disciplinary team that can include both tribal and non-tribal partnerships. ***Intra-agency*** MOU address partnerships that will be established between services partners within the tribal agency.

### **What are some of the components of an effective Tribal intra-agency Memorandum of Understanding?**

- ❖ The purpose and scope of the MOU
- ❖ The authority, if any to support the development of the MOU
- ❖ The parties that are to be a part of the MOU
- ❖ The date of the agreement
- ❖ The respective duties, expectations, roles, and responsibilities of each party that will be a signatory of the MOU
- ❖ Signature of all parties of the MOU
- ❖ The process by which the MOU may be amended or terminated as needed

### **What is the process for developing a Memorandum of Understanding?**

- ❖ The team should have an understanding of the roles and responsibilities needed to support the TJHWC in order to identify the appropriate Tribal offices or programs with which it will partner.

- ❖ The team should have a clear understanding of the willingness of the partner agencies to engage with the TJHWC. Assigning roles and responsibilities to partner programs without the support of the advisory committee or Tribal leadership may be difficult for some tribal programs.
- ❖ The TJHWC team should adhere to all processes and protocols related to intra-agency agreements and should also review administrative codes, if any, that exist to support Tribal agency agreements.

**What are some of the special considerations for TJHWC teams as MOU are developed?**

- ❖ The MOU may need to address confidentiality in the instance that information to be shared is subject to any applicable privacy/confidentiality ordinances or laws.
- ❖ MOU may need to account for roles and responsibilities specific participation within the TJHWC team, including specific duties related to TJHWC case management.
- ❖ In anticipation of any departmental turnover, it may be helpful to use general identifiers related to departmental services, rather than include specifically naming individuals. In the instance that it is necessary to identify a specific provider, the MOU should include a clause for the use of alternate providers.

**Resources:**

For an example of a Tribal Drug Treatment Court MOU see the following resources, remember that MOU are unique to the community and the services to be rendered. Therefore examples should only be used as a starting point for TJHWC team discussion.

1. Cherokee Tribal Drug Treatment Court, (Cherokee North Carolina), Memorandum of Understanding, via American University, Justice Programs Office.  
Available here: <https://jpo.wrlc.org/handle/11204/2679>

2. See also this example of a MOU related to treatment provider services, via the National Council of Juvenile and Family Court Judges.  
Available here: <http://www.ncjfcj.org/sites/default/files/SampleMOU.pdf>



## Tribal Juvenile Healing to Wellness Court Handbook Resource: Developing Interagency Memorandum of Understanding (MOU)

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The development of partnerships can support the work of the Tribal Juvenile Healing to Wellness Court in many ways.

- ❖ Partnerships may increase the capacity for TJHWC case therapeutic processes and services to the Tribal youth participants.
- ❖ Partnerships supported by MOU may allow for the transfer of youth who are currently involved in non-tribal jurisdictions such as municipal, county or state juvenile courts to be treated within the tribal wellness court.
- ❖ Partnerships with community organizations can expand the range of opportunities available to youth and their families.

“Many Indian nations process criminal offenses involving alcohol and drug abuse as civil offenses or collaborate with states to transfer individuals into tribal court or directly into Tribal Healing to Wellness Courts,” (Tribal Healing to Wellness Courts Ten Key Components, 2014). Thus, “Key Component Two, of the Tribal Ten Key Components emphasizes the need for tribal and state intergovernmental agreements created with the Tribal Healing to Wellness Court in mind to properly facilitate alternate Tribal Wellness Court options when the need arises.” Engaging cross-jurisdictional partners is an optimal way to provide services to tribal youth across the spectrum of jurisdictions.

### **What are some of the components of an effective tribal interagency Memorandum of Understanding?**

- ❖ The purpose and scope of the MOU should be introduced.
- ❖ The authority, if any to support the development and implementation of the MOU.
- ❖ The parties that are to be a part of the MOU.
- ❖ The date and term of the agreement.

- ❖ The respective duties, expectations, roles, and responsibilities of each party that will be a signatory of the MOU.
- ❖ Signature of all parties of the MOU.
- ❖ The process by which the MOU may be amended or terminated as needed.
- ❖ Although most MOU are legally non-binding documents, cross-jurisdictional partnerships may require other terms pursuant to any applicable Tribal, state, or local ordinance.

### **What is the process for developing an Interagency Memorandum of Understanding?**

- ❖ The team should have an understanding of the roles and responsibilities needed to support the TJHWC in order to identify the appropriate jurisdictions or programs with which it will partner.
- ❖ The team should have a clear understanding of the willingness of the partner agencies to engage with the TJHWC.
- ❖ The TJHWC team should adhere to all processes and protocols related to intra-agency agreements and/or should review administrative codes, if any, that exist to support Tribal agency agreements.

### **What are some of the barriers in developing inter-agency and/or cross-jurisdictional partnership?**

- ❖ Generally, the TJHWC must rely on the support of the Tribal governmental and other leadership to support non-Tribal entity and cross-jurisdictional partnerships, a process that takes time and organizational effort. The team should be willing to remain engaged in the process while still providing regular services within the TJHWC.
- ❖ Prior to implementation, cross-jurisdictional partnerships supported by MOU may require the development of statements related to services, confidentiality, and other court processes. Additionally, supporting forms and transfer orders may need to be developed to support the overall process.

### **What are some of the special considerations for TJHWC teams as MOU are developed?**

- ❖ MOU may need to account for roles and responsibilities specific to the TJHWC team, and with any non-tribal partner, or cross-jurisdictional partner.

- ❖ In anticipation of any departmental turnover, it may be helpful to use general identifiers related to departmental services, rather than include specifically naming individuals. In the instance that it is necessary to identify a specific provider, the MOU should include a clause for the use of alternate providers. Severability provisions may assist with keeping remaining components of an MOU intact if certain provisions are to terminate due to the relationship or capacity of the parties.

### **Resources:**

For an example of a Tribal Drug Treatment Court MOU see the following resources, remember that MOU are unique to the community and the services to be rendered. Therefore examples should be a starting point for TJHWC team discussion.

1. Cherokee Tribal Drug Treatment Court, (Cherokee North Carolina), Memorandum of Understanding, via American University, Justice Programs Office 2010.  
Available here: <http://jpo.wrlc.org/handle/11204/2679>
2. See also this example of a MOU related to treatment provider services, via the National Council of Juvenile and Family Court Judges.  
Available here: <http://www.ncjfcj.org/sites/default/files/SampleMOU.pdf>, Accessed March 2017
3. See a Model Memorandum of Understanding for Juvenile Diversion between the State of Alaska and Tribal Villages, Available through the University of Alaska Anchorage.  
Available here: [https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/events/2014-events/documents/mca-c2.djj\\_model-mou.pdf](https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/events/2014-events/documents/mca-c2.djj_model-mou.pdf) Accessed March 2017
4. Read more about Promising Strategies of Tribal-State Court Relations here, from Tribal Law and Policy Institute, 2013  
Available here:  
[https://www.walkingoncommonground.org/files/TLPI%20Promising%20Strategies%20Tribal-State%20Court%20Relations\\_FINAL\\_Updated%2008-15-13.pdf](https://www.walkingoncommonground.org/files/TLPI%20Promising%20Strategies%20Tribal-State%20Court%20Relations_FINAL_Updated%2008-15-13.pdf) Accessed March 2017

## Tribal Juvenile Healing to Wellness Handbook Developing Participant Handbooks

Providing the youth participant with a resource that outlines the processes of the TJHWC will assist with the initial orientation of the youth participant. Additionally, receipt of a handbook may also serve as a tool to support the accountability of the youth as they progress through the phased plan. This is a sample outline for the content that may be included within a participant handbook. The TJHWC team should work together to design a handbook that will appeal to the tribal youth participants.

<b>Sample Outline: Orientation Handbook for TJHWC Participants</b>	<b>Brief Summary</b>
Purpose Statement for TJHWC/Authority	A summary of the purpose of the TJHWC Court and authority to operate ( <i>may include tribal code/statute/administrative order</i> )
Mission	Mission statement of the TJHWC
Vision	Vision statement of the TJHWC
Eligibility Criteria	The eligibility criteria for the TJHWC, including but not limited to, the age, tribal affiliation requirements, jurisdictional factors to be considered, the offense for which the juvenile is referred, competency, and readiness to engage within the TJHWC system.
Welcoming Message to Youth	A welcoming message to the youth participant and include inspirational and positive message to promote participant engagement.
Description of the Program	An overall description of the case process.
Description of Screening and Assessment process	A summary of information related to screening, assessment and how the information will be used throughout the course of the case.

Procedures for Participant Orientation	The processes that are included in participant orientation, including the completion of necessary forms and meetings with TJHWC staff to walk through policies, procedures, and acceptance of the terms and conditions to participate within the TJHWC. <i>Participant agreement forms may be included here.</i>
Overview of the Phased Process	A description of the phased system process and the components to be included within the phased process.
Overview of the TJHWC Team Roles and Responsibilities	A list of the roles and responsibilities of the Tribal Juvenile Wellness Court Team. <i>*This section may be particularly important to discuss with the participant.</i>
Overview of Participant Expectations and Responsibilities	A description of participant responsibilities and expectations of the TJHWC team, judge, and providers.
Overview of Court Operations/Processes	A summary of the functioning process of the TJHWC including a description of the processes that occur, including, but not limited to, case review, hearings, follow up, family engagement, cultural activities, spiritual support, and other functions of the TJHWC.
Overview of Procedure for Consequences and Rewards	A summary of the the process for implementing consequences and rewards ( <i>sanctions and incentives</i> ) and provide a detailed list of the types of consequences and rewards that may be administered.
Treatment Processes	Details the types of treatment that may be administered as part of the TJHWC case process including, in-patient treatment, outpatient, services to be offered, relapse prevention, spiritual guidance, other re-integration and engagement processes.
Cultural Spiritual Guidance	A summary of the cultural/spiritual support that are available within the TJHWC system. Unique tribal custom determines the subject matter of this section.

Traditional Participation	Describe the cultural activities may be a component of the system, this section can describe how a youth may participate.
Drug Screening/Testing	Describe the drug testing requirements, processes and procedures. Randomized drug testing is an essential element of the TJHWC case process.
Graduation Requirements	This section may detail the process by which youth graduate from the TJHWC phased process.
Aftercare	This section may address after-care procedures and options for youth participants.

*\*This outline is a sample only. This outline does not cover all procedural components that may occur within a unique tribal community.*

### **Considerations for newly developing Tribal Juvenile Healing to Wellness Courts:**

- ❖ Materials that are developed specifically for youth should be easy to comprehend and appealing to a youth audience.
- ❖ Information included within the participant handbook should mirror and coordinate with established policies and procedures. In the instance that policies and procedures are updated, manuals and coordinating youth and caregiver handbooks should be updated as well.
- ❖ Youth should be given an opportunity to review the material and a TJHWC team member should be responsible for following up with participants regarding any questions they may have about the TJHWC case process.

### **Resources:**

*For more ideas about juvenile treatment court handbooks, your team may review the following resources-*

1. The DeKalb County Juvenile Drug Court Participants Handbook, DeKalb County, Available through the National Drug Court Resource Center, <http://www.ndcrc.org/content/juvenile-drug-court-participant-handbook>
2. The Kenaitze Indian Tribal Circle Handbook, available through The Resource Basket, See KIT Tribal Circle Handbook on their resource page. Available at <http://resourcebasket.org/resources/tools/>

## **Tribal Juvenile Healing to Wellness Court Handbook Learning More About Adolescent Screening Tools**

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Screening is an initial process that may be conducted as part of the application to the TJHWC. "Screening involves a very brief effort to determine whether a youth shows some indication of having a substance use (or other mental health disorder) and may require a more comprehensive, individualized examination of the psychosocial needs and problems as part of an assessment process," (Hills, 2009).

Within the TJHWC forum, the team may need to provide an initial screening that will account for both legal eligibility as well as additional screening to identify other needs to be addressed by a treatment provider. Research supports that eligibility screening should be undertaken using written criteria and validated screening tools, (Ten Key Components, 2014). "Screening measures can be administered by a range of clinical and nonclinical staff who have been appropriately trained in their administration and who understand the policies about who may have access to the information generated and what "next steps" should be undertaken based on the results," (Hills, 2009). The TJHWC team should account for the necessary training to conduct regular screening of TJHWC applicants. Proper screening for eligibility and participant needs will support the successful integration of treatment and services within the TJHWC case process.

### **Sample List of Screening Areas for Tribal Juvenile Healing to Wellness Court Participants.**

Program Eligibility

Prior Court Involvement (Including history of Violent behavior)

History/Use of Drugs/Alcohol/Illicit Substances

Readiness for to Engage within the TJHWC

Readiness for Treatment

Well-Being Needs and Strengths

Risk Assessment

\*This is not an exhaustive list, there are many screening tools available for justice practitioners. Your team should identify tools that will work for your service population.

There are numerous diagnostic tools for screening, however some tools may require additional training to administer. The TJHWC team should discuss the screening tools necessary to determine eligibility for the program and to provide quality services to participants. Once the screening tools are selected, staff should become trained in the respective screenings. Some examples of screening tools for adolescents are listed below. Screening tools should support the work of the TJHWC. Tools that are utilized should be validated and reliable and relevant to the service population.

### **Sample list of Adolescent Screening Tools:**

GAIN- Short Screener
Diagnostic Interview Schedule for Children- IV
SSAI-A2
CRAFFT
Screening and Motivational Interviewing Tools
Adolescent Substance Abuse Subtle Screening Instrument
Personal Experience Screening Questionnaire
NIDA Drug Use Screening Tools: Quick Screen- APA Adapted NM ASSIST Tools
DAST-20 Adolescent Version

\*This is not an exhaustive list, there are many screening tools available for justice practitioners. Your team should identify tools that will best serve your service population.

### **For more information about screening tools see:**

1. Thomas Grisso and Lee Underwood, "Screening and Assessing Mental Health and Substance Use Disorders in the Juvenile Justice System, A Resource Guide for Practitioners," (2004), Available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/204956.pdf>

2. Holly Hills, Jennie Shufelt, Joseph Coccozza, "Evidence-Based Practice Recommendations for Juvenile Drug Courts," National Center for Mental Health and Juvenile Justice, Models for Change, (2009), Available at: [http://www.modelsforchange.net/publications/235/EvidenceBased\\_Practice\\_Recommendations\\_for\\_Juvenile\\_Drug\\_Courts.pdf](http://www.modelsforchange.net/publications/235/EvidenceBased_Practice_Recommendations_for_Juvenile_Drug_Courts.pdf)

3. Chart of Evidence-Based Screening Tools for Adults and Juveniles, National Institute on Drug Abuse, (2015), Available at: <https://www.drugabuse.gov/nidamed-medical-health-professionals/tool-resources-your-practice/screening-assessment-drug-testing-resources/chart-evidence-based-screenig-tools-adults>



## Tribal Juvenile Healing to Wellness Court Handbook Learning More About Adolescent Assessment Tools

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Providing therapeutic processes for TJHWC participants is part of the holistic case planning process for Tribal youth. Without proper assessment the TJHWC case process will not account for the specific needs of the youth participant. So what is assessment? "Assessment is the more extensive process of individualized evaluation and may occur at various points of the judicial process, and may be focused on a variety of decisional needs," (Grisso, 2004). Comprehensive assessment for both needs and strengths of the youth participant should be conducted at the admittance stage, and then throughout the case process as needed. Clinical assessment should be conducted by a qualified behavioral health provider.

See some of the areas below that may be addressed via assessment include, but are not limited to the following:

### Example Areas of Adolescent Assessment

Use of Alcohol or other Drugs

Criminogenic Needs

Mental Health Needs

History of Abuse or Other Traumatic Experiences

Well-being Needs and Strengths

Conduct Disorders

Affective Disorders

Anxiety Disorders

Attention Deficit Disorders

Developmental Disabilities

Depressed Affect

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Anxiety

Suicidal Tendencies

Unusual or Bizarre Thoughts

Anger and Aggression

Competency

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### **Why is assessment so important within the TJHWC?**

Assessment is a method to discover both the strengths and needs of the youth participant. Additionally, since compliance with the case plan a core component for graduating phases, it is important to identify the behavioral issues that may need to be addressed throughout the case process. Research indicates that, "it is important to assess co-occurring mental health issues because youth with co-occurring disorders are less likely to successfully complete the program,"(JDCTG, 2016). Equipped with this knowledge, the TJHWC team can work with the participant to overcome some of the barriers that may arise due to co-occurring disorders. As well, judicial staff may require additional training on understanding the behaviors related to any co-occurring disorders to properly administer consequences, rewards, or other judicial orders.

There are numerous diagnostic tools that may be utilized by clinicians. Some examples of assessment tools for adolescents are listed below. Assessment processes are utilized to support the therapeutic interventions and treatment plans of the TJHWC participants. Additionally, clinicians supporting the needs of the TJHWC participant should be able to communicate the needs of the participant to the TJHWC team. This will ensure that case processes accommodate both the needs and strengths of the youth participant.

### **Example Adolescent Specific Diagnostic Tools**

Comprehensive Adolescent Severity Inventory (CASI)

Teen Addiction Severity Index (T-ASI)

Adolescent Alcohol and Drug Involvement Scale

Child and Adolescent Functional Assessment Scale (CAFAS)

Mental Health Needs Assessment Instruments for Youth MAYSI-2

Trauma Screening via the Adverse Childhood Experience Questionnaire

UCLA Child Adolescent PTSD Reaction Index for DSM-5

Traumatic Screening Events Screening Inventory for Children and Parent Report Form

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It should be noted that assessment does not pertain solely to negative outcomes and processes. These tools are not as common as other assessment tools. However, the TJHWC team may want to encourage the use of strengths based assessment processes, which focus on capability and capacity to succeed. For example, "the Fresno American Indian Health Project Youth Council developed and pilot tested a strengths-based, holistic, and youth friendly self-assessment tool grounded in the Medicine Wheel, a framework and theoretical orientation for teaching wellness in many tribal communities," (Barraza, 2016). This is an example of a culturally based strengths-based assessment tool that may support the development of the individualized case plan of the TJHWC participant.

#### **For more information about assessment see:**

1. Thomas Grisso and Lee Underwood, "Screening and Assessing Mental Health and Substance Use Disorders in the Juvenile Justice System, A Resource Guide for Practitioners," December 2004, Available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/204956.pdf>
2. Juvenile Drug Court Treatment Guidelines, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, December 2016.
3. Barraza R, et al., Strengths Based Assessment, Am Indian Alsk Native Ment Health Res. 2016;

## Tribal Juvenile Healing to Wellness Court Handbook

### Resource: Sample Adolescent Phased Progression Plan

#### The Tribal Healing to Wellness Court: Sample Phased Plan

This is an example of a phased plan within a wellness or juvenile treatment court setting. As the TJHWC team works to design a phased plan for the TJHWC, it is important to remember that youth have varying needs, histories, and tendencies. Data supports the assertion that, "a "one-size-fits-all" approach in juvenile drug treatment programs will not provide appropriate treatment and support for all youth, nor can juvenile drug treatment courts all of the services necessary to meet youth's diverse needs,"(JDCTG, 2016).

Note that this plan is a four (4) phased plan lasting approximately 12 months. TJHWC may adjust the timeline for phased case progression based on the individual needs of the participant. However, TJHWC policy and procedure should dictate the minimum and maximum length of the TJHWC case process to support procedural fairness and due process for both the participant and the Tribal community.

Phased Progression	Phase 1	Phase 2	Phase 3	Phase 4	After-care
Goals	Reduction of alcohol/substance use and delinquent behavior	Free of substance use and delinquent behavior	Free of substance use and delinquent behavior	Free of substance use and delinquent behavior	Continue to be free from substance abuse and delinquent behavior
Length of Time	2-4 weeks	3-4 months	3-6 months	1-2 months	On-going
Judicial Supervision (Court contact)	Minimum 1x every 2 weeks	Minimum 1x every 3-4 weeks	Minimum 1x every 4 weeks	Minimum 1x every 2-3 months	Complete

Case Manager Supervision	Intense Supervision 3-4 face-to-face contacts per week	High Supervision 2-3 face-to-face contacts per week	Moderate 2 face-to-face contacts per week	Low 1-2 face-toface- contacts per month	Complete
Substance Treatment	Compliance with Individualized Treatment plan	Compliance with Individualized Treatment Plan	Compliance with Individualized Treatment Plan	Compliance with Individualized Treatment Plan	Continue as needed and seek self-help meetings where available
Random Drug Testing	As needed and decided by TJHWC team	As needed and decided by TJHWC team	As needed and decided by TJHWC team	As needed and decided by TJHWC team	Complete
Family Involvement	Attend court sessions, parent/caregiver meetings, group activities where available	Attend court sessions, parent/caregiver meetings, group activities where available	Attend court sessions, parent/caregiver meetings, group activities where available	Attend court sessions, parent/caregiver meetings, group activities where available	Continue to engage in community events/ activities where available
Curfew	Electronic Monitoring Where available/ homebound in safe environment no less than 2 weeks	No later than 7:00 p.m., passes for as school, family, or community activities	Negotiated with TJHWC team	Established by caregiver, but no later than 11:00 p.m.	Complete
School/ Employment	Mandatory School Attendance Or	Mandatory School Attendance or GED Classes	Mandatory School Attendance or GED Classes	Mandatory School Attendance or GED Classes	Complete

	GED Application if needed.  Employment search if GED completed  Tutoring if needed.	Employment if not in school or GED completed, positive behavior reports  Tutoring if needed	Employment if not in school or GED completed, positive behavior reports  Tutoring if needed	Employment if not in school or GED completed, positive behavior reports  Tutoring if needed	
Participant Engagement /Community Activities	All TJHWC activities as directed by team.	All TJHWC activities as directed by team	All TJHWC activities as directed by team	All TJHWC activities as directed by team	Engage as mentor
Community Service	None during this phase	20 hours or as determined by the TJHWC judiciary	10 hours or as determined by TJHWC	10 hours or as determined by TJHWC	Continue to provide service to community
Cultural Engagement	As activities are available and choice to participant  <i>*TJHWC should assess participant readiness to engage</i>	As activities are available and choice to participate	As activities are available and choice to participate	As activities are available and choice to participate	As desired
Promotion to next phase	Compliance with case terms, participation in treatment, school attendance and no new charges	Compliance with case terms, participation in treatment, school attendance, no new charges, 60 day period of sobriety.	Compliance with case terms, participation in treatment, school attendance, Employment, no new charges, 90 days of sobriety	Compliance with case terms, participation in treatment, no new charges, sobriety for 90 consecutive days, TJHWC decision to support graduation	Completed Phased Process.

### **Considerations for newly developing Tribal Juvenile Healing to Wellness Courts:**

- ❖ The TJHWC should maintain flexibility as the plan for each participant is designed and implemented. No plan will meet all the needs of each participant. "Programs that use a more flexible fidelity framework focused on the delivery of specific treatment elements shown to be effective, rather than a prescriptive sequencing of every program element, may be more effective when trying to engage and retain clients whose circumstances make it difficult to follow a regimented program schedule, "(JDCTG, 2016, Campie et.al., 2016).
- ❖ Family/Caregivers should be provided a copy of the case plan and the team should regularly confer with the family/caregiver to ensure that the case plan requirements are not overly burdensome or inaccessible. Many caregivers may find it difficult to access multiple resources in a short period of time. Support by team members of the TJHWC is integral to meeting the needs of the youth participant.

### **Resources:**

1. "Juvenile Drug Court Treatment Guidelines," Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, December (2016).
2. "Tribal Healing to Wellness Courts, The Key Components," 2nd Ed., May, (2014), Bureau of Justice Assistance.

## **Tribal Juvenile Healing to Wellness Court Handbook** **Resource: Integration of Traditional Healing and Diagram** **Culturally Integrative Wellness Court Processes**

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One of the key components of the Tribal Healing to Wellness Court process is the aspect of treatment and rehabilitation, within the scope of rehabilitation, the court, “provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and traditions.” (*See Tribal Healing to Wellness Courts: The Key Components, Key Component 4*) The integration of support systems that create a safe-haven for traditional healing through spirituality is one of the most unique aspects of the Tribal Juvenile Healing to Wellness Court. Tribal people have the ability and opportunity to integrate known healing practices as part of the support system for tribal juvenile healing to wellness court participants. As tribes are unique, individual, and have differing histories, practices and ways, no one individual course of treatment will be applicable to all. However, examples of cultural traditions being integrated within the healing to wellness court process include but are not limited to, “talking circles, sweats, smudging ceremonies, prayer, and other culturally accordant ways to reconnect their lost members back to the tribe, the people,” (Flies-Away and Garrow, 2013)

Other examples of healing practices may include the calling of elders, healers or participation in traditional ceremony (*See Tribal Healing to Wellness Courts: The Key Components, Key Component 4*) These practices however important are not forced upon the participant, but rather provided as needed and desired by the participant to continue the healing journey toward sobriety. The team should work within the scope of their tribal traditional ways and custom in developing the spiritual or tribal traditions that will be integrated as part of the case planning process for healing to wellness court participants.

Through traditional culture and spirituality, Tribal communities can heal and reinvigorate the spirit of a child. This in turn helps youth with increased self-esteem and strengthens their identity as Native people. Incorporating traditional healing practices and tribal lifeways are two of the most important aspects in the success of a Tribal Juvenile

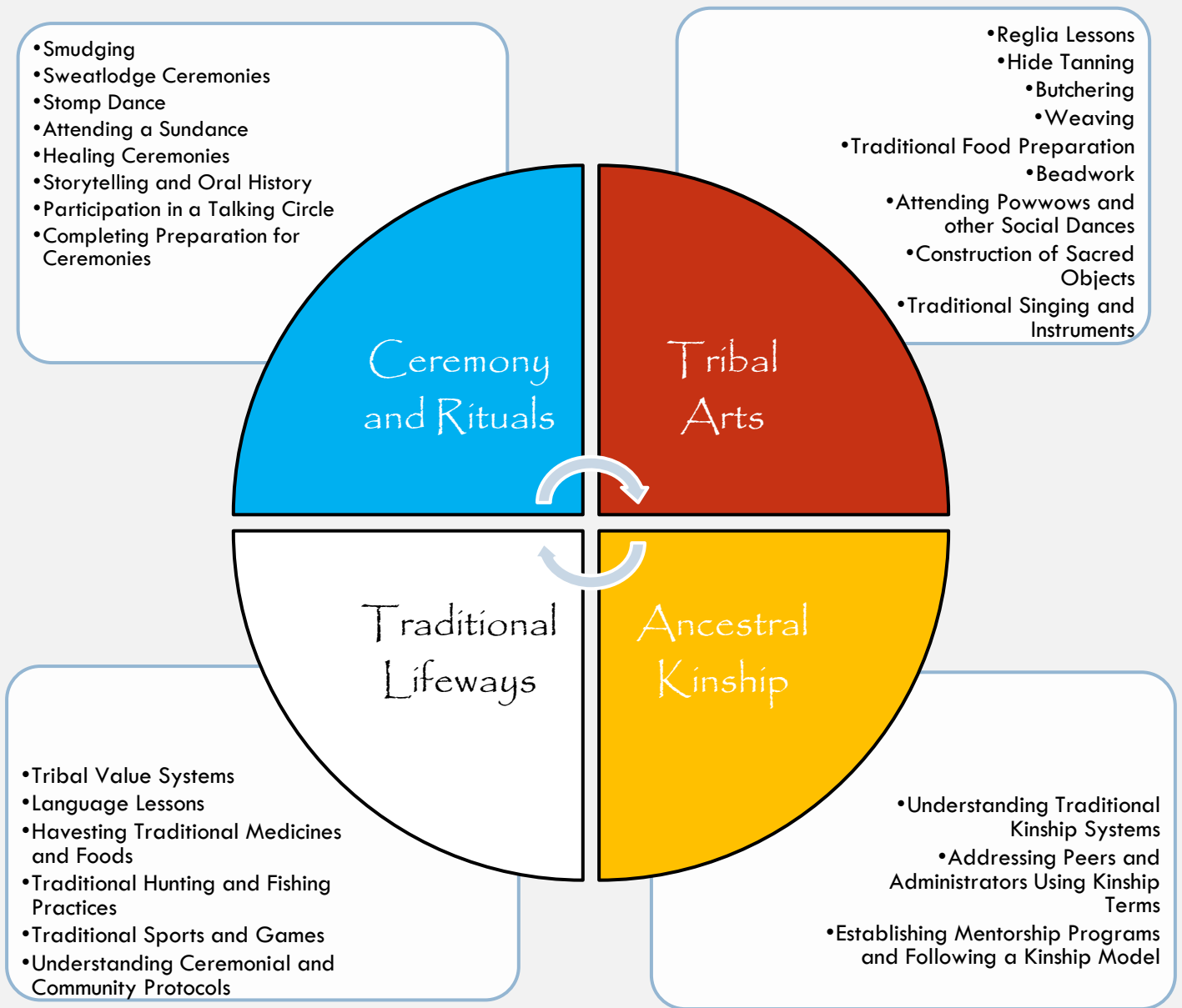


Healing to Wellness Court. These cultural interventions are precisely what make TJHWC both unique and effective. Research indicates that culturally infused interventions are associated with lower depression, lower alcohol use, lower anti-social behavior, and lower levels of dysfunctional behaviors among Native youth (Melton et al, 2014). An important dimension to cultural identification is having a stake in tribal society (Sanchez-Way & Johnson, 2000). Embracing a tribal worldview and reviving tribal traditions that can be incorporated into the TJHWC, allows for juvenile offenders to learn deeper lessons about their role in their community and engage in constructive sentences. A focus on traditional healing practices is ideal to increase the efficacy of cultural interventions. Medicine men and women, healers, and healing ceremonies have been cited as invaluable cultural resources for dealing with life crises (Beauvais and Oetting, 1999). Here, we acknowledge that traditional healing is an all-encompassing reintegration of tribal norms. In order for youth to reap the countless benefits that traditional ceremonies and rituals provide, they must understand those experiences within the greater context of tribal life.

### **Cultural Interventions:**

Effective programs employ a variety of approaches and interventions in a variety of settings (Sanchez-Way & Johnson, 2000). Many organizations across the country that work with Native youth have made adaptations to evidence-based programs in order to increase cultural relevance and increase effectiveness (Stratford & Murphy, 2016). The model below lists options that TJHWC can utilize to incorporate culture into the justice process. Each area is interconnected and while each may stand alone, they are far more effective when utilized as a whole. The examples in a particular section may or may not be applicable to a particular Tribal nation. One must also consider the cultural competence of the Tribe and the depth to which traditional knowledge exists within that community. Identification of cultural consultants will contribute to the success of cultural integration within a TJHWC. Cultural consultants may include, but are not limited to elders, medicine people, and cultural preservation staff. In instances where a Tribe has experienced a cultural deficit looking to historically related Tribes and connected communities may be helpful.

### Chart: Integration of Cultural Ways in the Juvenile Healing to Wellness Court



Developed by the OJJDP Tribal Youth Training and Technical Assistance Center  
Tasha Fridia, J.D. and Anna Clough, J.D. (2017)

## **Overcoming Challenges:**

**TJHWC** should be both forward thinking and realistic incorporating traditional healing and lifeways. Obstacles will vary depending on the tribal community involved. Below is a list of commonly experienced obstacles. Also, included are strategies to improve and strengthen cultural programmatic approaches. Neither of these is intended to be all inclusive. Both lists are provided to provoke thought and reflection by each TJHWC.

## **Obstacles to Incorporating Traditional Healing and Lifeways:**

- Lack of traditional knowledge
- Weather
- Remoteness
- Lack of Resources
- Lack of clearly defined goals and objectives
- Youth perceptions/feeling regarding participation

## **How to Strengthen Cultural Programmatic Approaches:**

- Develop and educate adult stakeholders to reinforce traditional teachings
- Build upon cultural activities to develop a cultural immersion program
- Create a variety of cultural opportunities for participants
- Utilize peer group members with traditional knowledge
- Establish evaluation mechanisms to determine effectiveness of programming

## **Resources**

1. Pecos Melton, A., Martinez, R., & Melton, D. J. (2014, August). Experiences with Incorporating Culture into Tribal Green Reentry Programs. Retrieved February 25, 2017, from <http://www.aidainc.net/Publications/greenreentryevaluationbrief.pdf>
2. Sanchez-Way, R., & Johnson, S. (2000). Juvenile Justice Journal, Volume VII, Number 2. Retrieved February 20, 2017 from [https://www.ncjrs.gov/html/ojjdp/jjnl\\_2000\\_12/cult.html](https://www.ncjrs.gov/html/ojjdp/jjnl_2000_12/cult.html)

3. Beauvais, F., and Oetting, E.R. 1999. Drug use, resilience, and the myth of the golden child. In *Resilience and Development: Positive Life Adaptations*, edited by M.D. Glantz and J.L. Johnson. New York, NY: Kluwer Academic/Plenum Publishers, pp. 101-106
4. Stratford, B., & Murphy, K. (2016, September 15). Taking a Cultural Approach to Supporting Native American Youth. Retrieved February 06, 2017, from <https://www.childtrends.org/taking-a-cultural-approach-to-supporting-native-american-youth/>
5. Joseph Flies-Away, Carrie Garrow: Healing to Wellness Courts: Therapeutic Jurisprudence, 2013 Mich.St.L.Rev.403, Retrieved from: <http://digitalcommons.law.msu.edu/cgi/viewcontent.cgi?article=1006&context=lr>

## Tribal Juvenile Healing to Wellness Court Handbook

### Learning More: Consequences and Rewards (Sanctions and Incentives)

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The Tribal Juvenile Healing to Wellness Court (TJHWC) utilizes many components to support the needs of the youth participants. To support the individual participants in behavior change, the TJHWC may utilize both consequences and rewards. The terms consequences and rewards are utilized in the place of the terms (sanctions and incentives). Incentives (*which are referred to as rewards within this document*), are motivational tools are given for positive increases and successes throughout the case plan. Sanctions, (*which are referred to as consequences within this document*) are used to encourage participants to comply with the tribal healing to wellness court case plan and general program policies. Consequences and rewards are widely accepted as an integral component of any teen drug court treatment program. In the instance that your court system is implementing the “Tribal Ten Key Components for Healing to Wellness Courts, (2014),” the use of sanctions and incentives can be reviewed under [Key Component 6](#).

#### **Q. So what are some of the behaviors that may be addressed by the use of consequences and rewards?**

Recognizing even incremental successes is important to support the progress of the youth participant within the TJHWC. Participant acknowledgment and accountability for actions that do not adhere to the case plan and participant agreement should also be consistently addressed by the team. “Research tells us that in order to bring about a change in behavior, an incentive or sanction needs to be immediate, certain, fair and of the appropriate intensity,” (Yeres et. al., 2005). In recognizing the unique nature of tribal identity, values, and culture, teams should acknowledge that, “what may be an incentive in one community may be irrelevant in another,” (The Key Components, 2014). Researching known appropriate consequences and rewards for youth is an important step to TJHWC planning.

In the instance that a rewards and consequences system will be incorporated into the TJHWC the team should compile list of consequences and rewards and include them in the TJHWC policies and procedures. Additionally, as services are offered, the team should assess

the consequences and rewards that are most impactful with the youth participants. It is important to administer both consequences and rewards in an individualized manner and to account for the specific needs and case progress of the youth participant. A consequence or reward that works for one youth may not have the same impact for another youth participant. Further, in the context of youth treatment courts research indicates that, "the application of incentives should equal or exceed the sanctions that the juvenile drug treatment court applies," (JDTCG, 2016).

The following list includes areas which may be addressed by the imposition of fair and appropriate consequences and rewards. The list below is not exhaustive, rather is a starting point for team discussion.

**Sample case plan areas that may be addressed with the use of rewards and consequences:**

Court Appearances	School Attendance
Engagement with TJHWC Team	Curfew
Family Interaction	Sobriety/Drug Testing
Attainment of Goals	Grades School Performance
Employment	Other Case Management Area

**Q. What types of consequences and rewards that may be administered by the court?**

A. The table below includes example consequences and rewards that have been utilized in TJHWC and Juvenile Drug Treatment Courts throughout the country. Factors to be considered are the types of consequences and rewards that will be most impactful with the unique community's youth. Additionally, teams should consider the availability and costs related to some rewards. The TJHWC team should work together to identify a set of consequences and rewards that will be utilized at the various stages of the case process for the TJHWC participants. The team may also want to discuss how the consequences and rewards may be altered or adapted based on the needs of the individual participant. "An

effective system of incentives and sanctions promotes each youth's ability to take responsibility and be accountable for his or her actions while allowing them to complete the program," (JDTCG, 2016). Regardless of the rewards to be considered, the research indicates that "consistency in the application of incentives and sanctions is one of the key factors enhancing the success of the juvenile drug treatment intervention," (Mericle et al., 2014.)

**Considerations in the Application of Consequences and Rewards:**

Judicial leadership should be particularly mindful to deliver consequences and rewards in an individualized and fair manner. Studies have shown that, "if used excessively or inappropriately, punishment can provoke anger, fear, escape, avoidance, or helplessness-responses likely to undermine an offender's motivation to change,"(Yeres, 2005). Judges and those who administer consequences should be mindful of youth perceptions and should clearly explain the reason for giving a consequence or reward.

<b>Sample List of Rewards for TJHWC Case Participants:</b>		
Verbal Praise	Candy	Lunch with Judge
Sports Equipment	Books/Magazines	Driving Privilege
Rocket Docket (Early in/out)	Gift Certificates	Music/Art Supplies
Wall of Fame	Phone call from Judge to Parent/Caregiver	Team meal with family/caregiver
Event Tickets	Outing with Family/Caregiver	Later Curfew
Sports Lessons	Completion Certificates	Donations from local business or tribal program
Clothing	Electronics	Music Lessons
Jewelry	Music/MP3	Gift Card
Group Field Trip	Activity Passes	Any other reward that supports the success of the participant

<b>Sample List of Consequences for TJHWC:</b>		
Verbal Warning	Increased Monitoring/Check In	Earlier Curfew
Loss of Driving Privilege	Loss of electronic privilege (phone, game systems, computer, internet)	Essay Paper on Topic Relevant to the Violation
Community Service/Work	Tribal Community Example: Work to Support Tribal Programs/Elders (may require monitor)	No contact order
Last Case Called	House Arrest	Detention* Detention may be considered for serious violations of the case plan

**Youth Considerations:**

**System Wide Rewards/Activities:**

Your TJHWC may wish to incentivize the program by providing group goal based rewards to youth participants. These can be earned in a unified manner. Examples include group trips to events, parties, or activities that involve the TJHWC team and youth participants, outings, games, group events.

**Family/Caregiver Support:**

Follow through with consequences will require support by the family. Even the most dedicated team will not be available to monitor in the same manner as the family/caregiver. Therefore, at the outset of the TJHWC process, family and caregivers should recognize the value and benefit of proper consequences for the behavior of the youth. Additionally, you may wish to go through the proposed lists of consequences and rewards that may be offered throughout the TJHWC case process. "Engaging family in the initial process of assessment, goal-setting and tailoring a program of incentives and sanctions is key to the youth's continuing success following graduation,"(Yeres, 2012).



### **Supervision for Community Service:**

Tribal communities may wish to utilize community service as part of the consequences that may be administered throughout the case plan. It is important to remember that youth should be supervised as they are engaging with the community as part of a volunteer/community service-oriented consequences. Practitioners and team monitors should take special care to identify volunteer opportunities that will maintain safe and healthy communities. This includes monitoring youth volunteer activities and identifying in advance if a youth is a good candidate for a specific type of volunteer or community service activity. Those youth who have engaged in riskier behavior or have a higher likelihood of participating in problematic behaviors may need special or increased supervision for certain community service and volunteer activities.

### **Cultural Activities as Rewards and Consequences:**

Individual Advisory Committees and core team members should review what types of activities related to unique Tribal culture may be considered as part of the TJHWC case process. Tribal cultural activities such as preparation for ceremonies, tribal activities/events and cultural ways, may actively engage youth within the Tribal community and may support the integral need for mentorship. However, these types of activities should be encompassed in general case planning rather than through assignment of consequences. It should be noted that some communities may view the use of cultural ways and or custom as off limits for consequences or rewards. Whatever your team and community decides, it is important to maintain continuity, fairness and detail knowable and reachable outcomes for youth.

### **Youth Behavior:**

A behavioral health provider may assist the team in managing youth and their responses to the judicial process. Understanding the research is important for the entire team, including evidence that, "normal adolescent behaviors can often include, risk taking, impulsiveness, moodiness, forgetfulness, aggression, and experimentation," (JDCTG, 2016). These normal behaviors coupled with youth who are experiencing substance use disorders, trauma, and any other co-occurring disorders may increase the barriers that the TJHWC team may experience in effectively engaging and administering appropriate rewards and

consequences. Continual assessment and supportive therapeutic processes will support the youth and team working together toward the TJHWC participant stability, health and wellness.

**Further Reading and Resources that can support the development of your TJHWC Consequences and Rewards Process:**

1. Susan Yeres and Frances Gurnell: "Making Sense of Incentives and Sanction In Working with Substance-Abusing Youth, Answers to Frequently Asked Questions," Juvenile and Family Justice Today, Spring 2012.
2. Douglas Marlowe: "Behavior Modification 101 for Drug Courts: Making the Most of Incentives and Sanctions," Drug Court Practitioner Fact Sheet, National Drug Court Institute, September 2012.
3. Susan Yeres, Betty Gurnell, and Meg Holmberg: "Making Sense of Incentives and Sanctions in Working with the Substance Abusing Offender," 2005.
4. David Altshuler: "Graduated Sanctions for Juvenile Offenders, Volume II, A Program Model and Planning Guide: Dispositional Court Case to Case Closure," National Council of Juvenile and Family Court Judges, Juvenile Sanctions Center, Office of Juvenile Justice and Delinquency Prevention, 2005.
5. "Juvenile Drug Court Strategies in Practice," Monograph, National Drug Court Institute and National Council of Juvenile and Family Court Judges, NCJ 197866, March 2003.
6. "Juvenile Drug Court Treatment Guidelines,"(referenced within as JDCTG), Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, December, 2016.

## **The Tribal Juvenile Healing to Wellness Handbook**

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OJJDP Tribal Youth Training and Technical Assistance Center  
Indian Country Child Trauma Center  
at the University of Oklahoma Health Sciences Center  
940 N.E. 13<sup>th</sup> St., Nicholson Tower, 4N, 4900  
Oklahoma City, Oklahoma 73104  
Phone: 405-271-8858

OJJDP Tribal Youth Training and Technical Assistance Center [www.tribalyouth.org](http://www.tribalyouth.org)

Indian Country Child Trauma Center [www.icctc.org](http://www.icctc.org)

Primary Author:

Anna Rangel Clough, JD

Contributors:

Tasha Fridia, JD,

Natalie Stites, JD,

Dolores Subia Bigfoot, Ph.D.,

Paulette Running Wolf, Ph.D.,

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