

**Superior Court of California
County of El Dorado
Policy and Procedures**

FAMILY WELLNESS COURT (FWC)

Section: General	Section Number: To Be Determined
Policy Title: Family Wellness Court Process	Issue Date: May 7, 2015 Revised Date: MAY 28, 2015

Explanation:

The Superior Court of El Dorado County and the Shingle Springs Band of Miwok Indians Tribal Court have established a joint-jurisdictional project that creates a collaborative court for juvenile and family cases across the two jurisdictions. This court, named the Family Wellness Court, hears a wide range of cases, including juvenile (law violations or status offenses), child welfare (dependency), and domestic violence (as part of a dependency, child custody, and protective order petition), family, and criminal. Family Wellness Court matters are heard by the Tribal Court Judge and Superior Court Judge together at the Shingle Springs Tribal Court facility. A Superior Court Clerk and Court Reporter staff the Family Wellness Court when there is an underlying Superior Court case along with the Tribal Clerk.

Process When Superior Court Case:

- Tribal youth with Superior Court case referred to the Family Wellness Court (FWC). (Delinquency, Dependency or Criminal case filings)
 - Superior Court Judge may be informed of referral during court proceeding.
 - For criminal and delinquency case filings the District Attorney may at the time of filing present an offer/recommendation for the defendant/minor to participate in the FWC. The offer/recommendation to FWC may require an admission and conditions to be imposed prior to referral to FWC
 - For dependency and family case filings County Counsel or the attorney for the minor or parents/guardians/parties may make a recommendation to the court for the minor and family to participate in the FWC
 - If an offer/recommendation to FWC is filed, the clerk will flag the case so the judge is aware the defendant/minor is a potential FWC participant.
 - Upon receipt of an offer/recommendation to FWC, the Superior Court Judge will state on the record:

Your case has been identified as eligible for possible participation in the Family Wellness Court, a joint-jurisdiction court with the El Dorado County Superior Court and the Shingle Springs Band of Miwok Indians. The Court is designed to provide you with the culturally specific services and a wellness plan agreed upon by you, the County and the Tribe.

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If you are interested, we can continue your case so you can learn more about participation in the Family Wellness Court from Tribal Services on the Rancheria and be referred into the court by the District Attorney's Office.

- After the recommendation to FWC has been made, the Judge will schedule the case on the next FWC calendar for determination of eligibility and agreement by the participants. Case is calendared in the "FWC" department.
- FWC hearings are heard the 2nd and 4th Wednesday of each month at 4:00 p.m. FWC staffings are scheduled at 3:15 p.m.
- The Superior Court Judge may put the matter over for 2 to 3 weeks for review. If acceptance to FWC is received the clerk will vacate the review hearing scheduled in Superior Court.
- Tribal Court Clerk schedules the case for hearing on next FWC calendar and sends Notice of Hearing to participants (defendant/minor/parents/guardian) and FWC staffing team.
 - Notice of Hearing to Superior Court is by email to Rosalie Tucker, Doralyn McPeake, Vicki Stilwell, Tracy Barbour, Sara Dahlgren and Jackie Davenport.
- Superior Court clerk confirms the case is calendared for the FWC hearing at the Tribal Court.
 - Superior Court will provide a court reporter and courtroom clerk for all FWC hearings.
 - Superior Court clerk will complete minutes for each FWC hearing and will maintain filings and orders in the Superior Court case file.
- Superior Court case will continue to trail the FWC case. Each FWC hearing will be scheduled in the Superior Court case and appropriate minutes completed.
- Tribal Court Clerk will provide copies of the following FWC filings and orders for inclusion in the Superior Court case.
 - Notice of Hearings
 - Information and Consent
 - Court Orders
 - Participation Agreement – Dependency
 - Participation Agreement – Probation
 - Other filings as requested by the Superior Court
 - Superior Court clerk will place documents such as Participation Agreements, reports, etc. in the confidential section of the criminal case file.
- If the tribal youth successfully completes the FWC or terminates from the FWC as unsuccessful the disposition of the FWC case and the Superior Court case will be handled by the FWC judges. Both FWC and Superior Court cases will be dispositioned based on the FWC's orders.
- Superior Court clerk will complete appropriate disposition paperwork such as the DOJ-8715, sentencing abstract, etc.

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**Process When Superior Court Case For Parent of Tribal Youth
Referred To FWC:**

- Tribal youth is referred to FWC by SARB, Probation or other agency. Coinciding with the referral to FWC the DA files a Superior Court criminal complaint against parent(s) for failure to send child to school (EC 48293) or other charges.
- The Superior Court may hold the criminal case in abeyance pending the outcome of the FWC proceedings. If case is held in abeyance the following applies:
 - The disposition of the Superior Court criminal case will continue to trail the FWC case and disposition of the Superior Court criminal case will be addressed by the FWC upon successful or unsuccessful termination of the FWC case.

Civil & OTS Codes:

<u>Action Code</u>	<u>Description</u>	<u>Update Code</u>
FWCH	FAMILY WELLNESS COURT HEARING	
FWCR	FAMILY WELLNESS COURT REVIEW HEARING	
FWCV	FAMILY WELLNESS COURT - VIOLATION OF PROBATION	
<u>Minute Code</u>	<u>Description</u>	<u>Update Code</u>
CIRFWC	CASE IDENTIFIED AND REFERRED TO FAMILY WELLNESS COURT ON THE RECORD.	
CHA	CASE HELD IN ABEYANCE PENDING OUTCOME OF FAMILY WELLNESS COURT CASE NUMBER %XX%	
<u>Department Code</u>	<u>Department</u>	
FWC	Family Wellness Court	