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| **healing to wellness court** 18  *Termination Process* **process/Procedure Bench Card** | | | | | |
| **Termination from Healing to Wellness Court is the ultimate sanction. Termination must be decided according to existing rules and procedure that assure the participant is afforded due process.** | | | | |
| Path – Process | | | Protocol – Procedure | | |
|  | | | |  |  | | --- | --- | | **Court receives notice of potentially terminable conduct, or Court receives notice or participant’s arrest/detention** | □ | | **Court finds conduct terminable by rule/hearing not required** | □ | | **Court finds it necessary to hold termination hearing** | □ | | **Court schedules termination hearing/notifies team** | □ | | **Court provides participant with notice of hearing and allegations** | □ | | **Court informs participant to file written response prior to hearing** | □ | | **Court hold hearing and team make recommendations** | □ | | **Court makes decision** | □ | | **Court produces Order and delivers to:**   |  |  |  |  | | --- | --- | --- | --- | | **□** | Wellness Court Case File | **□** | Participant | | **□** | Prosecutor | **□** | Defense Counsel | | **□** | Tx/Healing Resources/Counselor | **□** | Police | | **□** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  | | □ | | **Court closes Wellness Court case due to termination** | □ | | | |
| ***Action Judge’s response – responsibilities*** | | | | | |
| Wellness Court receives notice of potentially terminable conduct | □ Review statement(s) describing conduct and court rules referenced in statements  □ Determine if conduct requires automatic termination or discretionary  □ Review participant’s Contract/Agreement to verify participant’s knowledge of termination policies | | | | |
| Wellness Court receives notice of a participant’s arrest/detention | □ Review notice/complaint stating conduct and charges for participant’s arrest and detention; hearing date(s)  □ Determine if arrest requires automatic termination or discretionary  □ Review participant’s Contract/Agreement to verify participant’s knowledge of termination policies | | | | |
| Wellness Court finds conduct terminable by rule - hearing not required; or Court finds hearing is required | □ Verify conduct  □ If terminable conduct, prepare Termination Order  □ If not terminable conduct, determine if termination hearing must be held or first discussed at staffing  □ Set termination hearing, or put on the next Staffing agenda (subsequent scheduling of termination hearing) | | | | |
| Wellness Court issues Notice of Hearing and deadline for submitting written response | □ Serve Notice of Hearing to participant and team and copies of participant’s signed contracts/consent forms.  □ Inform participant to submit a written response prior to the hearing  □ Inform team members to submit written recommendations prior to the hearing | | | | |
| Wellness Court holds hearing and makes decision | □ Conduct hearing according to tribal court procedures | | | | |
| Wellness Court produces Order; Delivers Order and closes case if termination | □ Provide written order for both Wellness Court case file and originating criminal file  □ Close Wellness Court case file | | | | |
| Record, Research & Rule References | | | | | |
| Data Points & Performance Measures  # of participants recommended for termination  # of hearings for termination conducted  # of participants terminated | | **Wellness Court Policies & Procedures** | | Court Code | |
| Code/Statute Sections | |
| Resources/Technology: [www.WellnessCourts.org](http://www.WellnessCourts.org) [www.home.tlpi.org](http://www.home.tlpi.org), [www.ndci.org](http://www.ndci.org), [www.american.edu/spa/jpo/initiatives/drug-court/](http://www.american.edu/spa/jpo/initiatives/drug-court/) , [www.ndcdr.org](http://www.ndcdr.org), [www.drugcourtonline.org](http://www.drugcourtonline.org) | | | | | |