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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  |
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| --- | --- |
| **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:**

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| --- | --- | --- | --- |
| **□** | Wellness Court Case File | **□** | Participant |
| **□** | Prosecutor | **□** | Defense Counsel |
| **□** | Tx/Healing Resources/Counselor | **□** | Police |
| **□** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |

 | □ |
| **Court closes Wellness Court case due to termination** | □ |

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|  ***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)  |