Incorporating Customs and Traditions in Your Healing to Wellness Court

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Cultural Identity

What does it mean to be Native?

Ancestry; citizenship

Kinship; community; belonging; collective responsibility

Multi-cultural – two-worlds
Generations of intentional, systemic cultural destruction
- War, disease, enslavement, and genocide
- Removal and large-scale loss of land; loss of economy
  - Reservation system
  - Allotment
- Assimilation policies
  - Criminalization of religion and cultural practices
  - Boarding schools
  - Termination
  - Relocation
  - Large-scale, disproportionate removal of Native children
Loss of Connection

- The nature of substance addiction is anti-social
- For many tribal communities, this also means anti-community
- For many of our participants, this loss of connection is generations-deep
Cost of Addiction

- Crime
- Removal of children
- Cost to service providers

- Employment, contributors to the economy
- Family well-being

- Community well-being, contributors to the culture
Re-connecting

- As Dr. Condon noted, we need to help our participants stay away from the “people, places, and things” connected to use.
- But, “staying away” is insufficient.
- We must help rebuild new people, places, and things.
Origin of Tribal Judiciaries

- Divergence of Values:
  Leadership emphasize dispute resolution role, rather than executive or legislative duties
  - Goal was mediation as opposed to ascertaining guilt
  - Facilitator as opposed to decision-maker

- Courts of Indian Offenses
  - 1849 – Creation of the Interior Department
  - 1883 – CFR Courts are institutionalized, *Ex Parte Crow Dog*
  - Heightened need for inter-tribal/Indian-non-Indian dispute resolution
  - Served at the pleasure of the Indian agent
Modern Tribal Courts

- 1934 – Indian Reorganization Act
  - Many tribes assumed judicial functions, replacing CFR courts
- Opportunity
  - For a system that is more responsive to tribal needs and under tribal control
  - To resurrect traditions and customs
- Many courts apply large bodies of written law, as well as custom and tradition.
Tribal Healing to Wellness Courts

- Tribal adaptations of drug courts
- Appeal to
  - Focus on addiction as a disease
  - Non-adversarial
  - Focus on healing
  - Focus on holistic relationships
- “Healing to Wellness” adopted to
  - Exchange negative “drug” term for indigenous focus on “healing” and “wellness”
  - Concede that “wellness” is not a destination, but a journey
Tribal Key Components recognize

- Community involvement
- Family relationships and involvement
- Culture and Tradition
- Exercise of Tribal Sovereignty
Adversarial Court vs. Wellness Court

- Event-oriented
- Case-specific
- Sentence is uniform
- Service providers interact via referral
- Offender is removed from the community
- Post-sentencing supervision is punitive intended to “catch” violations
- Neutral judge

- Process-oriented
- Person-specific
- Case plan is individualized
- Service providers interact directly
- Participant remains in the community; reintegration
- Supervision is intended to support participant and reinforce treatment
- Involved Judge
Culturally-Based Treatment

- Regain a practical ethnic identity
- Gain a healthy social network committed to the participants’ recovery
- Make a religious, spiritual, or moral recommitment to themselves and their community
- Reengage in recreational/volunteer or vocational activities
- Gain a social role in the community

- Strengths-based!
Key Component 1: Individual and Community Healing

- Little Traverse Bay Bands of Odawa Indians’ White Feather story
Key Component 4: Treatment and Rehabilitation

- Wellness Courts utilize clinical best practices, including
  - phased treatment,
  - individual counseling,
  - group counseling,
  - cognitive behavioral therapies,
  - support groups,
  - family therapies
  - residential treatment
Key Component 4: Incorporating Culture and Tradition

- Formal native healing treatments, such as
  - White Bison/Wellbreity
  - Cultural Advisor on staff
  - Fatherhood/Motherhood is Sacred
Key Component 4: Incorporating Culture and Tradition

- Smudging
- Traditional gifts
- Feasts
- Name ceremony
- Native language
- Genealogy assignment
- Craft classes
Key Component 5: Intensive Supervision

- Service projects for elders
- Service projects for cultural centers, language programs
- Building the sweat lodge
- Meal preparation
- Community event clean-up
Graduation Honoring

- Feast
- Family engagement
- Community engagement
- Blanket ceremony
- Traditional gift
Center for Native Child and Family Resilience

- Resilience-related and culturally-appropriate approaches to tribal child welfare
- Highlights evidence-based standards of care
- Highlights community and practice-based models
- Improve holistic services
- [https://cncfr.jbsinternational.com/](https://cncfr.jbsinternational.com/)
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<tr>
<th>Title</th>
<th>Focus Area</th>
<th>Type</th>
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<td>Native American Motivational Interviewing: Weaving Native American and Western Practices a Manual for Counselors in Native American Communities</td>
<td>Child, Family</td>
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<td>Honoring resilience narratives: Protective factors among indigenous women experiencing intimate partner violence.</td>
<td>Family</td>
<td>Journal Article (2016)</td>
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<td>Indian Health Service pharmacists engaged in opioid safety initiatives and expanding access to naloxone.</td>
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Key Component 7: Judicial Interaction
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