



Wellness Court Policies and Procedures

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Adoption of Policies and Procedures

These rules are adopted pursuant to the powers of the Quinault Business Committee, as enunciated in the Quinault Constitution, Title 5 § 5.04.070, and Quinault Business Committee Resolution # 12-41-91.

Mission Statement

The purpose of the Quinault Wellness Court Program is twofold. First, to create partnerships among service providers and community resources to effectively address the behavioral health needs of court-involved substance abusing young adults, and adults; thereby creating a safer and healthier community.

Second, to assist tribal members in overcoming drug and alcohol problems by providing coordinated, court supervised therapeutic programs designed to help individual participants get free of drugs and alcohol and reconnect with family and the Quinault community.

Respect For Quinault Culture and Tradition

Out of respect for Quinault custom and tradition, the Wellness Court will interpret all Policies and Procedures in light of the unique cultural and historical traditions of the peoples of the Quinault Nation and in the interest of justice and fairness.

Purpose

The Wellness Court program seeks to reduce alcohol and other drug abuse and recidivism among nonviolent offenders who come before the tribal court. To accomplish this, intense judicial intervention and supervision is used. The program will include but is not limited to:

- Completing intake assessments;
- Combining the information obtained during the intake and assessment process with decisions made in the case;
- Coordinating between the court, the treatment community, the educational institutions and other community agencies. All will respond, as needed, to the needs of the participant, his/her family and the court;
- Providing active and continuous judicial supervision of a participant's progress in the various program components;
- Using incentives to recognize a participant's progress in his/her treatment and using sanctions for noncompliance;
- Focusing on the overall functioning of the participant throughout the Wellness Court program, in order to encourage and teach positive decision-making as a part of a healthy lifestyle;
- Reducing recidivism by developing individualized treatment plans and monitoring a participant's progress while in the program; and
- Using family supporting systems to encourage personal accountability.

Eligibility Criteria

Qualifying Criteria

To be eligible for the Quinault Wellness Court, the proposed applicant must meet the following criteria:

- Resident of Quinault Indian Nation¹
- A member of the Quinault Indian Nation or is Native American²
- The applicant must be drug or alcohol addicted
- The applicant must be charged in the Quinault Tribal Court, have a desire AND be motivated to change their life. If the charge is not alcohol or drug related, there must be evidence that alcohol or drug use was an underlying factor in the crime.

Disqualifying Criteria

The following will disqualify the prospective participant: (an applicant's criminal history may exclude an applicant from participation in the program).

- The current offense of sale, manufacture or delivery of a controlled substance or marijuana; or the current offense of intent to sale, manufacture, or deliver a controlled substance or marijuana
- Violent offenders, as defined by federal law
- A pattern of domestic violence. A participant is disqualified if the applicant has four (4) or more convictions of domestic violence offenses in the in the past ten (10) years)
- Evidence that the defendant targeted vulnerable victims (such as elders or children)
- Sex offenses, either as the current offense or as part of the participant's criminal history
- Any other criminal history that a majority of the Wellness Court Committee determines to be grounds to disqualify a participant
- Previous participation in the Quinault Wellness Court Program; a participant is disqualified if the applicant has been admitted more than one time within the previous 5 years.
- The applicant must not have a current mental health issue that would interfere with treatment and/or strict supervision.

Confidentiality

The Quinault Wellness Court proceedings shall be kept confidential unless otherwise ordered by the Court. No information disclosed shall be the basis for prosecution of new

¹ "Resident" means established residence for a minimum period of 6 months and intent to permanently reside within the Nation.

² "Native American" means enrolled or eligible for enrollment in a federally recognized Indian tribe

crimes and no participant shall be required to testify to any information discussed or disclosed during Wellness Court hearings. Participants, once accepted, will be asked to sign a waiver authorizing the transfer of information among Wellness Court participating agencies and court-approved observers.

Committee Structure

The Wellness Court Committee may be made up of the following representatives:

- Judge
- Wellness Court Coordinator
- Court Case Manager
- Probation Officer
- Tribal Prosecutor or an Assistant Attorney General
- Public Defender
- An officer/representative of the Quinault Indian Nation Police Department
- A representative of the Education Department
- Job Training Manager
- A representative from Quinault Indian Nation Family Services
- A representative from Quinault Indian Nation Chemical Dependency Program
- A representative from Quinault Indian Nation Behavioral Health Program
- At least one community member
- At least one tribal elder
- Tribal Council member

Appropriate committee members will prepare and submit compliance reports to the Wellness Court Coordinator addressing their contact or lack of contact with the participants. The Wellness Court committee will meet once a week to monitor and assess compliance and progress concerning each of the program's participants. Attendance at the weekly committee meetings is mandatory. If a committee member is unable to attend the meeting, he or she must send an alternate representative or provide a written report to the Coordinator prior to the meeting. All Committee members and alternates are invited to attend the weekly Adult Wellness Court hearings. Additionally, the committee may be required to prepare wellness plans for use in sentencing hearings at the request of the prosecutor and/or the Court.

Individual Team Members' Roles and Responsibilities

The Wellness Court Judge and Staff

The judge is the key leader for the Wellness Court Program. The Judge will explain the defendant's legal rights and options and the program requirements at the defendant's first court appearance. Upon entrance into the program, the participant is subject to intensive judicial supervision, treatment program requirements and drug testing.

The judge not only oversees the program participant's performance and progress, but must also bring together all of the "parts" of the program, those within the criminal justice system as well as those associated with community, educational, public health, mental health and other resources needed to support the participant's progress.

The Court will convene weekly to review the status of all participants involved in the program. The weekly status reviews are to monitor the accountability of the participant, the wellness court staff and other tribal court program services. The judge shall supervise and re-enforce treatment by reviewing the reports from the treatment providers and input from each participant and will use various incentives, both positive and negative, to encourage compliance with the treatment program. The Court will forward all court ordered release conditions to the Wellness Committee. The Program Coordinator or committee chair will delegate court orders to appropriate individuals for monitoring purposes, i.e. curfew requirements to police, job or school attendance and performance to Career Development or education, intake/treatment program requirements to Quinault Chemical Dependency, drug/alcohol testing to probation, etc.

Wellness Court Coordinator

The Wellness Court Coordinator will be primarily responsible for facilitating a participant's entry into the Wellness Court program and monitoring his or her progress throughout the program. The Wellness Court Coordinator will also schedule and facilitate the Wellness Court weekly meetings and conduct necessary follow-up; maintain data collection for statistical reporting and will enter data into and maintain the administrative records related to the Adult Wellness Court Program. The Wellness Court Coordinator will assist in developing and revising program policies and procedures, program brochures and client workbooks and will provide administrative support to ensure collaboration between the Wellness Court committee, provider agencies and community organizations and program participants. The Wellness Court Coordinator will also conduct public presentations to promote awareness and education of the Wellness Court programs and will act as a liaison with Federal, State and Tribal representatives, as necessary. The Wellness Court Coordinator will also research and identify funding sources to maintain and/or enhance the program.

Court Case Manager/Probation Services

The Court Case Manager/Probation Officer will conduct weekly random alcohol and drug testing, home, work and school site visits, and facilitate group sessions for Wellness Court. Maintain case files and data collection for statistical reporting, monitor counseling, rehabilitation, education and employment of juveniles, adults and families involved in the Wellness Court process. Attend weekly staffings and court hearings, prepare weekly status reports and conduct necessary follow up; confer with representatives of the court and resource agencies. The case manager will also assist with a participant's entry into

the Wellness Court program. The Court Case Manager will be the liaison with judicial personnel, Wellness Court Committee members, community members, and community organizations to enhance the Wellness Court and for the benefit of its participants.

The case manager/probation officer will monitor and report the participant's compliance and noncompliance with the Wellness Court Program. The probation officer's responsibilities will include, but are not limited to the following: Being a liaison between the Tribal Court, the Wellness Court Committee and the participant; conducting pre- and post-intake interviews with the participants to ensure terms and conditions of the court order are understood; monitoring the status of the assigned participant by conducting unannounced visits to school, work and home; arranging random drug/alcohol testing; providing supervision of participants in accordance with the terms and conditions required by the Court; preparing pre-disposition reports as required by the Court; maintaining a comprehensive file of the participant; investigating and substantiating allegations of violations of order and submitting revocation reports to the Office of Attorney General for filing of revocation motions and recommendations for modifications. The probation officer will assist the committee in formulating wellness plans for the court's consideration. Perform other duties as assigned or required.

Office of the Prosecution

The prosecuting attorney will review the case, the participant's criminal history and the Wellness Court Questionnaire, Attachment A, provided by the Quinault Police Department. With this information the prosecuting attorney will determine if the participant is eligible for the Adult Wellness Court Program. If eligible the prosecuting attorney will file all necessary legal documents and pleadings.

Once the participant is accepted into the program, the prosecuting attorney will assist the committee in formulating wellness plans and release conditions for the court's consideration. ***The prosecuting attorney will participate in a coordinated strategy for responding to positive drug tests and other instances of noncompliance and agrees that a positive drug test submitted as a part of the program or open Wellness Court admission of drug possession or use will not result in the filing of additional drug charges based on that admission.*** The prosecuting attorney will make recommendations and a decision regarding the participant's continued enrollment in the program based on performance in treatment rather than on legal aspects of the case, barring additional criminal behavior.

Public Defender/Defense Attorney

The role of the defense attorney is to ensure the rights of each participant are protected while encouraging the client's full participation in the program. The attorney meets with the potential Wellness Court participant to evaluate their interest and amenability to the program, while keeping in mind the program eligibility criteria. It is up to the defense attorney to advise the participant of their legal rights, legal options and potential sentencing outcomes.

Once the participant is accepted into the Wellness Court program, the defense attorney is a fully participating member of the Wellness Court Committee. The defense attorney then actively monitors the client's progress in the program and discusses the long-term benefits of a drug-free lifestyle; and participates in a cooperative manner at drug court hearings and meetings and promotes a unified team approach.

Quinault Police Department

The Quinault Indian Nation Police Department's involvement with the Wellness Court Program will be initiated when a potential participant is arrested. The department will provide the prosecuting attorney criminal background information and the Drug Court Questionnaire, Attachment A, to assist the Prosecutor in determining eligibility. Additionally, this information will assist the Court in ordering release conditions upon arraignment. After arraignment, the Police Department will assist the Probation Officer in monitoring any court ordered release conditions; which could include, but are not limited to: curfew and/or restrictions on associating with others, and drug/alcohol testing.

A member of the Police Department will be part of the Wellness Court Committee; and will assist probation and/or the Court Case Manager with any court ordered alcohol and drug tests and home search/visits. The Police Department will assist the Wellness Court Committee in formulating wellness plans for the Court's consideration.

Quinault Chemical Dependency (QCD)

QCD will provide professional assessments and counseling services as ordered by the Court. Upon entry into the program, and the participant signing the appropriate releases, QCD will provide the Court with assessment and treatment recommendations. During the course of participation, QCD will provide the Court with treatment progress reports on each participant. QCD will assist the Wellness Court Committee in formulating wellness plans for the Court's consideration and will assist in the monitoring of the participant's attendance and progress in treatment services.

QCD will coordinate with other providers both within the Nation and outside the Nation to provide a continuum of alcohol, drug and other related treatment and rehabilitation services appropriate for participants. These services include but are not limited to UA testing, counseling, AA/NA meetings, and treatment. QCD will locate alternative or culturally appropriate resources for treatment as necessary and appropriate.

Roger Saux Behavioral Health (RSBH)

RSBH will provide professional assessments and mental health status in order to determine program eligibility as ordered by the Court. Prior to entry into the program,

and the participant having signed the appropriate releases, RSBH will provide the Court with assessment and treatment recommendations. During the course of participation, RSBH will provide the Court with treatment progress reports on each participant. RSBH will assist the Wellness Court Committee in formulating wellness plans for the Court's consideration and will assist in supporting the participant's progress in treatment services.

Pre-Program Procedures

Step 1: Identification of the Participant

1) Quinault Police Department

When police department arrests an individual, the arresting officer shall determine whether the suspected incident involves alcohol or a controlled substance. If so, the officer shall submit with his/her report to the prosecuting attorney the Quinault Police Department Drug Court Questioner in Attachment A.

2) Prosecutor's Office

Pre-Charging Determination: When the Prosecutor's office receives a report or citation involving an alcohol or controlled substance matter, the charging attorney shall review the case and the criminal history of the adult and determine whether it meets the minimum eligibility requirements for participation in the Quinault Wellness Court Program. If it is determined that the applicant is eligible for Quinault Wellness Court Program participation, the charging attorney shall file a complaint and a Notice of Wellness Court Eligibility, as provided in Attachment B.

Post-Adjudication Determination: Prior to filing a Motion and Certification to Revoke under an adjudicated cause, the prosecuting attorney shall make a determination whether the defendant meets the minimum eligibility requirements for participation in the Quinault Wellness Court Program. If it is determined that the applicant is eligible for the Quinault Wellness Court, the charging attorney shall file a Motion and Certification to Revoke and a Notice of Wellness Court Eligibility, as provided in Attachment B.

3) The Court

At the time a summons is issued in the matter, the court clerk shall include with the summons written descriptions of the Wellness Court Programs. If the defendant appears before the Court pursuant to his or her arrest, or pursuant to a citation, the Court shall provide the defendant with a copy of the written descriptions of the Wellness Court Programs at the initial appearance.

At the first appearance, the Court shall notify the defendant that he or she may be eligible to participate in the Quinault Wellness Court Program. The Court may grant the defendant a reasonable period of time, but no later than the first pre-trial hearing, to

provide the prosecutor's office with a signed Limited Consent Form, as provided in Attachment C, and an application for Wellness Court Participation, as provided in Attachment E, for the purpose of pursuing admission in the Wellness Court Program. The Court may further explain the program or refer the defendant to the Wellness Court Coordinator, and Quinault Public Defender for further details of the program.

Upon submitting the application for Wellness Court Participation and signing of the Limited Consent Form the participant will be directed to immediately contact, in person, the Wellness Court Coordinator/Tribal Court Case Manager. A copy of the application and the Limited Consent Form shall be immediately provided to the Wellness Court Coordinator or the Tribal Court Case Manager.

The Post-Adjudicated Quinault Wellness Court Program defendants will also be informed that the Quinault Wellness Court Program post-adjudicated program will result in a conviction. Probation or restitution requirements may remain in effect after their completion of the Quinault Wellness Court post-adjudicated program.

4) Alternative Application Procedure

If a participant believes that the prosecuting attorney erroneously failed to file the Notice of Eligibility for Wellness Court, the participant can contact the Tribal Court Case Manager/Wellness Court Coordinator or the public defender to obtain a Wellness Court Application and Limited Release of Information. Upon submitting the Application for Wellness Court Participation and signing of the Limited Consent Form the participant will be directed to immediately contact, in person, the Wellness Court Coordinator or the Tribal Court Case Manager.

Step 2: Initial Wellness Court Committee Acceptance in Program

5) Tribal Court Case Manager/Wellness Court Coordinator

Diversion Process: Upon receipt of the Limited Consent Form with the charging documents, criminal history, and police reports, the Tribal Court Case Manager/Coordinator will verify enrollment, education, job history, and schedule the clinical screening. The defendant shall contact the Tribal Court Case Manager/Coordinator and acknowledge receipt of the date, time, and location of the clinical screening. Once the clinical screening information is received, the Case Manager/Coordinator will submit the required information or documentation to the Committee at the next regular weekly staffing meeting.

Post - Adjudicated Process: Upon receipt of the Limited Consent Form, criminal history, Judgment and Sentencing Order and any Motion and Certification to Revoke filed, the Tribal Court Case Manager/Coordinator will verify enrollment, education, job history, and schedule the clinical screening. The defendant shall contact the Tribal Court Case Manager/Coordinator and acknowledge receipt of the date, time, and location of the clinical screening. Once the clinical screening information is received, the Case

Manager/Coordinator will submit the required information or documentation to the Committee at the next regular weekly staffing meeting.

The Wellness Court Committee shall review all reports and intake documentation and information as to the defendant's eligibility and appropriateness to participate in a Wellness Court Program.

For statistical purposes, the Tribal Court Case Manager and/or the Wellness Court Coordinator shall keep a file of all cases presented to the Quinault Wellness Court Committee for participation consideration and shall indicate whether or not the adult was admitted into the program and, if not, why. Attachment D.

The Tribal Court Case Manager or the Wellness Court Coordinator will send a notification letter to the defendant, prosecutor and the defense attorney; this may include an e-mail notification.

Step 3: Transfer from Tribal Court to Wellness Court Program

6) The Prosecutor's Office

If the Wellness Court committee determines that a potential participant is eligible and appropriate for participation in an Quinault Wellness Court Program, the Prosecutor's office may prepare a Wellness Court Confession and Stipulation and appropriate waivers, or plea and sentence agreements of the parties and shall be signed by the participant, his or her legal representative, if any, and the prosecuting attorney.

7) The Wellness Court Coordinator /Case Manager

The Wellness Court Coordinator/Case Manager will ensure that the Participant Agreement and Consent to Release Confidential Information are signed by the participant.

8) The Court

At the next scheduled Wellness Court hearing, the Program Coordinator will submit the participants Quinault Wellness Court Program Phase I requirements, including treatment requirements, house arrest or supervision conditions, and any other requirements that the Wellness Court Committee has determined as appropriate for the benefit of the participant and necessary to address his or her substance abuse behavior and to enhance his or her ability to successfully complete the Wellness Court Program

Wellness Court Phases

PHASE I: ORIENTATION AND STABILIZATION

1. The Participant will attend Wellness Court once per week.
2. The Participant will attend all scheduled Quinault Chemical Dependency and/or Behavioral Health appointments and complete an initial assessment for the purpose of developing a comprehensive treatment plan.
3. The Participant will have a physical exam (medical) within first 30 days.
4. The Participant will attend recovery groups as directed by the Wellness Court Committee
5. The Participant, as ordered by the Wellness Court, will attend and comply with all treatment recommendations formulated by the Wellness Court Committee.
6. The Participant will meet with his/her assigned Probation Officer or designee a minimum of once per week unless otherwise directed by the assigned Probation Officer.
7. The Participant will meet with the Case Manager/Program Coordinator regularly at the discretion of the Case Manager/Coordinator
8. The Participant will submit to random drug/alcohol testing as directed by the Wellness Court or by a Committee Member.
9. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances.(This phase requires a minimum of 45 consecutive days of Sobriety)
10. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information within 72 hours of receipt.
11. The Participant must complete a minimum of 10 hours of documented community service, to be provided on the Wellness Court Community Service form, Attachment F.
12. The Participant may be placed on house arrest or given a curfew and shall not leave his/her home unless authorized by the Court, unless on a bona fide emergency or to attend a court ordered activity.
13. The Participant will comply with all other program components as ordered by the Wellness Court Committee (i.e. recreation activity, group/individual counseling and/or therapy, cultural activities, etc)

14. The Participant accepts that Wellness Court requirements are a priority.
15. All requests to the Wellness Court must be submitted in writing, discussed by the Wellness Court Committee in staffing and a recommendation offered to the Court before it may be considered a legitimate request.
16. The Participant will comply with all other individualized program requirements.

PHASE II: INTENSIVE TREATMENT

1. The Participant will attend Wellness Court every two weeks or as directed by the Court.
2. The Participant will attend all scheduled Quinault Chemical Dependency and or Behavioral Health appointments and complete an updated treatment plan for the purpose of establishing updated individual program goals.
3. The participant will complete an employment or educational evaluation unless already employed or enrolled in an accredited learning institution or if he/she desires to be evaluated for a possible career change.
4. The Participant will attend a minimum of 3 recovery meetings a week. Recovery meetings include but are not limited to A.A., N.A, Alanon etc.
5. The Participant will attend and comply with all treatment recommendations formulated by the Wellness Court Committee.
6. The Participant will meet with his/her assigned Probation Officer or designee a minimum of once per week unless otherwise directed by the assigned Probation Officer.
7. The Participant will meet with the Case Manager/Program Coordinator regularly at the discretion of the Case Manager/Program Coordinator.
8. The Participant will submit to random drug/alcohol testing a minimum of 2 times per week or as directed by the Wellness Court or by a Committee Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances. (This phase requires a minimum of 60 consecutive days of Sobriety)
9. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information within 72 hours of receipt.
10. The Participant must complete 2 hours of documented community service weekly unless otherwise directed. Wellness Court Community Service Form, Attachment F.

11. The Participant will maintain a sponsor and actively work with him/her, completing steps 4-6 of their self-help recovery program.
12. The Participant will comply with all other program components as ordered by the Wellness Court; i.e. special activities, group/individual counseling, cultural activities.

PHASE III: MAINTENANCE

1. The Participant will attend Wellness Court every two weeks or as directed by the Court.
2. The Participant will attend all scheduled Quinault Chemical Dependency and/or Behavioral Health appointments and complete an updated treatment plan for the purpose of establishing individual program goals.
3. The Participant will attend a minimum of 2 recovery meetings a week.
4. The Participant will attend and comply with all treatment recommendations formulated by the Wellness Court Committee.
5. The Participant will meet with his/her assigned Probation Officer or designee once per week unless otherwise directed by the assigned Probation Officer.
6. The Participant will meet with the Case Manager/Program Coordinator regularly at the discretion of the Case Manager/Coordinator.
7. The Participant will submit to random drug/alcohol testing a minimum of once per week or as directed by the Wellness Court or by a Committee Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances. (This phase requires a minimum of 90 consecutive days of Sobriety)
8. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information within 72 hours of receipt.
9. The Participant must complete a minimum of 2 hours of documented community service weekly unless otherwise directed.
10. The Participant must complete 10 hours of documented recreation activity.
11. The Participant will comply with all other program components as ordered by the Wellness Court, i.e. recreation activity, group/individual counseling, cultural activities, etc.

12. The Participant will become employed or enrolled in an accredited learning institution or vocational program, (a minimum of 20 hours a week), otherwise documented as a homemaker or other caretaker in lieu of work or education.
13. The participant will maintain a sponsor and actively work with them in completing steps 7-9 of their self-help recovery program.
14. The Participant will complete a new strength based evaluation with the Case Manager or Program Coordinator.
15. The Participant will comply with all other program components as ordered by the Wellness Court; i.e. special activities, group/individual counseling, cultural activities.

PHASE IV: CONTINUED CARE/AFTERCARE

1. The Participant will attend Wellness Court once per month or as directed.
2. The Participant will attend all scheduled Chemical Dependency and/or Behavioral Health appointments and complete an updated treatment plan for the purpose of establishing individual program goals.
3. The Participant will attend a minimum of 1 recovery meeting a week.
4. The Participant, as ordered by the Wellness Court, will attend and comply with all treatment recommendations formulated by the Wellness Court Committee.
5. The Participant will be employed or in an accredited learning institution or vocational program, (a minimum of 20 hours a week), or otherwise documented as a homemaker or other caretaker in lieu of work or education.
6. The Participant will meet with his/her assigned Probation Officer or designee as directed by the assigned Probation Officer.
7. The Participant will meet with the Case Manager/Program Coordinator regularly at the discretion of the Case Manager/Program Coordinator
8. The Participant will submit to random drug/alcohol testing a minimum of 2 times per month or as directed by the Wellness Court or by a Committee Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances. (This phase requires a minimum of 90 consecutive days of Sobriety)
9. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information within 72 hours of receipt.

10. The Participant must complete a minimum of 2 hours of documented community service weekly unless otherwise directed.
11. The Participant must complete 10 hours of documented recreation activity.
12. The Participant will maintain sponsor and actively work with them, completing steps 10-12.
13. The Participant will comply with all other program components as ordered by the Wellness Court i.e. recreation activity, group/individual counseling, cultural activities, etc.

Graduation

A Participant may graduate from the program upon successful completion of all recommended treatment phases and recommendation of the Quinault Wellness Court Program committee. The Participant will also be required to have all program fees/costs paid in full prior to being released from the program. Fees and costs may include, but are not limited to, drug testing, book fees, home electronic monitoring, fines, restitution and incarceration costs. In addition, the Participant will complete an exit interview with the Case Manager or Program Coordinator.

Program Components

Mandatory Components:

1. Sobriety
2. Court Appearances
3. Random Drug Testing
4. Education or Employment Requirements
5. Contact with Case Manager or Program Coordinator and/or Probation Officer
6. Substance Abuse Counseling and Treatment
7. Community Service
8. Recreation Activities
9. Recovery or Support Groups

Discretionary Components:

1. Parenting Classes
2. Mental Health Counseling and Treatment
3. Domestic Violence Counseling and Treatment
4. Recreation Activities
5. Volunteer work
6. Community Participation
7. Traditional Ceremonies or Events
8. Traditional Healing Ceremonies
9. Spiritual/Hope Activities

10. Talking Circles
11. Other appropriate activities or programs designed to address a component of a participant's treatment plan.

Termination

The goal of the Quinault Wellness Court Program is for each Participant to successfully work through each of the treatment phases to graduation. However, from time to time, a Participant may be unable or unwilling to commit to the treatment process and it may be necessary to terminate the Participant from the program.

Voluntary Termination

A Participant may elect to be terminated from the program at any time. The court shall determine that the decision to be terminated from the program is voluntarily, intelligently and knowingly made. Upon such determination, the case will be referred back to the Tribal Criminal Court and the Prosecutor's office for stipulated trial, entry of the conviction(s) and for sentencing or revocation.

Involuntary Termination

A Participant may be involuntarily terminated from the program by a majority of the Quinault Wellness Court Program committee at a meeting in which a minimum of 5 committee members are present. Participants are required to actively participate in his or her treatment plan.

A Participant who fails to comply with his or her treatment plans and components will receive cumulative termination points through the program. A Participant who obtains a total of 100 points shall be automatically terminated from the program.

If the Participant refuses to comply with necessary program requirements, engages in conduct that the majority of the Quinault Wellness Court Program committee finds to be extremely inappropriate or if the Participant is convicted of an offense of sufficient severity, he or she may be immediately terminated from the program.

Sanction and Termination Point System

The Quinault Wellness Court committee has adopted and incorporated the following sanction and termination point system to track a participant's accrual of program termination points and to apply consistent sanctions when applicable. The following chart can be modified by the Committee or Judge to address individual circumstances.

ACTIVITY/VIOLATION	POINTS	SANCTION
Missed Court Appearance – unexcused	5	Incarceration & Fees
Lying to Committee/Court	5	Essay / Letter of apology
Failure to or a refusal to submit to a Drug/Alcohol Test When directed or a failed Drug/Alcohol Screen.	5	IMMEDIATE, minimum 48 hours incarceration, House arrest, Increased testing,
Use of substances including misuse of over the counter and prescription drugs	5	IMMEDIATE, minimum 48 hours incarceration, House arrest, Increased testing,
Use of medication without proper notification to Case Manager or Coordinator	5	House arrest, Increased testing, possible incarceration
Charged with new offense	5 to 100	House arrest, Increased testing. Reassessment of program appropriateness.
Violation of confidentiality	5	Essay on confidentiality, letter of apology, repeat MRT steps
Failure to contact Case Manager, Probation Officer or Coordinator as directed	1 to 5	Daily check with Case Manager, curfew or extra Court appearances
Failure to complete treatment assignments	1 to 5	Four (4) hours of community service to be completed by next hearing
Missed Treatment or other Court Ordered Appointment – unexcused	1 to 5	Make up appointment will be required.
Repeated lateness to court or other court ordered activities	1 to 5	Admonition, essay, community services, repeat MRT steps.
Failure to complete community service in designated time	1 to 5	Completion of community service hours & additional hours.
Curfew violation/House Arrest or HEM Violations	1 to 5	Tightened curfew hours and weekend house arrest.
Inappropriate language (cussing or swearing) or displaying inappropriate gestures.	1 to 5	Four (4) hours of community service to be completed by next hearing
Inappropriate, disrespectful or disruptive behavior.	1 to 5	Committee/Courts Discretion
Inappropriate dress	1 to 5	Four (4) hours of community service to be completed by next hearing
Violation of standard program rules,	1 to 5	Committee Discretion
Extremely Inappropriate Behavior or Found To Be Responsible for a sufficiently serious offense	100	AUTOMATIC TERMINATION FROM PROGRAM

Program Sanctions

In addition to sanctions listed above, the Quinault Wellness Court committee may utilize the following additional sanction:

- At Judge's discretion, an additional 1 to 10 points
- Increased hours of community work service or approved community participation
- Essay writing
- House arrest
- Home Electronic Monitoring
- Increased court appearances
- Increased random drug testing
- Repeat a previous/present phase
- Lengthened phase
- No contact/No association
- Incarceration
- Increased contact with Case Manager/Program Coordinator
- Termination from program
- Completion of additional assignments
- Fines

Program Incentives

Incentives shall be awarded to a participant based upon his or her individual progress in the program and upon achievement of program goals and objectives deserving of recognition. The Judge or any member of the AWC committee may recommend the awarding of an incentive during any phase of the program. The following list is not inclusive.

- At Judge's discretion, a decrease of 1 to 5 points
- Praise and individualized recognition in Court
- Release from house arrest
- Participation in positive community activities
- Reduction of community work service hours
- Decreased random drug testing
- Certificates of Accomplishment
- Decreased court appearances
- Event tickets
- Gift Certificate
- Decrease in termination points

Phase Requirements

- All requirements are minimums

- **Items required to be completed for Phase promotion/graduate**

Requirements	Phase I	Phase II	Phase III	Phase IV
Court	Weekly	Bi-Weekly	Bi-Weekly	Monthly
Individual Counseling/Therapy	Weekly	As Arranged	As arranged	As arranged
Family Support Group	As ordered	As ordered	As ordered	As ordered
Family Therapy	As Ordered	As Ordered	As ordered	As Ordered
Culture	As Ordered	As Ordered	As Ordered	As Ordered
Probation	As arranged	As arranged	As arranged	As arranged
Case Manager	Weekly	As arranged	As arranged	As arranged
Community Service	10 hrs per week	2 hrs per week	2 hrs per week	2 hrs per week
Recreation	0	10 hrs per week	10 hrs per week	10 hrs per week.
Recovery groups	90 in 90 days	3 per week	2 per week	1 per week
Random Drug Test	2 per week	2 per week	1 per week	1 per month
Curfew	9pm-5am/House arrest	As ordered	As ordered	As ordered
Abstinence	45 days	60 days	90 days	90 days
Phys. Exam	Within 30 days	----	----	----
Get Sponsor	Steps 1-3	Maintain Steps 4-6	Maintain Steps 7-9	Maintain Steps 10-12
Strength Based	Within 30 days		Reassessed	
Sub. Abuse Evaluation	Within 30 days	Reassessed		----
Exit Plan	Ltr of advancement	----	----	As Arranged
Program Debrief	----	----	----	As Arranged
Other	Committee Approval arranged (All Phases)			

Program Rules

YOU WILL BE REQUIRED TO ABIDE BY THE FOLLOWING RULES:

The Quinault Indian Nation Wellness Court Program is an official Court of record and all participants are expected to conduct themselves accordingly. There are certain rules that must be followed by all persons attending official Wellness Court hearings. Any person, participant or otherwise, who fails to follow the Court rules may be held in Contempt of Court and sanctioned accordingly. The following MUST be followed at all times:

1. All participants must appear in court before the Wellness Court Judge every Wednesday at 11:00 a.m. unless otherwise notified. The purpose of the weekly Wellness Court hearing is to discuss the participant's progress in the program. Failure to appear in court as required may result in an arrest warrant being issued and sanctions being imposed.
2. Participants are NOT excused from attending (1) weekly court hearings, or (2) treatment sessions, unless they speak personally with the Tribal Court Case Manager, Program Coordinator or their Counselor, and get permission directly. (Leaving a phone message, or any other kind of message, that you are not coming to court or to your scheduled treatment session, does not authorize permission to miss court or treatment.)
3. Do not schedule appointments/activities during scheduled court hearings or treatment sessions.
4. All participants will provide the Wellness Court Coordinator, Case Manager and Therapist with a current and active phone number.
5. Participants must submit, in advance, written requests to the committee for permission to attend overnight activities or events outside of the community.
6. All participants must remain in court until all cases are heard. The only exception to this rule is when a participant has provided a written request to the Wellness Court Committee prior to the hearing. No last minute requests (i.e. during the Wellness Court hearing) will be granted.
7. During the Wellness Court hearing the Judge will call the Participant before the bench and address his or her progress or lack thereof in court. Cases are called in random order decided by the Judge. The Judge reserves the right to call any case in a closed setting depending on the circumstances.
8. All information (i.e. drug test results, new arrests etc.) discussed in court during hearings is confidential and may not be discussed with any person outside of Wellness Court. In other words, any participant who hears something in court and reveals confidential information to any person outside of the Wellness Court will be subject to sanction and may be subject to an offense of Contempt of Court.
9. Participants are responsible for their own transportation to and from all court hearings and treatment sessions (i.e. alcohol and drug education classes, individual and family counseling sessions and other scheduled activities).

- 10.** The participant must attend all weekly scheduled treatment counseling sessions. This includes but is not limited to any and all scheduled recreational activities, alcohol/drug education classes, individual and family counseling sessions. This also includes any other activities or appointments that may be developed during the course of his or her participation in the program.
- 11.** Participants must be on time for all treatment sessions, recreational activities, community work service and weekly court hearings. If late, the participant may not be allowed to attend/participate in a scheduled activity, (i.e., counseling, education classes, group sessions etc.), and will be considered to have missed that session. Contact the Counselor or Case Manager if there is a possibility of tardiness or missed session. Names and phone numbers of emergency contacts will be provided. Generally, only a verified medical matter is a reasonable excuse.
- 12.** The Participant must submit to weekly random drug tests (urine, saliva, breath or other appropriate means of monitoring) to determine if he/she has been using illegal drugs or alcohol. The Participant must submit to testing upon request or as directed by the Wellness Court or Committee Member. The Participant's refusal to provide a sample will be considered a positive test for substance.
- 13.** A positive drug test, refusal to test or failure to immediately respond to a phone call request will be grounds for immediate apprehension and 48 hours incarceration for the first infraction, a minimum of 72 hours for the second and subsequent infractions. Additional sanctions may also be imposed at the next regularly scheduled court hearing.
- 14.** The Participant shall perform a minimum number of community work service in each phase of the program. (The minimum number of community work hours and frequency required is identified in each of the phase requirements).
- 15.** The Participant shall participate in a minimum number of recreation hours in each phase of the program such as weight lifting, biking, yoga, basketball etc. or an alternative activity such as language classes. (The minimum number of recreation/alternative activity hours required is identified in each of the phase requirements).
- 16.** To verify that community work service was performed, a Participant will be required to provide a signed form (Attachment F). Each Participant is responsible for obtaining forms from the Case Manager or Program Coordinator. Participants will present the completed/signed forms to the Case Manager or Program Coordinator by the designated due date. A Participant will NOT be allowed to fill out the form on the day of court.
- 17.** The Participant shall be responsible for the cost of court ordered home electronic monitoring and secure, continuous, remote alcohol monitors.

- 18.** All Participants are required to comply with a curfew established by the Wellness Court Committee. The Quinault Nation Police Department will monitor curfew and house arrest compliance.
- 19.** Participants must dress appropriately at all times while participating in Wellness Court activities, including Wellness Court hearings, treatment sessions, and recreational activities. Clothing bearing drug or alcohol related themes, gang affiliation, obscene or vulgar messages are considered inappropriate. Clothing such as shorts, cutoff pants, midriff tops, and flip-flops are also considered inappropriate. Accessories such as sunglasses and hats are not to be worn inside the courtroom unless medically required.
- 20.** Participants shall not use profanity and other vulgar or rude language during Wellness Court activities. This includes all court hearings, treatment sessions, community work service, and recreational activities.
- 21.** Violence, harassment, or other inappropriate behavior among participants or other individuals will not be tolerated. Such behavior may result in termination from the program.
- 22.** Participants shall comply with all reasonable commands and directives of the Tribal Court Case Manager, Program Coordinator, Treatment Counselors, Clinical Therapists, Probation Officer, Court Bailiff, Wellness Court Committee members and Police Officer during all Wellness Court activities.
- 23.** Wellness Court terms and conditions (i.e. court appearances, treatment sessions, recreational activities or other court ordered activities) have priority over all other activities, including sports.
- 24.** All Participants must be respectful and courteous to others, including other Participants, their spouses/immediate family, members of the Wellness Court Committee and court staff during all Wellness Court hearings, treatment sessions and recreational activities.
- 25.** The participant will be required to have all program fees/costs paid in full prior to being released from the program. Fees/costs include drug testing, book fees, home electronic monitoring, fines, restitution, incarceration costs, etc.
- 26.** The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information within 72 hours of receipt.

ATTACHMENT A

Quinault Eligibility Questionnaire



**QUINAULT INDIAN NATION
POLICE DEPARTMENT**

136 Cuitan Street
PO Box 189
Taholah, WA 98587

**QUESTIONNAIRE REGARDING WELLNESS COURT ELIGIBILITY
(TO BE FILLED OUT BY ARRESTING OFFICER)**

DATE OF ARREST: _____

DEFENDANT'S NAME: _____

ENROLLED OR ENROLLABLE QUINAULT? _____ IF NO, ENROLLED OR ENROLLABLE IN ANY
OTHER TRIBE? _____ IF YES, WHICH TRIBE? _____

DEFENDANT'S MAILING ADDRESS: _____

DEFENDANT'S PHYSICAL ADDRESS (if different from mailing address): _____

DEFENDANT'S PHONE NUMBER: _____

HOW ALCOHOL/DRUGS RELATED TO THE CURRENT INCIDENT? CRIME OF ARREST PERSON UNDER
THE INFLUENCE AT TIME OF ARREST OTHER: _____

STATEMENTS MADE BY THE DEFENDANT REGARDING CURRENT OR PRIOR DRUG/ALCOHOL USE AND/OR
ABUSE: _____

PLEASE ATTACH A PRINTOUT OF POLICE INVOLVEMENTS

Date

Arresting Officer's Signature

ATTACHMENT B

Notice of Wellness Court Eligibility

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IN THE QUINAULT TRIBAL COURT
QUINAULT INDIAN NATION

QUINAULT INDIAN NATION,

vs.

_____,
Defendant.
DOB: _____

Plaintiff,

No.:

**NOTICE OF WELLNESS COURT
ELIGIBILITY**

COMES NOW the Quinault Indian Nation, by and through its prosecutor, Amanda Kleespie
 Brett Colacurcio, and hereby provides notice to the Court that the above named defendant is
eligible for Wellness Court diversion post-adjudication program. This Notice is provided
upon initial review of the available criminal history, prior involvement in the Wellness Court
program, and review of the current offense or violation.

SIGNED this _____ day of _____, 20__.

Prosecutor, Quinault Indian Nation

ATTACHMENT C

Limited Release of Information

LIMITED AUTHORIZATION TO RELEASE INFORMATION

Name: _____ SSN: _____ Date of Birth: _____

I REQUEST AND AUTHORIZE:

_____ Quinault Chemical Dependency	_____ Roger Saux Behavioral Health Center
_____ Prosecuting Attorney	_____ Defense Attorney
_____ Probation Officer	_____ Roger Saux Health Center
_____ Quinault Tribal Court	_____ Domestic Violence Prevention Program
_____ Other _____	_____ Quinault Family Services

(Specify)

TO RELEASE AND/OR EXCHANGE INFORMATION/RECORDS WITH:

QUINAULT WELLNESS COURT
P.O. BOX 189
TAHOLAH, WA 98587
TELEPHONE: (360) 276-8211 ext 222

YOU MAY USE OR DISCLOSE THE FOLLOWING INFORMATION (check all that apply):

_____ Identifying information	_____ Diagnosis
_____ General Progress Report*	_____ Discharge summary
_____ Treatment plan	_____ Current Medications
_____ Attendance Report	_____ Other(specify) _____

*Progress report does not include session notes: it is a summary of progress only.

REASON(S) FOR AUTHORIZATION: For determination of participation in Quinault Wellness Court

MY RIGHTS

I do have to sign an authorization form: (1) to take part in research study or (2) to receive health care when the purpose is to create health care information for a third party.

I may revoke this authorization in writing. If I did, it would not affect any actions already taken based upon this authorization. I may not be able to revoke this authorization if its purpose was to obtain insurance. Two ways to revoke this authorization: (1) fill out a revocation form, available at the Health care facility, or (2) Writ a letter to the custodian of records.

Once health care information is disclosed, the person or organization that receives it may re-disclose it. Privacy laws may no longer apply.

I further authorize the sending of any of these records to QUINAULT WELLNESS COURT

Signature: _____ Date signed: _____

Print Name: _____

A Copy of this authorization shall have the same effect as the original.

THIS AUTHORIZATION EXPIRES 90 AFTER THE DATE THAT IT IS SIGNED

ATTACHMENT D

Wellness Court Eligibility Form



QUINAULT INDIAN NATION WELLNESS COURT

136 Cuitan Street
PO Box 189
Taholah, WA 98587
Phone: 360-276-8215 ext. 222

WELLNESS COURT ELIGIBILITY

DEFENDANT'S NAME: _____

ENROLLED OR ENROLLABLE QUINAULT? _____ IF NO, ENROLLED OR ENROLLABLE IN
ANY OTHER TRIBE? _____ IF YES, WHICH TRIBE? _____

DEFENDANT'S MAILING ADDRESS: _____

DEFENDANT'S PHYSICAL ADDRESS (if different from mailing address): _____

DEFENDANT'S PHONE NUMBER: _____

ELIGIBLE FOR DRUG COURT PARTICIPATION?

YES, (DIVERSION POST ADJUDICATION) START DATE: _____

NO, REASON FOR INELIGIBILITY: _____

NOTIFICATION REGARDING ELIGIBILITY SENT? Attach documentation of notification

Defendant – Date: _____

Prosecutor – method of delivery e-mail mail interoffice mail – Date: _____

Defense attorney – method of delivery e-mail mail interoffice mail – Date: _____

Probation – method of delivery e-mail mail interoffice mail – Date: _____

Date

Wellness Court Case Manager

ATTACHMENT E

Wellness Court Application



QUINALT INDIAN NATION

WELLNESS COURT

130 Curran Street
PO Box 189
Taholah, WA 98587
Phone: 360-276-8215 ext. 222

WELLNESS COURT PARTICIPANT APPLICATION

Please read each question carefully before answering. Failure to complete all required Wellness Court forms accurately will delay the processing of your application. False or misleading information will be treated as a false statement subjecting you to exclusion from the Program.

IDENTIFYING INFORMATION:

Name: _____ DOB: ____ / ____ / ____

Address: _____

Mailing address if different: _____

Length at current address: _____

Currently living: Alone ____ Spouse/Significant Other ____ Roommate ____ Parent(s) ____

Home Phone: () _____ Work Phone: () _____

Cell Phone: () _____ SSN: ____ / ____ / ____

SUBSTANCE ABUSE HISTORY/TREATMENT:

Primary substance of choice: _____ Age of first Use: ____ Frequency: _____

Amount: _____ Last Use: _____

Secondary substance of choice: _____ Age of first Use: ____ Frequency: _____

Amount: _____ Last Use: _____

Other substances of abuse: _____

PROBLEMS RELATED TO SUBSTANCE ABUSE:

Have you ever experienced a blackout? Yes No

Have you noticed an increase or decrease in tolerance to achieve desire effect? Yes No

Have you ever taken a substance in larger amounts over a longer period than what was intended? Yes No

Have you ever experienced withdrawal symptoms? Yes No

Have you ever spent a great deal of time in activities necessary to obtain the substance/ recovery from its effects? Yes No

Has there been a persistent desire or unsuccessful effort to cut down or control your substance use? Yes No

Have you given up social, occupational, or recreational activities because of your substance use? Yes No

Do you continue to use despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused by the substance (e.g., continued drinking despite a medical warning that drinking would make a physical condition worse?) Yes No

Have you ever participated in treatment? Yes No If yes, please list the type(s) of treatment and approximate date(s):

Have you ever used substances intravenously? Yes No When _____

Have you ever attended AA/NA meetings? Yes No When _____

Have you ever had an AA/NA sponsor? Yes No When _____

Have you ever taken any type of medication to assist with your sobriety? (Antabuse, Saboxone, etc.)

Do you smoke? Yes No Daily Amount _____ Have you ever tried to quit? Yes No

EDUCATIONAL HISTORY:

Level of Education: HS Diploma _____ GED _____ HSED _____ Year Completed _____

Vocational Degree _____ College Degree _____

Are you currently enrolled in any educational or skill development program? Yes No

If yes, explain: _____

Have you ever been diagnosed with a learning disability? Yes No

If yes, explain: _____

FINANCIAL STATUS & EMPLOYMENT HISTORY:

Do you receive any public assistance? Yes No

General Relief? Yes No

Social Security? Yes No

SSI? Yes No

Other? Yes No What _____

Are you currently employed? Yes No. If yes, about how many times per week? _____. Length of time at current job? _____ Current Job site: _____ Salary/Wages: _____ Hourly Monthly Yearly

If no current employment, Unemployed, but seeking Unemployed, but not seeking

Health Insurance? Yes _____ No _____

Monthly Expenses:

Rent/mortgage _____ Student loans _____ Credit cards _____

Utilities _____ Phone _____ Cable/Internet _____

Loans _____ Child Care _____ Child Support _____

Food _____ Restitution/fines _____ Rent to Own Items _____

Total monthly bills _____

Do you have a valid driver's license? Salary/Wages: Yes No. If not, why? _____

MILITARY HISTORY:

Branch of Service: _____ Highest Rank Achieved _____

Length of Service: _____ Discharge Type: _____

FAMILY & SOCIAL HISTORY:

Father's Name: _____ Phone No.: () _____

Address: _____

Mother's Name: _____ Phone No.: () _____

Address: _____

Step-father's Name: _____ Phone No.: () _____

Address: _____

Step-mother's Name: _____ Phone No.: () _____

Address: _____

Sibling(s) Names and Locations:

Have you discussed the option of participating in Wellness Court with any family members?

Yes No Explain: _____

Family History of Alcoholism/Substance abuse or addiction: Yes No

Current Status:

Single Married Divorced Separated Widowed

Name of spouse or significant other: _____ DOB: ____/____/____

Length of marriage/relationship: _____

Do you have any children? Yes No Living with you? Yes No

Children's names, ages and living situation

Name: _____ Age: _____ Living _____

LEGAL HISTORY:

Do you have any existing warrants or pending charges that are outside of Quinault Indian Nation? Yes No

If yes, explain: _____

Case number(s) _____

Do you have any prior convictions for violent crimes and/or convictions involving a weapon? Yes No

If yes, explain: _____

Case number(s) _____

What legal charge(s) have brought you to be referred for Wellness Court? _____

Case number(s) _____

PHYSICAL/MENTAL HEALTH:

Please list any current mental health diagnosis: _____

Treating Psychiatrist: _____ Agency: _____

Phone No.: () _____

Current Medications: _____

Side Effects: _____

Please list any current physical problems: _____

Treating Doctor: _____ Agency: _____ Phone No.: _____

Do you have any allergies? _____

Do you have any form of communicable diseases? (Hepatitis C, HIV, etc.) _____

Have you been hospitalized in the last year? Yes No. Date(s) _____

History of suicidal ideations (threats/attempts/hospitalizations)? Yes No. Year(s) _____

Please explain: _____

History of homicidal ideations (threats/attempts)? Yes No. Year(s) _____

Please explain: _____

Strengths (List what you believe your strengths to be): _____

Weaknesses (List what you believe your weaknesses are): _____

Leisure / Interests (List what you enjoy doing in your leisure time): _____

Are there any un-resolved issues that you feel contribute to your alcohol/chemical use?

MOTIVATION:

Please explain why you want to be involved in Wellness Court:

I declare under penalty of perjury under the Laws of the Quinault Indian Nation that the above is true and accurate to the best of my knowledge and belief.

Dated: _____

Signature

ATTACHMENT F

Wellness Court Community Service Form

