

**Shingle Springs Band of Miwok Indians Tribal Court
and
Superior Court of El Dorado County**



**Joint Jurisdictional Court Manual
2015**

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Former Supervisor Norma Santiago, Chair, El Dorado County Board of Supervisors

Former Supervisor Ron Briggs – District Four, El Dorado County Board of Supervisors

Supervisor Michael Ranalli-District Four, El Dorado County

Pamela Knorr – Chief Administrative Officer, El Dorado County

Honorable Judge Christine Williams – Shingle Springs Band of Miwok Indians Tribal Court

Honorable Judge Suzanne Kingsbury – Presiding Judge, El Dorado County Superior Court

Jennifer Walter – Supervising Attorney, Center for Families, Children & the Courts, Judicial Council of California

Brian Richart – Chief Probation Officer, El Dorado County Probation Department

Christy Lorente – Deputy District Attorney, El Dorado County District Attorney’s Office

Jeff Dreher – Lieutenant, El Dorado County Sheriff’s Office

Mark Contois – Program Manager II, El Dorado County Health and Human Services

Pam Carter – Program Manager I, Child Welfare, El Dorado County Health and Human Services

AmyAnn Taylor – General Counsel, Shingle Springs Band of Miwok Indians

Nicholas Bryson-Tribal Attorney, Shingle Springs Band of Miwok Indians

Rose Hollow Horn Bear – Behavioral Health Director and Wellness Board Member, Shingle Springs Band of Miwok Indians

Steve Heggen – Deputy Chief Probation Officer, El Dorado County Probation Department

Karla Kowalski-Acting Deputy Chief Probation Officer, El Dorado County Probation Department

Teri Monterosso – Public Defender, El Dorado County Public Defender’s Office

Scott Heller – Chief of Police, Placerville Police Department

Jackie Davenport – Assistant Court Executive Officer, El Dorado County Superior Court

Roger Runkle – Attorney at Law, Becker Runkle Laurie & Mahoney

John R. Adams-Executive Director, Child Advocates of El Dorado County

Michelle Vien-Senior Program Co-coordinator, Child Advocates of El Dorado County
Yvonne McClure – Tribal Police Officer, Shingle Springs Band of Miwok Indians
Tony Cervantes, Tribal Services Coordinator and Wellness Board Chairman, Shingle Springs Band of Miwok Indians
Denise Williams-Clerk of the Court, Shingle Springs Band of Miwok Indians
Sarah Raskie – Wellness Consultant, Calmil Teoyotica
Lesley Gomes- Deputy County Counsel, El Dorado County Counsel
Moke Auwae – Sergeant Court Security, El Dorado County Sheriff’s Department
Sheila Silan – SARB Chairperson, El Dorado County Office of Education
Ernest Vargas- Tribal Administrator, Shingle Springs Band of Miwok Indians
Nicholas Fonseca- Tribal Council Chairman, Shingle Springs Band of Miwok Indians
Hermo Olanio- Tribal Council Vice Chairman, Shingle Springs Band of Miwok Indians
Kathleen Farrington- Tribal Council Secretary, Shingle Springs Band of Miwok Indians
Allan Campbell- Tribal Council Member and Wellness Board Member, Shingle Springs Band of Miwok Indians
Veronica Holmes- Tribal Council Member, Shingle Springs Band of Miwok Indians
Yvonne Gonzales-Tribal Council Member, Shingle Springs Band of Miwok Indians
Malissa Tayaba- Tribal Council Member and Social Services Director, Shingle Springs Band of Miwok Indians
Regina Cuellar- Tribal Council Member, Shingle Springs Band of Miwok Indians
Armida Vargas-Training and Development Coordinator and Wellness Board Member, Shingle Springs Band of Miwok Indians
Hannah Adams-Tribal Services Assistant, Shingle Springs Band of Miwok Indians
Maryann Olanio- Tribal Services Advocate, Shingle Springs Band of Miwok Indians

Our Consulting T.E.A.M. (Together Everyone Achieves More) included:

Judge Korey Wahwassuc, Itasca County Superior Court, Minnesota

Justice John Smith, Minnesota Court of Appeals

Attorney Jennifer Fahey, Jennifer Fahey Consulting, Boston, Massachusetts

Allison Leof, PhD, Center for Evidence-based Policy, Oregon Health and Science University

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Introduction

The maze of inter-jurisdictional challenges faced by tribal and non-tribal justice systems, put in place by federal policies, leave tribal and state justice systems at a disadvantage when trying to respond to problems in a holistic fashion. Often facing budget shortfalls and working with limited resources, local tribal and non-tribal communities must rely on their creativity and resourcefulness to find innovative solutions to issues caused by alcohol and drug addiction, chronic absenteeism/truancy, gang activity, and crime. Increasingly, tribal and state jurisdictions are joining forces in Joint Jurisdiction Courts to achieve better outcomes and avoid reactive, punitive-based responses from the justice system that are not as culturally appropriate as they could be.

California has the largest population of Indian people in the nation, with over 100 federally recognized tribes. California is a Public Law 280 state, and Tribes are not eligible to receive Bureau of Indian Affairs “638” funding for tribal law enforcement or tribal courts, which limits resources available to address public safety. The Shingle Springs Band of Miwok Indians (Tribe) tribal community has been severely affected by cultural, historical, and intergenerational trauma that has accumulated through centuries of exposure to racism, warfare, violence, and catastrophic disease. Many Tribal members also have the perception that they cannot trust the local justice system.

The Shingle Springs Band of Miwok Indians has committed to the idea that wellness is good governance. The Tribe promotes youth engagement in school, and has established a Wellness Board and a robust health clinic with many services on the reservation. El Dorado County has vast experience starting and sustaining specialty courts, despite fiscal challenges of its own. The Shingle Springs Tribal Court and the El Dorado County Superior Court have had a strong relationship, and Chief Tribal Court Judge Christine Williams and Presiding Judge Suzanne Kingsbury work together informally on a number of collaborative projects. Both Judge Williams and Judge Kingsbury share a commitment to addressing generational problems facing Native American families and are passionate about improving outcomes for children, youth, and families in their community.

After attending a conference at which she learned about the first Joint-Tribal State Jurisdiction Wellness Court in the nation, the Leech Lake Band of Ojibwe-Cass County Wellness Court¹, Judge Williams was convinced that by joining their courts and court-connected services, The Tribe and El Dorado County could break detrimental family cycles. According to Judge Williams, creation of a joint jurisdiction court could “save our future tribal leaders from alcohol and substance abuse, gangs, and ultimately, from juvenile delinquency and detention.” Judge Kingsbury agreed: “I know we can improve outcomes for our Native children and youth and their families. If together, we provide wrap-around services by joining tribal and non-tribal forces and services, we will see a difference.”

¹ For more information about the Leech Lake-Cass County Wellness Court, follow links to the following articles: <http://contentdm.washburnlaw.edu/cdm/ref/collection/wlj/id/5682> and <http://web.wmitchell.edu/law-review/wp-content/uploads/documents/13.Wahwassuck.pdf>.

In late 2013, the Shingle Springs Band of Miwok Indians and the Superior Court of El Dorado County received a training and technical assistance grant from the Department of Justice, Bureau of Justice Assistance, to develop a Joint Jurisdictional Court to better serve system-involved young people and their families living on or near the Shingle Springs Rancheria. Judges Williams and Kingsbury intended to create a program that would not only address the issues facing tribal youth and their families, but would also serve as a model for other tribal and state jurisdictions in California.

The training and technical assistance T.E.A.M. (Together Everyone Achieves More) conducted three, two-day, on-site visits. The goals of the first visit were to open communication, develop stronger relationships, create a vision and mission statement, identify project goals, and map the current system. The goals of the second meeting were to envision desired changes in the system, identify how such changes could materialize, and develop a structural framework for a new joint-jurisdictional court. The goals of the third meeting were to have in place necessary information, documentation, policies and procedures, and desire to accomplish implementation. Much work was also accomplished between meetings.

At the fourth meeting, a name was chosen that reflected the goals of the new Court.

Family Wellness Court

This Family Wellness Court program is intended to provide system-involved youth and their families with a court-supervised alternative that emphasizes culturally-appropriate restorative justice practices. The program's wrap-around continuum of care consists of prevention, intervention, and post-adjudication services. Program staff uses a teamwork approach to address needs of program participants using a culture-specific, trauma-informed, strength-based, and evidence-based approach.

Individualized case plans measure and address participants' criminogenic needs, which include: antisocial/pro-criminal attitudes, values, and beliefs; pro-criminal associates; temperament and personality factors; a history of antisocial behavior; family factors; and low levels of educational, vocational or financial achievement. While some of these factors cannot be changed or influenced (e.g. prior record or family history of criminality), others can be. These "dynamic" factors include who a person associates with, that person's attitudes and values; lack of problem solving skills; substance use; and employment status. All these factors are correlated with recidivism, and all can be targeted for change.

Family, broadly defined, is an important part of Family Wellness Court. A young person is only as healthy as his family environment. A youth may leave a treatment program after a period of abstinence from substances only to return to a home where drugs and alcohol are prevalent. The Family Wellness Court program is based on voluntary participation but the young person and his or her family must agree to be held accountable through family service agreements and court orders. By signing a consent form, the parents agree to participate in the joint-jurisdictional court, which can provide services, but also administer consequences to participants for lack of compliance.

Because it is the intent of the Family Wellness Court program to promote legal, individual and family wellness, wrap around services are an important part of the program. While wrap around principles will be discussed in later pages, the foundation of this approach involves cultural,

strength-based, collaborative decision making among service providers and the family, resulting in joint, outcome-based decisions for the individual needs of the young person and his or her family, with a focus on services being provided in his or her cultural community.

This document outlines foundational principles, strategic goals, collaborative partnerships, referral process, eligibility criteria, program model, staff composition, data collection, and as we move forward, lessons learned. We welcome interest in our program and encourage comments or questions.

Family Wellness Court Foundational Principles

The Court's Vision: One safe, strong community of thriving families created through trust and healing.

The Court's Mission: Joining together to provide justice through trust, respect, and love by empowering youth and families to create positive change.

The Court's Project Goals:

- Administer justice in a safe and supportive environment
- Reduce incarceration
- Reduce crime and prevent re-offenses
- Improve public safety
- Empower and support our youth and families
- Promote self-sufficiency through positive behavioral change
- Promote community and family connections
- Create more effective, cooperative interventions
- Foster positive community relations
- Celebrate cultural diversity and understanding

Family Wellness Court Collaborative Partners

The Court will collaborate with the following entities:

- Tribal Council
- Tribal General Counsel
- Tribal Law Enforcement
- Tribal Behavioral Health
- Tribal Services
- Tribal Wellness Board
- Foothill Indian Education Alliance
- Placerville Police Department
- El Dorado County Board of Supervisors
- El Dorado County Office of Education
- El Dorado County District Attorney
- El Dorado County Public Defender
- El Dorado County Sheriff

- El Dorado County Probation
- El Dorado County SARB (Student Attendance Review Board)
- El Dorado County Schools
- El Dorado County Counsel
- El Dorado County Human Services
- El Dorado County Court Appointed Special Advocates

Family Wellness Court Model/Approach

Court Model:

The Family Wellness Court model is a strength-based, client-centered, family-focused model, grounded in Native values and culture, guided by the Medicine Wheel teachings and the Ten Wraparound Principles of the *National Wraparound Initiative*, based on data-driven decision making and measureable outcomes. Family Wellness Court staff will work closely with youth and families to identify their strengths as well as needs and together create a culturally-based Family Service Plan to help the Family meet their short and long term goals.

Practice and research from multiple disciplines have shown that culture is an important protective factor for our young people. Research has shown that cultures and languages are protective factors against risk and contribute positively to health and wellness².

Our Approach:

Today's members of the Shingle Springs Band of Miwok Indians are descendants of the Miwok and Maidu Indians who once lived in this region. They continue the ways of their ancestors, honoring and protecting the Earth for future generations.³ The Family Wellness Court incorporates Miwok-Maidu tribal culture through activities, education, ceremonies, and other strategies, including education on tribal life ways, tribal history, core values, and world views (including spirituality or religion). Being culturally informed enables participants to become more connected with their tribal culture and to rely on it as a resource during stressful times. Acquiring cultural knowledge also gives participants insight and connections into the ways of their culture to help them better understand themselves and their environment.

Cultural activities are an integral part of programming for participants, and include such things as: the sweathouse (used for ceremonies and purification rituals); communal gatherings and celebrations in the roundhouse; crafts such as drum- and rattle-making and basketry; traditional storytelling; gathering of plants and traditional foods; language; and traditional games such as hand games (a guessing game).

² McIvor, Onowa. *Language and Culture as Protective Factors for At-Risk Communities*, Journal of Aboriginal Health, November 2008, Vol. 5, Issue 1.

³ For more information on the Shingle Springs Band of Miwok Indians, see <http://shinglespringsrancheria.com/content/>

The Family Wellness Court also recognizes that today's mental health or alcohol and drug problems cannot be addressed without looking at their interrelationship with spirituality, feelings, thoughts or actions of human beings. To help participants examine their lives in a holistic way, the Family Wellness Court utilizes the Medicine Wheel teachings. The Medicine Wheel has a rich history in the culture of Native Americans and is a tool used in many disciplines that deliver services to Native Americans and non-native populations. The Medicine Wheel teachings show program participants how to develop as human beings and how to develop healthy, safe and happy relationships.

Cultural knowledge also serves as a protective factor for participants and promotes personal and community resiliency. Protective factors are conditions or attributes (skills, strengths, resources, supports or coping strategies) in individuals, families, communities or the larger society that help people deal more effectively with stressful events and mitigate or eliminate risk in families and communities. Studies have demonstrated that protective factors from delinquency and victimization include knowing one's Native Language, participating in traditional ceremonies, and understanding spiritual practices⁴. Strong cultural identity is associated with lower rates of substance abuse⁵, incidences of suicide⁶, and school drop-out rates⁷. Research has shown that developing a positive tribal community identity and participating in community and cultural activities are associated with lower depression, lower alcohol use, lower antisocial behavior, and lower levels of dysfunctional behaviors among Native youth⁸.

The Superior Court and county government in El Dorado County have a strong commitment to collaborative, specialty courts. Collaborative justice courts, also known as problem-solving courts, combine judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery to reduce recidivism and improve offender outcomes. Examples of collaborative justice courts in California are community courts, domestic violence courts, drug courts, DUI (driving under the influence) courts, elder abuse courts, homeless courts, mental health courts, reentry courts, veterans' courts, and courts where the defendant may be a minor or where the child's welfare is at issue. These include dating/youth domestic violence courts, drug courts, DUI court in schools program, mental health courts, and peer/youth courts. Collaborative Justice Courts are distinguished by the following elements:

- A problem-solving focus,
- A team approach to decision making,
- Integration of social and treatment services,
- Judicial supervision of the treatment process,

⁴ *A Newsletter for System of Care Communities in Indian Country*, National Indian Child Welfare Association (NICWA), Issue #6, May 2012 citing Mmari, Blum & Teufel-Shone (2010). What increases risk and protection for delinquent behaviors among American Indian Youth? *Youth and Society*, 41, 382-413.

⁵ Id. citing Moran, J.R., & Reaman, J.A. (2002). Critical issues for substance use prevention targeting American Indian youth. *The Journal of Primary Prevention*, 22, 201-233.

⁶ Id. citing Chandler, M.J. & Lalonde, C.E. (Unpublished manuscript). Cultural continuity as a moderator of suicide risk among Canada's First Nations.

⁷ Id. Citing Feliciano, Cynthia. (2001). The benefits of biculturalism: Exposure to immigrant culture and dropping out of school among Asian and Latino youths. *Social Science Quarterly*, 82(4), 865-879.

⁸ Whitesell, N. R. (2008). Developing a model of positive development for indigenous youth. Paper presented at the Society for Research on Adolescence, Chicago, March 8th.

- Community outreach,
- Direct interaction between defendants and judge, and
- A proactive role for the judge inside and outside the courtroom.

The California Judicial Council’s Collaborative Justice Courts Advisory Committee advises the council regarding collaborative justice, or problem-solving, courts. It makes recommendations to the council for developing collaborative justice courts, improving their processing of cases, and overseeing the evaluation of such courts throughout the state. For education and resources on collaborative courts, see <http://www.courts.ca.gov/3079.htm>

Family Wellness Court Referrals

Referrals to the Family Wellness Court may be made by the entities listed below. A referral form is to be filled out by the referring agency along with all available relevant information including but not limited to court orders, diagnostic assessments, general risk/need assessments, and other.

- Attorneys: Parents’ Attorneys, Child’s Attorney, County Counsel’s Office, District Attorney’s Office, Public Defender’s Office
- Schools
- Law Enforcement
- Probation
- Court
- Employers/Supervisors
- Family
- Tribe
- Child Welfare
- Medical/Health Personnel
- Faith Community
- Self-Referrals
- Court Appointed Special Advocates (CASA)
- Other jurisdictions
- Other

Referrals are deemed eligible or ineligible based on the following criteria:

Eligibility Criteria

- Native Youth exhibiting at risk behavior
- Native Youth who are at risk of court involvement
- Youth under 17 years old; Transitional Youth ages 18-24 years
- Types of cases may include delinquency, dependency, truancy, and criminal
- Participant Youth and Family must reside in Eldorado County and on or near the Shingle Springs Rancheria, or involved in a case that can be transferred
- Participants must accept the judges assigned to the Court

- Families with Native Youth who are involved in dependency court or at risk of dependency court involvement.
- Final decisions are made by the assigned judges with input from the Family Wellness Court team

Ineligibility Criteria

- Individuals with no connection to the Shingle Springs Band of Miwok Indians or not subject to the jurisdiction of El Dorado County Superior Court

Youth in the Family Wellness Court are those individuals and/or families who have the greatest needs and therefore require intensive intervention in order to sustain healthy behavioral change. Once an individual is determined eligible, staff will conduct a screening of the Family to identify any pending cases for potential consolidation. Such screening may be done by both the County Probation Department and the Tribal representatives.

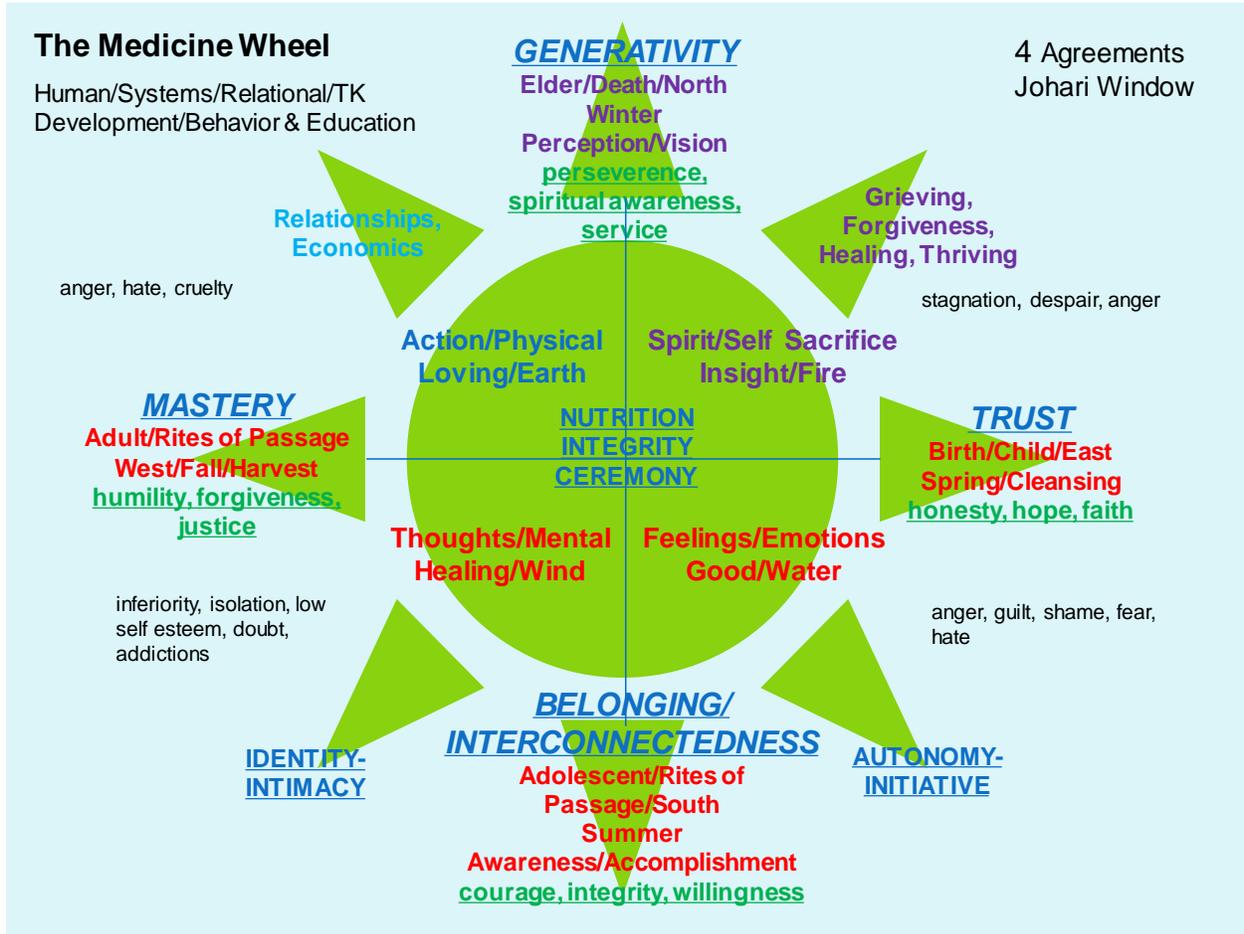
Family Wellness Court Team

The Family Wellness Court team shall together determine whether a Youth and Family are eligible for the Family Wellness Court Program. The Family Wellness Court team shall be comprised of representatives from the following disciplines as needed for the particular client:

- Probation
- District Attorney
- Child Protective Services
- Tribal Prosecutor
- SARB
- Wellness Board Member
- Volunteer Retired Professionals
- Victim Advocate
- Behavioral Health
- Law Enforcement
- Tribal Council Representative
- Defense Attorney
- Family Advocate/CASA
- Elders
- Tribal Court Advocate
- County Counsel
- Dependency Counsel

The Medicine Wheel:

The Medicine Wheel is the foundation of the Family Wellness Court.



Wraparound Principles:

The Family Wellness Court also utilizes the Ten Principles of the Wraparound Process:

1. *Family voice and choice.* Family and youth/child perspectives are intentionally elicited and prioritized during all phases of the wraparound process. Planning is grounded in family members' perspectives, and the team strives to provide options and choices such that the plan reflects family values and preferences.
2. *Team based.* The wraparound team consists of individuals agreed upon by the family and committed to them through informal, formal, and community support and service relationships.
3. *Natural supports.* The team actively seeks out and encourages the full participation of team members drawn from family members' networks of interpersonal and community relationships. The wraparound plan reflects activities and interventions that draw on sources of natural support.
4. *Collaboration.* Team members work cooperatively and share responsibility for developing, implementing, monitoring, and evaluating a single wraparound plan. The plan reflects a blending of team members' perspectives, mandates, and resources. The plan guides and coordinates each team member's work towards meeting the team's goals.
5. *Community-based.* The wraparound team implements service and support strategies that take place in the most inclusive, most responsive, most accessible, and least restrictive settings possible; and that safely promote child and family integration into home and community life.
6. *Culturally competent.* The wraparound process demonstrates respect for and builds on the values, preferences, beliefs, culture, and identity of the child/youth and family, and their community.
7. *Individualized.* To achieve the goals laid out in the wraparound plan, the team develops and implements a customized set of strategies, supports, and services.
8. *Strengths based.* The wraparound process and the wraparound plan identify, build on, and enhance the capabilities, knowledge, skills, and assets of the child and family, their community, and other team members.
9. *Persistence.* Despite challenges, the team persists in working towards meeting the needs of the youth and family and towards achieving the goals in the wrap-around plan.
10. *Outcome based.* The team ties the goals and strategies of the wraparound plan to observable or measurable indicators of success.

Four Phases of the Family Wellness Court Program

Trust Phase: Orientation and Assessment Phase

This first phase will require youth and family to meet with the Court on a **bi-weekly** (every other week) basis. During this phase, the client will agree to a treatment plan based on assessments completed and information collected on youth and family. Drug and alcohol testing may be conducted; Native teachings, activities and ceremonies may be performed; and incentives and consequences may be forthcoming based on compliance or non-compliance of court orders.

Progression from Trust Phase to Belonging Phase will be dependent upon successful completion of the treatment plan and approval of the judges. On average, this phase will last from 30 to 90 days.

Below is a selection of what may occur during the Trust Phase.

- A Family Wellness Court contract will be signed
- Crisis intervention and safety plans will be developed
- Mental health screening will be conducted and further assessment if necessary
- Substance abuse screening will be conducted and further assessment if necessary
- Risk/Needs assessment will be conducted and further assessment if necessary
- Historical trauma screening will be conducted and further assessment if necessary
- Developmental screening will be conducted including fetal alcohol screening and further assessment if necessary
- Physical/dental screening will be conducted and further assessment if necessary
- Functional/behavioral assessment will be conducted
- Spiritual/cultural assessment
- Family mapping
- Engagement in statutorily mandated program and treatment programs
- Drug and alcohol testing
- Interest inventory
- Medicine wheel teachings
- Seasonal activities
- Naming ceremony
- Journaling
- Incentives and consequences
- Petition by Participant(s) to move from Trust Phase to Belonging Phase

Belonging Phase: Education and Family Service Plan Phase

The Belonging phase will require Youth and Family to meet with the Court on a **monthly** basis. During this phase, Youth and Family will gain greater insight into their own risks and needs and continue working on developed treatment plans. On average, this phase will last from 30 to 90 days.

Below is a selection of what may occur during the Belonging Phase.

- Learning about issues and opportunities identified in the Belonging Phase
- Crisis intervention and safety plans will be reviewed
- Linking and implementing service plans for youth and family
- Continuation of programming
- Community involvement may be required
- Continuation of cultural practices and activities
- Petition by Participant(s) to move from Belonging Phase to Mastery Phase

Mastery Phase: Skill Development and Feedback Phase

The Mastery phase will require youth and family to meet with the Court on a **monthly** basis. During this phase, youth and family will focus on removing barriers to success, developing skills, and enriching their lives. On average, this phase will last from 30 to 90 days.

Below is a selection of what may occur during the Mastery Phase.

- Make amends, pay fines and restitution, etc.
- Complete community services
- Participate in a Vision Quest
- Re-administer risk/needs assessment
- Develop educational/vocational plans
- Gain financial skills
- Continuation of cultural practices and activities
- Petition by Participant(s) to move from Mastery Phase to Generativity Phase

Generativity Phase: Maintenance and Transition Phase

This fourth phase will require youth and family to meet with the Court **every six weeks**. During this phase, participant(s) will continue to work on healing and healthy behaviors as well as preparing to transition out of the court system. On average, this phase will last from 30 to 90 days.

The below items can be expected during the Generativity Phase.

- Continued identification of support people and systems
- Development of a family contract, youth behavioral plan, co-parenting plan, etc.
- Continued focus on educational/vocational skills
- Mentoring others
- Helping elders
- Presentation regarding how participant(s) benefitted from the Family Wellness Court
- Petition by participant(s) to move out of the Generativity Phase and out of the court system
- Commencement ceremony!

Family Wellness Court Cultural Activities

All participants will be involved in cultural activities and classes appropriate to the season of the year. Cultural activities are teaching tools, are pro-social activities, and provide for family and community and watershed connections. Through practicing these cultural activities, and learning the values and morals they impart, one achieves wellness. Some activities and teachings may occur at any time of the year, other activities and teachings are specific to the season. One of the most important outcomes from cultural activities is the strengthening of personal insight into one's own behavior and how it affects relationships by providing a place where each person finds trust, identity, initiative, belonging/interconnectedness, purpose and generosity.

Spring: Participants will participate in springtime activities including, but not limited to:

- Learning about, identifying, foraging/harvesting, processing, using and educating others about traditional indigenous spring food and medicine and their impact on our emotional, mental, physical and spiritual wellness.
- Learning about and participating in renewal (rain) ceremonies that cleanse and honor babies, children, Motherhood;

- Sweat Lodge, Tobacco Ceremonies, etc.
- Phenomenological Learning and sharing with others experientially:
 - The Medicine Wheel (see attached training objective)
 - Healthy Relationships (see attached training objective)
 - Indigenous Wellness (see attached training objective)
 - Indigenous Leadership (see attached training objective)
 - Motherhood-Fatherhood is Sacred (see attached training objective)
 - Establishing and Maintaining Relationships with the Natural World (see attached training objective)
 - Identifying Watersheds and Sustaining Wellness
 - Historical-Lateral Trauma (see attached training objective)
 - Grieving, Forgiving, Healing and Thriving (see attached training objective)

All of these classes are designed to provide a sustainable wealth of cultural knowledge, skills and abilities to each participant so that they can apply wellness to their own lives and relationships.

Summer: Participants will participate in summertime activities, such as, but not limited to:

- Learning about, identifying, foraging/harvesting, processing, using and educating others about traditional indigenous summer food and medicine and their impact on our emotional, mental, physical and spiritual wellness.
- Learning about and participating in renewal (fire) ceremonies that cleanse and honor youth and Fatherhood;
- Sweat Lodge, Tobacco Ceremonies, etc.
- Phenomenological Learning and sharing with others experientially:
 - The Medicine Wheel (see attached training objective)
 - Healthy Relationships (see attached training objective)
 - Motherhood-Fatherhood is Sacred (see attached training objective)
 - Establishing and Maintaining Relationships with the Natural World (see attached training objective)
 - Identifying Watersheds and Sustaining Wellness
 - Historical-Lateral Trauma (see attached training objective)
 - Grieving, Forgiving, Healing and Thriving (see attached training objective)

Fall: Participants will participate in fall time activities, such as, but not limited to:

- Learning about, identifying, foraging/harvesting, processing, using and educating others about traditional indigenous fall food and medicine and their impact on our emotional, mental, physical and spiritual wellness.
- Learning about and participating in renewal (wind) ceremonies that cleanse and honor adults and parenting;
- Sweat Lodge, Tobacco Ceremonies, etc.
- Phenomenological Learning and sharing with others experientially:
 - The Medicine Wheel (see attached training objective)
 - Healthy Relationships (see attached training objective)
 - Motherhood-Fatherhood is Sacred (see attached training objective)

Establishing and Maintaining Relationships with the Natural World (see attached training objective)

Identifying Watersheds and Sustaining Wellness

Historical-Lateral Trauma (see attached training objective)

Grieving, Forgiving, Healing and Thriving (see attached training objective)

Winter: Participants may participate in wintertime activities, such as, but not limited to:

- Learning about, identifying, foraging/harvesting, processing, using and educating others about traditional indigenous wintertime food and medicine and their impact on our emotional, mental, physical and spiritual wellness.
- Learning about and participating in renewal (earth) ceremonies that cleanse and honor elders, the dead and introspection;
- Sweat Lodge, Tobacco Ceremonies, etc.
- Phenomenological Learning and sharing with others experientially:
 - The Medicine Wheel (see attached training objective)
 - Healthy Relationships (see attached training objective)
 - Motherhood-Fatherhood is Sacred (see attached training objective)
 - Establishing and Maintaining Relationships with the Natural World (see attached training objective)
 - Identifying Watersheds and Sustaining Wellness
 - Historical-Lateral Trauma (see attached training objective)
 - Grieving, Forgiving, Healing and Thriving (see attached training objective)

Each participant will be expected to teach other participants either formally or informally.

Family Wellness Court Rules and Regulations

The Rules and Regulations of Family Wellness Court include, but are not limited to the following:

Participants must:

1. Consent to the judges assigned to hear their case.
2. Sign Informational and Consent Form.
3. Report to probation as directed by the court or treatment staff if applicable
4. Report to treatment and follow all aftercare recommendations as directed by the court, treatment staff, and/or probation officer.
5. Report for random and scheduled urinalysis (UA) and chemical tests (CT) whenever directed to do so by the court, a probation officer or treatment provider.
6. Complete all assignments and/or consequences ordered to be completed by the court in a timely fashion.
7. Abstain from the use and/or possession of all drugs of abuse and alcohol, unless drugs are prescribed by a treating physician. Do not be in the presence of others using drugs or alcohol. Participant may not use drugs of abuse. In the event a doctor prescribes a drug of abuse, participant must ask about alternatives and contact participant's probation officer, treatment provider or the Family Wellness Court clerk of the court for additional information. Medical marijuana is prohibited from use.

8. Obey all laws. If a participant engages in a criminal act, he or she can be prosecuted for the new offense(s) and can be discharged from the Family Wellness Court program.
9. Attend school or work as required by the Family Wellness Court.

Family Wellness Court Consequences and Incentives

Consequences and incentives subcommittee will further develop this section.

Possible consequences for violating the Family Wellness Court Program and/or Court order(s) may include, but are not limited to the following:

- Verbal reprimands and warnings from the judges
- Written and or oral assignments
- Community service
- Apologies and amends
- Electronic monitoring
- Volunteer work on or off of the Rancheria
- Imposition of curfew
- Increased restrictions (additional drug tests, additional court appearances, etc.)
- Detention/flash incarceration
- Phase regression
- Inpatient Treatment
- Increased support group meetings
- Increased contacts with probation officer
- Transfer to Superior Court as appropriate
- Termination from the Family Wellness Court

Possible incentives for compliance with the Family Wellness Court requirements may include, but are not limited to the following:

- Verbal recognition/praise
- Applause
- Decreased restrictions (fewer drug tests, fewer court appearances, etc.)
- Gift certificates from local businesses
- Tokens in recognition of achievement (can we get these?)
- Reduced fines or fees
- Certificates of accomplishment
- Possible reduced consequences or sentences
- Phase advancement
- Decreased contacts with probation officer
- Fewer restrictions
- Graduation from the program

The court will use both positive and negative consequences. There is a constant reassessment by the court of what is or may be the most appropriate approach with the particular participant at the time. The Family Wellness Court team will meet bi-weekly prior to court for ongoing evaluations and will advise the Family Wellness Court judges of the progress and status of each participant. Decisions about consequences are almost always made after consideration of the recommendation of the Family Wellness Court team. They are imposed in different ways depending on the needs and circumstances of the participant.

Family Wellness Court Case Tracking

The Tribal Clerk of the Court is the Family Wellness Court Coordinator and shall be responsible for evaluating and maintaining current and accurate information tracking. The Clerk of the Court shall also provide timely information as requested by the Family Wellness Court team.

Family Wellness Court Data Collection

Client Files:

Client files contain the following documents:

- referral form
- file check list
- encounter log
- general intake
- consent for treatment
- service agreement
- service plan
- referral
- screening and assessment results
- release of information
- drug test
- lab results
- court orders
- team court reports
- probation reports
- police reports
- diagnostic assessments
- mental health evaluations
- psychological evaluations
- assessment (substance abuse) recommendations
- treatment reports
- discharge summaries
- truancy reports
- school records including attendance, discipline and grades

- letters
- correspondence
- vouchers
- file documentation
- progress notes from team
- copies of billing slips

Database:

Our participant database is designed to track baseline data, progress indicators and outcomes. Database fields include:

1. *General Information* which tracks name, birth date, age, gender, highest grade completed, care coordinator assigned, current offense, referring court, placement facility, date of enrollment, release date, current address, number of address changes in the past year;
2. *Risk and Needs* which tracks whether a family service plan was developed and when, whether housing is needed, whether the client has received a diploma or GED, whether client is eligible for health services, whether youth or family has attended parenting classes, whether transportation services are needed, whether youth has a driver's license, whether food, clothing, or incidental vouchers are needed;
3. *Programs* which tracks whether the client has been involved in mental health services, substance abuse services, employment readiness services, pro-social activities program, cultural programming, and other programming, whether client is employed, whether client is enrolled in school or a GED program, and dates of referral, enrollment, completion, and completion status for all programs;
4. *Housing and Debts* which tracks when clients obtain short term housing, long term housing, housing independence, and whether child support, restitution, and other offense related debt payments are current or paid in full;
5. *Technical Violations and Completion* tracks whether technical violations have been committed and whether client has been terminated from the program and whether that termination was a result of successful program completion.

Case Management/Supervision

A case manager will be assigned to the client. Case managers may be staff from county probation, county human services, or the Tribal Wellness Board depending on the needs of the client. Following client assessment, case managers may be reassigned if the court's assessment of the client's needs change. Case managers will be responsible for supervising the client, ensuring the client complies with court orders, assist in securing services, and provide reports during court staffing meetings.

Interns and Volunteers

The Clerk of the Court shall be charged with management of persons who are engaged on behalf of the Family Wellness Court as a volunteer, or intern. The Clerk of Court shall conduct background checks on all volunteers and interns. Volunteers may be graduates from the Family Wellness Court.

Termination from Family Wellness Court

The Family Wellness Court team reserves the discretion to determine which violations of the Family Wellness Court rules and regulations or conditions of probation will result in termination. In addition, termination may occur when a Participant commits a new offense or for other actions that compromise public safety or the welfare of the child.

Commencement from Family Wellness Court

A Participant is eligible to graduate from the Family Wellness Court upon completion of the following minimum requirement:

1. Participation in the Family Wellness Court
2. Completion of the Family Wellness Court four-phase program by demonstrating to the team an understanding of individual challenges and strategies for addressing them
3. Clean UAs/CTs for a minimum of 180 days, which includes no missed UAs/CTs, and no UA/CT tampering
4. Gainfully employed or actively engaged in school or vocational training
5. Payment of restitution if applicable
6. Safe and stable living environment
7. Definitive aftercare plan
8. Completion of the volunteer requirement

Appendix:

The following programs, components and principles may also provide guidance to the Family Wellness Court Program:

1. the Healing to Wellness Program components: http://www.wellnesscourts.org/files/KeyComponents_2003.pdf;
2. the BJA Drug Court components: <http://www.courts.ca.gov/documents/DefiningDC.pdf>; and
3. the 11 principles of CA's collaborative courts. Please see page 14 of this report at link: http://www.courts.ca.gov/documents/California_Story.pdf.