

*21st Annual National Association of Drug Court
Professionals Training Conference*

July 27 to July 30 2015
National Harbor, Maryland

*Family & Juvenile Tribal Healing to Wellness Courts:
Healing Hearts & Fortifying Families*

Presenters:

**Hon. Joseph Thomas Flies-Away &
Hon. Carrie E. Garrow**

T.L.P.I. Consultants

&

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T.L.P.I. Tribal Law Specialist

Presentation Overview & Initial Thoughts

Who Are We? Why Are WE Here?

'an affirmation'

Diversity & Creativity In Indian Country (legally)

Interactive Intent -

Queries & Questions (TO YOU) re

Context & Conundrum thru sum of the 10 Key Components

Foundation-Framework & Fuel

American Native Nations: Diverse & Creative

Cultures Customs Common Practices

Families Really Matter – Children Doubly So, yes?

Constitutions Codes Common law

Continuously Created w/Federal & State influences

Examples of Uniqueness in words/positive law?

American Native Nations: Diverse & Creative

Court Rules

Codes of Ethics (Judges & Team)

= Law

→ Maps/Molds/Maintains Legal Systems or
Judicial Institutions such as:

Juvenile Healing to Wellness Courts

&

Family Healing to Wellness Courts

Healing to Wellness Court Dockets: Diverse & Creative

Structure & Procedure (differences & distinctions)

Family Wellness Court v. Family Court (Dependency)

&

Juvenile Wellness Court v. Juvenile Court (Delinquency)

Case transferred to or filed directly in Wellness Court?

Petition filed against parent(s) or for 'family in need of care'

Petition filed against juvenile or _____?

“ Safety, not perfection.” (Father’s Attorney-Tough Love)

Healing to Wellness Court Dockets: Diverse & Creative

The Syntax of Separate Tracks

Clarity in Terms & Definitions

Track v. Docket

Separate Track v. Specialty Court

Your Terms & Definitions (Most Important)

Team, Community &
Nation Builder

Team, Community &
Nation Builder

WELLNESS COURT AS:

Life-long Teacher
& Learner

Protector of Rights

A FOREIGN COURT?
A SPECIALTY COURT?

Story Teller &
Evaluator

A HEALING COURT?
A TREATMENT COURT

Sentry & Gate
Keeper

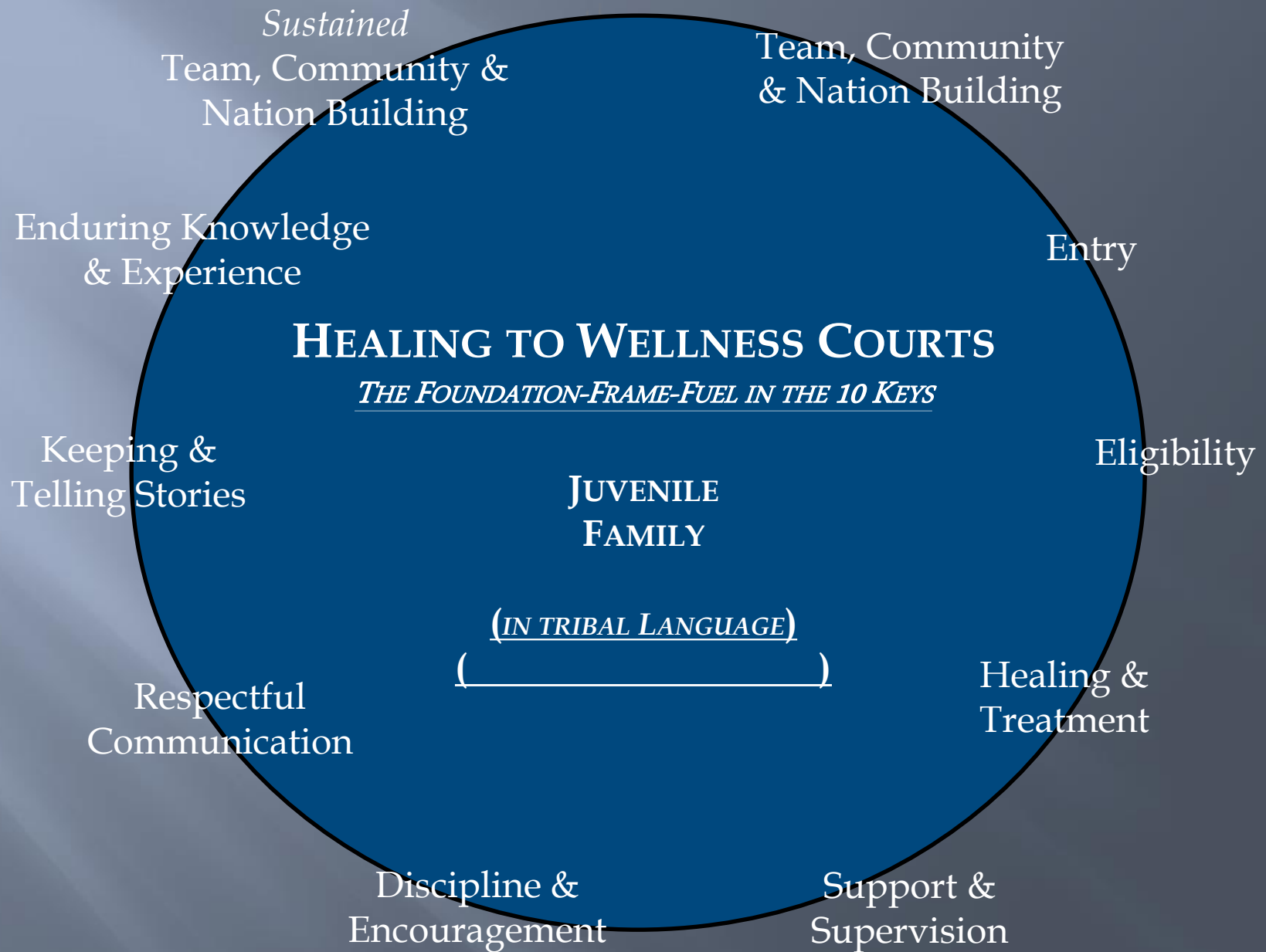
A TRADITIONAL COURT?
A PEACEMAKING COURT?

Team (Member)

Champion for:
Health & Wellness
_____?

Enforcer & Encourager
(co-case manager)

Encourager & Enforcer
(co-case manager)



What's the primary purpose/main motivation for planning/operating/enhancing your Wellness Court?

What challenges/curtails the comprehensive gathering of your Tribe's healing resources – inside or out?

What inter-intra sovereign efforts were/are necessary?

**Key Component
1**

*Individual & Community
Healing Focus*

Tribal Healing to Wellness Courts brings together alcohol and drug treatment, community healing resources, and the tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant and to promote Native nation building and the well-being of the community.

Protector of Rights
ENTRY

Advocacy

PARENTS
JUVENILES

DOES YOUR COURT PROVIDE & REQUIRE ADVOCACY?

CASA STORIES?

What is your policy in adding a newborn to existing case?
Family Court?
Family Wellness Court?

Key Component # 2

Referral Points & Legal Process

Participants enter the Tribal Healing to Wellness Court through various referral points and legal processes that promote tribal sovereignty and the participant's due (fair) process rights.

ALL IN THE FAMILY

Who is *All In the Family*?
(definitions/applications?)

Sentry & Gate Keeper
ELIGIBILITY

What is the extent of your court's jurisdiction over entire family in:
dependency, delinquency or wellness court?

In In Re: Parent v. Parent - which parent gains entry?
Do you play: "Who gets to the finish line first"?

What happens after completion-dismissal?
impact on parent/guardian/juvenile record?
transfer back procedure?

Key Component # 3
Screening & Eligibility

Eligible court-involved substance-abusing
parents, guardians, juveniles, and adults are
identified early through legal and clinical
screening for eligibility and are promptly placed
into the Tribal Healing to Wellness Court.

“Because of recovery you have to replace certain things with certain things”. (Father, Tough Love)

What unique Healing Resources, A&D treatment, Rehabilitation, _____? _____ is required to best serve the needs of participants:
parents, juveniles, families

Emotional Awareness Training

Is Foster Care utilized? How can it further TX

Champion for Health & Wellness/____?____.
HEALING & TREATMENT

Stories of Culture & Tradition and the healing process

Key Component # 4

Treatment & Rehabilitation

Tribal Healing to Wellness Court provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

In Support of Families

Parents (single/young: kids with kids?)

Juveniles (just juve only or homes?)

Identifying Families In Need of Care

**What do 'support networks' look like?
What are they? Who do they consist of?**

Do we send some straight back into the fire?

Keeping Busy as a support (sorta or yes?)

Key Component # 5

Intensive Supervision (Case Management and Alcohol/Drug Testing)

While participants and their families benefit from effective team-based case management, participants are monitored through intensive supervision that includes frequent and random testing for alcohol and drug use.

**Encourager & Enforcer
(Co-Case Manager)
SUPPORT & SUPERVISION**

Voluntary or Compelled?

Family Court (dependency) &
Juvenile Court (delinquency) are INVOLUNTARY,
Yes?

detention/protective custody utilized?

Family or Juvenile Wellness Court is Voluntary, Only?
Why?

Is the Wellness Court process (or other peace-making paradigm)
not worthy of being primary & preferred ?

[thus involuntary /compelled, initially anyway]

Enforcer & Encourager
(Co-Case Manager)

DISCIPLINE & ENCOURAGEMENT

Key Component # 6

Sanctions & Incentives

Progressive rewards (or incentives)
and consequences (or sanctions) are
used to encourage participant compliance
with Tribal Wellness Court requirements.

Team, Community &
Nation Builders

Team Community &
Nation Builders

Life-long Teachers &
Learner

Protectors of
Rights - Entry

**QUESTIONS/COMMENTS
OR ENCOURAGEMENTS**

Story Tellers &
Evaluator

Sentries & Gate
Keepers - Eligibility

Team (Member)

Champions for Health &
Wellness

Enforcer & Encourager
(co-case manager)

Encourager & Enforcer
(co-case manager)

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2015 Tribal Healing to Wellness Courts Enhancement Training

Registration now open for the 2015 Healing to Wellness Court Enhancement Training, September 8-10, 2015, in Albuquerque, NM. [More](#)



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WalkingOnCommonGround.org

The screenshot displays the homepage of the Walking On Common Ground website. At the top, a dark blue banner features a logo of a scale of justice with a gavel and a map of the United States, alongside the text "WALKING ON COMMON GROUND" and "RESOURCES FOR PROMOTING AND FACILITATING TRIBAL-STATE-FEDERAL COLLABORATIONS". Below the banner is a navigation menu with links for Home, Background, About Us, Contact Us, and Partners, along with a search bar. The main content area includes a featured article titled "Tribal-State Court Listserv in Development - Please Join!" with a sub-headline and a "More" link. To the right of the article is a photograph of a group of people standing in front of a building. Further right is a vertical sidebar with five blue buttons: News, Events, Promising Strategies, Resources/Tools, and BJA Tribal Technical Assistance (PDF). Below the article and sidebar is a horizontal navigation bar with tabs for Tribal-State Collaborations, Judicial, Law Enforcement, Detention, Multiple Agency Agreements, Child Welfare, and Other. The bottom section features a "SEARCH BY TRIBE:" search bar and a list of search categories: Indian Nations, Tribal Justice Systems, Tribal Jurisdiction, Tribal-Federal Collaborations, and Tribal Court Clearinghouse. To the right of these categories is a map of the United States with state abbreviations.

For More Information . . .

TLPI believes in providing resources free of charge, or at minimal cost, whenever possible.

Visit www.wellnesscourts.org

Contact:

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