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KEEPING FAMILIES TOGETHER IN HEALING TO WELLNESS COURTS

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OVERVIEW

- Keeping Families Together in Adult Healing to Wellness Court
- Keeping Families Together in Family Healing to Wellness Court
- Common Issues



KEEPING FAMILIES TOGETHER IN ADULT HEALING TO WELLNESS COURT

- Adult Healing to Wellness Court = criminal charge related to substance abuse
 - One person before the court but that person does not exist alone
- Universal Declaration of Human Rights
 - The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Article 16.3
 - Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Article 25.1



THE FAMILY IS CRITICAL

- The family is recognized under international law
- The family is recognized in tribal law
 - Traditional oral law
 - Modern written tribal law
- Why is the family so important?



KEEPING FAMILIES IN ADULT HWC

- Jurisdictional provisions in laws
- Housing agreements
- Family contracts
- Judicial supervision
- Coordinators/case managers
- Probation officers
- Attendance at court hearings
- Participation of child welfare or social workers in team staffings
- Input from treatment providers at staffings



HO-CHUNK NATION
FAMILY WELLNESS COURT (FWC)

It takes a village to raise a child.

It likewise takes a village to raise
each other up in our times of
need.



FWC GOALS

Vision Statement

The Ho-Chunk Nation Family Wellness Court strives to prevent the out-of-home placement of Ho-Chunk children resulting from abuse and neglect related to alcohol and other drug abuse and to actively support community members by encouraging healthy, spiritual, and sober lifestyles that will result in positive role models for future generations.

Mission Statement

The Ho-Chunk Nation Family Wellness Court is committed to the well-being and healthy lifestyles of families affected by substance abuse. Family members are provided individualized therapeutic programs designed to strengthen individuals, families, and the community through Ho-Chunk traditional values and spiritual healing.



HO-CHUNK NATION FWC

POSITIVES

- Good Social Work/Good Restorative Justice
- Rewarding as a Professional
- Culturally it Just Makes Sense
 - Model System to Incorporate Culture
 - Collaboration- “It takes a village to raise a child”
- Statistics for Reunification and Cost-Savings are Better (ie., out of home care costs)
- Chance to Engage Parents in the Judicial System



FDC STATISTICS

- According to the “Research Update on Family Drug Courts,” by Douglas B. Marlowe, J.D., Ph.D. and Shannon M. Carey, Ph.D., the research is showing that Family Drug (Wellness) Courts not only work, but work better than the traditional child welfare system:
- Continued substance abuse by a custodial parent is associated with longer out-of-home placements for dependent children and higher rates of child revictimization and terminations of parental rights;
- FDC is among the most effective programs for improving substance abuse treatment initiation and completion in child welfare populations;
- Treatment completion rates were **20 to 30 percentage points higher** for the FDC participants than for the comparison participants;
- Family reunification rates were approximately **20 to 40 percentage points higher** for the FDC programs than for the comparison groups;
- The children of the FDC participants also spent significantly **less time in out-of-home placements** in the majority of the evaluations, typically averaging fewer months in foster care;



FDC STATISTICS CON'T

- Several evaluations reported cost savings for FDC resulting from a **reduced reliance on out-of-home child placements**;
- The more days parents or guardians attended substance abuse treatment, the more likely they were to be reunified with their children;
- Parents who completed substance abuse treatment were **five times more likely to be reunified** with their children;
- Participants in FDC focus groups indicate they perceived their interactions with the judge to be especially critical to their success;
- At least a dozen methodologically defensible evaluations conducted in eight U.S. states and London by independent scientific teams offer convincing evidence that FDCs produce clinically meaningful benefits and better outcomes than traditional family reunification services for substance-abusing parents.

Research Update on Family Drug Courts, NEED TO KNOW (Nat'l Ass'n of Drug Ct. Prof's, Alexandria, V.A.), May 2012, at 2-7.



HO-CHUNK NATION FWC CHALLENGES

- Sanctions in FWC
- Carrot in FWC v. Criminal HTWC
 - Avoiding jail sentence
 - Avoiding loss of children- this is so touchy and you must really focus on how you frame it
- Jail as a sanction
 - Civil v. Criminal
- Be careful to not use visitation as a sanction



HO-CHUNK NATION FWC

CHALLENGES

- Consistency v. Individualized Treatment Plans
 - Arbitrary & Capricious
 - Working with our clients based upon their specialized needs and where they are in recovery
- Conflicts
 - Familial in Tribal Setting & Professionally in a parallel court setting
- Standing behind M.A.T. might be a challenge as a prosecutor
 - You may be used to criminalizing drug use, but now you are being advised to support the supplanting of one drug for another.
 - Remember - Disease



TWO MAIN MODELS

The Two-Judge Model (Parallel)

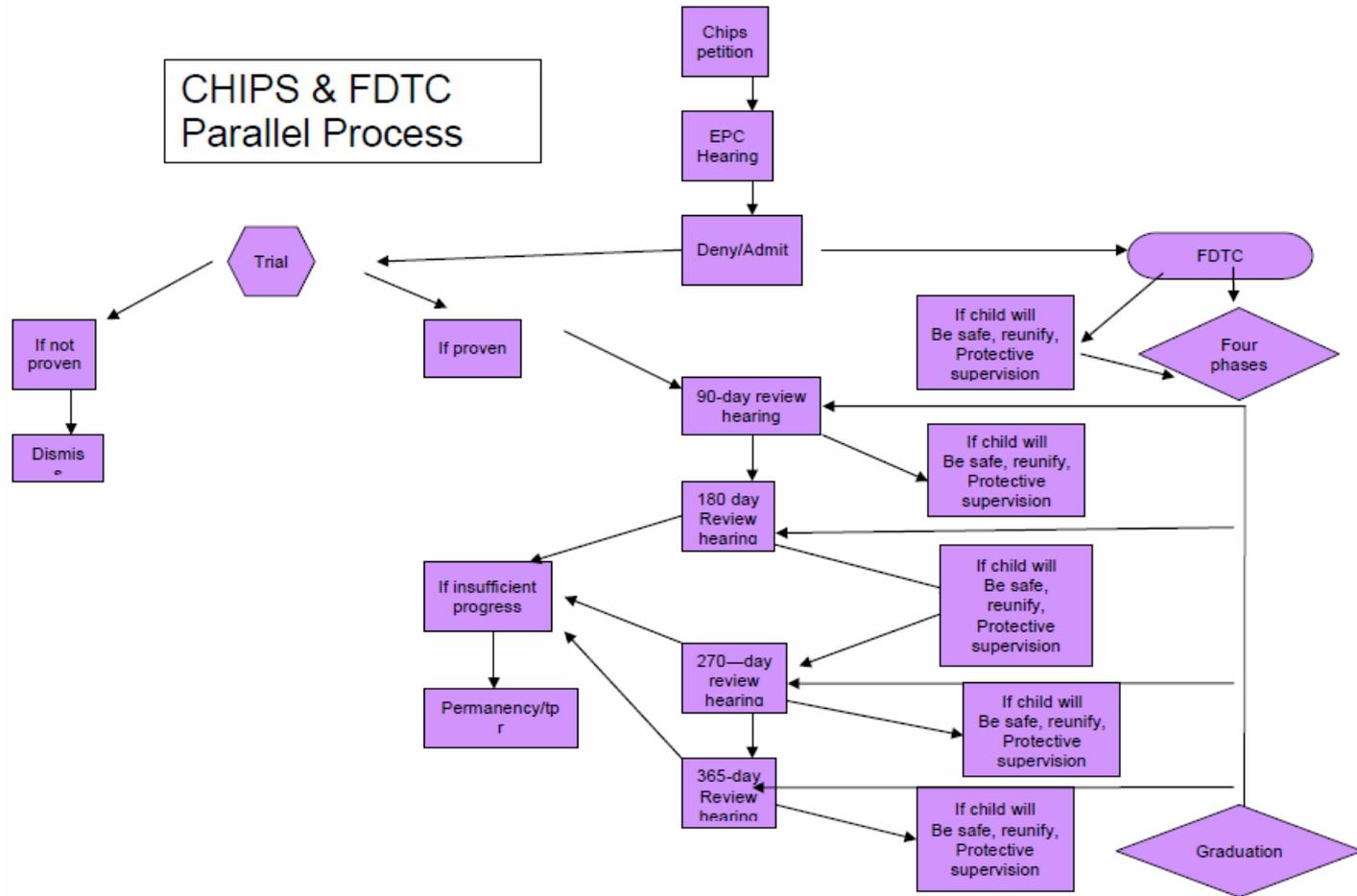
- In this model, the Child Protection Court is separate from the “Treatment Court.”
- One judge presides over the CHIPs case, where the primary focus is on permanency. These cases remain on the regular CHIPs docket.
- Another judge presides over the Treatment Court proceedings.

The One Judge, One Family Model (Integrated)

- In this model, both CHIPs and substance use (AODA) issues are addressed by one consistent judge. Because of the judge’s involvement in both proceedings, he/she remains acutely aware of Tribal Court permanency timelines and other family issues which contribute to both cases.
- The child welfare agency and treatment providers (case managers) play crucial roles in both models by developing child welfare and treatment plans that address services, supports, and assisting with reunification (or in the alternative permanency options if reunification is not plausible).



PARALLEL V. INTEGRATED





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TRIBAL LAW AND POLICY INSTITUTE RESOURCES

- www.WellnessCourts.org
- Tribal Healing to Wellness Court Publication Series
 - Tribal 10 Key Components
 - Preliminary Overview
 - Judicial Bench Book
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