

20th Annual National Association of Drug Court Professionals Training Conference

May 28 to May 31 2014

Anaheim, CA.

Separate Tracks

Within Tribal Healing to Wellness Courts
Joe Flies-Away (WildaysInc@aol.com)

Presenters:

**Hon. Joseph Thomas Flies-Away,
Associate Justice, Hualapai Nation Court of Appeals & T.L.P.I. Consultant,**

**Hon. Charlene Jackson,
Associate Judge, Town of Paradise Valley, AZ. & T.L.P.I. Consultant**

**Lauren van Schilfgaarde
Tribal Law Specialist, T.L.P.I.**

Presentation Overview



- Diversity & Creativity among Native Nations
 - (culture, custom, common practices)
- Creative & Diverse Legal Structures: Law & Judicial Institutions
 - (constitutions, codes, common law & Court Rules)
- Judicial Systems & Structures - Separate Tracks & Syntax
- The 10 Key Components – Foundation-Framework & Fuel (refresher)

Separate Tracks & Syntax

Terms & Definitions

Specialty Court

Separate Track

Track v. Docket

Your Terms & Definitions

(Most Important)

Sustained
Team, Community &
Nation Building

Team, Community
& Nation Building

Enduring Knowledge
& Experience

Entry

HEALING TO WELLNESS COURTS

THE FOUNDATION-FRAME-FUEL IN THE 10 KEYS

Keeping &
Telling Stories

Eligibility

ADULT
JUVENILE
FAMILY
VETERANS

Respectful
Communication

(?)

Healing &
Treatment

Discipline &
Encouragement

Support &
Supervision

Team, Community &
Nation Builder

Team, Community &
Nation Builder

Life-long Teacher
& Learner

Protector of Rights

WELLNESS COURT AS:

**-SPECIALTY COURT-
-PEACEMAKING-**

Story Teller &
Evaluator

Sentry & Gate
Keeper

Team (Member)

Champion for:
Health & Wellness
?

Enforcer & Encourager
(co-case manager)

Encourager & Enforcer
(co-case manager)

CONSIDERATIONS

What kind of conflict/controversy/case complicates the Tribe's Community & Nation Building - Re-Building efforts?

If related to human capital development (the People) what Teamwork & Collaboration is required to beneficially gather and focus all available healing resources?

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

To allow the greatest available net to capture appropriate cases, is the referral process open & accessible?

Does the type of case require novel/unique/ new legal procedures in the court system?

What inter-sovereign collaboration is needed to best address the issues the case brings and the population it involves?

Are there any additional due process concerns to address for the case/population?

Key Component # 2

Referral Points & Legal Process

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

Sentry & Gate Keeper
ELIGIBILITY

Are the eligibility criteria for the population the Court focuses on clearly articulated?

What special Screening practices, people, and/or places are put into place to identify candidates for the Wellness/Specialty Court?

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 Wellness Court.

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

Where can Culture & Tradition contribute to the healing process of participants?

Champion for Health & Wellness/ _____? _____
HEALING & TREATMENT

Key Component # 4
Treatment & Rehabilitation

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

To effectively manage the Case & serve the population/people focus of the Court, are all the necessary service providers involved in review?

Is Supervision Intensive and structured so that participants are encouraged and conduct enforced when necessary?

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

What method does the Court use to Chart Compliance, document, and tell the stories of participants?

Are alternative incentives and sanctions considered for particular participants where general ones are ineffective?

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.

Does the case or population require a different team make-up?

Does the captain or coach of the Team, the Judge, provide the requisite personality to promote the Court's primary mission?

Is Respectful Communication the normal practice?

Team Member

RESPECTFUL COMMUNICATION

Key Component # 7
Judicial Interaction

Ongoing involvement of a Tribal Wellness Court judge with Tribal Wellness Court team and staffing and ongoing Tribal Wellness Court judge interaction with each participant are essential.

Story-Teller & Evaluator
*KEEPING &
TELLING STORIES*

How is participant progress monitored?

For a thorough process and/or outcome evaluation are there unique data cells/stats the Court must capture?

Are there alternative evaluation tools available to assist in working with the population the Court is focused?

Key Component # 8
Monitoring & Evaluation

Process Evaluation, performance measurement, and evaluation tools are used to monitor and evaluate the achievement of program goals, identify needed improvements to the Tribal Wellness Court and to the tribal court process, determine participant progress, and provide information for governing bodies, community groups, and funding sources.

Life-Long Teacher & Learner
ENDURING KNOWLEDGE & EXPERIENCE

What Interdisciplinary Education that is Population Specific does the Team, Community, and Citizens require to better understand the work of the Wellness or Specialty Court?

What does the court need to know about its Partners & Collaborators (and vice versa) to better serve the needs of Court participants?

Key Component # 9
*Continuing Interdisciplinary
& Continuing Education*

Continuing interdisciplinary and community education promote effective Tribal Wellness Court planning, implementation, and operation.

Community & Nation
Builder
(Communicator)

CONSIDERATIONS

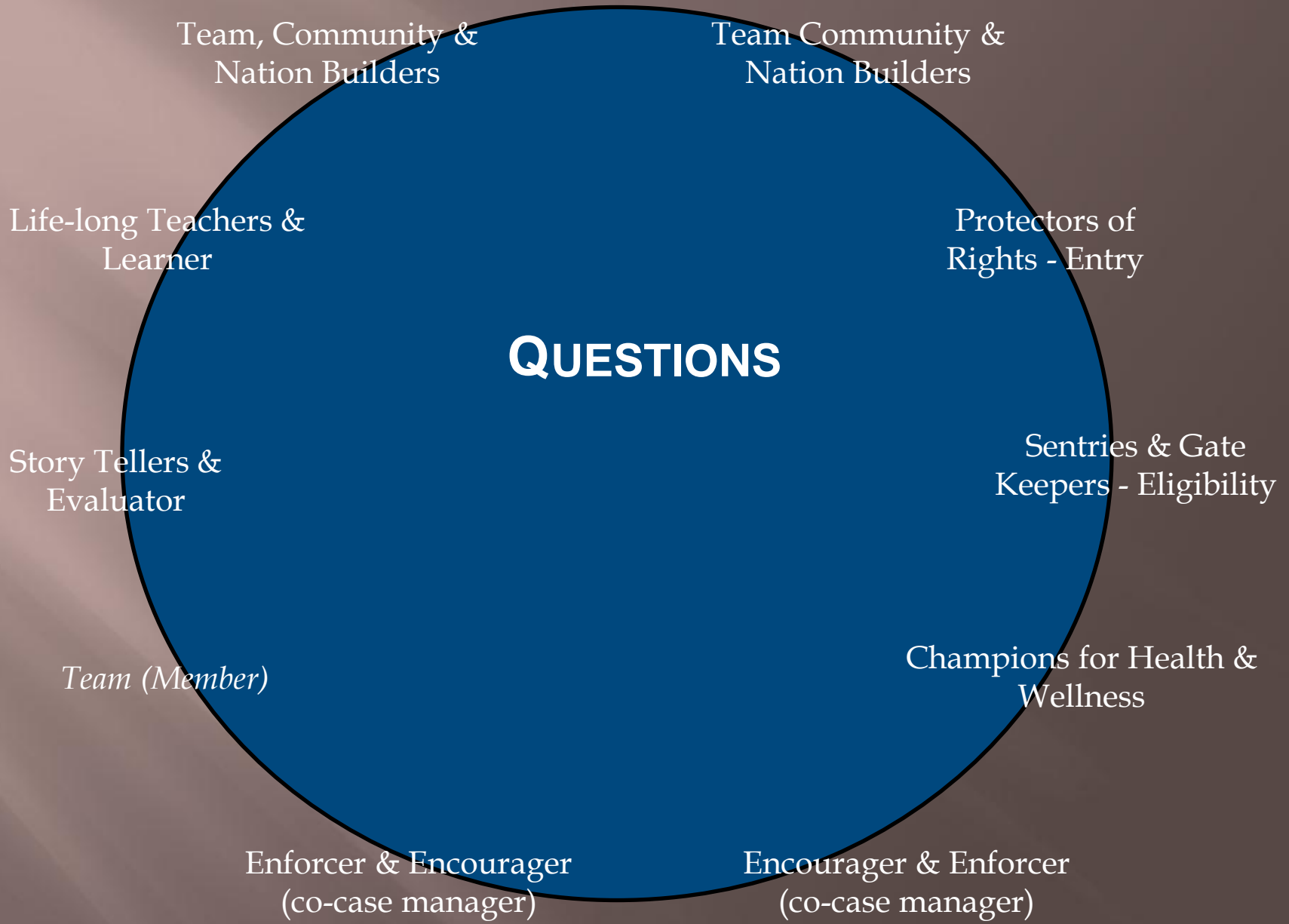
What does the Nation/Court need to write down in order to Sustain the Community & Nation Building effort of the Court?

What steps must the Court take to assure Collaboration, which will further Court Sustainability, over time?

Key Component # 10

Team Interaction (policies and procedures, interagency, third-party, and intergovernmental agreements)

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Wellness Court team members, service providers and payers, the community and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.



WalkingOnCommonGround.org

The screenshot displays the homepage of the WalkingOnCommonGround.org website. At the top, a dark blue banner features a logo with a scale of justice and two gavel icons, with 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. A main content area includes a featured article titled "Tribal-State Court Listserv in Development - Please Join!" with a photo of a group of people and a "More" link. To the right of the article are several blue buttons: News, Events, Promising Strategies, Resources/Tools, and BJA Tribal Technical Assistance (PDF). Below this is a horizontal menu for "Tribal-State Collaborations" with sub-categories: Judicial, Law Enforcement, Detention, Multiple Agency Agreements, Child Welfare, and Other. A "SEARCH BY TRIBE:" section includes a search input field and a "go" button. To the right of the search field is a map of the United States with state abbreviations. Below the search field are five buttons: Indian Nations, Tribal Justice Systems, Tribal Jurisdiction, Tribal-Federal Collaborations, and Tribal Court Clearinghouse.

For More Information . . .

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

Visit www.tlpi.org

Contact:

Lauren van Schilfgaarde: Lauren@tlpi.org