



# The Tribal 10 Key Components

## **Key Considerations for Planning, Operating, and Maintaining a Tribal Healing to Wellness Court**

# Tribal Healing to Wellness Court Toolkit

Ten Key  
Components

NIJ Gottlieb  
Study

NADCP  
Standards

TLPI T/TA

# NIJ Gottlieb Study

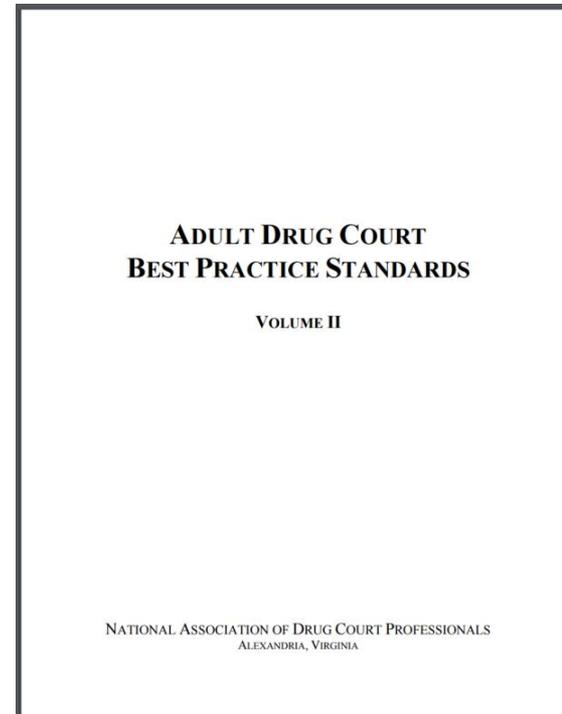
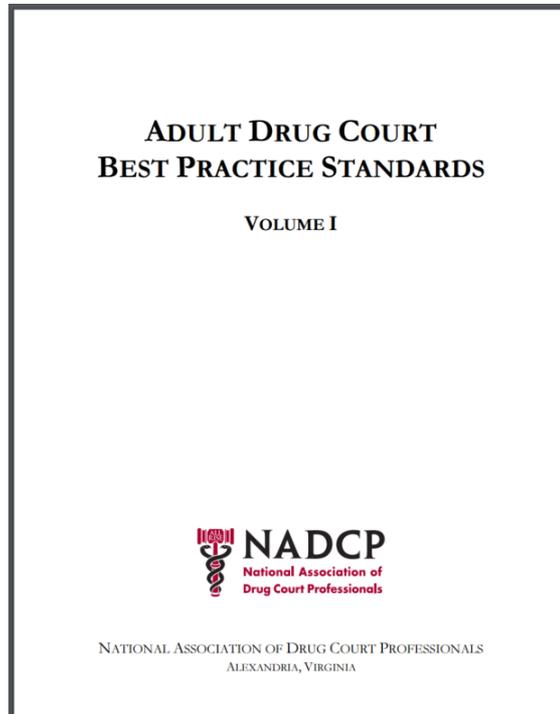
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An evaluation of the first four Tribal Wellness courts funded under the Tribal Drug Court Initiative:

- Blackfeet Alternative Court,
- the Fort Peck Community Wellness Court,
- the Hualapai Wellness Court, and
- the Poarch Band of Creek Indians Drug Court.

# NADCP Adult Drug Court Standards

- [nadcp.org/standards](http://nadcp.org/standards)



Sustained Team,  
Community, &  
Nation Building

Team, Community, &  
Nation Building

Enduring  
Knowledge &  
Experience

Entry

Healing to Wellness Court  
Quick Key Component  
Review

Keeping &  
Telling Stories

Eligibility

Respectful  
Communication

Healing and Treatment

Discipline &  
Encouragement

Support &  
Supervision

## Key Component #1: Individual and Community Healing Focus

Tribal Healing to Wellness Court 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.

# NADCP Drug Court Standards: #2 and #8

- **Standard 2 Historically Disadvantaged Groups**  
Citizens who have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status receive the same opportunities as other citizens to participate and succeed.
- **Standard 8 Multidisciplinary Team**  
A dedicated multidisciplinary team of professionals manages the day-to-day operations, including reviewing participant progress during pre-court staffing meetings and status hearings, contributing observations and recommendations within team members' respective areas of expertise, and delivering or overseeing the delivery of legal, treatment and supervision services.

# Findings from the NIJ Wellness Court Study: Key Component #1

- Planning should be carried out by a broad-based group, including people who represent all parts of the tribal justice system, the local treatment programs, tribal leaders, knowledge holders and elders, and others.
- Detail team member responsibilities in written policies and procedures based on roles, not individuals.
- Methods of shared decision making and conflict resolution within the team should be established.

## Key #2: Referral Points and Legal Process

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

# NADCP Drug Court Standards: #1 and #9

- **Standard 1 Target Population**

Eligibility and exclusion criteria are predicated on empirical evidence indicating which types of offenders can be treated safely and effectively. Candidates are evaluated using evidence-based assessment tools and procedures.

- **Standard 9 Census and Caseloads**

The Drug Court serves as many eligible individuals as practicable while maintaining continuous fidelity to best practice standards.

# NIJ Wellness Court Study: Key Component #2

- The team should determine early what charges, offenses, or negative conduct will be appropriate for Wellness Court participation.
- Use an “informed consent” approach to ensure participants are aware of all the benefits, risks, and alternatives to Tribal Wellness Court.
- The team should comply with all tribal and federal regulations governing privacy and confidentiality.

## Key #3: Screening and 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.

- Legal Screening
- Clinical Screening

# NIJ Wellness Court Study: Key Component #3

- Have a clear termination policy in order to “weed out” participants who are merely avoiding incarceration, rather than working to change their behavior.
- Team members should be designated and trained to legally screen cases.
- Trained treatment professionals should conduct a clinical screening to determine if the individual’s needs will be met by the available treatment services.

NADCP Drug Court Standards: #1 and #9

## Key #4: Treatment and 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.

# NADCP Drug Court Standards: #5, #6, and #9

- **Standard 5 Substance Abuse Treatment**

Participants receive substance abuse treatment based on a standardized assessment of their treatment needs. Substance abuse treatment is not provided to reward desired behavior, punish infractions, or serve other non-clinically indicated goals. Treatment providers are trained and supervised to deliver a continuum of evidence-based interventions that are documented in treatment manuals.

- **Standard 6 Complementary Treatment and Social Services**

Participants receive complementary treatment and social services for conditions that co-occur with substance abuse and are likely to interfere with their compliance, increase criminal recidivism, or diminish treatment gains.

- **Standard 9 Census and Caseloads**

# NIJ Wellness Court Study: Key Component #4

- Team members should learn about addiction and the leading approaches in treating addiction.
- Treatment plans should be tailored to the individual participant's needs, in which the participant takes an active role.
- Integrate cultural tradition into treatment, but do not require participants to do activities that can be seen as religious, rather than cultural.

## Key #5: Intensive Supervision

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

## NADCP Drug Court Standards: #6 and #7

- **Standard 6 Complementary Treatment and Social Services**
- **Standard 7 Drug and Alcohol Testing**  
Drug and alcohol testing provides an accurate, timely, and comprehensive assessment of unauthorized substance use throughout participants' enrollment.

# NIJ Wellness Court Study: Key Component #5

- Testing should be frequent, undertaken multiple times per week during the early phases of treatment, and with reduced frequency thereafter.
- The scope of testing should be sufficiently broad in order to detect the participant's primary drug of choice as well as other potential drugs.
- Tribal Wellness Courts should develop a coordinated strategy for responding to positive, missed, and fraudulent tests.

## Key #6: Sanctions and Incentives

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

## NADCP Drug Court Standards: #4 and #5

- **Standard 4 Incentives, Sanctions, and Therapeutic Adjustments**

Consequences for participants' behavior are predictable, fair, consistent, and administered in accordance with evidence-based principles of effective behavior modification.

- **Standard 5 Substance Abuse Treatment**

# NIJ Wellness Court Study: Key Component #6

- Monitoring and support of participants should occur during regular business hours *and* in the evening and weekends.
- The Tribal Wellness Court's policy regarding compliance should be explained verbally and provided in writing to participants.
- Consistent and equitable distribution of sanctions and incentives require close supervision of participants and transparent documentation of the reward and sanction system used.
- If detention is to be utilized as a sanction, a clear policy should be reviewed with participants and consistently followed.

## Key #7: Judicial Interaction

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

## NADCP Drug Court Standards: #3

- **Standard 3 Roles and Responsibility of the Judge**

The Drug Court judge stays abreast of current law and research on best practices, participates regularly in team meetings, interacts frequently and respectfully with participants, and gives due consideration to the input of other team members.

# NIJ Wellness Court Study: Key Component #7

- Tribal Wellness Courts require judges to step beyond their role of sole decision maker and into a position that promotes a partnership perspective, at times more captain than coach, and at other times, vice versa.
- The judge uses court appearances to educate the participant as to the benefits of program compliance and consequences of noncompliance.
- The judge plays an active role in the treatment process, including frequently reviewing participant treatment progress as well as the status provided by the treatment providers and staff.

# Key #8: Monitoring and Evaluation

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

# NADCP Drug Court Standards: #10

- **Standard 10 Monitoring and Evaluation**

The Drug Court routinely monitors its adherence to best practice standards and employs scientifically valid and reliable procedures to evaluate its effectiveness.

# NIJ Wellness Court Study: Key Component #8

- Specific and measurable goals that define the parameters of data collection and management should be established early.
- If feasible, a qualified independent evaluator should be given responsibility for conducting a process and performance evaluation design and for preparing interim and final reports.
- The success of Tribal Wellness Court graduates and those individuals within a comparison group should be examined in order to determine the long-term performance of the Tribal Wellness Court.

## Key #9: Continuing Interdisciplinary and Community Education

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

# NIJ Wellness Court Study: Key Component #9

- Tribal Wellness Court team members need to understand each other's roles to be effective, and ongoing cross-training is encouraged.
- Judges and court personnel typically need to learn about the nature of alcohol and drug problems, as well as theories and practices supporting specific treatment approaches.
- Treatment providers typically need to become familiar with criminal justice accountability issues, court operations, and legal theory and practice, particularly due process.

# Key #10: Team Interaction

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to 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.

## NADCP Drug Court Standards: #8

- **Standard 8 Multidisciplinary Team**

A dedicated multidisciplinary team of professionals manages the day-to-day operations, including reviewing participant progress during pre-court staffing meetings and status hearings, contributing observations and recommendations within team members' respective areas of expertise, and delivering or overseeing the delivery of legal, treatment and supervision services.

# NIJ Wellness Court Study: Key Component #10

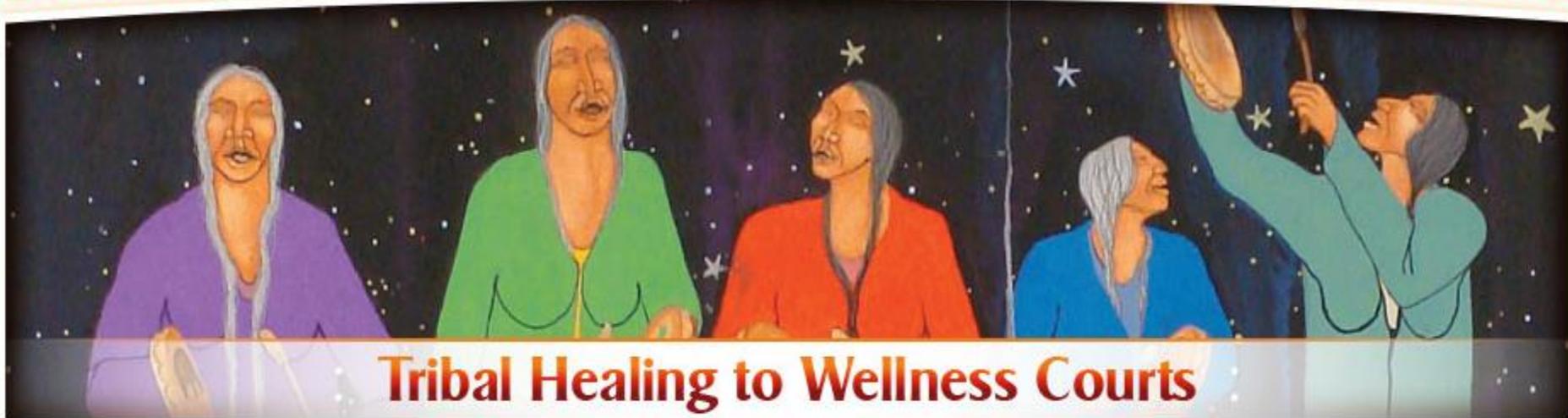
- Form a steering committee comprised of Tribal Wellness Court agencies and community partners that provide healing resources and define roles and responsibilities in writing.
- Provide opportunities for community involvement including the holding of informational meetings, community forums, and other outreach.
- Use tribal and local media for community education, for program announcements, and to recruit funds and resources.



# Tribal Law and Policy Institute Resources

[www.WellnessCourts.org](http://www.WellnessCourts.org)

- Tribal Healing to Wellness Court Publications
  - Tribal 10 Key Components
  - Overview
  - Judicial Bench Book
  - Policies and Procedures
- Judicial Bench Cards
- Training Calendar



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# Questions?

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