



**TRIBAL YOUTH
RESOURCE CENTER**

www.TribalYouth.org

I2: Best Practices in Conducting Juvenile Healing to Wellness Court Processes (Intake, Staffing, Status Hearing, & Case Management Meetings)

Presenters: Nan Benally, Ethleen Iron Cloud-Two Dogs,
Erin Thin Elk, Pat Sekaquaptewa, and Laura Smith



Vision:

Envisioning a future where Indigenous youth thrive through traditional life ways.

Purpose:

Enhancing the opportunities for Indigenous communities to expand their potential in protecting and nurturing their most sacred asset – the youth.





▶ TRIBAL LAW AND POLICY INSTITUTE

A Native American operated non-profit:

Dedicated to providing free publication resources, comprehensive training, and technical assistance for Native nations and tribal justice systems in pursuit of our vision to empower Native communities to create and control their own institutions for the benefit of all community members, now, and for future generations.

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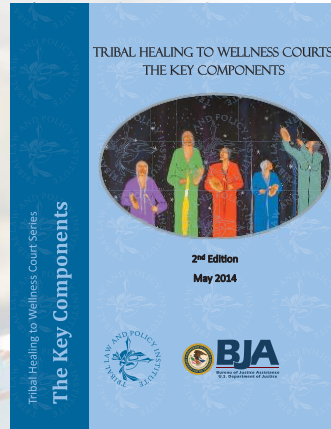
Juvenile Healing to Wellness Court (JHWC) Process



Tribal Youth Resource Center
www.TribalYouth.org

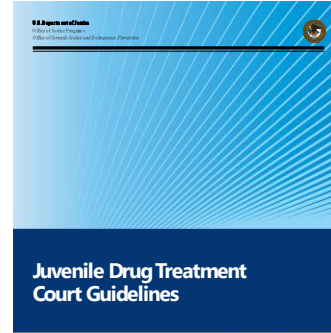


JHWC KEY COMPONENTS, GUIDELINES, & RESOURCES



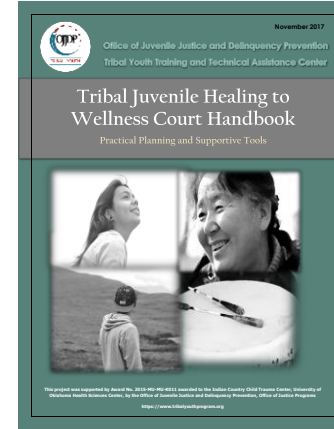
The Tribal Healing to Wellness Court Key Components

Available at:
<https://www.home.tpi.org/tribal-healing-to-wellness-courts>



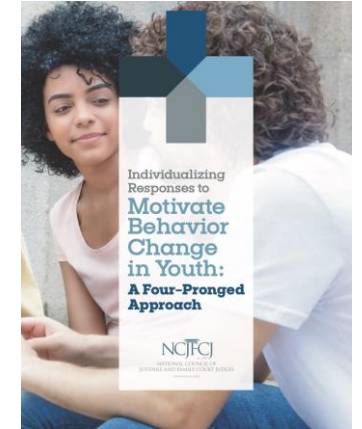
The Juvenile Drug Treatment Court Guidelines

Available at:
<https://ojjdp.ojp.gov/programs/juvenile-drug-treatment-court-guidelines>



This is a Tribal JHWC resource which references the Key Components & the Juvenile Guidelines

Available at:
<https://ojjdp.ojp.gov/library/publications/tribal-juvenile-healing-wellness-handbook-practical-planning-and-supportive>

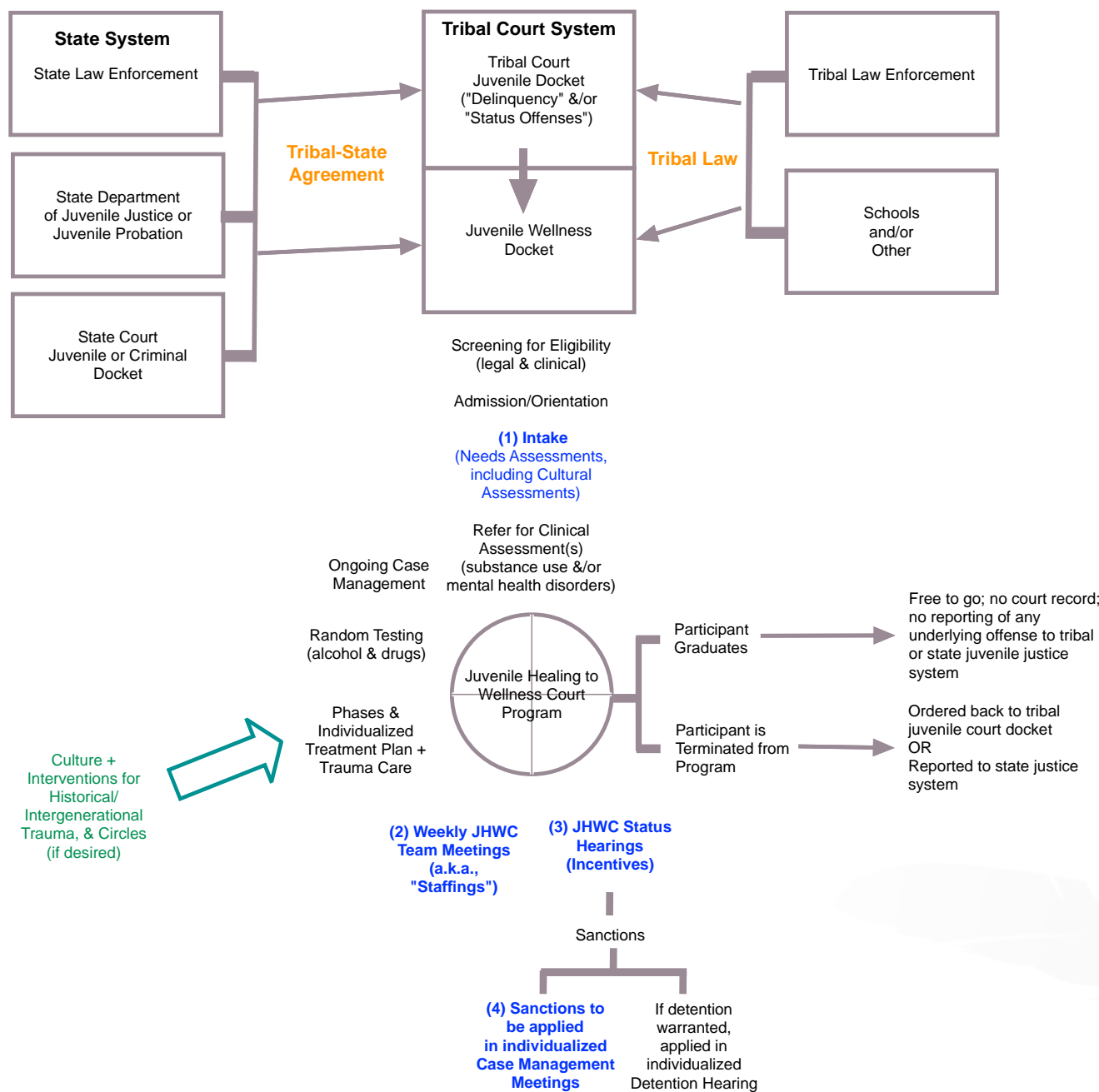


This resource includes approaches to motivating behavior change in adolescents in Juvenile Drug Courts (how to apply incentives and sanctions)

Available at:
<https://www.ncjfcj.org/publications/individualizing-responses-to-motivate-behavior-change-in-youth-a-four-pronged-approach/>

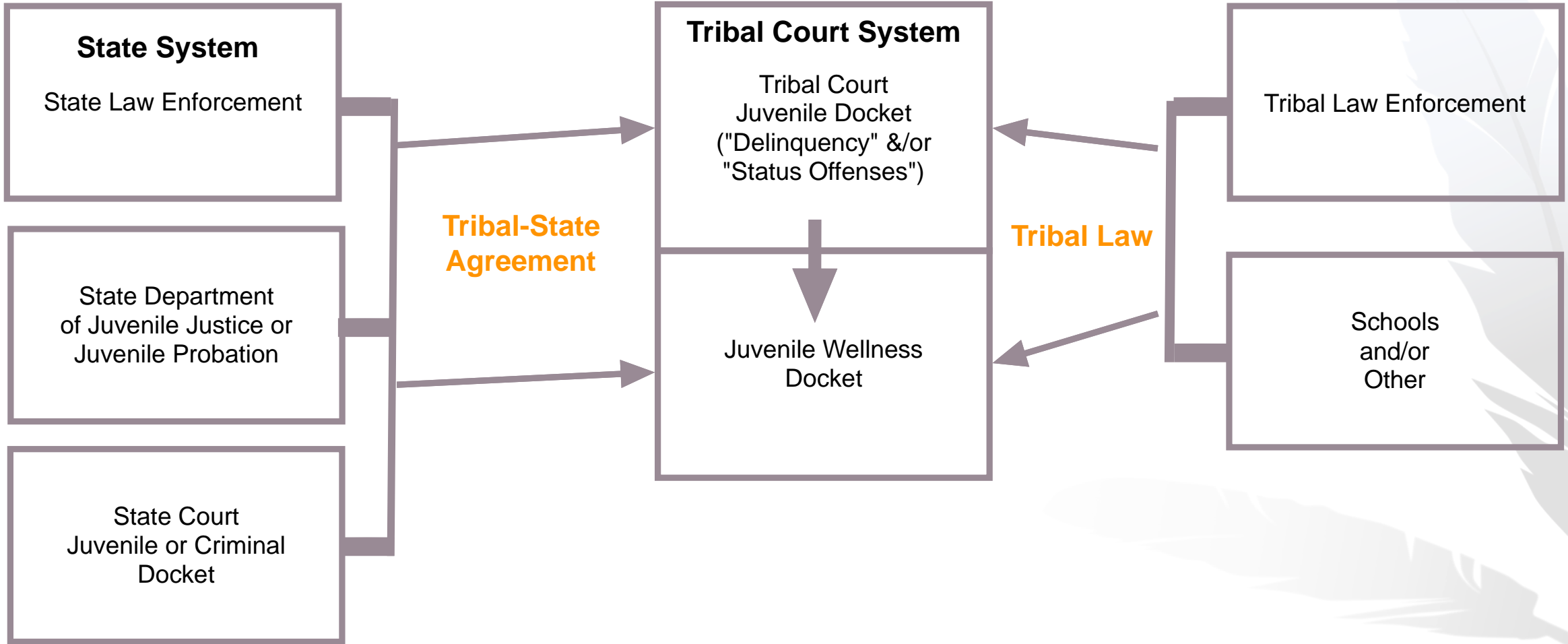


JUVENILE HEALING TO WELLNESS COURT (JHWC) PROCESS





Inter-governmental Agreements (transfer, referral, and/or diversion) AND Direct Intake to Tribal Court

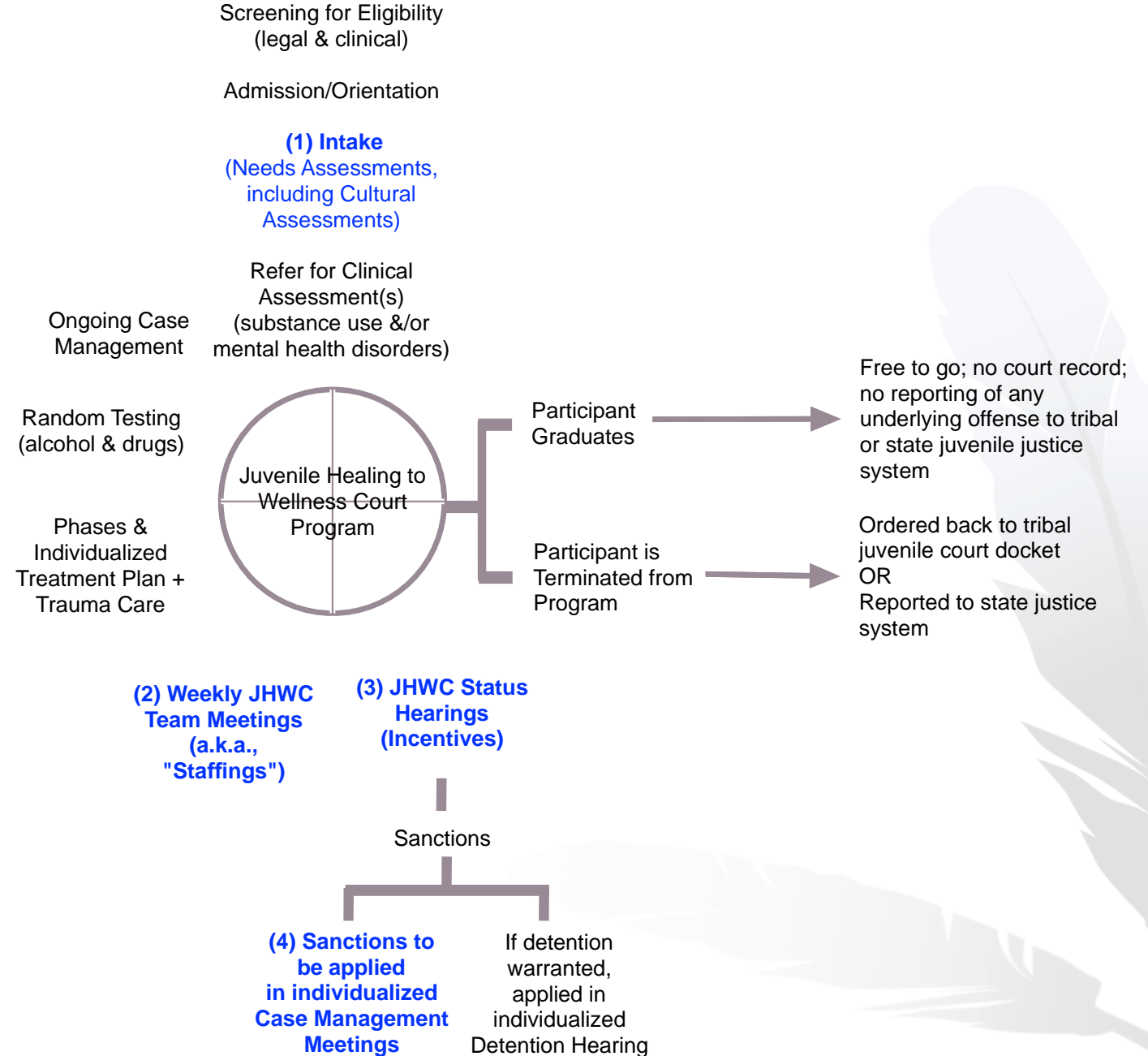
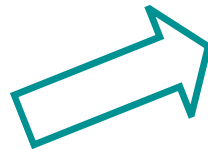




PROCESSES IN MOCK:

- (1) INTAKE
- (2) JHWC TEAM MEETING ("STAFFINGS")
- (3) JHWC STATUS HEARING
- (4) CASE MANAGEMENT MEETING TO APPLY SANCTION

Culture + Interventions for Historical/ Intergenerational Trauma, & Circles (if desired)



INITIAL SCREENING

The Juvenile Drug Treatment Court (JDTC) Guidelines* ** are guidelines, not requirements.

JDTC Guideline 2.1.

Eligibility criteria should include the following:

- Youth with a **substance use disorder**.
- Youth who are 14 years old or older.
- Youth who have a moderate to high risk of reoffending.

*Available at:

<https://www.ojjdp.ojp.gov/programs/juvenile-drug-treatment-court-guidelines>

**OJJDP partnered with a research team to develop these guidelines based on research and evidence. The research team conducted a systematic review of literature from the juvenile justice, child welfare, public health, and education research fields.

HTWC Key Component 3 - Screening and Eligibility

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

CRITERIA FOR “SUBSTANCE USE DISORDER”

DSM-5-TR Substance Use Disorder Criteria

Substance use disorders span a wide variety of problems arising from substance use, and cover 11 different criteria:*

1. Taking the substance in larger amounts or for longer than you're meant to
2. Wanting to cut down or stop using the substance but not managing to
3. Spending a lot of time getting, using, or recovering from use of the substance
4. Cravings and urges to use the substance
5. Not managing to do what you should at work, home, or school because of substance use

See helpful discussion at:

<https://www.verywellmind.com/dsm-5-criteria-for-substance-use-disorders-21926>

physical dependence

risky use

social problems

and

impaired control

CRITERIA FOR “SUBSTANCE USE DISORDER” (CONT.)

DSM-5-TR **Substance Use Disorder Criteria** (cont.)

6. Continuing to use, even when it causes problems in relationships
7. Giving up important social, occupational, or recreational activities because of substance use
8. Using substances again and again, even when it puts you in danger
9. Continuing to use, even when you know you have a physical or psychological problem that could have been caused or made worse by the substance
10. Needing more of the substance to get the effect you want (tolerance)
11. Development of withdrawal symptoms, which can be relieved by taking more of the substance

INITIAL SCREENING (CONT.)

Common Questions

1. Must the eligibility criteria for a JHWC require a criteria of “substance use” or a “substance use disorder”?
 - Yes. The CTAS PA8 Solicitation references the HTWC Key Components which require the identification of “substance-abusing juveniles”
2. May a JHWC program include youth experiencing truancy?
 - Yes, if this is set out in the Tribe’s JHWC Policies & Procedures Manual and/or under the Tribe’s law + there is some indication of substance use

See video:

“Albuquerque Urban Native American Healing to Wellness Court | 4: Referral, Screening and Entry”

Go to:

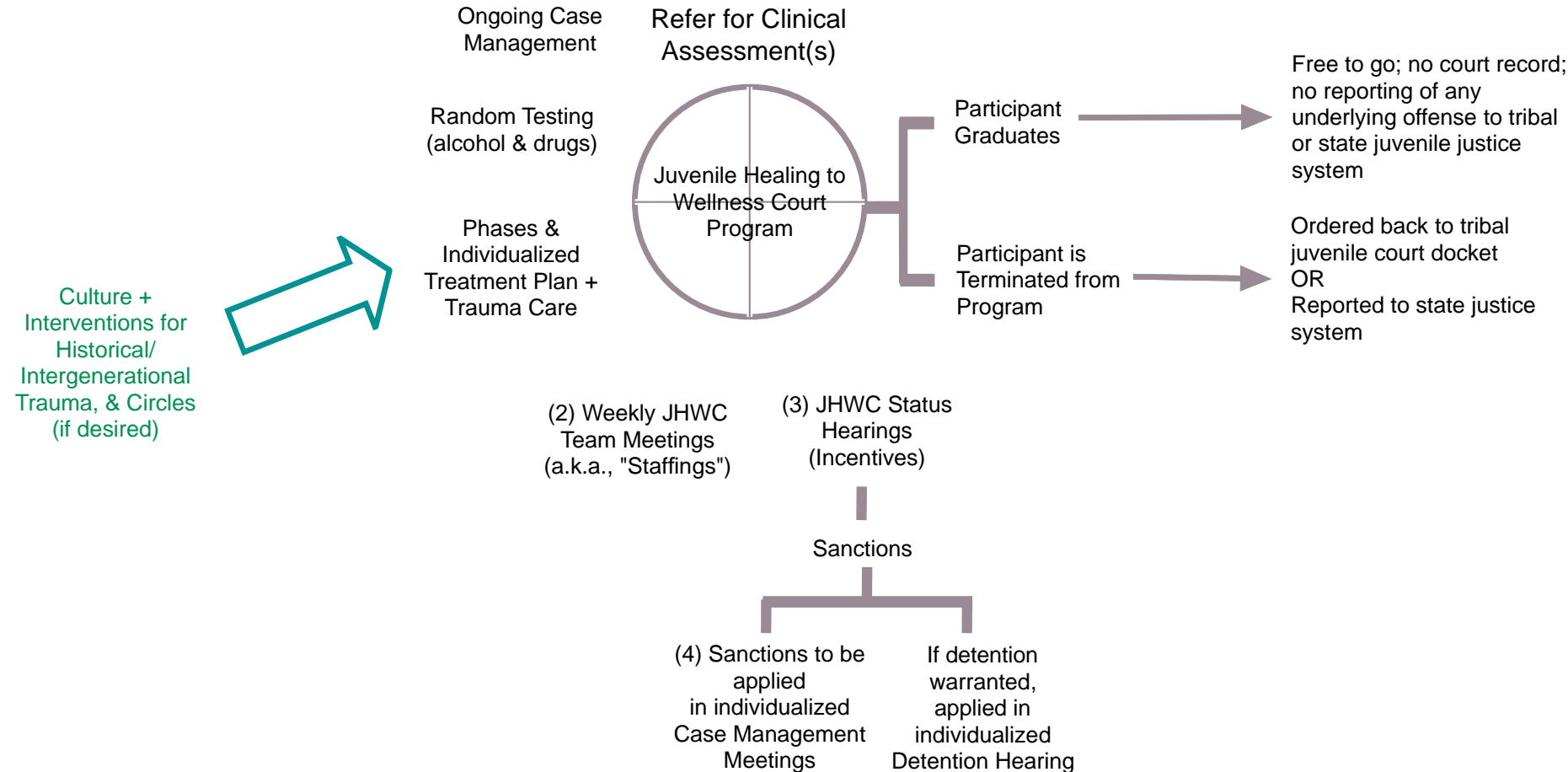
<https://www.youtube.com/watch?v=9GGgtlCluSo>

PROCESSES IN MOCK: (1) INTAKE

Screening for Eligibility
(legal & clinical)

Admission/Orientation

(1) Intake
(Needs Assessments,
including Cultural
Assessments)



JDTC Guideline 4.1.

Needs assessments should include information for each participant on:

- Use of alcohol or other drugs.
- Criminogenic needs.*
- Mental health needs.
- History of abuse or other traumatic experiences.
- Well-being needs and strengths.
- Parental drug use, parental mental health needs, and parenting skills.

Criminogenic need means any issues of concern which are directly linked to criminal behavior that when addressed and changed affect a probationer's risk for recidivism, which include, but are not limited to criminal personality, antisocial attitudes, values, beliefs, low self control, criminal peers, substance abuse, dysfunctional family, unemployment and lack of education.*

***Antisocial - contrary to the laws and customs of society; devoid of or antagonistic to sociable instincts or practices.*

HTWC Key Component 4 - Treatment and Rehabilitation

Tribal Healing to Wellness Court provides access to ... alcohol and drug abuse **treatment and rehabilitation services that incorporate culture and tradition.**

HTWC Key Component 5 – Intensive Supervision

Tribal Healing to Wellness **Court participants ... and their families benefit from effective team-based case management.**

▶ INTAKE (CONT.)

Common Questions

1. When do “Needs Assessments” happen and for what purpose?

- Initial Screening for Eligibility
- Admission/Orientation
- Intake/Case Management

and/or

- Treatment

See video:

“Albuquerque Urban Native American Healing to Wellness Court | 6: Assessment”

Go to:

<https://www.youtube.com/watch?v=ArZS1LU5qlo>

JDTC Guideline 4.2.

Case management and treatment plans should be individualized and culturally appropriate, based on an assessment of the youth's and family's needs.

HTWC Key Component 5 – Intensive Supervision

Tribal Healing to Wellness Court participants ... and their families benefit from effective team-based case management.

Common Questions

1. Where would an Assessment of Culture go?

- It is very important to learn about the cultural background of youth and their family to respond to their needs
- There is no template as each Tribe has its own specific set of values, ways, and laws

2. Are there "issues of language" that we should talk through as a JHWC team?

- Participants say: "we are not cases to be managed" vs. "care coordination"
- "healing" vs. "treatment" (a western approach)
- "missing" vs. "runaway"

See video:

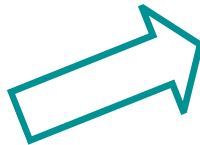
"Albuquerque Urban Native American Healing to Wellness Court | 6: Assessment"

Go to:

<https://www.youtube.com/watch?v=ArZS1LU5qlo>

PROCESS IN MOCK: (2) JHWC TEAM MEETINGS ("STAFFINGS")

Culture + Interventions for Historical/ Intergenerational Trauma, & Circles (if desired)



(2) Weekly JHWC Team Meetings (a.k.a., "Staffings")

Phases & Individualized Treatment Plan + Trauma Care

Random Testing (alcohol & drugs)

Ongoing Case Management



Refer for Clinical Assessment(s) (substance use &/or mental health disorders)

Admission/Orientation

(1) Intake (Needs Assessments, including Cultural Assessments)

Screening for Eligibility (legal & clinical)

Participant Graduates

Participant is Terminated from Program

Free to go; no court record; no reporting of any underlying offense to tribal or state juvenile justice system

Ordered back to tribal juvenile court docket OR Reported to state justice system

(3) JHWC Status Hearings (Incentives)

Sanctions

(4) Sanctions to be applied in individualized Case Management Meetings

If detention warranted, applied in individualized Detention Hearing



JHWC TEAM MEETING (“STAFFING”)

JDTC Guideline 3.4.

The JDTC team should meet weekly to review progress for participants and consider incentives and sanctions based on reports of each participant’s progress across all aspects of the treatment plan.

JDTC Guideline 1.3.

... include ... school systems, ... goal of overcoming the educational barriers ...

JDTC Guideline 1.5.

JDTCs should be deliberate about engaging parents or guardians throughout the court process, which includes addressing the specific barriers to their full engagement.

HTWC 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.

HTWC Key Component 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.

HTWC Key Component 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.

Common Questions

- Do participant selected “natural helpers” (e.g., grandma, a cultural advisor, or trusted school counselor) participate in Team Meetings/“Staffings”?
 - Yes. Natural Helpers may be asked to attend and be a part of the Team Meetings/“Staffing”

See video:

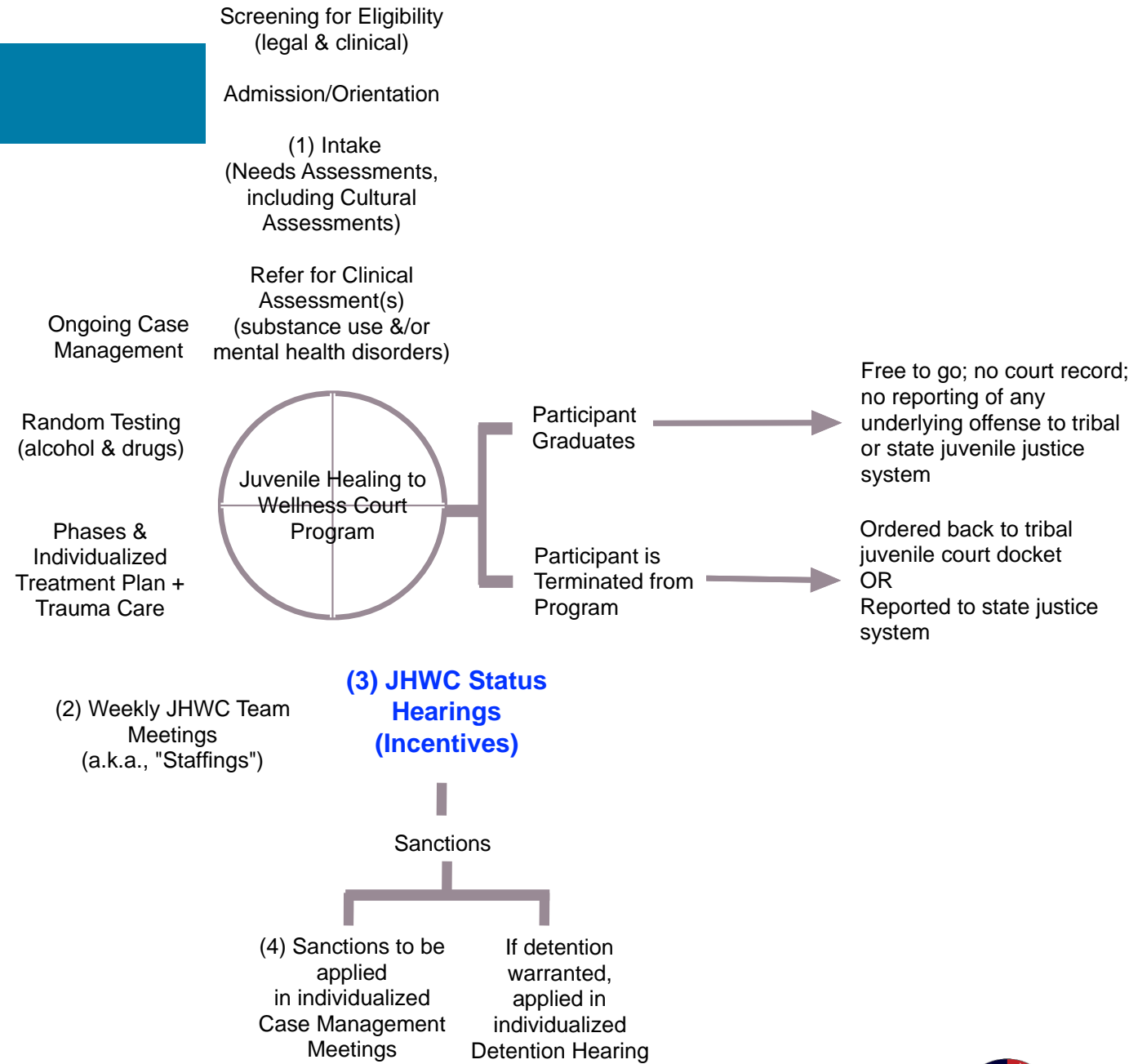
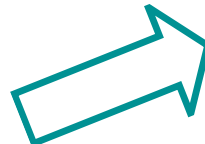
“Albuquerque Urban Native American Healing to Wellness Court | 9: Case Management and Staffing”

Go to:

<https://www.youtube.com/watch?v=hFuowXRaJmc>

PROCESS IN MOCK: (3) JHWC STATUS HEARINGS

Culture + Interventions for Historical/ Intergenerational Trauma, & Circles (if desired)



JHWC STATUS HEARING

JDTC Guideline 3.2.

The **judge** should interact with the participants in a **nonjudgmental** and procedurally **fair** manner.

JDTC Guideline 3.3.

The **judge** should **be consistent when applying** program requirements (including **incentives and sanctions**).

JDTC Guideline 3.1.

JDTCs should work collaboratively with **parents and guardians** throughout the court process to **encourage active participation** in ...

- (a) regular **court hearings**,
- (b) **supervision and discipline** of their children in the **home and community**, and
- (c) treatment programs.

HTWC Key Component 6:

Incentives and Sanctions

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

JHWC STATUS HEARING (CONT.)

Purpose of the Status Hearing:

- Address needs of youth & family
- Effective behavior modification (application of incentives/sanctions)
- Address issues of fairness and/or public safety raised by attorneys, advocates, or others

“A drug court judge’s primary role is not to mediate a dispute between two litigants; rather, drug court judges actively promote the successful treatment of participants.”

–The Drug Court Judicial Benchbook (2017), p. 204

“Most drug courts apply incentives and sanctions during court hearings, after the team has had an opportunity to review the case in a staffing and agree upon a suitable consequence. The ultimate decision about what consequence to impose is determined by the judge but is based upon a consideration of the relevant evidence and expertise contributed by the various team members. The longer the time interval between staffings and between status hearings, the longer the delay will be between participants’ accomplishments and the imposition of rewards, and between their infractions and the imposition of sanctions.”

– p. 146

JHWC STATUS HEARING (CONT.)

The Status Hearing Process

- **Judge's point of view:**

- Considers concerns of Prosecutor & Defense Counsel
- Check-in w/participant
- Apply incentives (possibly sanctions) with explanation & support

- **Prosecutor's point of view:**

- Ensure public safety
- Uphold the rules (sanctions)

Defense Counsel's point of view:

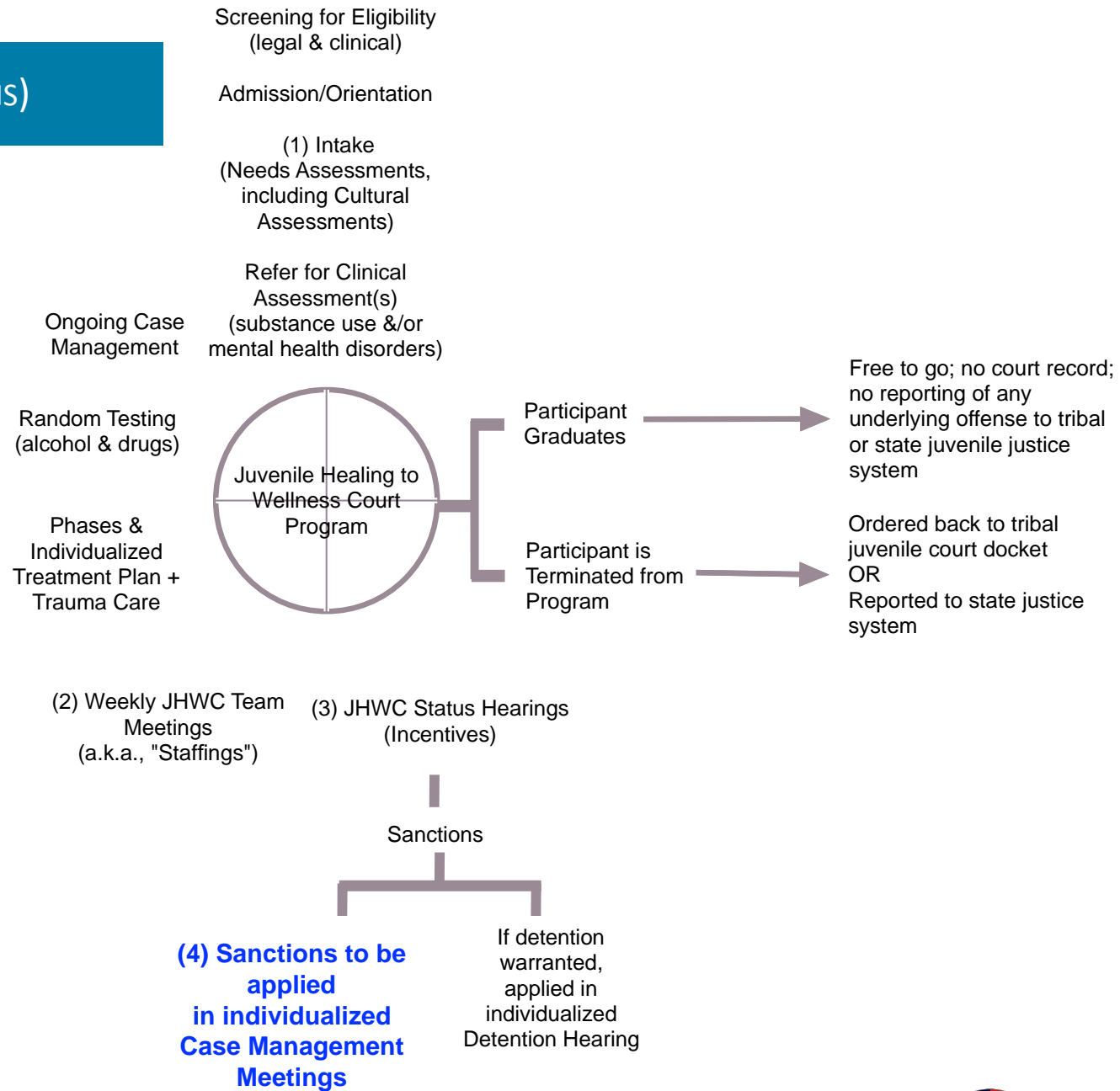
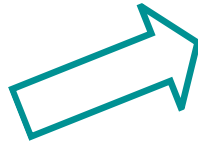
- Explains the process to the participant
- Urges participant to share the details of his or her situation in full context

Participant's point of view:

- If done right, feels safe and supported

PROCESS IN MOCK: (4) CASE MANAGEMENT MEETING (SANCTIONS)

Culture + Interventions for Historical/ Intergenerational Trauma, & Circles (if desired)



JHWC INCENTIVES & SANCTIONS

JDTC Guideline 5.1.

For each participant, the application of **incentives** should **equal or exceed the sanctions** that the JDTC applies. **Incentives should be favored** over sanctions.

JDTC Guideline 5.2.

Participants should feel that the **assignment of incentives and sanctions is fair**:

- Application should be **consistent**; i.e., participants receive similar incentives and sanctions as others who are in the court for the same reasons.
- Without violating the principle of consistency described above, it is also **valuable to individualize incentives and sanctions**.

JDTC Guideline 5.3.

Financial fees and detention should be considered only after other graduated sanctions have been attempted. **Detention** should be used as a sanction infrequently and only for short periods of time when the youth is a danger to himself/herself or the community or may abscond.

HTWC Key Component 6: Incentives and Sanctions

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

JHWC INCENTIVES & SANCTIONS (CONT.)

JDTC Guideline 5.4.

Ongoing monitoring and case management of youth participants should **focus less on the detection of violations** of program requirements **than on addressing their needs** in a holistic manner, including a strong focus on behavioral health treatment and family intervention.

JDTC Guideline 5.5.

A participant's **failure to appear for a drug test** and otherwise **tampering with drug test** results should be **addressed with immediate, graduated sanctions**.

JDTC Guideline 5.6.

The JDTC team should be prepared to **respond to any return to substance use** in ways that **consider the youth's risk, needs, and responsivity**.

JHWC INCENTIVES & SANCTIONS

Common Questions

1. How do you tailor incentives and sanctions to an individual participant?
 - “Strengths, Needs, Discovery Tool” (wrap around approach)
 - “Personal Balance Tool”
 - Youth set goals for themselves
 - JHWC Team/Judge may then match a specific incentive to that youth’s goals
 - Example – If s/he has a goal to get fit, make a free pass to a gym the incentive
2. Do we need to explore the needs of a participant and his or her family when s/he fails to meet a program requirement or has a dirty test?
 - Why are we focusing on youth as “the problem” when needs are complex
 - Look at the larger context (many Native Youth & their families have complex needs)
 - What is going on at home?
 - What is going on in the community?
 - Food, shelter, safety? (e.g., during Covid staff took food to students – only meal of the day)

JHWC STATUS HEARING (CONT.)

See videos:

“Albuquerque Urban Native American Healing to Wellness Court | 10: Judicial Monitoring”

Go to:

<https://www.youtube.com/watch?v=Ho4sz3pzPu0>

“Albuquerque Urban Native American Healing to Wellness Court | 12: Incentives and Sanctions”

Go to:

<https://www.youtube.com/watch?v=xNh6kalpT3I>

“Albuquerque Urban Native American Healing to Wellness Court | 2: Role of Defense Counsel”

Go to:

<https://www.youtube.com/watch?v=z5A1ONeE4Z0>

The Albuquerque Urban Native American Healing to Wellness Court | 3: Role of the Prosecutor

Go to:

<https://www.youtube.com/watch?v=N5vz8rDiJn0>



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Envisioning a future where Indigenous youth thrive through traditional lifeways.

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