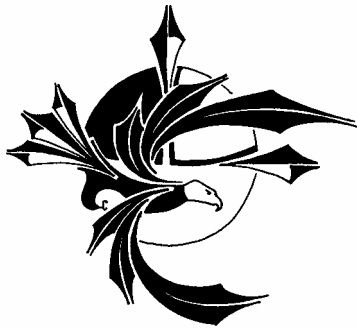


**Tribal Healing to Wellness Court Technical Assistance Project  
Resource Publication Series**

**DRAFT**

**Tribal Healing to Wellness Courts:  
Program Development Guide**



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## Preface

A Tribal Healing to Wellness Court is not simply a tribal court that handles alcohol or other drug abuse cases. It is, rather, a component of the tribal justice system that incorporates and adapts the *Wellness Court* concept to meet the specific substance abuse needs of each tribal community. It therefore provides an opportunity for each Native community to address the devastation of alcohol or other drug abuse by establishing more structure and higher level of accountability for these cases and offenders through a system of comprehensive drug testing, treatment services, immediate sanctions and incentives, team-based case management, and community support.

*Tribal Wellness Courts* face a number of unique issues and challenges not generally encountered by state drug court systems. Consequently, the development of Tribal Wellness Courts has required special strategies that have emerged during the course of program planning and implementation. Because Tribal Wellness Courts are relatively new and evolving, they are continually adapting to meet the needs of their target populations and their communities.

Healing to Wellness Courts, in effect, contribute to the on-going community and nation building process of Indigenous tribal governments. As each Tribal (Indigenous) Nation can only be as strong and steadfast as its citizens and families, Healing to Wellness Courts help to put misguided individuals back on track, on to a healing to wellness journey. Each tribal community and nation must define and describe the nature of this healing journey. Its direction and pathway must be guided by each Indian Nation's culture, tradition, common practices, and vision.

This publication is a part of the Tribal Healing to Wellness Court Technical Assistance Project Resource Publication Series. The full series is as follows:

- Publication #1 *Healing to Wellness Courts: A Preliminary Overview of Tribal Drug Courts*
- Publication #2 *Tribal Healing to Wellness Courts: The Key Components*
- Publication #3 *Tribal Healing to Wellness Courts: Treatment Guidelines for Adults and Juveniles*
- Publication #4 *Tribal Healing to Wellness Courts: The Judge's Bench Book*
- Publication #5 *Tribal Healing to Wellness Courts: Program Development Guide*
- Publication # 6: *Tribal Healing to Wellness Courts Operational Materials*  
(with American University)

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## I. Introduction

Planning and implementing a Healing to Wellness Court (HTWC) requires collaboration and support from a variety of tribal agencies. It also entails a sincere commitment from individuals who want to address alcohol and substance abuse issues among tribal communities, families, adults and youth.

Planning requires an assessment of community needs and extensive research. Moreover, the success of this program will require a dedicated commitment from the tribal court, tribal government, service providers, and the community.

**What is the Purpose of the Healing to Wellness Court Program Development Guide?** The Healing to Wellness Court Program Development Guide is a practical handbook for planning, implementing, and managing adult, juvenile, and family Healing to Wellness Courts. This guide provides a step-by-step structure of the formalities involved in establishing a Healing to Wellness Court. You will find suggestions for integrating tribal practices and advice from a practical standpoint. It is designed to assist steering committees and planning groups as they 1) use team-based approaches; 2) gain knowledge of Healing to Wellness court concepts; 3) incorporate the 10 key components; 4) help establish policies and procedures suitable to the needs of the tribal community; 5) guide the court to integrate available resources; 6) develop interagency agreements; 7) incorporate a management information system to track participants and services; and 8) identify possible problem areas.

**What is the Program Development Guide Intended to do?** The Program Development Guide is not a treatment education guide, a judicial procedure guide, or a guide targeted at the delivery of services in a specified drug court field. The expertise in these areas is incorporated by carefully selecting the individuals who will contribute to the Healing to Wellness Court and who offer specialized training.

Training is available to enhance team efforts and specific Healing to Wellness Court roles and tasks from a variety of agencies. This includes attending workshops for Healing to Wellness Court grantees sponsored by the Drug Courts Program Office within the Department of Justice, the Native American Alliance Foundation (NAAF), and the National Association of Drug Court Professionals. This training is also available for non-grantee tribes planning or wanting to learn more about Healing to Wellness Courts (*information can be obtained by contacting NAAF*). Additionally, each community defines the specific roles of contributing team members. Furthermore, this guide is not intended for use as a formal Healing to Wellness policy and procedure, nor are tribes establishing their wellness courts required to adhere to this guide. Instead, it is a tool that incorporates selected practices from established Wellness Courts, and offers professional experiences and assistance from court practitioners.

## II. Tribal Healing to Wellness Courts

### A. History of Healing to Wellness Courts

The “War on Drugs” movement of the 1980’s had a dramatic effect on drug related-arrests and prosecutions. As a result, jails and prisons are congested with drug and drug-related offenders as offenders are incarcerated, released and repeatedly rearrested with little focus on treatment. Under this practice courts have become overburdened and are forced to address escalating caseloads and challenged to respond creatively to these added demands.

The establishment of drug courts provides a groundbreaking approach that permits the judicial system, treatment providers, and other service providers to join forces. Together they can now supervise, support, and treat nonviolent offenders through a series of incentives, sanctions, mandatory drug testing, and effective aftercare programs.

State drug court operations began in 1989. After learning of the advantages of establishing a court that meets the needs of the community, Native American and Alaska Native drug courts commonly known as “Healing to Wellness Courts” or simply “Wellness Courts” soon followed. In 1997 the Drug Courts Program Office (DCPO), Office of Justice Programs, U.S. Department of Justice created a partnership with the National Association of Drug Court Professionals (NADCP) to assist in the development of Tribal Healing to Wellness Courts. Since that time, DCPO has forged partnerships with the Native American Alliance Foundation (NAAF) and the Tribal Law and Policy Institute (TLPI). NAAF provides training to tribes who are planning and implementing Healing to Wellness Courts, while TPLI offers technical assistance and develops Wellness Court resource materials. The American University through the Drug Court Clearinghouse continually compiles and distributes state and tribal operational materials and activities. Furthermore, a Tribal Advisory Committee meets regularly and exchanges ideas and contributes to the development of advanced training and technical assistance of Healing to Wellness Courts.

◆ **HELPFUL HINT:** More information and resources from the agencies listed above can be found at:

Tribal Law and Policy Institute:	<a href="http://www.tribal-institute.org">http://www.tribal-institute.org</a>
Native American Alliance Foundation:	<a href="http://www.native-alliance.org">http://www.native-alliance.org</a>
OJP Drug Court Clearing House & Technical Assistance Project:	<a href="http://www.american.edu/justice">http://www.american.edu/justice</a>
Drug Courts Program Office:	<a href="http://www.ojp.usdoj.gov/dcpo">http://www.ojp.usdoj.gov/dcpo</a>
Nat’l Assn of Drug Court Professionals (NADCP)	<a href="http://www.nadcp.org">http://www.nadcp.org</a>

## **B. How are Healing to Wellness Courts Defined?**

While operations of a drug court vary, drug courts generally employ the courts' authority to influence participants towards abstinence by modifying their behavior. This is accomplished through extensive judicial supervision, case management, treatment, frequent drug testing, and application of incentives and sanctions. The drug court deviates from standard practices and instead intervenes to support the participant's journey toward wellness. Such interventions may come from the judge, the prosecutor, a defense counsel, treatment providers, probation officer, and complementing agencies (e.g., education, medical treatment, job training). Most importantly, drug courts hold individuals accountable while sustaining the cooperative efforts of team members as they address the overwhelming effects of alcohol and drugs within their communities.

Healing to Wellness Courts go one step further and administer justice in a manner that draws on tribal cultural components and strengths (tribal traditions, spiritual healing practices, traditional dispute systems, and tribal fundamental beliefs and values). Planning a Healing to Wellness Court requires contributions from various sectors of the community so that particular needs, values and objectives unique to each tribe are met. Thus, tribes can approach their crime, alcohol and drug problems in a manner that best meets their needs and incorporates their traditional practices with respect to the survival of, and hope for, their people.

Traditionally, dispute resolution authorities and traditional healers look to the underlying causes of disputes and sickness and seek physical, spiritual and social remedies to heal those hurts and right the relationships of the people involved. The goal is to heal ailments and relations so that members of families, clans, bands, and villages, can continue to live together in healthy productive ways.

Within the last century, many modern tribal governments and courts have become more structured and now use practices based on the western model. These practices are focused on courts and law enforcement, which is a divergence from dispute resolution and traditional healing ways (treatment and social services). Tribal governments, with aid from elders, leaders and tribal professionals, however, are beginning to link modern tribal justice systems with modern treatment models and integrate traditional ways and values, thus, cultivating Healing to Wellness Courts.

### **◆ HELPFUL HINT:**

For more information regarding the history of Healing to Wellness Courts see: *Healing to Wellness Courts: A Preliminary Overview* (July 1999), prepared by the Tribal Law and Policy Institute and funded by the Drug Court Program Office, Office of Justice Programs, U.S. Department of Justice as listed in Appendix D: Resource Materials Relating to Drug Courts.

### C. What Are the Essential Elements that Support a Healing to Wellness Court?

In 1997, the Office of Justice Programs Drug Courts Program Office published *Drug Courts: The Ten Key Components*. However, it soon became clear that the components applicable to state courts were not practical for Healing to Wellness Courts and did not speak to spiritual or traditional customs of healing and dispute mechanisms practiced by tribes. As a result, the Tribal Law and Policy Institute, in partnership with the Department of Justice Drug Courts Program Office and the Tribal Advisory Committee, created a version of the key components suited to address the issues of Tribal Healing to Wellness Courts. These components identify the elements necessary to effectively operate the program. The following is a list of the key components and principles as published in *Tribal Healing to Wellness Courts: The Ten Key Components*.



**Key Component #1:** Tribal Healing to Wellness Courts bring together community-healing resources with the tribal justice process, using a team approach to achieve the physical and spiritual healing of the participant and the well being of the community.



**Key Component #2:** Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.



**Key Component #3:** Eligible substance abuse offenders are identified early through legal and clinical screening and are promptly placed in the Tribal Healing to Wellness Program.



**Key Component #4:** Tribal Healing to Wellness programs provide access to holistic, structured and phased substance abuse treatment and rehabilitation services that incorporate culture and tradition.



**Key Component #5:** Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substance use.



**Key Component #6:** Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.



**Key Component #7:** Ongoing judicial interaction with each participant and judicial involvement in a team staffing is essential.



**Key Component #8:** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness to meet three purposes: providing information to improve the Healing to Wellness process; overseeing participant progress; and preparing evaluative information for interested community groups and funding sources.





**Key Component #9:** continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.



**Key Component 10:** The development of ongoing communication, coordination, and cooperation among team members, the community and relevant organizations are critical for program success.

This publication emphasizes the importance of adapting the Wellness Court to the needs of the tribal community and, in particular, introduces the concept of “Nation Building” as follows:

*Healing to Wellness Courts, in effect, contribute to the on-going community and nation building process of Indigenous tribal governments. As each Tribal (Indigenous) Nation can only be as strong and steadfast as its citizens and families, Healing to Wellness Courts help place misguided individuals back on track and onto a healing to wellness journey. Each tribal community and nation must define and describe the nature of this healing journey. Its direction and pathway must be guided by each Indian Nation’s culture, tradition, common practices and vision.*

Additionally the “healing to wellness journey” is introduced as follows:

*The overall goal of Tribal Healing to Wellness Courts is the healing of individuals, families and communities by directing participants onto a healing journey . . . Once the participant is accepted into the program . . . the team’s focus is on the participant’s healing journey to recovery and law abiding behavior.*

◆ **HELPFUL HINT:**

It is important to recognize that these components are geared toward the development of adult Healing to Wellness Courts (or drug court) programs. Juvenile and family drug courts/wellness courts are a new practice; therefore, the components must be modified or expanded to meet the needs of those populations.

#### **D. What Types of Healing to Wellness Courts Can a Tribe Establish?**

Basically, there are three types of Healing to Wellness Courts: Adult, Juvenile and Family. (These Wellness Courts can also be established to address other community concerns such as Driving Under the Influence, Domestic Abuse and Sexual Abuse). The type of Wellness Program a tribe establishes is dependent upon the population assessed by the tribe to be the most severely affected and how they are influenced by alcohol and drug abuse. That group of

individuals then develops into the target population. However, in several communities more than one segment of the community is personally impacted (for example, family members). In this case, establishing an additional Wellness Court is necessary or likely in the future. The type of Wellness Court established meets the needs of the target population through a series of interventions that effectively address the needs of the specific client. Above all, treatment interventions are geared toward the life stage an individual is in. These interventions will address prevailing addictions or dependencies and may require further interventions such as family dynamics, employment, education, gender specific counseling, neglect and abuse, or closer supervision.

**Adult Healing to Wellness Court:** The Drug Court model originated with adult courts and engaged legal and treatment entities to address alcohol, drug and crime issues among the adult community (usually 18 and older). This design allows tribal professionals and the community to come together and combat an individual's addictions in a therapeutic manner. Conventionally, offenders dealing with the legal system are addressed in an adversarial setting, and this type of setting creates an unfriendly environment with opposing sides. Common procedure in this type of court involves arraignment followed by a plea (guilty/not guilty), then trial and sentencing. If the individual is found guilty, the judge imposes a sentence, usually consisting of probation, fine and/or incarceration. However, issues surrounding drug and alcohol abuse are inadequately and often infrequently addressed.

In the Healing to Wellness Court, prosecution can be deferred, allowing individuals to take responsibility for their actions in a non-threatening setting that provides the potential for healthier outcomes. The authority of the court is maintained and the mechanisms of treatment are put into practice. An agreement (or contract) is formed that defers prosecution? And is conditional upon successful completion of the Healing to Wellness Court Program.

The Healing to Wellness Court is made up of a Healing To Wellness Court Team. Teams often include the judge, treatment provider(s), a prosecutor, defense counsel, probation officer, law enforcement officer, and other community representatives such as an elder, spiritual leader, vocational or job-training representative. The resources available in each community, traditional practices within the community, and the community's tribal experts will help determine who might be on your team. Treatment approaches can include the family and complementary support systems. These approaches should be culturally appropriate and include traditional wisdom that can be found through the inclusion of community leaders, religious leaders, and group therapy such as talking circles. Additionally, treatment involves therapeutic counseling and services that address each participant's individual needs. Thus, participants are provided with the tools that will enable them to transform their destructive lifestyle into a productive way of life and guide them toward understanding their responsibility and role in the tribal community. It is important to note that by the time most adults enter a Healing to Wellness Court, they are chronic addicts and have suffered many losses due to their addictive behaviors (jobs, family unity, contact with tribal traditions and spirituality, become loners, and have had multiple contacts with the justice system).

**Juvenile Healing to Wellness Court:** The Juvenile Healing to Wellness Court requires additional components to adequately address specific juvenile needs. The target population is

typically between the ages of 12-18. Primary goals of the Juvenile Healing to Wellness Court are to reduce delinquent behavior and substance abuse thereby guiding the juvenile on a path toward a healthy adult life style. However, in addition to their criminal activity and substance abuse, juveniles face more complex issues involving break-downs in family relationships, lack of parental supervision, problems at school (attendance and school performance), peer pressure, gang-related activity, teen pregnancy/parenthood, abuse or neglect, and/or parents who also abuse drugs and alcohol. Juveniles are adolescents with varying degrees of maturity. In some cases they may function as a mature individual and in others may be extraordinarily immature. Therefore, the therapeutic approach must appropriately address adolescent issues.

To appropriately deal with juvenile issues, the number of team members is usually larger. In addition to the core members identified in the adult setting, it is recommended that school representatives, child welfare, social services, juvenile representatives, GED coordinators, detention representatives, child psychiatrists, adventure-based or youth prevention/recreation representatives, and adult role models be incorporated into the team. Closer supervision is also required of juveniles. Finally, the parent is often made a ‘party to the petition’ and must agree to participate in the Healing to Wellness Court.

When working with juveniles, it is imperative to take into account that:

- they are more likely abusers of alcohol and/or drugs rather than addicts because they have not had the number of years of drug use to become chemically dependent. (There are exceptions, however, for youth who began to use as early as the age of 9 [or earlier], therefore, it is important to distinguish where these young people are in their development.);
- education rather than employment is the issue with juveniles;
- most juveniles have not experienced negative health issues due to their abuse of drugs and alcohol, hence, a focus should be placed on physical fitness; and
- at this age they are beginning to question traditions, values and spirituality and may have already participated in tribal ceremonies, but their ability to make choices about partaking in spiritual guidance have been weakened due to their alcohol and drug abuse.

**Family Healing to Wellness Court:** The Family Healing to Wellness Court involves cases dealing with parental rights and an adult as the party litigant. This type of court deals primarily with child abuse, neglect, petitions to terminate or limit parental rights, or abandonment cases involving substance abuse. These cases can also involve visitation disputes and guardianship proceedings. Therefore, the case may enter the court through the criminal or civil process. The court is primarily concerned with the welfare, care and protection of children and their families, while taking actions to address abuse, neglect, abandonment, and custody disputes through community-based alternatives. Like the adult and juvenile wellness court, the family wellness court also recognizes tribal customs and traditions. However, it focuses on child rearing in the tribal perspective by acknowledging that in the Indian society children are not only raised by their biological parents, they are also raised by the extended family and clanship. In addition to the immediate family guardians, the court often exercises jurisdiction over the

extended family or any individuals living in the home where the child or parent resides. The Family Wellness Court, therefore, provides family-based clinical interventions to the immediate family or the extended family and clanship.

It is not unheard of for both the parent and child to be involved in the court system stemming from separate cases. Therefore, the Family Healing to Wellness Court addresses complicated family issues including both adult and juvenile problems. As a result, the entire family is often included in treatment or intervention. Besides core team members, the Family Wellness Court team should (when possible) include the family court judge, a child and adult psychologist, family-based services, social-based services, guardian ad litem/child advocates, and Indian Child Welfare Act and child protection team representatives.

These services are provided to ensure the child's immediate health and safety. Other important issues for consideration include:

- children mimicking the behaviors of their parents, which may have been passed down for several generations;
- breakdown of traditional values and respected institutions that contribute to the social order of the tribe, resulting in deep seeded shame and loss of dignity within the family;
- domestic violence and sexual abuse; and
- co-dependency issues.

◆ **HELPFUL HINT:**

For more information regarding Juvenile and Family Drug Courts access the American University Drug Court Clearinghouse website and retrieve Juvenile and Family Drug Courts: An Overview at [www.american.edu/justice](http://www.american.edu/justice).

### III. Assessing Need and Preliminary Planning

#### A. Why Establish a Healing to Wellness Court?

The impact of alcohol and drugs threatens tribal communities because it endangers the very existence of tribes by encroaching on and eroding their traditional values. Persons affected by alcohol and drugs distance themselves from their communities. It is, therefore, crucial that their alcohol and drug problems be addressed through support provided from the entire tribal community. Moreover, community awareness along with family and extended family involvement contributes to the success of each affected individual.

Evaluators conducting studies on state drug courts report a substantial success in treatment and a significant reduction in re-arrests. Their research has further shown a reduction in cases dropped, and decreases in the number of incarcerations and re-arrests. As with state drug courts, practicing tribal Healing to Wellness Courts have demonstrated significant success and promise. Most importantly, the Healing to Wellness approach incorporates drug court practices while allowing each tribe to incorporate practices that remain close to their traditions while rebuilding their communities. The Healing to Wellness Court approach presents an opportunity for each tribe to address the prevailing alcohol, drug and crime issues in their community. It provides a structure that allows individuals the opportunity to overcome their addiction and work towards a healthy and productive lifestyle as their community also heals. The interaction of these agencies and the resulting resources has also demonstrated cost effectiveness. More importantly, the program blends the requirements of the justice system and treatment with the important elements of traditional beliefs and practices. As these agencies interact, a powerful force is created. Through constant intervention and increased awareness, attitudes toward the healing of the community as a whole are changed and, thus, the entire community begins to take action towards intervention and control of alcohol and drugs. Thus, an effective Wellness Court is viewed by the tribal community as a remedy for good health, rather than a sentence that does not address the problem.

**◆ HELPFUL HINT:**

More information on Drug Court and Healing to Wellness Court studies can be found at the American University Drug Court Clearinghouse website at [www.american.edu/justice](http://www.american.edu/justice).

#### B. What Preliminary Steps Should You Take When Planning a Healing to Wellness Court?

Once you have determined that alcohol or drugs are the cause of increased criminal activity in the community and recent efforts to address this have had little or no success, what will you do to address the problem? A Healing to Wellness Court may be a groundbreaking solution, but how do you begin? Establishing support and community interest is the initial step

in planning a Healing to Wellness Court. The following checklist is provided to assist you in the initial planning.

- Conduct a needs assessment
- Identify Stakeholders (determine key agencies)
- Obtain Judicial Support
- Obtain Council Support
- Obtain Traditional Leader Support
- Obtain Community Support
- Contact & Enlist key individuals
- Determine Project Manager/Coordinator (who's in charge)
- Establish a steering committee
- Develop goals and objectives
- Develop Time Task Plans
- Develop Action Plans
- Determine potential funding sources and a preliminary budget

### **C. How is a Wellness Court Program Managed or Coordinated?**

The initial planning stage will require a project manager/coordinator to help direct and organize the operation. Who is the project manager/coordinator? What does the project manager/coordinator do? The Project Manager/Coordinator can be a judge, tribal planner, treatment provider, administrative representative or a concerned individual. The individual's primary concern is getting things done through others. He or she will be required to coordinate the vital components through planning, organizing, leading and guiding. While planning requires establishing goals organizing will determine what activities need to be completed to establish the goals. Leadership will ensure that the right people are available to complete the project.

Moreover, the project manager/coordinator brings stakeholders or concerned entities (court, probation social services, treatment and other organizations such as council, traditional leaders and the community) together to ensure that the appropriate individuals are involved and action is taken. Agency/Department managers should also make certain key individuals who provide services (such as court personnel, probation officer, law enforcement officers, social workers, treatment counselors) are engaged to identify goals are carried out objectively using the resources within the tribal community. Finally, determining the available resources and establishing a model budget will help you determine how the Healing to Wellness Court will be supported.

The project coordinator will provide the necessary information to establish a Healing to Wellness Court; encourage participation, communication and suggestions; contribute to planning and organizing the work flow; answer questions regarding the operations of a Healing to Wellness Court; keep the program moving forward by relying on schedules, deadlines and helpful reminders; and delegate duties while maintaining goal clarity and commitment.

The project manager/coordinator will also help coordinate the steering committee, planning/implementation teams, and committee/team meetings. When conducting these meetings the coordinator is required to serve as a group member. At the same time the coordinator should facilitate the meetings and make certain meetings are conducted on time, an agenda is prepared and followed (or modified if necessary), regulate meeting discussion time, and be diplomatic in decision-making and procedures. Hence, the project manager/coordinator in essence is a leader that through spirit, vision, commitment, and passion, empowers others to support alleviating the drug and alcohol problems in the community.

#### **D. How are the Community Needs of the Healing to Wellness Court Determined?**

**Educating Yourself through a Needs Assessment:** Educating yourself about the alcohol and drug problems in your community is the first step. Following is a list of questions to help determine the extent of alcohol and drug use as it relates to crime in your community:

- How extensive is drug and alcohol use in your community?
- What is the arrest and conviction rate for drug and/or alcohol use?
- What additional crimes are being committed as a result of drug or alcohol use?
- What offender populations have the most problems –juveniles or adults?
- What is the drug of choice (*alcohol, illegal drug abuse, inhalant abuse*)?
- Is abuse and neglect of children a result of drug and alcohol use?
- What is the re-arrest rate related to drug and alcohol and drug abuse?
- Are there mechanisms available to address these problems (*substance abuse counseling, family counseling, AA programs*)?
- Is the court, treatment or social service programs effectively addressing the problems?
- How has substance abuse impacted your community?
- What is the community response, concern or denial?
- Are there any other existing or planned programs or projects to address these problems?
- Have the existing programs been successful in addressing the problem?

These questions will assist in gathering the necessary information to conduct an assessment. However, it is also important to recognize that gathering this information is challenging. Many of the agencies from which information will be sought are required to abide by confidentiality guidelines. Additionally, tribal communities, by tradition, may have strong sentiments about keeping matters private. Therefore, when gathering information, the individuals' and agencies' confidentiality concerns should be addressed in a professional manner, and careful effort must be taken to prevent their identity.

When assessing alcohol, drug and crime issues in a tribal community it is important to understand that a community may not have acknowledged that there is a problem. Alternatively, the community may have identified a problem, but individuals are unsure about how to resolve it. In some instances, a highly developed intervention or alcohol and substance program may already exist, therefore, a Healing to Wellness Court is perhaps not essential to addressing the needs of that community. After assessing the alcohol, drug abuse, and related crimes in the tribal

community, establishing whether the community can benefit from a Healing to Wellness Court should be determined by examining how well the current systems are working. Thus, community readiness is an important consideration regarding the success of the Healing to Wellness Court.

#### **E. How Does a Community Decide it is Ready to Establish a Healing to Wellness Court?**

**Community Readiness Assessment:** For a Healing to Wellness court to operate successfully in a tribal community, it must meet the needs and address the readiness of that community in a culturally appropriate setting. Though no known studies of community readiness have been conducted exclusively for Healing to Wellness Courts, the Center for Child Abuse and Neglect, in collaboration with the University of Oklahoma and the U.S. Department of Justice compiled a report entitled *Community Readiness: A Promising Model for Community Healing*. This report has demonstrated potential in addressing other community social problems such as alcohol abuse, drug abuse, and prevention efforts. In this report, readiness is defined as “an individual’s sense of dissatisfaction resulting from perceived discrepancy between what is and what should be with subsequent motivation to seek information, to learn, and to adopt new behaviors aimed at alleviating this discrepancy.” What does this mean? It simply means that in order for a Healing to Wellness Court program to thrive, the people of the community must be willing to accept that there is a problem and be motivated to make changes. This report further demonstrates practical suggestions for establishing community readiness and developing “step-by-step” techniques for implementing change.

What is a readiness assessment? Basically, it is a review analyzing the attitudes and view within the community using a diagnostic process. Why is it valuable to a community that is considering establishing a Healing to Wellness Court? It is central to the success of the Healing to Wellness project because it indicates what needs to be done to prepare the community for such a program and what, in fact, can be done by considering the community’s assets and limitations. As mentioned earlier, Tribal Healing to Wellness Courts have demonstrated successes because they incorporate their community’s norms, culture, traditions, resources, values and political systems. Most importantly, these tribes assessed the drug and alcohol problems in the community and determined an absence of intervention services or a need for change in the existing practices. By assessing its resources, a tribe can build a Tribal to Healing to Wellness Court compatible to the community’s characteristics and needs.

By being aware of the stage of community readiness, appropriate efforts can be designed to support the development and implementation of the Healing to Wellness project. This will contribute to the realization of establishing a plan of action through community leadership. However, as mentioned earlier, the community must be ready to adopt change.

How do you know or help the community to determine whether it is ready? Every community has “key informants” who know the community well and can provide information about what is actually happening. These individuals include community leaders, probation officers, judges, law enforcement, tribal council, educators, and mental/health providers. Having the support of these individuals is the foundation to the success of the Healing to Wellness Court.



Such community representation can provide the respect and authority necessary to lead the change and help establish a vision that can guide a transformation process. The following preliminary stages of development were adopted from the ***Community Readiness: A Promising Model for Community Healing*** report. They specify initial community readiness steps (summarized and modified to incorporate tribal norms) and identify (preliminary) stages of readiness helpful toward planning a Wellness Court.

As illustrated in the table on the following page, there are six stages toward change. To ensure the Wellness Program's success, support must be established to minimize encounters with denial and resistance. Therefore, the ideal time to propose a Healing to Wellness Court is at the pre-planning stage where a sense of urgency has been established and the community (to some degree) has embraced the idea of targeting alcohol and substance abuse or crime where alcohol and substance abuse are underlying factors. After this, progress can be made toward the Initiation Stage.

**Chart 1 Community Readiness Preliminary Stages**

<b>No Knowledge Stage</b>	<ul style="list-style-type: none"> <li>• Suggests that behavior is perceived as normal and accepted by the community. At this state creating awareness is critical prior to advancing. Meeting with individuals and or small groups who are understanding may influence others necessary to proceed (alcohol substance abuse program, social services, council members, elders, spiritual leaders, law enforcement, prosecution, and court staff).</li> </ul>
<b>Denial Stage</b>	<ul style="list-style-type: none"> <li>• Involves the belief that the problem does not exist or change is impossible. This stage involves helping others recognize the problem and the possible solutions. Providing actual statistics by means of case statistic or number of critical incidents will offer the greatest impact. Educating the community of the problems through presentations and publications is also helpful.</li> </ul>
<b>Vague Awareness Stage</b>	<ul style="list-style-type: none"> <li>• Involves recognition of the problem, but no motivation for action. The strategy at this stage is increasing community awareness towards initiating action. Publishing statistical data collected through surveys of community members and responses from relevant entities such as law enforcement, the court, treatment providers and additional (relevant) agencies or groups is helpful.</li> </ul>
<b>Preplanning Stage</b>	<ul style="list-style-type: none"> <li>• Is reached when recognition of the problem exists and there is an agreement that something needs to be done. At this stage awareness has been established. The focus then shifts to building on established awareness by collecting ideas to initiate action. At this stage community leaders meet to prioritize the problems and review existing resources and agree on changes that need to be made.</li> </ul>
<b>Preparation Stage</b>	<ul style="list-style-type: none"> <li>• Involves active planning. At this stage strategic planning takes place by pulling together existing information on existing practices with respect to determining what is or is not working. Further research is conducted on potential programs that may be adopted and are culturally sensitive to the community.</li> </ul>
<b>Initiation Stage</b>	<ul style="list-style-type: none"> <li>• Involves implementation of a program. Communities in this stage should review resources within the community that may be adopted towards their efforts and or apply for available funding through available grants that may assist in initiating proposed changes. Individuals that may benefit that changes should be surveyed to identify possible improvements to services.</li> </ul>
<p>Source: Adopted from Community Readiness: A Promising Model for Community Healing (U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime)</p>	

## **F. Will your Program Succeed?**

Need does not guarantee a program will succeed. Accordingly, pre-assessing the potential for a program's success is a critical step. If the community is not firmly behind the Healing to Wellness Court concept, its success is doubtful. Several issues will determine the likelihood of success. Barriers must be eliminated and current attitudes, behaviors, and existing procedures must be modified. Most importantly, the Healing to Wellness Court is not a short-term or quick fix solution. Because the Wellness Court involves a significant transformation, creating long-term community partnerships is paramount. The program is more likely to succeed when tribal leaders and agencies are truly committed to the process and the desired goals of the program. Thus, the following questions should be considered:

- Is there judicial support for the program?
- Does the Tribal Council support the program?
- Do key agencies such as probation, treatment providers, social services, and law enforcement support the program?
- Are there spiritual leaders or traditional healers who agree to participate?
- Is there potential to allocate tribal/community funding?
- What additional strengths does your tribe have to help you develop a strong program?
- What type of barriers exists and how will you overcome these barriers?
- Are all organizations willing to work together and overcome their differences, to be sensitive to each agency's needs, and cooperate rather than compete?
- 

## **G. What Resources are Valuable to the Healing to Wellness Court?**

Funding and finances should not be the only resources important to the success of a Healing to Wellness Court Program. Who is on the team, what agencies are represented, judicial support, and other factors should be considered.

**What individuals should be recruited?** Because a Healing to Wellness Court's operation is based on a strong collaboration among potential agencies such as the judicial system, criminal justice agencies (law enforcement, probation, prosecution) substance abuse treatment, the community, traditionalists and other social agencies, the people themselves are a key resource. Prospective organizations or agencies should be approached. It is likely that these agencies will also feel that there is something they are lacking to properly assist their clients. However, through an alliance, perhaps their needs can be met. It is important to observe that questions regarding confidentiality, due process, qualifications of unlicensed healers, funding and credibility should be anticipated. Be prepared to answer such questions. You must also make certain that you have the appropriate people to complete the tasks. The individuals enlisted must be credible, reputable, motivated, able to accept change, and most importantly have a shared goal. Therefore, careful selection of the individuals is critical to the development of the program.

### **What qualities should be considered when recruiting key individuals?**

- Willingness to work in a team;
- Ability to recognize and respect each other's differences and values;
- Commitment to improving the community;
- Commitment to helping people improve their lives;
- Commitment to breaking the cycle of alcohol and drug abuse;
- Commitment to reducing crime in the community;
- Showing respect to the court;
- Ability to lead and motivate;
- Ability to dedicate the time required;
- Ability to refrain from abusing alcohol and other drugs.

**What agencies or individuals should be recruited?** Though the structures, functions, and values of traditional governments are specific to each community, they also share many common administrative services and practices (due to Bureau of Indian Affairs, Indian Health Services and additional government funding common to tribal communities). The Native American Alliance Foundation (NAAF) through extensive work with several tribes has identified sectors of tribal communities that are a helpful representation of what may be identified in your community. The following individuals or agencies are central tribal community structures that should be noted:

- Judges
- Court Staff
- Tribal Mentors
- Recreation Department
- Prevention Services
- Supervision/Probation Agencies
- Treatment Providers
- Public Agencies (Health, Housing, Social Services)
- Education Institutions
- Community Leaders
- Tribal Council Members
- Job Training/Placement
- Law Enforcement
- Custodial Agencies
- Spiritual Leaders and/or Traditional Healers
- Warrior Societies
- Elders
- Housing Department
- Community Mentors

**Why is Judicial Support Important?** Judicial support is central to an effective operation. The judge, as a guide and leader, provides a pathway for those journeying on the wellness road, is a primary authority figure, and assesses the participant's progress in addition to the program operations. The judge also provides due process by ensuring the rights of

participants are protected; enforcing rules of the court and the program; and (depending on the program) acting as a manager or facilitator of team meetings. Without judicial support and the role(s) of the judge, the Healing to Wellness Court is not viable.

Though the Healing to Wellness Court is a recent concept, chances are that your court judge(s) may recognize the value of the changing practices. Historically, western-modeled courts operated independently, devoid of input or involvement from additional entities. Therefore, proposing a Healing to Wellness Court may be met with some resistance and reluctance. Support from judges can often be obtained by providing information, answering specific questions and reassuring the judge(s) that they will be a key factor in establishing policy and procedure for the court's operations and maintaining jurisdictional authority of cases. In cases where the judge(s) is not ready to support a Wellness Court, the practicality in planning a Healing to Wellness program may not be feasible. You should, however, remain hopeful that introducing the project at a later time may be successful.

◆ **HELPFUL HINT:**

Tribal Healing to Wellness Courts: Judge's Bench Book (Prepared by the Tribal Law and Policy Institute and Funded by the Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice) provides insight regarding the functions and responsibilities of Healing to Wellness Court Judges.

**Are there Additional Resources to Consider?** Perhaps there are accessible programs or activities that can contribute to the Court. Several activities and organizations can work with a Healing to Wellness Court. They include:

- Alcoholics Anonymous programs
- parenting classes
- child care programs
- recreation programs
- exercise programs
- organized sport programs
- health care providers
- health fairs, tutoring
- job training/employment programs
- higher education
- tribal art
- crime prevention
- pow-wows
- sweats
- religious ceremonies
- elders programs
- tribal societies
- tribal culture committees

- community service or community volunteer programs
- women's organizations

Funds must be secured to successfully operate a Healing to Wellness Court. Much will depend on the resources available in your tribe. It is possible to operate a Healing to Wellness Court through existing programs by re-allocating responsibilities and funding in existing budgets, but more often these programs are already under funded. Though there are some tribes that can fund the proposed court through revenues generated by the tribal enterprises, another option is applying for federal or state grants. However, grant funding is temporary, and it is important to understand that the Wellness Court must eventually sustain itself.

## **H. Why is a Steering Committee Important?**

A steering committee is critical to the success of a Healing to Wellness Court. This committee should be representative of individuals and agencies already providing community support (*See: Recruiting Key Individuals/Agencies above*). The importance of having adequate representation from the community and individuals who provide support to the program cannot be over-emphasized. The individual members, along with their functions on the committee offer legitimacy, establish support, and formalize the efforts, and launch the establishment of the program. The essence of the committee is commitment, leadership and shared goals and activities. Furthermore, committee members will contribute to problem solving, provide specialized knowledge, offer suggestions, formalize proposals, make recommendations, report findings and contribute to establishing goals.

The size of the committee will vary; however, it should be large enough to share the efforts and small enough to effectively work together as a team. Although 8 -10 members have been identified as an ideal committee, committees consisting of 25 members are not uncommon.

The Steering Committee can also serve as an advisory council. It is basically created to broaden the information base for Healing to Wellness Court development decisions. Some steering committees may be considered temporary; others may develop into long-standing, permanent institutions. Members of the committee should be diverse and include persons who are both openly supportive of the program and who may initially be reluctant to participate. By including them, all voices within the community are heard, thereby enhancing your opportunity for success.

The following individuals can contribute additional expertise that will add to the projects success.

- Planning/Grant Writers/Financial Managers
- Compliance Officers
- Information Management/Public Media Relations
- Marketing

**What Should Be Done to Prepare for the First Meeting?** Before the first Steering Committee meeting, it is important for the main organizer and the project coordinator/manager to meet one-on-one with key individuals and establish support. Key individuals include those

persons who will contribute to the operation of the Healing to Wellness Court. As stated in the “Defining Healing to Wellness Courts,” this includes the judge, prosecutor, defense, treatment provider(s), probation, law enforcement, spiritual leaders and complementing agencies.

The Healing To Wellness Court Program may already be a result of funding awarded by the Department of Justice through the Drug Courts Program Office. In this case, there should already be a level of support, but members of the Steering Committee need to be reminded of the objectives of the Healing to Wellness Court. In any event, it is important to present an overview of the Healing to Wellness Court concepts at the first meeting.

During the first meeting with the Committee, tasks will be assigned to individual members. The manager/coordinator must keep in constant communication with the team to monitor activities and ensure that assigned tasks are carried out and meetings are conducted on a regular basis. This will help keep members focused on their tasks. The following page contains a sample agenda that may help when organizing the first meeting.

When planning your meetings, consideration should be given to the room where the meeting will be held. Is there enough seating for everyone who has been invited? Are the seats arranged so everyone can see the main speaker and hear all committee members? Is there adequate lighting? Do you have added support, for example, a clerical person to help with miscellaneous activities such as making copies or taking notes and producing minutes? Whenever possible, food or refreshments should be provided.


◆ **HELPFUL HINT:**

Recommended publications to inform the Steering Committee:

- *Tribal Healing To Wellness Courts: A Preliminary Overview of Tribal Drug Courts* (OJP DCPO Jul. 99) & *Tribal Healing to Wellness Courts: The Key Components* (OJP DCPO). Also, see Appendices in this publication.
- When possible provide these materials prior to the 1<sup>st</sup> meeting; allow for discussion.
- All proposed committee members should be given ample notice of the meeting.
- Food or refreshments should be provided.



## Chart 2 Sample Agenda

<h1 style="font-size: 2em; transform: rotate(-15deg);">Agenda</h1>	<p>(insert tribe's name here)  <b>Healing to Wellness Court          Steering Committee Meeting</b></p> 
<b>Type of meeting:</b>	Project Manager/Coordinator 1 <sup>st</sup> Planning Meeting
<b>Facilitator:</b>	Tribal Court (or other agency)
<b>Attendees:</b>	List all individuals invited to be part of the steering committee
<b>Please read:</b>	Provide publications such as: Healing To Wellness Courts: A Preliminary Overview of Tribal Drug Courts (DCPO Jul. 99) & Healing to Wellness Courts: Ten Key Components (DCPO) to familiarize individuals with the Healing to Wellness Court concept (prior to 1 <sup>st</sup> meeting).
<b>Please bring:</b>	(If necessary)
<b>Agenda topics</b>	
<p>Welcome, Invocation &amp; Introductions</p> <p>Program Overview</p> <ul style="list-style-type: none"> <li>• Introduction to Healing to Wellness Courts</li> <li>• Need for Healing to Wellness Court.</li> <li>• Description of Proposed Program</li> </ul> <p>Role of Committee Members (see forming a steering committee)</p> <p>Develop Mission Statement</p> <p>Decide on a Name for the Committee or HTWC (traditional name for court if possible)</p> <p>Draft a Timeline or Task Plan</p> <ul style="list-style-type: none"> <li>• List the goal(s) you want to accomplish</li> <li>• Action Items - Outline the tasks that need to be accomplished to obtain the goals</li> <li>• Identify person(s) responsible for each task</li> <li>• Set Time Line/Deadline for Tasks</li> <li>• Determine future meeting dates</li> </ul>	
<b>Resource persons:</b>	Determine other persons not in the steering committee who may be able to assist.
<b>Special notes:</b>	Obtain information on each agency (mailing address, phone #, fax #) Determine who will be the note taker or perform additional duties such as organizing meetings, preparing agenda, preparing/coping materials for meetings, and notifying members.

## IV. Creating the Organization and Structure

### A. What Steps should be taken to plan a Healing to Wellness Court?

Planning requires working with the community and tribal agencies to engage them in the planning efforts. Planning is simply an agreement and commitment by the community and tribal agencies to identify the means to achieve a desired goal. . Community planning is an ongoing cycle involving a series of steps. After the initial planning steps of assessing the current situation and identifying key stakeholders, a specific vision and mission can be developed. A sincere direction and focus need to be clearly stated in order to successfully develop a Healing to Wellness Court

**What is a Vision Statement?** A vision statement is invaluable to the goals of the Healing to Wellness Court program. It begins with thinking strategically about the future and a realistic framework of the Wellness Court. The task is to inject a sense of purpose, answer what you want to become (the long-term undertakings), and provide a clear view of what the Wellness Court Program is trying to accomplish. Most importantly, the vision statement reflects the goals of the tribal community as a whole.

The Native American Alliance Foundation describes a Vision Statement as follows:

*“A vision statement is a broad, descriptive statement of what you would like to see exist ideally. The vision is something that cannot be achieved in a short period of time, but rather an overall dream that serves to guide activities.”*

**What is a Mission Statement?** A mission statement clearly describes what your Wellness Court Program seeks to accomplish and should include who the beneficiaries of your efforts are (adults, juveniles, families). A mission statement usually indicates a change in status, such as to increase, to decrease, to prevent, or to eliminate; (drug and alcohol use) and it identifies the problems or conditions to be changed.

The Native American Alliance Foundation describes a Mission Statement as follows:

*“A mission or purpose states in general terms what you intend to do. Since it is only the first step in translating a vision into a statement of action, it is a broad statement of direction. A mission statement is not time limited; rather it should serve for an extended period of time to provide focus for planning various activities.*

**Tips for Writing Vision and Mission Statements:** First, there should be discussions about ideas and concepts among members of the Steering Committee. Next, one or two individuals should draft and redraft the exact wording before submitting a reworked version for the committee and team to review. It is important to circulate a draft of the vision and mission statements to all stakeholders and seek opinions from other community representatives in order to gain input for its understanding. By keeping an eye on the big picture and refining the vision and mission statements, you will develop a philosophy that everyone can actively support. After the vision and mission statements are established, they need to be communicated to everyone involved in developing the Healing to Wellness Court. This can be accomplished through

community newsletters, community meetings, training sessions and referring to the statements during meetings.

**What are Strategic Goals and Objectives?** To assist you with developing your Wellness Court and its vision and mission you should ask yourself these questions

- Where are we now? (*Assess the current situation*)
- Where do we want to be? (*Desired outcomes*)
- How will we get there? (*Determine the means*)

As mentioned earlier in this guidebook, planning a Healing to Wellness Court Program requires an analysis of the current situation and the past performances of agencies contributing to the success of the Wellness Court and its participants. These assessments will generate the information necessary to determine resources available and the problems your program may encounter. By now you should have identified key issues and established a consensus for long-term planning and you should now be ready to move on to your desired outcomes - *Where do you want to be?*

**Goal setting is key to your success.** It provides an opportunity for everyone involved to look into the future of your tribe with hope and optimism, and to develop confidence in one another. Goals are general statements about the expected outcomes of your program. They are developed with an end in mind, to a result which your efforts are directed. They must be achieved for your Healing to Wellness Court to succeed. Goals should be established with desired long-term results reflecting the values of your tribal community and the contributing agencies. Your goals should also reflect your efforts toward maintaining abstinence, reducing recidivism, and identifying your target population. Samples of goals include establishing a steering committee, developing policies and procedures, and applying for funding.

**How will you achieve your goals?** This is determined by measurable tasks and accomplishments. Tasks should be implemented with a time frame in mind. Thus, strategies are implemented, objectives are set, and action steps break down the goal into measurable building blocks. In general, objectives are a strategic position to be attained or achieved. This is accomplished by the following:

- strategies – how will you proceed after determining the critical issues to each identified goal;
- objectives – objectives are specific, measurable outcomes to be accomplished over a specific period of time;
- performance measures – developed criteria or indicators to measure your progress. Although goals and objectives appear similar, they have key differences.

Goals are long term, while objectives are short term. Goals are generalized and objectives are specific. Objectives take the goal one step further. For example, establishing a steering committee may be further broken down into notifying individuals of the Healing to Wellness Court Program and gathering information on Wellness Courts to distribute or the goal

of developing a Healing to Wellness Program may encompass reviewing existing models, determining what you can make use of, and assigning individuals to draft specific sections of the policy.

## **B. How Do You Engage the Community in Planning a Healing to Wellness Court?**

In order to succeed in the tribal community, the Healing to Wellness Court program must meet the specific cultural needs of the tribe. When planning a Wellness Court program it is critical to involve and incorporate tribal customs and traditions into the wellness process. Efforts to develop the program will vary in each community because of the diversity among tribes, which represent a wide range in culture, government and political structures, historical issues, religious beliefs, and law. By tradition, tribes continue to structure themselves according to their spiritual and special needs. Therefore, customs and traditional practices should be implemented into the Wellness program. Depending on the tribe, cultural resources may be limited or plentiful, though it must be understood that these resources come in many different forms.

Because tribal societies possess a strong belief that each individual has a high degree of responsibility in the community, engaging the community may be less complicated than anticipated.

**Tribal Council:** Establishing tribal governmental support for the Healing to Wellness Court Program is extremely important for the accomplishments of the program. At least one representative of the Tribal Council should be recruited to provide guidance and support to the program. The Tribal government can also show support through tribal legislation. Legislation can provide a formal statement of support for the program and officially represents the intent of the tribal entities to 1) work together to represent the community and 2) act together to solve the alcohol and drug issues within the community. The tribal entities are recognized and the efforts of planning and/or implementation are placed on record and give further authority to the development of the Wellness Court. Finally, the Tribal Council should be kept informed of the progress of the Healing to Wellness Court Program proposals and successes. Simple but important considerations include asking the Council how they would like to help and inviting them to planning meetings.

**Elders:** Elders are a valuable component and source of inspiration to the functioning of the Healing to Wellness Court Program. Tribal leadership frequently rests in the hands of elders who are respected for their generosity, wisdom and powers of persuasion. In many tribal communities, an informal council of elders regularly settle disagreements and assists tribal governments in dispute resolutions. Survival of Indian nations is often linked to the determination and strength older citizens. Therefore, including elders in the planning of the Wellness Court is beneficial to the entire community and ensures that traditional values and norms are incorporated into the program.

**Traditional or Spiritual Leaders:** Traditional and/or Spiritual Leaders have the traditional knowledge and spiritual wisdom that can provide guidance and harmony to the development of the Healing to Wellness Program. They can help ascertain a cultural program

that makes sense to the community. These individuals are divested with cultural and traditional authority to assist in healing individuals and community.

**Broad Based Community Linkages:** Broadening the participation within the community can build a stronger program. Additional community support can be obtained through schools, community agencies, and community representatives.

**Informing the Community of the Healing to Wellness Program Efforts:** Informing community members of the Healing to Wellness Court Program can further foster community and individual commitment. The community can be informed through newsletters, brochures, and announcements at community meetings, presentations at health fairs, the media and word of mouth. When enlightening the community, provide a brief but concise account of the program operations and its purpose. Acknowledge contributing individuals and agencies involved in its development and sustainability

**Adopting a Traditional Name:** Many Tribal Healing to Wellness Courts are using words in their Native language for their drug court program. Finding a name often involves tribal elders and tribal language experts in the identification of an appropriate term. The use of a Native name allows the community to take ownership of the wellness court and concepts. Additionally, a logo representing the tribal community may be integrated to further make the wellness court distinctive and unique to your tribe.

Examples of Traditional Names Adopted by Healing to Wellness Courts include:

- **Navajo:** *Dine Adit Nidliigo Analneeh* Program (DANA)  
Interpretation: Having a Navajo Regain Self-Respect
- **Ysleta del Sur Pueblo:** *Na Peuykam Chibel*  
Interpretation: Beginning Again (or new beginnings)
- **Spokane Tribe:** *Yoyo- t S-p?us* (*Strong Heart*) Court

### C. Operations of a Healing to Wellness Court

**Wellness Courts Operate According to the Community Needs:** The Healing to Wellness Court is a special court that handles cases involving alcohol and substance abuse offenders. The intent of the Wellness Court is to provide participants with a pathway toward a healthy and crime-free lifestyle. Each participant is given support and direction in achieving abstinence and modifying his or her behavior. The support and direction are accomplished through judicial supervision, case management, individualized treatment, frequent drug testing, incentives and sanctions. A Wellness Court engages the judge, prosecutor, defense counsel, treatment providers, probation, and complementing agencies (such as education and job training) to work together as a Team. Ultimately, an individual is supported in the journey to healing his or her substance abuse problems and is held accountable through cooperative community efforts.

Throughout the process, tribal cultural components are included so that needs, values and objectives unique to each tribe and individual are met.

Though faced with many limitations and challenges, with team cooperation and commitment, the Wellness Court can develop a system that effectively addresses the alcohol and substance abuse faced by adults, juveniles and families. Moreover, with strong partnerships from all levels of your government, substance abuse, social issues, crime, delinquency, truancy and victimization in the community can be adequately and effectively addressed.

The Healing to Wellness Court opens the lines of communication among tribal agencies that are lead personnel in the welfare and safety of the tribal community. By working together, coordination and collaboration are enhanced. It is equally important that all team members and service providers understand their roles and responsibilities in providing direct and ancillary services to the Healing to Wellness Court participant.

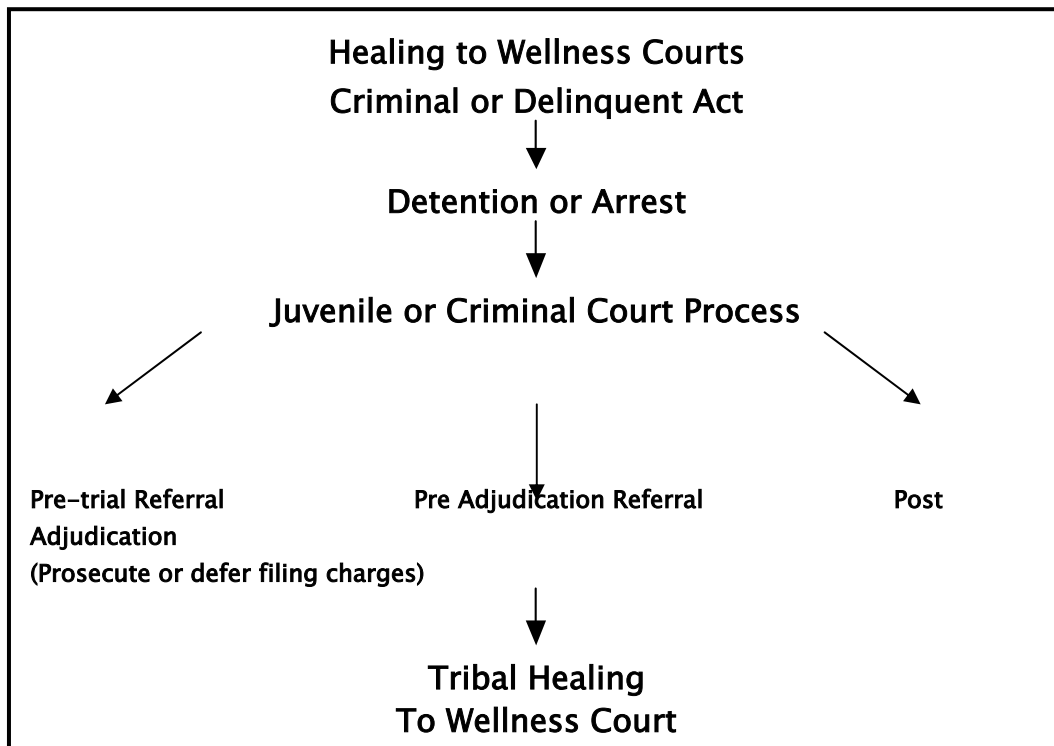
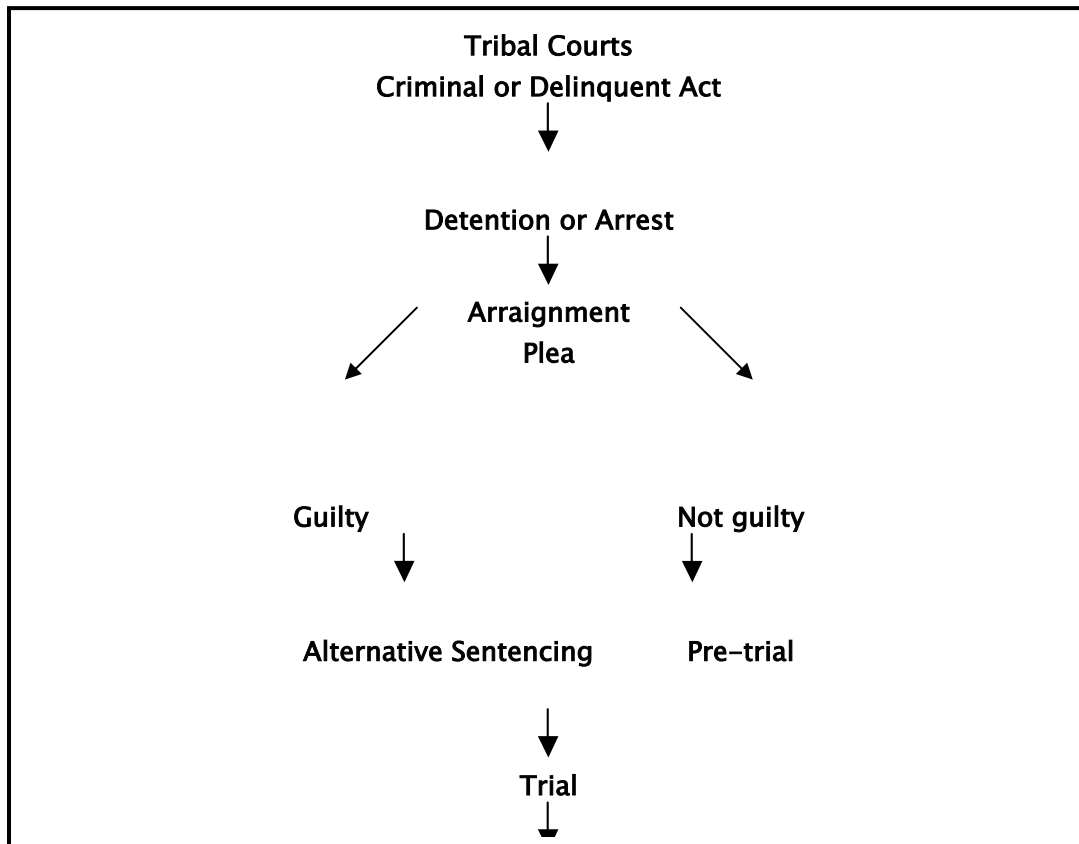
Healing to Wellness Court goals are similar for each tribe and should include:

- providing for the safety and welfare of all persons;
- maintaining peace and harmony in the community;
- managing their own affairs (sovereignty);
- dealing with wrong doers in a manner that benefits the entire community;
- helping victims;
- employing traditional leaders; and
- employing modern judicial and cognitive treatment services

The Healing to Wellness Court also provides the opportunity for each tribe to approach and achieve its individual goals of administering justice in a forum that is well suited to their customs and traditions.

**Healing to Wellness Courts v. Tribal Court:** Many tribal courts have adopted a modern court system directed by written codes and formal judicial procedures. Typically, these courts operate through punitive sanctions, including confinement or incarceration. As mentioned earlier the Wellness Court deviates from the typical approach. It should be noted however, that Healing to Wellness Courts are not a substitute for tribal courts; rather, they complement or add to the operations of the tribal court. The following flow charts compare the conventional court process and the Healing to Wellness Court process.

**Chart 3 The Healing to Wellness Court Process**



**Jurisdictional Issues:** Jurisdiction refers to a court's power to hear a case and decide the outcome. It is further defined as the authority of a court over a person, area or subject matter. Criminal jurisdiction is the authority of a court to try and punish the accused for violation of a penal or criminal code where the crime is an action against the community and punishable by incarceration. In a civil action, the court hears issues involving private matters between individuals. Moreover, in a civil matter, incarceration is generally not an option

Tribal Healing to Wellness Courts must face a number of jurisdictional issues which are often more complex and complicated than the issues faced by state drug courts. The following are some of the most critical jurisdictional issues:

**Lack of Criminal Jurisdiction over Non-Indians:** The United States Supreme Court decided that tribal courts do not have criminal jurisdiction over non-Indians (*Oliphant v. Suquamish Tribe*, 435 U.S. 313, 1978). This decision limits the ability of tribal justice systems to address criminal offenses involving alcohol or substance abuse that are committed by non-Indians living on Indian reservations, including non-Indian family members. Many Indian Nations, however, have developed alternative methods of handling these cases, including the use of civil court processing, civil forfeiture, and exclusion. Tribal Healing to Wellness Courts must also use these alternative methods in order to handle alcohol and drug abuse cases involving non-Indians.

**Public Law 83-280:** Public Law 83-280 provides concurrent state jurisdiction over many criminal and civil actions on Indian reservations in selected states (that is, both state and tribal court may have jurisdiction). As a practical matter, it has also inhibited the development of tribal criminal justice systems on many reservations in Public Law 280 states. Consequently, many Indian Nations in Public Law 83-280 states face additional jurisdictional problems, including the necessity of processing criminal offenses involving alcohol and drug abuse as civil offenses and the risk that the offender may be subject to proceedings in both tribal and state court. Public Law 83-280 issues can be addressed through strategies such as the development and enhancement of tribal criminal justice systems and improved coordination and cooperation between tribal and state court systems.

**Sentencing Limitation in the Indian Civil Rights Act:** The Indian Civil Rights Act limits tribal court sentencing authority to "a term of one year or a fine of \$5,000 or both" (25 U.S.C. 1302(7)). This sentencing limitation significantly restricts the coercive power of tribal courts, especially when it comes to requiring drug court participants to complete a phased treatment program that may last more than one year. (Note: The more serious criminal charges are generally handled in the federal court system though tribal courts may exercise concurrent jurisdiction pursuant to the tribal code.) Tribal Healing to Wellness Courts have been developing creative procedures such as suspended imposition of sentences, consecutive sentencing, and the reliance upon community pressures to ensure participant completion of the treatment program.



**Tribal Members Charged with Off-Reservation Crimes:** In many communities, especially those with a limited land base, tribal members are often charged with criminal offenses involving alcohol or drug abuse in off-reservation state court systems. Some Tribal Healing to Wellness Courts, however, have been successful in reaching agreements with the state courts which allow the Tribal Healing to Wellness Courts to handle these cases.

Determining the Healing to Wellness Court's jurisdiction is crucial to its operation. Reviewing current tribal codes is important in determining what your court's authority is. The court's jurisdiction is important in regard to making recommendations for how your Wellness Court plans to accept and enroll participants. The tribal process (structure, functions, traditional values and existing laws) for authorizing the adoption of the Wellness Court should also be considered. Is a judicial process sanctioned by the tribal constitution? Or has a Healing to Wellness Court Ordinance been passed by the Tribal Council?

Existing court operations should also be given proper attention. In addition to the tribal court, perhaps there exists a peacemaking or traditional court system that can contribute to, or enhance the operations of the Wellness Court and the healing journey of the participant.

In some cases, transfers for supervision may be accepted from state courts or other tribal courts where a tribal member is charged with an offense of his/her reservation. How your court addresses transfers is subject to existing code provisions, agreements with state courts, and the Wellness Court's Policies and Procedures. Code revision may be necessary to allow the Wellness Court to accept transfers from other tribal or state courts.

In many cases, state or federal courts may decide not to prosecute a crime; therefore, the Tribal Court may assume exclusive control over the defendant. Even if another authority chooses to prosecute, the tribal court maintains concurrent jurisdiction. The Healing To Wellness Court can establish its jurisdiction through its Healing to Wellness Court Policies and Procedures, or code, by identifying the persons subject to the Wellness Court's authority and the rules of the Court.

### **Who Provides Court Ordered Services and Supervision:**

**The Healing to Wellness Program Team Concept:** The success of a Healing to Wellness Court is determined by the cooperation, expertise and skills of the Healing to Wellness Team. The Team must work together to make their best decisions related to a Healing to Wellness Court's operations and to support and supervise each participant. Team members possess skills which complement their efforts toward their stated goals. Most importantly all individual team members are willing to contribute and are held equally accountable for program outcomes. Team members must set aside personal feelings or agendas. They must, simply stated, put their thoughts together and think as one. In a tribal context, the Team

makes decisions based on the effects their decisions will have on the welfare and safety of their community. The Team guides participants through their path of transition.

The Native American Alliance Foundation (NAAF) identified the following team aspects that are valuable to the operations of a Healing to Wellness Court (outlined in the *Tribal to Wellness Courts Power to Heal Planning, Training Series 1*).

For a Healing to Wellness Court to operate properly, the role of the Healing to Wellness Court Team in planning, implementing and sustaining the Court's efforts must be emphasized. Team members must have an understanding of the phases of team development, reaching consensus, and methods of overcoming challenges with team dynamics. The importance of a Healing to Wellness Court Team and developing a strategy to build a healthy team is critical to the success of the Healing to Wellness Court. NAAF highlights the following:

**The Power to Heal as a Wellness Court Team:** The Healing to Wellness Court applies a Team Concept that raises the level of communication and accountability, not just for the participant but for practitioners as well. It supports existing community resources and allows for improved efficiency and success when dealing with substance abuse in the community through partnerships driven by common goals. The program's success is dependant on the strength of the team.

**Why the Team Concept is Important for Team Members:** A well functioning team reduces everyone's work-load; is therapeutic for participants; allows limited resources go further; reduces stress for team members; provides support for each other; and models healthy behavior for participants and the community.

**Why the Team Concept is Important for Participants:** The team provides supervision to the client; a model for healthy behaviors, and it reflects tribal values, structure, and consistency. The team does not allow participants to split staff and manipulate the system, nor does it allow participants to feed on conflict between team members and stray from treatment goals.

**A Well Functioning Team:** A well functioning team is committed to a common goal; communicates openly and honestly; has the ability to put aside personal conflicts for the overall good of the program; is unified in decisions and actions; understands and respects other members' roles; does not allow personal relationships to influence decision making; is knowledgeable about addiction and contributes to the therapeutic environment for participants; and maintains a plan to continually improve on team relationships and performance.

**How to Build a Healthy Team:** To build a healthy team, the team must assign a team leader and make sure all members understand their roles; have a plan for alternative leadership when the team leader is not available; make good choices when building the team; educate team members on the HTWC concept; educate team members on what will be involved in the planning process up front; get a

commitment to the process, provide ongoing education on what the team members role in the HTWC will be; be aware of conflicts among team members and have a plan to resolve conflict; provide leadership and support to the team; communicate . . . communicate . . . communicate.

### Chart 4 Phases of Team Development

<b>① Forming</b> <ul style="list-style-type: none"><li>• Establishing roles</li><li>• Clarifying roles</li><li>• Understanding roles</li></ul>	<b>② Storming</b> <ul style="list-style-type: none"><li>• Learning to agree to disagree</li><li>• Working in the best interest of the tribe</li></ul>
<b>③ Performing</b> <ul style="list-style-type: none"><li>• Establishing clear operations, moving forward support</li></ul>	<b>④ Transforming</b> <ul style="list-style-type: none"><li>• Making a difference to the tribe and the participants</li></ul>

Source: Adapted from Native American Alliance Foundation *Tribal Healing to Wellness Courts Power to Heal Planning Training Series 1*

**Communication:** Decide how the team will exchange information during the planning process and who will be responsible for making sure it is accomplished through regular meetings; phone; faxes; email and notices.

**Self-assessment for Team Development:**

- Identify three strengths of your tribe when developing a strong team.
- Identify three challenges that may impede the development of a healthy team.
- For each challenge identified, establish at least three strategies to resolve those challenges.
- Develop a plan to share information while in the planning process and identify who will be responsible.
- Report back to the group.

#### D. Who Does the Wellness Court Team Consist of?

Members of the Wellness Court Team must be determined during the early stages of the project (e.g. judge, prosecutor, defense attorney, treatment provider, program coordinator, probation and management information specialist). The individuals enlisted must be credible, reputable, motivated, and able to accept change. In part, compliance with the program depends upon the community’s respect for the Wellness Court. Therefore, careful selection of the individuals engaged is critical to the development of the program. Team members should have the expertise necessary to perform the functions of their role and responsibilities. A properly operating team generates trust and confidence, offers legitimacy, establishes support, sets standards and embarks on the establishment of the program efforts.

Subsequent to determining the structure of the team, the roles and responsibilities of the Healing to Wellness Court team members are defined by the planning team. Additionally, any agencies linked to or involved with the Wellness Court (e.g. pretrial services, probation, community mental health, tribal police) should be agreed upon. Finally, the role of the acting coordinator must be identified. Also a meeting schedule should be established, where the mechanisms for effective communication can be discussed

### **What are the Roles of the Team Members?**

**Judge**: The central figure in the Healing to Wellness Court. He or she ensures supervision by presiding over frequent status hearings, attending staffing meetings and holding team members and participating agencies accountable for providing the proper services and asserting team professionalism. The judge will also impose original sentence and) the sanctions or incentives recommended by the team. The judge administers the policies and procedures and makes final determinations regarding participants.

**Public Defender**: Is a legal adviser and informs participants of their rights as a result of entering the program. The public defender helps defendants understand 1) program requirements, 2) their legal obligations and consequences if they fail to comply, and 3) the benefits of successfully completing the program (e.g. charges dismissed, reduced sentence). Moreover, the Public Defender, in collaboration with the court, ensures that the participant's due process right are protected.

**Prosecutor**: Participates in the referral process and provides the tribe's opinion about the participant's potential success. The prosecutor also contributes her opinion as it relates to the safety and welfare of the community. It is critical that the prosecutor remain actively involved in team meetings and the progress of the participant.

**Probation Officer**: Monitors and ensures the participant is complying with all Healing to Wellness Court requirements through home visits, curfew checks, and scheduled office appointments. The probation reports compliance or noncompliance to the Wellness Court Team at staffing meetings or status hearings. In many cases, the probation officer administers scheduled and random drug tests.

**Court Clerk**: Schedules hearings, files preparation and management documents, acts as an assistant to the judge, and helps with communications between the judge and other team members.

**Project Coordinator/Administrator/Case Manager:** Coordinates HTWC activities concerning the court, treatment, and the team. He or she organizes relevant information regarding the Healing to Wellness Court Program, it's undertakings, meetings, data collection, and reports to government or tribal agencies. The Coordinator also provides the public with necessary information regarding the operations and successes of the Wellness Court.

**Treatment Provider:** Provides or coordinates clinical assessments, substance abuse counseling, alcohol counseling, drug education, relapse prevention, and aftercare services through individual and group therapy sessions. Tribal treatment provider is required to maintain a current schedule of services it offers, and provides each client with the treatment necessary to address his/her specific needs. Additionally, treatment providers should keep the team informed of treatment methodologies and any changes that occur in their program. They are required to report to the team on the progress and compliance of participants (within confidentiality guidelines) and make recommendations regarding modifications to treatment plans, sanctions and incentives.

**Are there Additional Considerations for Team Members?** As mentioned earlier, Healing to Wellness Courts reflect the community and its values. Therefore, respected individuals within the community should be involved. These members might include

**Traditional Spiritual Leader:** Traditional methods of healing are significant to the operation of a Healing to Wellness Court. Traditional methods focus on the relationship between the participant and his or her community, as well as spiritual and tribal philosophies. A traditional or spiritual leader can guide participants in the direction of a healing process that is customary to the time-honored practices specific to each tribe (e.g. traditional healing ceremonies, talking circles, peacemaking, sweats, sweat lodge, visits with medicine men and healers, sun dance, and vision quests). Additionally, existing HTWC use a traditional or spiritual leader to provide blessings or traditional ceremonies when advancing a participant into phases or at graduation.

**Elder:** Elders play a vital role in teaching younger generations traditions, language, ceremonies, and preparation of tribal foods and arts. Elders have a great deal of wisdom to offer a wellness court and can assist in providing guidance and authenticity of tribal traditions and instilling values for the well being of the participants. As indigenous people are taught early to respect their elders-teaching and learning through the oral tradition - when an elder speaks all listen.

**Law Enforcement:** A police department representative is a valuable asset to the Healing to Wellness Court Program. Law enforcement can provide arrest and criminal histories, community watches, mentor services. They can oversee activities (e.g. physical training, community service, incentive programs), execute warrants, coordinate with prosecution regarding complaints, and provide referrals to the Wellness Court.

The following team members are critical to the operation of Juvenile and Family Healing to Wellness Court Program:

**School Representative:** Assists in ensuring that juvenile participants are receiving their educational needs by monitoring student attendance, behavioral issues, peer associations, school performance and grades. The school representative may recommend curricula changes, special education options, alternative education or technical classes. The school representative can work with others in the educational field such as principals, counselors, truancy officers, teachers and alternative education administrators to arrange GED services, tutoring, or career counseling. Additionally, if a client is admitted to a residential treatment facility, school representatives can work closely with the facility by serving as a liaison between the wellness court, school, and treatment facility to ensure that alternative education requirements are met.

**Social Services/Human Services:** works closely with the family and provides family counseling, behavioral counseling, parenting skills, and child welfare services. A social services representative provides participants with links to community resources, and addresses neglect or abuse issues.

The planning stages may also include a member of the tribal council, the community and/or a member of the steering committee.

**Team Consistency:** To avoid impeding progress at the planning level and avoiding delays in reaching goals and objectives, team membership should remain consistent. If team members have to be replaced, their replacements must be brought up to date as soon as possible regarding Healing to Wellness Court concepts and the tribal initiatives in place. Once your court is established and operating it is even more important that the team continues to operate efficiently so together they can properly address participant needs.

**Working Through Team Challenges:** It is important to acknowledge that the team will face many challenges. Challenges include time factors, members not completing their share of work, cancelled meetings, and, at times, uncertainty about how to proceed with some matters. The team is not intended to replace the current system and practices. It can, however, make a concerted effort to approach substance abuse and addiction differently and effectively. If threats to the team's efforts are not addressed immediately, more serious problems may arise that can result in the failure of the team. Threats to the team include giving up, lack of positive attitudes, not enough time, not sharing responsibility, conflict and differences over personal work styles, too much emphasis on results and not enough on team process, unanticipated obstacles, resistance to doing things differently, aggressive rather than assertive communication, poor interpersonal skills (loners, dominators, and self-appointed experts), lack of trust, and not asking for help.

While there are several advantages to a team concept, a team must also recognize its

limitations. The primary threat to a team is unrealistic expectations that lead to frustration. The frustration leads to burn out that can lead members to abandon the team. The team needs a good organizational life-support system that can be obtained through the steering committee, the court, the judge, the project manager, tribal council, spiritual leaders, the community, and training. The team also needs to give itself a reality check and acknowledge that trying to do too much too soon can also result in frustration. Agencies listed in Appendix F should be contacted for available training, advice and technical assistance.

When working in a team environment cooperation, trust, and cohesiveness are key factors to its success. Cooperation rather than competition should be emphasized because cooperation promotes productivity, is superior to individual efforts, and promotes higher achievements. Trust is the reciprocal faith in others' intentions and behaviors, and the assumption that others will behave as desired. Trust can be obtained through communication, support, respect, fairness, recognition of the efforts of others, and consistency. Cohesiveness is the sense of "we-ness." Members should support each other because they need each other to accomplish their stated goals.

**Collateral Services (Ancillary Services):** Collateral services (commonly known ancillary services) are critical to the healing journey of wellness courts participants. In addition to the alcohol and substance abuse problems, participants have basic health and living needs that require attention. Interventions include assisting clients addressing health issues such as medical and dental needs, prenatal care, socially transmitted diseases, birth control, and physical fitness. Moreover, social issues such as job training, job searches and training skills are essential to each participant's advancement. Finally, the basic needs of each participant must be addressed. The participant and/or family may need assistance in ascertaining housing, heating, electricity, and transportation. Support in the following areas is necessary to assist participants to complete and succeed in their healing to wellness journey.

**Higher Education:** Assists the participant in reaching their higher educational goals through counseling; researching financial aid for colleges and universities, technical or vocational training; familiarizing students with local, American Indian, or other colleges.

**Job Training:** Assists participants in addressing employment possibilities, job training programs, resume development, submission of job applications, job interviewing techniques, and guidance in proper grooming and attire.

**Health Services:** Help to address physical health problems that may be a result of several years of addiction. In addition to drug and alcohol treatment, the HTWC is interested in each participant's physical well being. Many tribes have on site medical services provided by Indian Health Services. Involving a doctor or administrator of these services in team or steering committee meetings helps to meet the medical needs of these participants.

If available, Drug Prevention Services, Recreational/Physical Fitness Programs, Cultural Awareness Programs and other similar programs can contribute to the Healing and Wellness of the participant.

#### **E. What are the Important Aspects of a Wellness Court?**

There are several important components of a Healing to Wellness Court. They include eligibility, screening and assessment, referral, team meetings, court hearings, sanctions and incentives, drug testing, supervision, confidentiality, program coordination, case management, monitoring and evaluation, graduation, and aftercare.

**Eligibility:** A Healing to Wellness Court addresses less serious offenders charged with drug or alcohol-related offenses such as drug possession, public intoxication or under the influence crimes. However, Wellness Courts often enroll participants with charges where drugs or alcohol are underlying factors in the offense. Participants should have a history of drug or alcohol abuse and have the ability to comprehend and comply with the court's requirements and in juvenile courts it is good to begin working with youth who are just experimenting with substances so as to give them the education/knowledge to make better life choices. Generally, criteria such as the types of offenses accepted are established in the Healing to Wellness Court policies and procedures. However, these criteria should be flexible enough to consider any potential client for the program. The Wellness Court may propose the offenses that are eligible (e.g. misdemeanors, drug sales, drug possession, drug user, non-drug offenses). The Wellness Court can also set additional criteria such as limiting offenses to first-time offenders, and limiting the number of participants accepted into a program. Conditions for eligibility vary in each community and are subjective, according to the available services and resources.

In the interest of public safety, violent offenses, those where a dangerous weapon is involved, are often excluded from eligibility. Moreover, Healing to Wellness Courts who receive federal funding through the Drug Courts Program Office must comply with the ***Violent Offender*** requirement. Due to congressional mandate Federally funded Wellness Courts cannot accept cases involving a violent offender that is described as:

A person who either:

- A. Is charged with, or convicted of, an offense during the course of which
  1. The person carried, possessed, or used a firearm or other dangerous weapon;
  2. There occurred the use of force against the person of another; or
  3. There occurred the death of, or serious bodily injury to any person, without regard to whether any of the circumstances describe above is an element of the offense or conduct of which a person is charged or convicted; or
- B. Has one or more prior convictions of any felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.



Eligibility is also determined by a screening process that will be defined and described in your Healing to Wellness Court Policies and Procedures. Those individuals who screen as eligible for the program must be agreed upon the team. They may be referred by law enforcement, tribal prosecutor, probation office, court staff, judge, or a combination of these agencies, and may require a vote by the Healing to Wellness Court team. Eligibility requirements vary depending upon the type of court established (adult, juvenile or family).

Healing to Wellness Courts receiving funding from The Drug Courts Program Office can not apply the funds to process “violent offenders.” For this reason, only “non-violent” offenders are accepted into a federally funded program. A non-violent offender is an individual who 1) does not have a violent felony conviction on their record; 2) has not been charged with a violent crime immediately prior to entering to Healing to Wellness Court; and has not been convicted of a violent crime immediately prior to transfer to the Wellness Court. The acceptance of violent offenders becomes a significant consideration when the Wellness Court receives funding from federal sources.

**Screening and Assessments:** Screening and Assessments depend on available information about the defendant as a potential wellness court participant. Substance abuse, criminal history, motivation for treatment, and additional factors such as physical and mental functioning, previous treatment efforts, education and employment are necessary to determine whether the defendant is a suitable candidate for the program. Additionally, when dealing with juveniles, the family and their willingness to participate must be considered. In addition to interviews of potential participants and their families, results from drug tests, clinical observations, and all information obtained is used to determine eligibility and to develop treatment plans. Some information is gathered through police and court records. Screening is conducted to determine eligibility as a result of an alcohol or treatment disorder, while assessment identifies services and treatment that will benefit the participant’s individual needs.

The Native American Alliance Foundation (NAAF) recommends the following for Screening and Eligibility of participants. It is important to determine what subgroups –Adults or Juveniles– will best be served by the Healing to Wellness Court and to establish criteria for referrals to the court. The team must determine which members will be responsible for identifying, screening and referring prospective clients to the Healing to Wellness Court; identifying time limits for first Wellness Court appearances; and in determining enrollment into treatment. NAAF breaks down the components of screening and eligibility into four categories:

**Targeting:**

- Who will be eligible to participant in the Healing to Wellness Court?
- Identifying the need in your community
- Who is using and what are they using?
- What impact is Alcohol and Other Drugs (AOD) having on the client, family, and community.
- Keeping in mind resources available in or near your community.
- Making references to problem and mission statements.

**Legal Screening:**

- Should occur early in the process.
- Should consume minimal time and be conducted by Wellness Court Program professionals who do not have extensive clinical experience.
- Should identify the elements of the underlying offense:
  - Type of Offense;
  - Severity of Offense (*screen for violent offenders*);
  - Criminal History;
  - Tribal – Non Tribal (*Personal Jurisdiction*);
  - Outstanding Warrants;
  - Clients’ wishes vs. Client’s best interests (*ethical considerations*);
  - A mechanism for immediate appearance before Wellness Court Judge;
  - Judge can order alcohol and other drug assessment and enrollment to serve as a condition of release or bail;
  - Issues specific to women;
  - Primary Caretaker;
  - Domestic violence and sexual abuse protective orders.

**Develop Forms and Instruments:** Forms and instruments should be concise and user-friendly to the team and agencies that are to use the forms and instruments.

**Who can be involved?** Prosecutors, defense attorneys, treatment staff, law enforcement, court personnel.

**Prompt enrollment invokes discovery issues and issues associated with trial rights:** Develop mechanisms to engage client in Wellness Court Program process while continuing to represent clients’ legal interests.

**Assessment Tools:** Assessment tools are specially designed interviews and questionnaires that serve as indicators of a participant’s need for treatment and change. Participants and their families often require “proof” that they need help. Standardized assessment instruments and methods of using them provide a strong basis for treatment plan development and they add credibility to the beginning of the process for their journey into treatment. Additionally, they form a foundation for the Wellness Court Team to compare information on participants’ attitudes, levels of resistance and defensiveness, and levels of honesty in assessment responses.

The following are some of the most frequently used assessment instruments that have been used effectively with *adult* drug court participants:

ASI (Addiction Severity Index):	Contact Number: 1/800/553-6874
SASSI II (Substance Abuse Subtle Screening Inventory):	Contact Number: 1/800/726-0526
SUDDS-IV (Substance Abuse Disorder Diagnostic Schedule):	Contact Number: 1/800/755-6299
MAST (Michigan Alcohol screening test):	Contact Number: 1/800/272-8464

Examples of assessment instruments that have been used effectively with *juveniles* are:

T-ASI (Teen addictions Severity Index):	Contact Number: 1/800/553-6847
SASSI II for Adolescents (Substance Abuse Subtle Screening Inventory):	Contact Number: 1/800/726-0526
PEI (Personal Experience Inventory):	Contact Number: 1/800/222-2670
CFARS (Children's Functional Assessment Rating Scale):	Contact: email: <a href="mailto:jonasnyder@cyfd.state.nm">jonasnyder@cyfd.state.nm</a>

**Referral:** An offender is referred to the Wellness Court. The court accepts the individual after he or she has signed consent forms and additional documentation. When a juvenile is referred, a parent is also required to sign the necessary documentation.

**Participants:** Offenders are referred to as “defendants” or “juveniles” when they are in the regular court process and are generally referred to as “participants” when they begin the Wellness Court process.

**Team Meetings (*Staffings*):** In addition to frequent court hearings, the Wellness Court Program Team meets (usually prior to the Hearings) to discuss the status of individual participants. During these staffings, the team discusses compliance issues and achievements of participants. Team members are required to report on the participation and progress, or non-compliance, of each participant who they are assigned to oversee. .

**Court (Status) Hearings:** Each participant enters the Healing To Wellness Court through an initial appearance. Participants continue to appear before the judge (or traditional justice leader) through ensuing court hearings. The interaction between the court and the participant is crucial as the team works to support the participant's compliance with the program. By holding periodic status hearings the judge, through his authority to administer sanctions, reprimand or apply incentives encourages further compliance. The participant soon realizes that the court is fully aware when he or she is fulfilling court-ordered requirements such as attending treatment, providing clean drug tests, attending community service, observing curfews and any

additional stipulations ordered by the court. These hearings are conducted on a periodic (weekly or at minimum on bi-monthly) basis. Participants are generally required to appear as a group so they can learn through observing the consequences or benefits of their peers' compliance with the program. Thus, the court helps guide each participant through his or her healing journey. Finally, the Wellness Court Program goal is to resolve the case through successful completion of the program.

**Sanctions and Incentives:** Sanctions and incentives are developed and applied to guide participants' compliance and change destructive or illegal behaviors. Sanctions are applied when a participant fails to comply with program requirements. In contrast, incentives or rewards are presented when a participant is in full compliance. Sanctions or incentives are administered in a graduated manner as a means of directing participants toward compliance and guiding them on their healing to wellness journey. The Healing to Wellness Court must develop a well thought out schedule of applicable sanctions for the judge to impose. These will be applied when a participant fails to attend treatment counseling/activities, tests positive for alcohol or drug use. Or conversely, incentives are given when participants are meeting program requirements, test clean, and graduate from one level of treatment to another. Members of the team generally recommend sanctions and incentives to the judge, who is the final decision-making authority. All sanctions and incentives must be applied immediately to ensure their effectiveness.

When there are positive drug tests or other violations of probation, it is important to note that the Healing to Wellness Court's goal is to help participants learn from their experiences. Therefore, violations are dealt with in a treatment setting rather than a purely punitive process. Traditionally, courts may revoke probation as a means of punishing the offender, while the Healing to Wellness Court applies graduated sanctions measured by the severity of the violation. It is important for the court and team members to understand that relapse is common to the recovery process as they make decisions that will redirect participants on a productive journey.

**Sanctions:** The Healing to Wellness Court must determine what sanctions and Criteria will be used in the program and develop a schedule for applying the sanction. Additionally, the type of sanctions that will be applied must be set forth.

Behaviors that can result in sanctions include:

- Positive drug tests
- Failure to participate in treatment
- Failure to attend a hearing
- Failure to pay court fees
- Failure to do community service

Sanctions may include:

- Jail time
- Increased drug testing
- Increased treatment sessions
- Increased community service
- Increased curfew

- Home detention
- Return to earlier treatment phase
- Increased court appearances.
- Fines

**Incentives:** Incentives are rewards used within the Healing to Wellness Court program to promote compliance and healing. Incentives are generally given to participants for clean drug tests, full participation, good reports, graduating to the next level and payment of fees on time. Behaviors that can result in incentives include:

- Predetermined – number of clean drug tests clean urines
- Completion of treatment phases
- Completion of community service
- Volunteering for community activities
- Attendance at all required treatment groups

Incentives may include:

- Reduction in term of diversion/probation
- Reduction of supervision
- Reduction in program fees
- Reduction in hearing attendance
- Reduction in number of drug tests
- Positive reinforcement from the judge or acknowledgement during court hearings Certificates
- Mementos
- Gift certificates

Many Wellness Courts offer traditional incentives such as tribal art created by contributing tribal members, Pendleton blankets (upon graduation), recognition at tribal ceremonies or social events, and one tribe provides a piece of traditional regalia (to be worn at tribal ceremonies) upon the completion of each phase.

**Drug Testing:** Drug testing is primary to the Healing to Wellness Journey. Alcohol and other drug testing are conducted frequently to monitor abstinence, compliance and progress towards the therapeutic goals of the program. Participants are guided toward accountability and responsibility for their own healing to wellness journey by understanding that drug testing is a requirement of compliance and provides participants with a measure regarding their progress. The team, in turn, must recognize that drug testing is central to assisting each individual on his or her road to wellness. Testing can be administered repeatedly (as often as 3 times per week) during the first phase and is gradually reduced as the participant makes progress and graduates into the final phases of the program (a minimum of once a month). The participant also consents to drug testing as a requirement of the wellness court program.

The Healing to Wellness Court team must agree on the practices and methods for administering drug-testing. These include:

- Frequency of tests
- Person(s) responsible for administering the drug tests
- Will drug test be administered randomly?
- Will the drug test be observed?
- Who will provides drug testing (*e.g. treatment provider, probation staff, police department*)?
- When is the first drug test given (*e.g. arrest, screening, first court appearance*)?
- Cost per test
- What medium is used, hair, blood, urine?
- Where is urinalysis collected (*in-house, outside commercial lab*)?
- Where is drugs test conducted (*court building, probation, treatment center, lab, other*)?
- What is the response to clean/dirty urinalyses (*increase/decrease in testing, increase/decrease in sanctions or incentives, increase/decrease in treatment, jail time*)?

Many drug testing techniques are available and are administered according to the resources and funding available to the Wellness Court. The Wellness Court may enter into a contract with a laboratory or administer testing by purchasing urine test cups/sticks, on-site lab equipment, and alcohol monitoring systems or disposable testing sticks. In order to address the clients as soon as possible, drug-testing results must be accessible immediately (within a few days). In any case, drug testing is crucial to the operation of the Wellness Court. To effectively monitor abstinence the Wellness Court must set funds aside and determine the feasibility of the type of testing administered in their program.

**Supervision:** Wellness court efforts should include continuous supervision throughout the participant's involvement in the program. As stated in the Key Component # 6 of the Tribal Healing to Wellness Court: Key Components (Tribal Law and Policy Institute), "*Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substance abuse.*" Supervision also includes "ongoing judicial interaction with each participant and . . . team staffings." Supervision, however, is not limited to drug testing and judicial interaction. Supervision includes the sharing of information (with team members during team meetings or at hearings) regarding an individual's participation in treatment, community service, traditional and spiritual guidance and activities, and general efforts of a participant toward improving the quality of their lives. Finally, the supervising officer participates in making recommendations for incentives, sanctions, and or expulsion from the program.

Supervision also means that each participant must report to intervention agencies such as probation, law enforcement or treatment agencies. The supervising agency is responsible for tasks such as determining eligibility, monitoring criminal conduct, monitoring conditions of probation, compliance with treatment, administering community service, conducting home visits, conducting curfew checks, collection of fines or program fees, and administering drug testing as

set forth in Healing to Wellness Court Policies and Procedure. Meetings among the supervising agencies can be conducted on an individual or group basis and should be executed often. During the early phases of the program supervision is conducted at least weekly, or as often as 3 or four times a week, and reduced as the participant progresses through the program. The supervising agency also notifies the participant of noncompliance issues and conducts follow-up investigations.

**Graduation:** The ultimate goal of a Healing to Wellness Court program is to graduate a participant who has been guided to a drug, alcohol, and crime-free life. Criteria must be established to determine the conditions under which a participant graduates from the program. Criteria include a minimum quantity of clean tests, full participation in treatment program, payment of all fees, restitution paid in full, or a combination of the above. Additional requirements may require participants to be in full compliance with the program for a minimum length of time, abstinence from drugs or alcohol for a set duration of time (at least 3 months). Depending upon whether the participant is an adult or youth, the Wellness Court may require that they be enrolled and perform satisfactorily in school, attend (or obtain) GED, be enrolled in a higher education or vocational institution, and obtain employment.

Graduation ceremonies are an important aspect of the healing to wellness journey. Graduation ceremonies offer support and a renewed hope for participants who have demonstrated a commitment to wellness. The ceremony provides a rite of passage by recognizing their efforts, publicly acknowledging their newly found respect in the community, enhancing confidence and simply letting them know that the community supports them.

It is essential to involve significant community leaders (tribal council, judges, elders, traditional/spiritual leaders, program administrators, chief of police) in graduation ceremonies. Additionally, traditional ceremonies or spiritual observances are critical to letting participants know they have (maybe for the first time in their lives) accomplished a critical milestone, fulfilled the requirements expected of them and played an important role in the community.

**Aftercare:** The principle of aftercare is to demonstrate a support system by providing services and addressing the participants' social and therapeutic needs as they transition into the community without supervision. Aftercare assists the participant in building linkages among service providers, employers and educational services available to all members of the tribe. The expected results are to improve each client's ability to function as an active member of the community. Participants should be given the opportunity to contribute to the development of their own aftercare program. Even though participants may have minimal contact with treatment at this phase of their Healing to wellness journey, there must be additional services available to address client needs.

Important aspects of aftercare include employment, vocational skills, primary education, higher education, work-programs, family dynamics, health services, financial management, spiritual or traditional guidance, individual or group counseling, support groups (AA, NA) and mentoring. The Wellness Court Team must determine who will oversee compliance with an aftercare program, what agencies will be involved, whether aftercare is mandatory or elective, or if an aftercare program is a condition of graduation.

Aftercare is important to the participants' healing to wellness journey because the danger of relapse exists. Successful completion of the treatment program does not guarantee the client will not revert to drug or alcohol use. After participants return to their communities, they will confront stressors that may trigger relapse. Stressors include friends who are still using, alcohol or drug use by members of the family, family problems, being the subject of gossip in the community, lack of confidence by tribal members, or unemployment conditions of the reservation.

**Confidentiality:** The fundamental concern of a Healing to Wellness Court Program is addressing alcohol and substance abuse through treatment. Thus, Federal requirements and any tribal policies regarding confidentiality of client records must be carefully considered. To properly address the confidentiality rights of participants, the Wellness Court Planning and Core Staffing Team (after implementation) must incorporate confidentiality regulations into the Healing to Wellness Court policies and procedures. Confidentiality regarding substance abuse treatment is protected by United States Code (42 USC Section 29-0dd-2 and the Code of Federal regulations (CFR Part 2). Therefore, all treatment providers and team members are bound by confidentiality guidelines.

However, the Healing to Wellness Court Program can share information regarding participants by obtaining written consent from each participant (and parent when a juvenile is involved), or through court order. Participants can sign a "Client Consent Form" where the participant gives his consent, in writing, allowing treatment providers and teams members to share and disclose information regarding substance abuse issues. The elements of a consent form include:

- name of the organization(s) that will disclose information, judge(s), treatment provider(s), participant's name (and parents when dealing with juveniles);
- the purpose of the disclosure;
- the type of information that will be disclosed;
- signature of the participant (and parent in a Juvenile Wellness Court); and
- date of signature.

Additionally, the purpose and conditions of the Client Consent Form (also known as a Release for Disclosure of Confidential Information) should be explained to the participant by a member of the Wellness Court Program (defense, probation, prosecution). It is important for the participant to understand the duration of the consent and that consent may be revoked, but that revoking consent may affect his or her ability to remain in the Wellness Court Program.

Because participants are involved in group counseling it is essential that they respect the confidentiality of other participants. They should agree not to disclose sensitive information discussed during sessions. This can be addressed in the Wellness Court contract and orientation. Issues of respect for the privacy of others are also addressed through group session. However, since Tribal communities are strongly intertwined and word travels fast (recall long-standing tribal joke(s) about the moccasin telegraph and fry bread gossip), measures must be taken to protect the credibility of the program. Finally, measures must be taken by the team to ensure that



information disclosed is relevant, reliable and limited to the scope of the program and that it takes place in a professional forum. For forms regarding agreements between agencies and client consent forms see.

**Program Coordination:** Coordination is central to the efficient operations of the Healing to Wellness Court. A program coordinator can be a designated staff position or a team member can conduct the functions. Essential functions of a program coordinator include agency coordination, information management, case management, program organization, meeting organization, public relations, ensuring monitoring, evaluations and information systems are addressed, reporting to federal agencies, and recommending modifications.

**Case Management:** Participant case management in a Wellness Court requires cooperation and accountability from participating agencies, treatment providers, the Court, and law enforcement. Participants will benefit from the informed decision-making of team members as a result of effective, structured case management.

Healing to Wellness Program participants have many needs and dilemmas that must be addressed. In addition to treatment (counseling, group and spiritual advice), supervision, drug testing, and scheduling of court hearings, participants need collateral services such as medical, dental, vocation and educational assistance. Supplemental needs of participants are addressed during assessments and incorporated into the treatment plan. A member of the team (program coordinator, treatment counselor, probation, or social services) must be assigned the task of making certain that these services are coordinated as needed or required by the Court.

**Monitoring and Evaluation:** If you are receiving funding from the Drug Courts Program Initiative for your Wellness Court program, there is a requirement that an evaluation component be part of the program. But, why is it important to include an evaluation in your Wellness Court planning? An effective program must be willing to undergo constant examination and evaluation of its efforts. And, it must be willing to identify its strengths and weaknesses to know what is and is not working. A process evaluation is the first step in identifying what is happening within a program and making necessary adjustments. It helps to examine the process you used to take your program in the direction it is going.

Healing to Wellness Courts should attempt to have an evaluator as a member of their team early in the development of the program design. This person will help you identify and begin to collect data that will be important to the development and continued success of the Wellness Court Program.

Healing to Wellness Courts require more data collection than traditional treatment programs. However, the benefits from this record-keeping serve many purposes. Information will be available to the program coordinator and the judge which will allow more accountability for the program. . Reports generated from these data allow the team to see what accomplishments have been made and provide some preliminary data that will be helpful in seeking additional funding for your program.

A process evaluation will be able to help you detect strengths and weaknesses within the program by answering the following questions:

- What was planned that did not work?
- What worked that was not planned?
- What resources were needed?
- What data need to be collected?
- What is the best collection system (data base/management information system) to use, and how do you begin to plan for it?
- What goals and objectives have you met and do you need to change, add, or delete any goals and objectives?

Example of some of the preliminary data might include:

- Number of participants
- Gender
- Age
- Tribal affiliation
- Drugs of choice
- Age at first use
- Employment status
- Educational status
- Marital status
- Number of dependents
- Referring charge
- Date of screening
- Date of entrance into the program
- Date of discharge/graduation
- Reason for discharge
- History of drug use
- Additional offenses while in the program
- Results of drug testing

Just these few data elements can provide the following information:

- Did you serve the number of program participants you had anticipated?
- What percent of females are in the program and do you need to adjust the program in any way to meet some of their needs? Males?
- What is the average age of a participants (this is especially important when you are working with adults and attempting to identify a target population).
- What are the drugs of choice so you know how best to drug test? Do you need to place your emphasis on primarily using a breath-alyzer or do you need to have a urine sample to send to the lab? Should you drug test once a week or more often? What type of budget do you need to accommodate the drug testing?
- What percent of your participants use alcohol, cocaine, methamphetamine, heroin, or other drugs?
- What is the employment rate? Do your participants need any specialized or vocational training?

- What is the average grade completed in school? Do adults need additional educational programs?
- Do juveniles need a GED program more than a high school diploma (depending upon grade and average age)?
- What is the marital status of most of your participants? Does it appear there is a need for dedicated marriage and/or family counseling groups?
- On average, how old were participants when they first began to use alcohol or drugs? This may help you in determining whether they should have some type of residential treatment prior to entering the program. It can also help you identify what prevention measures you may need to address for a particular age group.
- What was the referring charge that brought them into the program? Are you addressing the problem within your community that you intended to? Are the number of these charges decreasing as participants graduate?
- What is your graduate rate?
- What is your retention rate?
- What is your discharge rate for noncompliance? What are participants doing that results in discharge? Can you adjust for that?
- Do you believe you are reaching (or approaching) the recidivism rate you addressed in your goals and objectives?
- What are the results of your drug tests? Does it appear that participants' alcohol/drug use is decreasing?
- Are individuals being screened and are they entering the program in a timely manner?

This data will also aid you in developing a profile of participants in your program for you to review. These profiles will help you make adjustments, if needed, in your program. For example, you may need to change your target population or you may identify specific needs for the population you are serving. You will be able to identify those needs to better serve the participants in your Healing to Wellness Court Program.

Determining how you will collect your data is important. An evaluator can help you make some of these decisions. Once these decisions are made, all of the data will be useful to you in providing required information to the Drug Courts Program Office, monitoring your own program for accountability, and obtaining additional resources through various funding sources.

## V. Treatment Services

### A. Is Treatment an Important Component?

Whenever the term treatment is mentioned, two reactions are usually given –it works or it doesn't work. The reason for the two responses lies in the perception of what treatment is or what it supposed to do for an individual. The role and effectiveness of treatment in the Healing to Wellness Court Program must be addressed to have an impact and lasting significance on the program and the participants.

Treatment includes awareness by the team of the following terms and/or components: Screening, clinical assessment, treatment planning, phased treatment, individual counseling, type of group counseling, relapse prevention, family issues, etc. When we begin to look at all of this information, we may just say, "The treatment provider will know and they should handle it". However, there is one simple question you should ask: How effective is treatment services in our community? If there is a serious alcohol and/or drug abuse problems in your community the need to look for a new or different model to help family members and other community members is necessary.

Treatment does and can work. The National Institute of Drug Abuse and other treatment agencies have demonstrated that treatment is more effective in helping people achieve sobriety than no treatment at all. However, it can be more complicated. It is understood that alcohol and drugs may leave the body in 30 days, but they do not leave the brain. This information relates to relapse and other decision-making processes to individuals. A cognitive model (*one that targets thinking*) should be incorporated into our program approaches. Drugs can disrupt brain functioning for 5-7 years, depending upon the drug, quantity and frequency of use.

Phased treatment works because participants complete graduated levels of care that addresses issues of self-esteem with each phase focusing on a piece of the healing journey which are included in the planning of your Healing to Wellness Court. The first phase involves detox and a cleansing of the body, mind, and spirit. The second phase focuses on growth, where individuals acquire new life skills. The third phase focuses maintaining and practicing the skills that were addressed in the first two phases. The final phase is an aftercare phase. This is when participants demonstrate that they know what to do when the threat of relapse occurs and they are able to move forward in their journey to wellness with less support from the staff. This is a time when participants confront the fear and excitement of being on their own and being successful. (See Below: Chart 5 *Phases of Treatment*).

Treatment is a component of the Healing to Wellness Court that should not be minimized. Without a strong treatment process, the Healing to Wellness Court is like any other court program. This means that to have true success, you must ensure that the entire team understands treatment, in general terms, and that team members have a common philosophy of how it should connect with the court. The whole team should attend treatment trainings as much as possible. This enhances everyone's knowledge about treatment and its role in the success of the Healing to Wellness Court.

The Healing to Wellness Court Team, together with existing tribal (or contracted) treatment providers, should assess services currently in place and research additional services that can be incorporated into the Healing to Wellness Program. The following checklist is provided to assist you in taking inventory of existing treatment programs and making decisions that will enhance your program.

- Individual Therapy (Alcohol and Substance Abuse)
- Cognitive Treatment (Individual or Group) (targets thinking and decision making)
- Relapse Prevention
- Alcohol and Drug Education
- Family Counseling
- Family Groups
- Anger Management
- Behavioral Counseling
- Alcoholics Anonymous (AA) or other support groups
- Narcotics Anonymous (NA)
- Inpatient Treatment
- Outpatient Treatment
- Spiritual Guidance (Medicine men or women, traditional healers or spiritual leaders)
- Do these groups target adults or juveniles?

## **B. Phased Treatment**

The court treatment program is phased and progresses as the participant makes his or her way through the healing to wellness journey. Phases are beneficial because they are presented as small steps providing participants with the foundation from which they can advance through the program. Phases also allow participants to realize that there is indeed a reward for them at each stage or bend in the road to wellness. Moreover, they learn that the goal of reaching the end of the journey is attainable and realistic.

Wellness court programs are generally structured in phases. During the initial phase participant is provided with a great deal of clinical support, guidance, accountability and supervision. As participants progress through their phases; they experience a greater degree of control over their own treatment (and life). Phases provide a method of measuring the progress of participants and help determine when these participants are ready for less intensive monitoring. Healing to Wellness Court treatment programs depend upon resources and the treatment staff who are available to administer the phased treatment. Recommended phases of treatment are included in the Chart below.

### Chart 5 Phases of Treatment

<b>Phase 1</b>	Learning – why you are in the program; effects of drugs and alcohol; expectations of treatment; and consequences of past choices.
<b>Phase 2</b>	Accepting – you have a problem with drugs or alcohol, the hurt caused to self, family and the community; changes can be made to improve your life; healing.
<b>Phase 3</b>	Willingness to – cooperate and follow treatment program and obtain goals; encourage others to do the same; make better choices; lived a balanced life; develop plans to confront relapse.
<b>Phase 4</b>	Succeed in – working through remaining phases; having a positive life without drugs; planning your continued wellness; and making a difference for yourself.
<p><b>Source:</b> Adopted from <i>Tribal Healing to Wellness Courts: Treatment Guidelines for Adults and Juveniles</i> (Tribal Law and Policy Institute) Funded by Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice.</p>	

For extensive information regarding treatment in the Adult or Juvenile Healing to Wellness Court setting, refer to *Tribal Healing to Wellness Courts: Treatment Guidelines for Adults and Juveniles* (Tribal Law and Policy Institute) funded by Funded by the Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice. (See Appendix C and D of this publication for information.)

**Chart 6: Example - Adult Wellness Court Phases of Treatment**

PHASE I	PHASE II	PHASE III	PHASE IV
<b>Learning Level</b> (Detoxification & Beginning Treatment)	<b>Accepting Level</b> (Stabilization & Treatment)	<b>Willing Level</b> (Maintenance & Treatment)	<b>Succeeding Level</b> (Aftercare)
<b>Phase Graduation Requires:</b>  <ul style="list-style-type: none"> <li>•Clean Tests</li> <li>•Meeting Attendance Requirements</li> <li>•Payment of All Court Costs &amp; Fines</li> <li>•Team Recommendation</li> </ul>	<b>Phase Graduation Requires:</b>  <ul style="list-style-type: none"> <li>•Clean Tests</li> <li>•Meeting Attendance Requirements</li> <li>•Payment of All Court Costs &amp; Fines</li> <li>•Team Recommendation</li> </ul>	<b>Phase Graduation Requires:</b>  <ul style="list-style-type: none"> <li>•Clean Tests</li> <li>•Meeting Attendance Requirements</li> <li>•Payment of All Court Costs &amp; Fines</li> <li>•Team Recommendation</li> </ul>	<b>Program Graduation:</b>  <ul style="list-style-type: none"> <li>•Completion of Treatment Plan</li> <li>•Clean Tests</li> <li>•Development of a Relapse Plan</li> <li>•Payment of All Court Costs &amp; Fines</li> </ul>
<b>8 weeks</b>	<b>8 weeks</b>	<b>8 weeks</b>	<b>8 – 12 weeks</b>
<b>Screening Assessment Intake/Orientation</b>			
<b>Individual Counseling</b> (as needed)	<b>Individual Counseling</b> (as needed)	<b>Individual Counseling</b> (as needed)	<b>Individual Counseling</b> (as needed)
<b>Group Counseling</b> (3-4 Xs/week) <ul style="list-style-type: none"> <li>• Educational</li> <li>• Cognitive Behavioral</li> <li>• Other Methodologies</li> </ul>	<b>Group Counseling</b> (1X/week) <ul style="list-style-type: none"> <li>• Educational</li> <li>• Other Methodologies</li> </ul>	<b>Group Counseling</b> (1X/week) <ul style="list-style-type: none"> <li>Educational</li> <li>Other Methodologies</li> </ul>	<b>Group Counseling</b> (1X/week) <ul style="list-style-type: none"> <li>Maintenance</li> <li>Other Methodologies</li> </ul>
<b>Alcohol/Drug Testing</b> (3X/week)-minimum	<b>Alcohol/Drug Testing</b> (2X/week)-minimum	<b>Alcohol/Drug Testing</b> (2Xs/month)-minimum	<b>Alcohol/Drug Testing</b> (2Xs/month)-minimum
<b>Case Management &amp; Supervision</b>  <b>Status Hearings</b> (4Xs/month)	<b>Case Management &amp; Supervision</b>  <b>Self Help Meetings</b> (2Xs/week)  <b>Status Hearings</b> (2Xs/month)	<b>Case Management &amp; Supervision</b>  <b>Self Help Meetings</b> (1X/week)  <b>Status Hearings</b> (1X/month)	<b>Case Management &amp; Supervision</b>  <b>Self Help Meetings</b> (2Xs/month)  <b>Status Hearings</b> (1X/month)
			<b>Develop &amp; Implement Aftercare Plan</b>
			<b>GRADUATION</b>

## VI. Create a Policies and Procedures Manual?

### A. What advantages does a Wellness Court Policies and Procedures Manual Offer?

A policies and procedures manual is necessary to successfully implement and operate a Healing to Wellness Court. A policies and procedures manual adopted through the formal tribal governmental process officially establishes the Wellness Court and describes the type of court (transfers through pre-adjudication, post-adjudication, sentencing order or combination). This helps the court determine whether a case is appropriate for the Wellness Court. Additionally, the policies and procedures manual describes the target population (adult, juvenile, family) strategies, agencies, individual roles, services that are expected from team members, and expectations of treatment providers. It also explains what is expected from the participant. The policy serves two functions: 1) to inform the tribal government, the court, service providers, participants and the general community of the operations and authority of the court including: Wellness Court structure and processes and 2) serves as a guide to the court, prosecution, defense and other team members or providers by outlining the expectations and requirements of the participant. It describes mechanisms that provide support, therapeutic needs, ways in which community ties can be restored, and, most importantly, provides each participant with due process.

The ability to create a Healing to Wellness Court policies and procedures manual lies in the capacity to create a living document that represents the needs and values of the community and utilizes tribal resources creatively and efficiently. It sets standards that allow the court to be consistent yet flexible enough to address the unique needs of each individual. It attempts to address the limitless nature of unpredictable situations that participants will stumble upon during their healing to wellness journey.

Healing to Wellness Courts receiving implementation or enhancement grants from the Drug Courts Program Office are encouraged to address the goals, values, and priorities of the Drug Courts Program (in addition to those of the tribe) and meet minimum requirements and drug court or Healing to Wellness principles as illustrated in the *Tribal Healing to Wellness: The Key Components*.

Some elements of the Healing to Wellness Court documents (some of which can be incorporated into a policies and procedures manual) include a participant handbook and contracts for participants to sign.

Other considerations include:

- Does the program have an operations manual describing its current organizations structure, staffing, and operational procedures? If not, what should it include?
- Who should be responsible for preparing the manual and keeping it updated?  
(Note that many of the topics covered in these checklists and Section V. of this guidebook are appropriate for inclusion in such a manual.)



- What type of Healing to Wellness Court do you plan to have?  
*Adult, Juvenile, Family.*
  - Diversion
  - Post Plea/pre sentence
  - Probation
  - A combination of the above
- Client Handbooks
- Confidentiality Forms
- Screenings (*information collection forms or commercial treatment questionnaires*)
- Court Motions and Orders (*to defer/admit*)
- Progress Reports (*status hearings*)
- Contracts
- Sample Drug Court Management Information System
- MOU (*Memorandum of Understanding*): the purpose of the MOU is to identify the responsibilities and roles of each agency or entity involved in the program.

## VII. Funding Sources

### A. Grant Writing

**What is a Grant Proposal?** A proposal is presented to an agency that provides funding. It states a persuasive argument for funding a particular project. A proposal should:

- State the problem; or analyzes the situation;
- Offer a plan, with clearly stated goals, objectives, and strategies for solving a problem;
- Demonstrate probable success and show that you are capable of doing what you say you will; and
- Offer a pledge that demonstrates by certain specified measures that you will accomplish what you said you would.

**Why Apply For a Grant?** The Tribal Court and Tribal Treatment providers normally receive funding from several federal agencies (Bureau of Indian Affairs, Indian Health Services); however, the allocation of funding rarely provides enough financial support to compensate research, training, salaries and supplies required to adequately provide the services for their cliental. Various federal agencies offer grant programs that can provide additional financial support. The opportunities for obtaining funds to improve services are increased by developing grant-writing skills.

The availability of funding and application kits for federal programs is usually announced once each year. If a determination is made to apply for federal funding, research should be conducted prior to the fiscal announcement. A successful application will require sufficient time to prepare for the extensive planning and prerequisites expected from funding agencies. Hence, the previous years application kits should be obtained and reviewed (do not wait) with anticipation that some requisites may be modified by the funding agency.

**What Type of Federal Funding is Available?** After determining that funding is necessary to address a need for services, a funding source should be located. When identifying financial support, be mindful that the proposal should agree with the mission of the funding agency.

The following federal agencies provide funding to plan, implement, and/or enhance Tribal Healing to Wellness Courts and services. Below is a summary of the funding agency's mission and available financial support.

- **OJP Drug Courts Program Initiative, Bureau of Justice Assistance (BJA)**  
*(formerly Drug Courts Program Office – DCPO)*  
DCPO provides funding for Tribal Drug Court Grants (Healing to Wellness Courts). The funding is announced annually. Application workshops are held annually in various locations prior to the due date.

Generally, DCPO offers funding for Tribal Drug Courts in three categories (Planning, Implementation and Enhancement). The categories are further subdivided into Adult, Juvenile, and/or Family Healing to Wellness Courts. The following is a narrative of the Tribal Drug Courts program as described in the Tribal Drug Court Grant Program Fiscal Year 2001.

**Planning Grants:** (*Adult or Juvenile*) assist tribal communities in planning tribal drug courts. The funds enable grant recipients to undertake relevant needs assessments to identify the characteristics of their drug caseloads, offender populations, and treatment options and to access planning training. Tribal planning grants are limited in scope and will not necessarily lead to subsequent DCPO funding to implement the programs that result from the planning efforts. In 2001 DCPO planning grants awarded a total of \$30,000 (maximum) towards planning efforts. Important Note: Applicants must make allowances in the budget for the planning team (up to 8 members) to attend the three required training workshops that assist tribes to promote and support the best practices in the development of an effective Tribal Drug Court. Hence, the greater part of the budget is allocated towards travel, lodging and per diem for Team members.

**Implementation Grants:** (*Adult or Juvenile*) are available to assist jurisdictions with the initial of a tribal drug court based on the 10 key components (as applicable), to help develop a strong program, and to allow jurisdictions to collect data necessary to demonstrate the effectiveness of the program. Implementation grants are available to any jurisdiction that has completed the planning process and is ready to implement a tribal drug court. *Jurisdictions having completed the DCPO-sponsored tribal planning training will be given special consideration for funding.* In 2001 Implementation grants were available for up to \$500,000 and for up to three years contingent on criteria such as population and the extent of drug and alcohol problems.

**Enhancement Grants:** (*Adult or Juvenile*) are available to jurisdictions that already have a fully operational tribal drug and want to improve the delivery of services through additional services. Jurisdictions that have what they consider a “pilot” program should not apply for an enhancement grant, but can apply for an implementation grant. If a jurisdiction has received previous funding (implementation), the compelling need for additional federal funding must be demonstrated. In 2001, grants were funded in the amount of up to \$200,000 for up to two years.

- **The Substance Abuse and Mental Health Services Administration (SAMHSA)**  
SAMHSA has available funds to for American Indian and Alaska Native communities to support planning for the development of substance abuse treatment service systems. Grantees are expected to develop plans that describe how tribal governments, organizations providing services to urban Indian communities, and other indigenous community organizations will work together to deliver substance abuse treatment and

related services such as HIV/AIDS prevention, mental health services, primary care, and other public health services.

SAMHSA also provides funding to plan, design, and assess the feasibility of implementing culturally appropriate mental health systems of care for American Indian/Alaska Native children, youth, and their families in need.

- ***U.S. Department of Justice: Bureau of Justice Assistance (BJA)***  
BJA accepts applications for concept papers for development grants and implementation, enhancement and continuation grants for Tribal Courts. Funding awards typically range from \$50,000 to \$100,000. A portion of requested funds may be used to support wellness court development and operations.
- ***U.S. Department of Justice: Office of Juvenile Justice and Delinquency Prevention (OJJDP) – The Tribal Youth Program (TYP)***  
TYP funding may be used to reduce, control, and prevent crime and delinquency both by and against tribal youth; to provide interventions for court involved tribal youth; to improve tribal juvenile justice systems; and/or to provide prevention programs focusing on alcohol and drugs.
- ***U.S. Department of Justice: Office of Juvenile Justice and Delinquency Prevention (OJJDP) - The Juvenile Accountability Incentive Block Grant (JAIBG).***  
The JAIBG is funding that will accommodate Healing to Wellness Courts under the category of providing sanctions. These grants are generally administered through a state agency.
- ***U.S. Department of Justice: Byrne Discretionary Grant and Byrne Formula Grant.***  
These grants are allocated through state agencies. The Byrne Discretionary Grant is also known as the Local Law Enforcement Grant. Each one of these requires a state match. However, in most cases, if any of the funds are used in collaboration with a Native American program, that portion of the funding does not require matching funds.

◆ **HELPFUL HINT:**

Further information and links to potential funding agencies can be found on the Tribal Court Funding page of the Tribal Court Clearinghouse website: <http://www.tribal-institute.org>

**How Do You Write a Grant Proposal?** Writing a grant proposal requires extensive preparation. After establishing a funding source, contact the funding agency (via phone or email if possible) and request information regarding regulations, grant priorities, requests for proposals, application packets, and lists and/or abstracts of funded projects. Study the materials and know the goals of the grantor. A program officer may be available to answer questions. It may be suggested to attend grant-writing seminars that are offered by certain agencies (specific to each grant). Dates and locations are normally printed in the grant announcements.

Prior to writing, think about the main concerns you wish to address. Identify the problem, possible solutions and expected results. Recognize the tasks necessary to carry out the objectives and estimate the resources and revenues necessary to complete the project.

Successfully applying for a federal grant means reading the application more than one time, following the guidelines, and directions in the application kit. Federal proposals are similar and are comprised of fundamental components. Listed below are the basic components of a federal grant and an explanation of each component

- **Proposal abstract or summary** - The proposal summary outlines the project and is generally the first proposal document. It should be brief and concise. The abstract will summarize the project needs, objectives and solutions. Furthermore, it is the first impression and should have as much information as possible, but kept within the funding agency's page requirements.
- **Needs/Problem statement** - The needs/problem statement answers why the project is necessary. It clarifies the problems to be addressed; the target population, and benefits to be gained. It also provides background on how the problem is determined. All information should be factual and based directly related to the problems addressed. The needs assessment should identify the key problems and the best way to address them (*for whom & why*).

When applying for a Healing to Wellness Court Grant, the Application Kit will ask specific questions. Examples include questions regarding the current methods used for processing drug and alcohol-related crime, substance abuse patterns, the volume of recent caseloads, and how families are affected. All questions asked by the funding agency must be answered thoroughly.

- **Plan of operation for addressing the need (or Goals and Objectives)** - The plan of operation encompasses the project objectives and methods. While objectives are related to goals, they specifically state what is to be accomplished, and they are measurable. Methods will inform the funding agency how changes will take place or what activities will take place to reach the objectives -what methods will you employ to meet your objectives and get closer to your goal?

When applying for a Healing to Wellness Grant, the Application Kit will ask specific questions. Examples include questions regarding the problems to be addressed, what impact the Wellness Court will have on the community, and how will you know when goals are achieved. Again, all questions asked must be answered thoroughly

- **Key personnel who will operate the program** - This portion identifies the project staff required to meet the objectives. Why commitment from the staff is essential? It also tells the reviewer of the staff's capabilities to meet the objectives.
- **Budget and cost-effectiveness** - All federal applications require a budget. The budget should be consistent with the proposed activities and follow agency guidelines. Try to

keep it simple, but within the standards outlined. Basic allowances often include personnel, fringe benefits, travel, equipment, contracted consultants, supplies and training. In addition to calculations, a budget narrative may be expected to justify expenses. Matching funding costs may be required to show efforts by the applicant to support the project. These funds might not require that the applicant compensate funds in a dollar amount, but from “in-kind” contributions or donations from other sources. (*Sample budgets and forms may be provided in the grant application kit*).

- **Evaluation or measure of effectiveness of the program** – A federal agency may require that the grantee submit to an independent evaluation to determine the results of the project. The application may stipulate provisions for an evaluator to be set-aside in the budget. Evaluation requirements might include a description of specific data elements to be collected and analyzed in the evaluation. A description of how the evaluation will assess the effectiveness of project operations and the ability of the program to meet its goals and objectives should be included in the proposal. Some funding agencies may also request a comparison of a group to be included in the evaluation which the evaluator can identify and define.

When applying for a Healing to Wellness Court Grant, the Application Kit requires that implementation and enhancement applicants submit information regarding Evaluation, Management Information Systems, and plans to incorporate process and impact evaluations. Providing the information in this area is critical to obtaining funding. As previously noted, all questions asked must be answered thoroughly.

- **Adequacy of Resources** – are not always required, never the less, it is important to outline the resources that are available to carry out the objective of the project. Resources may include buildings, equipment; and arrangements with other agencies, faculty and staff.
- **Assurances** -A grant official may be asked to provide signed assurances. Several assurances are often required. A few assurances (such as those required by the Department of Justice) include legal authority to apply for the grant, compliance with minimum wage and maximum hour provisions, equal employment opportunity. Certifications may also be required as follows; Certifications Regarding Lobbying, Department Suspension and other Responsibility Matters; and Drug Free Workplace Requirements.
- **Attachments** – Agencies such as the Department of Justice, Office of Justice Programs outlines additional requirements or supporting materials. They include letters of support and a time task plan providing a detailed schedule to execute the project (See Appendix 5). The plan should include goals, objectives or activities associated with each goal, and the person who is responsible for carrying out each objective
- **An application for Federal Assistance (Form SF 424)**- provided in the grant announcement must also accompany the package

## **B. Why Is a Proposal Rejected?**

If an application is rejected the applicant will receive a formal notice. Most agencies receive far more applications than they have funding to support. In order to determine which applicants should receive funding, the agency will follow an established review process. The review process typically involves a scoring measure or other method of comparison involving every application received by the funding agency. Applicants can request reviewers' comments and use the comments to improve the application for the following year. Many times an application is submitted more than once before being funded. Reviewer criticisms may fall in many categories, but primarily consist of, the "focus is not clear" or "too broad or too narrow." Methodology comments include unclear goals and objectives; lack of justification in budgets; and not following all the guidelines. Successful grant proposals are need-based, client-centered, clearly written and written with the funding agency's perspective in mind.

## **C. Grant Management - What Happens After You Get Funded?**

**Grant Management:** When a grant is awarded, grant managers need to familiarize themselves with the rights and responsibilities of the grantee. The recipient will receive an official notice entitled the Notice of Grant Award. The grantee must agree to abide by the funding source's regulations. The Notice of Award will specify the grant period, the approved budget, terms, and conditions associated with the grant. Any proposed changes made to the scope of the project or budget must be approved by the funding agency. Extensions of a budget period specified must also receive prior approval. The proposed timeline should be acknowledged, followed and implemented immediately in order to stay within the funding timeframe. Most importantly, the grantee must get acquainted with the reporting guidelines.

**Reporting Guidelines:** All federal applicants awarded must submit required reports depending upon the funding agency requirements. The Department of Justice requires:

- That "special conditions" be addressed. Any further requirements in the special conditions must be addressed according to the time frames specified. The award document and any special conditions must be signed and returned as stipulated.
- 269 - Financial Status Reports. These reports are due quarterly and list all expenditures made during the reporting quarter including matching costs and in-kind contributions. Failure to report on time may result in withheld funds.
- Categorical Assistance Progress Reports – This report is due at the onset of the project and then semiannually. The report includes an abstract of the progress concerning goals, objectives, and anticipated results.
- Single Audit Report – any agency receiving \$300,000 or more must submit an "organization wide" financial compliance audit report. The audit report is due at the end of each fiscal year and must be in accordance with the U.S General Accounting Office Government Auditing Standards.

- Drug Court Data Collection Survey - Recipients of a Drug Courts Program Office Implementation Grant will also be asked to submit a Data Collection Survey that ensures that grantees are collecting the necessary information to conduct a program evaluation. These reports are due bi-annually.

#### **D. If the Healing to Wellness Court is Sustained Through Grants, How Will it Continue Operations After the Federal Funding Ends?**

A critical and important aspect to consider is the sustainability and operation of the Wellness Court after federal funding has ended. . If the Wellness Court is going to meet its commitment to the community, it must be able to operate without federal funding. Long-term funding should be addressed even before applying for federal grants. In many cases, there are additional federal grants that may contribute to the continuation of your Wellness Court; however, this funding is not guaranteed. Successful grant recipients will require good research and resource skills, administration abilities, patience and persistence.

Additional funding may be accessed through public and private foundations. However, the scope of foundation funding is often limited and foundations may not provide guidelines for applying. Therefore, writing this type of proposal can be more complicated. Finally, the grant researcher should consider state and block grants.

#### **◆ HELPFUL HINTS:**

The Grants Management Officer and the Comptrollers Office are available to provide assistance or answer questions regarding compliance with financial awards. The Office of the Comptroller may be contacted at 1-800-458-0786.

The Foundation Center (<http://fdncenter.org>) has an extensive online library, which includes answers to questions about foundations and nonprofit resources, provides instruction on their funding research process, and identifies links to foundations sites, many other resources.

One of the best ways to guarantee the sustainability of a Healing to Wellness Court is determining if current resources available to the tribe's government operations can be redirected towards the Wellness Court Program. Tribal funding sources and other agencies can contribute to the program. In many cases, a portion of social service programs, Indian Health Services, alcohol and substance abuse, treatment education, other social or health programs, tribal court funding and/or collected fines can be allocated towards the Wellness Court Program. These agencies can assign a portion of their funding or revenues to the program by compensating inpatient treatment, psychiatric care, subsidizing urine analysis, providing staff and judges to administer treatment programs, contribute to educational needs, or oversee the operations of the Wellness Court Program.



Additionally, many tribes can allocate a portion of revenues from tribal businesses through collected taxes or casino profits. When proposing that funds be reallocated towards the Wellness Program, consider that the target population will be a cost factor to the tribe regardless of whether a Healing to Wellness Court is operating. A Wellness program has the potential to reduce the dollar amount spent on each individual by reducing incarceration and constant services over an extended period of time. Moreover, helping people heal and integrate back into the tribal community has the potential to increase the economic capacity of the community.

## **Appendix A: Key Components of Tribal Healing to Wellness Courts**

**Key Component #1:** Tribal Healing to Wellness Courts bring together community-healing resources with the tribal justice process, using a team approach to achieve the physical and spiritual healing of the participant and the well being of the community.

**Key Component #2:** Participants enter the wellness court program through various referral points and legal procedures while protecting their due process rights.

**Key Component #3:** Eligible substance abuse offenders are identified early through legal and clinical screening and are promptly placed in the Tribal Healing to Wellness Program.

**Key Component #4:** Tribal Healing to Wellness Programs provide access to holistic, structured and phased, substance abuse treatment and rehabilitation services that incorporate culture and tradition.

**Key Component #5:** Participants are monitored through intensive supervision that includes frequent and random testing for alcohol and other substance use.

**Key Component #6:** Progressive consequences (or sanctions) and rewards (or incentives) are used to encourage participant compliance with program requirements.

**Key Component #7:** Ongoing judicial interaction with each participant and judicial involvement in team staffing is essential.

**Key Component #8:** Monitoring and evaluation measure the achievement of program goals and gauge effectiveness to meet three purposes: providing information to improve the Healing to Wellness process; overseeing participant progress; and preparing evaluative information for interested community groups and funding sources.

**Key Component #9:** Continuing interdisciplinary education promotes effective wellness court planning, implementation, and operation.

**Key Component #10:** The development of ongoing communication, coordination, and cooperation among team members, the community and relevant organizations are critical for program success.

## Appendix B: Glossary

**abuse:** Substance abuse should be distinguished from “experimental use,” “regular use,” and “dependency.” Substance abuse is observed as the use of increased amounts of the substance, the trying of other types of drugs or alcohol, thoughts of being drunk or high when sober, more and more time spent thinking about, obtaining, and using the substance, problems with family and police, thoughts about quitting which are not followed up, and increased guilt or shame about using the substance.

**affidavit:** Written statement signed under oath.

**aftercare:** Classes, counseling, groups and/or activities which focus on assisting participants after they complete the Healing to Wellness Court Program, including facing challenges of re-connecting to the community, and the development of external support systems.

**assessment (or clinical assessment):** A process completed by treatment staff to determine the participant’s level of chemical dependence and need for treatment services, including the identification of the specific types, the sequence, and intensity of treatment services needed (note that this process is generally completed after legal and clinical screenings).

**case management:** Services which focus on securing, coordinating, and monitoring the appropriate treatment interventions and related services (medical and dental services, job search and training skills, housing, heating, electricity, transportation, etc.) needed to treat each participant successfully.

**case staffings:** Meetings of wellness court team members, usually held just prior to wellness court appearances by participants, in which information about the participant’s drug testing results, attendance and participation in required treatment and other required activities, and other information relevant to the individual’s progress in treatment is shared with the wellness court team. Recommendations regarding services which the participant needs are also made to the judge during this time.

**charging document:** The legal form used by the prosecution to begin the criminal process against an offender.

**clinical screening:** Determination of whether the prospective participant has a substance abuse problem that can be addressed by available treatment services and if there are other problems, such as a mental health disorders, that should also be addressed.

**co-occurring disorders:** Other difficulties both medical (such as fetal alcohol or mental illness problems) and non-medical (such as educational or family problems), that need to be addressed by the wellness program.

**confidentiality:** privacy of information; in the substance abuse treatment context, confidentiality relates to federal and frequently state provisions regarding requirements prohibiting or limiting disclosure of information regarding an individual's enrollment in a substance abuse treatment program.

**detoxification:** A process of discontinuing drug and alcohol use that leads to reduction and elimination of drugs and alcohol from the participant's body. Detoxification may or may not need to be medically supervised depending upon the type of drug being discontinued and the physiological effects of the detoxification process.

**dual diagnosis:** a clinical assessment that the participant suffers from both substance addiction and a mental condition.

**due process:** the required process of law as set forth in the federal Bill of Rights, the Indian Civil Rights Act and/or applicable tribal or state law – generally providing that an individual is entitled to have notice and an opportunity to be heard (e.g., an opportunity to present his or her case in a legal dispute) and that no law or government procedure should be arbitrary or unfair.

**incentives:** Rewards used within the Healing to Wellness Court program to promote and recognize compliance and healing.

**information system:** The mechanisms by which a program gathers, uses and reports information about its participants and activities. The system may be computerized (automated) or manual.

**interagency agreements:** Written documents that document the agreements and relationships developed by the organizations or agencies involved in the Wellness Court and their commitments to the program.

**legal screening:** Determination of whether the prospective participant meets the eligibility criteria for the wellness court related to criminal history, type and severity of offense and other criteria as defined by the team during initial planning.

**memorandum of agreement:** Written document between units of government that reflect the interests of the organizations and their commitments to the program.

**outcome evaluation:** Gathering information to determine a program's success in meeting its goals. An outcome evaluation may look at a program's impact on the individual and on the community.

**outpatient treatment:** A program or set of services for assisting a participant with his or her healing from drug or alcohol abuse which does not make use of hospitalization or confinement to a facility.

**participant:** This is the term used for adults or juveniles who are referred to and are accepted into a Healing to Wellness Court Program.

**phased treatment plan:** The plan developed for each Wellness Court participant which entails completing specified tasks and achieving specified milestones at various levels of program activity. Most adult Wellness court programs, for example, are designed in three to five phases, requiring 12 or more months to complete.

**process evaluation:** The development of information that describes and analyzes how a program is operating, whether it is operating as envisioned, and whether any operational problems have developed.

**program monitoring:** providing oversight and periodic measurements of a program's performance against its stated goals and objectives.

**protocols:** The rules and procedures used for program operations.

**relapse:** A resumption of alcohol or other drug use after of period of not using the substance(s).

**releases of information:** Written consent forms permitting information to be transferred from one place to another concerning the person signing the release form. A release may be used to provide permission to gather information about health, treatment participation, criminal history and other aspects of the participant's history or situation which may be of use by the wellness court.

**sanctions:** responses to an individuals' noncompliance with program conditions to promote the individual's behavioral change and eventual compliance and healing.

**status/review hearing:** Review hearings conducted by the wellness court to assess the progress (or lack thereof) of each wellness court participant.

**violent offender:** In the context of drug courts, the term refers to the definition of "violent offender" as set forth in the statutes that authorize federal funding for drug court programs and prohibit the use of these funds for a "violent offender." The statutes defines "violent offender" as a person who either (1) is charged with or convicted of an offense, during the course of which offense or conduct the person carried, possessed, or used a firearm or dangerous weapon; there occurred the death of, or serious bodily injury to any person; or there occurred the use of force against the person of another, without regard to whether any of the circumstances previously described is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm, 42 U.S.C. S 3796ii *et seq.*

## **Appendix C: Resource Materials Relating to Native American Treatment**

- Beck, Peggy V., Walters, Anna L.; The Sacred Ways of Knowledge Sources of Life. Navajo Community College Press (1977)
- Center for Substance Abuse Treatment. Strategies for Integrating Substance Abuse Treatment and the Juvenile Justice System: A Practice Guide. Substance Abuse and Mental Health Services Administration. U.S. Department of Health and Human Services. June 1999.
- Doyle, Arbogast. Wounded Warriors: A Time for Healing, Little Turtle Publications, (1995)
- Evans, Katie, Sullivan, J. Michael, Dual Diagnosis, Counseling The Mentally Ill Substance Abuser. The Guilford Press (1990)
- Fanning, Partick; O'Neill, John T. The Addiction Workbook. A Step by Step Guide for Quitting Alcohol and Drugs. New Harbinber Publications, Inc. (1996).
- Fisch, R., Weakland, J.H., & Segal, L. Tactics of Change. San Francisco: Jossey-Bass. (1982).
- Glenn, H. Stephen , Nelsen, Jane. Raising Self-Reliant Children in a Self-Indulgent World: Seven Building Blocks for Developing Capable Young People. Prima Communications, Inc. (1989)
- Haley, J. Problem Solving Therapy. San Francisco: Josey Bass (1976).
- Ito, J.R.; McNair, L.; Donovan, D.M.; and Marlatt, G.A. "Relapse Prevention for Alcoholism Aftercare: Treatment Manual." Health Services Research and Development, Seattle, WA (1984).
- Jaffe, A.; Brown, J.; Korner, P.; and Witte, G. "Relapse Prevention for the Treatment of Problem Drinking: A Manual for Therapists and Patients." Unpublished manuscript, Yale University School of Medicine, New Haven, CT; University of Connecticut Health Center, Farmington, CT, (1988).
- Lane, Phil, The Sacred Tree: Reflections on Native American Spirituality. Four Worlds Development Press, Lotus Light (1984)
- Little, Dr. Gregory L., Robinson, Dr. Kenneth. How to Escape Your Prison, A Moral Reconciliation Therapy Workbook, Juvenile MRT, Eagle Wing Books, Inc. (1997)
- Maier, Scott T., Davis, Susan R. Elements of Counseling 3<sup>rd</sup> Edition Brooks/Cole Publishing Company (1996)
- Marlatt, G.A., and Gordon, J.R. Relapse Prevention: Maintenance Strategies in the Treatment of Addictive Behaviors. New York: Guilford Press, (1985).

- McGaa, Ed; Eagle Man;. Mother Earth Spirituality, Native American Paths To: Healing Ourselves and Our World. Harper San Francisco (1990)
- Minuchin, S. Families and Family Therapy. Cambridge, Massachusetts: Harvard Press (1974).
- Modig, D. and Modig, A., Nation Building, A Native Training Manual for Personal and Community Empowerment. Gathering of Eagles, P.O. Box 9598, Ketchikan, AK 99901.
- National Institute on Drug Abuse. Principles of Drug Addiction Treatment: A Research-Based Guide. National Institutes of Health. NIH Publication No. 99-4180. 1999.
- Smith, Manual. When I say “No” I feel Guilty. New York: Bantam Psychology Books (1975).
- Stanton, M.D., & Todd, T.C. The Family Therapy of Drug Abuse and Addiction. New York: Guilford (1982).
- Wegscheider-Cruse, Sharon. Another Chance: Hope and Health for the Alcoholic Family. Palo Alto, CA: Science and Behavior Books, Inc. (1983).
- Woititz, Geringer, Janet, EdD., Adult Children of Alcoholics. Health Communications, Inc. (1983).

## Appendix D: Resource Materials Relating to Drug Courts

The following publications may be ordered from:

The National Criminal Justice Reference Service  
P.O. Box 6000 Rockville, MD 20849-6000  
Phone (800) 851-3420  
Fax (410) 792-4358  
[puborder@ncjrs.org](mailto:puborder@ncjrs.org)

<b><u>Title:</u></b>	<b><u>NCJRS Number:</u></b>
Healing to Wellness Courts: A Preliminary Overview	NCJ 178907
Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives	NCJ 183930
Looking at a Decade of Drug Courts	NCJ 171140
Defining Drug Courts: The Key Components	DD 165478
1997 Drug Court Survey Report Executive Summary	NCJ 168280
Drug Court Resources Series Practical Guide for Applying Federal Confidentiality Laws to Drug Court Operations	NCJ 176977
Juvenile and Family Drug Courts: An Overview	NCJ 171139
Guideline for Drug Courts on Screening and Assessment	NCJ 171143
Drug Court Monitoring, Evaluation, and Management Information Systems	NCJ 171138
Drug Court Identification and Testing in the Juvenile Justice System	NCJ 167889

**National Association of Drug Court Professionals**  
901 North Pitt Street, Suite 370 Alexandria, VA 22314  
Phone (703) 706-0576  
Fax (703) 706-0577

**Title:**  
NADCP Tribal Mentor Courts: A Regional Approach to Provide Training and Technical Assistance to Native American Healing to Wellness Courts by Native American Healing to Wellness Courts



## **OJP Drug Court Clearinghouse and Technical Assistance Project**

4400 Massachusetts Ave, N.W., Washington, D.C. 20016-8159

Phone (202) 885-2875

Fax (202) 885-2885

### **Resource Publications:**

*Drug Court Practitioner's Guide to Confidentiality Regulations.* Consultant: Rebecca Holland. June 1999.

*Good Beginnings: Developing and Sustaining a Drug Court Alumni Association.* March 2002.

*Taking Aim: How to Develop and/or Refine Your Target Drug Court Population.* August 2002.

*The Interrelationship Between the Use of Alcohol and Other Substances by Addicted Persons.*

Consultant: John Marr. August 2000.

*Drug Testing in a Drug Court Environment.* Consultants: Jerome Robinson and Dr. James Jones. August 2000.

*The Interrelationship Between the Use of Alcohol and Other Substances by Addicted Persons.*

**Consultant: John Marr. August 2000.**

### **Statistical Updates of Drug Court Program Activity:**

*Drug Court Activity Update: Summary Information on All Drug Courts with Detailed Information Regarding Participants and Impacts for Adult Programs:* June 2001

*Juvenile Drug Court Activity Update: Summary Information on Participants and Impacts:* June 2001

*Family Drug Court Activity Update: Summary Information on Participants and Impacts:* June 2001

*Tribal Drug Court Activity Update: Summary Information on Participants and Impacts:* June 2001

*Drug Court Activity Update: Composite Summary Information Regarding Participants and Impacts for All Programs:* June 2001

### **Resource Memorandum, Reports and Other Publications**

*Applying Drug Court Concepts in the Juvenile and Family Environment: A Primer for Judges.* June 2000 revised

*Background Information on State Court Administrative Office Activities in Support of Local Drug Court Programs:* May 2001

*Background Information on State Court Administrative Office Activities in Support of Local*

*Drug Court Programs: Summary Analysis of Survey Responses.* February 2001.

*Compilation Summary Analysis of Sixty Drug Court Evaluation Reports Published During the Period: 1995 - June 2000.*

Part I: Overview

Part II: Adult Programs

Part III: Juvenile Programs.

*Compilation of Tribal Drug Court Operational Materials;* June 2001

*Cost Benefits Reported By Drug Court Programs.* Memorandum Report. August 2001 (updated)  
*Estimated Costs for Post Natal Care of Drug Exposed Babies.* March 2002.  
*Handling of Tobacco Use by Juvenile Drug Court Participants: Program Policies and Experience.* December 1999  
*Juvenile Drug Courts: Where Have We Been? Where Should We Be Going?* Caroline S. Cooper, Michael Nerney, Judge John Parnham, and Betsy Smith. February 2000 (Final Draft)  
*Juvenile and Family Drug Courts: An Overview.* 2000 (rev.)  
*Looking at a Decade of Drug Courts.* 2000 (rev.)  
*Meeting of State Drug Court Coordinators: February 22-23, 2001.* American University. Summary of Meeting Discussions. March 2001.  
Memo to DCPO Re Drug Court Services Being Provided to Women. January 1999  
*Strategies for Institutionalizing Drug Court Programs. Summary of Focus Group Discussions and Recommendations.* February 13-14, 1998. January 1999 (final)

### **Annual Compilations of Legal Resources**

*Selected Federal, State and Tribal Court Decisions Relating to Drug Court Programs:*  
Part I: Memorandum: Decision Summaries: June 2002  
Part II: Court Decisions: June 2002  
*State and Tribal Statutes Relating to Drug Court Programs (Rev.):* June 2002  
*Pending Bills in State Legislatures Relating to Drug Court Programs.* June 2002  
*Rules of Court Enacted by State and Local Courts Relating to Drug Court Programs:* June 2002

### **Survey Reports**

*2000 Drug Court Survey Report:*  
Executive Summary  
Volume I: Judicial System Perspectives (Part I)  
Volume II: DUI Drug Courts  
Volume II: Criminal Justice Agency Perspectives (Part III: Defense; Part IV: Prosecution; Part V: Law Enforcement; and Part VI: Corrections)  
Volume III: Treatment Provider Perspectives (Part VII)  
Volume IV: Participant Perspectives (Part VIII)

### **Curriculum**

*Cultural Proficiency Curriculum for the Drug Court Practitioner.* (eight modules). Encounter Medical Group (foundation materials); National Development Research Institutes (final curriculum). August 2002.  
*Cultural Proficiency in Drug Court With African American Men.* National Development Research Institutes. August 2002.  
*Team Building for Drug Courts.* Frank Gavin. July 2002.

## **The National Clearinghouse for Alcohol and Drug Information**

Phone (800) 729-6686

Fax (301) 468-6433

<b><u>TIP # :</u></b>	<b><u>Title/Reference #:</u></b>
TIP 3	Screening and Assessment of Alcohol-and Other Drug-Abusing Adolescents BKD108
TIP 4	Guidelines for the Treatment of Alcohol-and Other Drug-Abusing Adolescents BKD109
TIP 7	Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System BKD138
TIP 8	Intensive Outpatient Treatment for Alcohol and Other Drug Abuse BKD139
TIP 9	Assessment and Treatment of Patients with Coexisting Mental Illness and Alcohol and Other Drug Abuse BKD134
TIP 12	Combining Substance Abuse Treatment with Intermediate Sanctions for Adults in the Criminal Justice System BKD144
TIP 17	Planning for Alcohol and Other Drug Abuse Treatment for Adults in the Criminal Justice System BKD165
TIP 19	Detoxification from Alcohol and Other Drugs BKD172
TIP 21	Combining Alcohol and Other Drug Abuse Treatment With Diversion for Juvenciles in the Justice System BKD169
TIP 23	Treatment Drug Courts: Integrating Substance Abuse Treatment with Legal Case Processing BKD 205
TAP 1	Approaches in the Treatment of Adolescents with Emotional and Substance Abuse Problems PHD580
TAP 2	Medicaid Financing for Mental Health and Substance Abuse Services for Children and Adolescents PHD581
TAP 3	Need, Demand, and Problem Assessment for Substance Abuse Services PHD582
TAP 4	Coordination of Alcohol, Drug Abuse, and Mental Health Services PHD583
TAP 6	Empowering Families, Helping Adolescents: Family-Centered Treatment of Adolescents with Alcohol, Drug Abuse, and Mental Health Problems BKD81

- TAP 8 Relapse Prevention and the Substance-Abusing Criminal Offender  
BKD121
- TAP 9 Funding Resource Guide for Substance Abuse Programs  
BKD152
- TAP 10 Rural Issues in Alcohol and Other Drug Abuse Treatment  
PHD662
- TAP 11 Treatment for Alcohol and Other Drug Abuse: Opportunities for Coordination  
PHD663
- TAP 13 Confidentiality of Patient Records for Alcohol and Other Drug Treatment  
BKD156
- TAP 17 Treating Alcohol and Other Drug Abusers in Rural and Frontier Areas  
BKD174
- TAP 18 Checklist for Monitoring Alcohol and Other Drug Confidentiality Compliance  
PHD722
- TAP 19 Counselor's Manual for Relapse Prevention With Chemically Dependent  
Criminal Offenders  
PHD723
- TAP 20 Bringing Excellence to Substance Abuse Services in Rural and Frontier America  
BKD220
- TAP 23 Substance Abuse Treatment for Women Offenders: Guide to Promising Practices  
BKD310

**National Drug Court Institute**

901 North Pitt Street, Suite 370 Alexandria, VA 22314

Phone (703) 706-0576

Fax (703) 706-0577

**Title:**

Research on Drug Courts: A Critical Review, CASA, 1998

NDCI Fact Sheet, No. 1: Family Drug Courts; An Alternative Approach  
to Processing Child Abuse and Neglect Cases

Federal Confidentiality Laws and How They Effect Drug Court Practitioners, 1999

Drug Courts: A Research Agenda, 1999

Drug Court Publications: Resource Guide, 1999

DUI/Drug Courts: Defining a National Strategy, Monograph #1, 1999

Development and Implementation of Drug Court Systems, Monograph #2, 1999

Drug Courts: A Revolution in Criminal Justice

**Other:**

Notre Dame Law Review, "Therapeutic Jurisprudence and the Drug Treatment Court  
Movement," Vol. 74, 2, January 1999

## **Appendix E: Tribal Advisory Committee (TAC) to Tribal Healing to Wellness Courts**

**Adrienne Active**, Wellness Coordinator, Alaska Federation of Natives (Alaska)  
**Max Aguiar**, Prosecutor, Gila River Indian Community  
**Donna Arch**, Court Counselor, Eastern Band of Cherokee Indians (North Carolina)  
**Caroline S. Cooper**, Director, Drug Court Clearinghouse, American University  
(Washington, D.C.)  
**Hon. Brenda C. Desmond**, Special Master, Missoula County Judicial District (Montana)  
**James Edwards**, Caseworker/Consultant, Cook County Social Casework Department (Illinois)  
**Reba Elders**, Treatment Specialist, Eastern Band of Cherokee Indians (North Carolina)  
**Hon. Mark Filosa**, Special Master, 3<sup>rd</sup> Judicial District Juvenile Drug Court (New Mexico)  
**Lisa Jaeger**, Tribal Government Specialist, Tanana Chiefs Conference, Inc. (Alaska)  
**Hon. Joseph Flies-Away**, Associate Judge, Hualapai Tribal Court (Arizona)  
**Richard Franits**, Director, Youth and Family Counseling (New Mexico)  
**H. Chico Gallegos**, Staff Counsel & Chief Financial Officer, Native American Alliance  
Foundation (Oklahoma)  
**Jerry Gardner**, Executive Director, Tribal Law and Policy Institute (California)  
**Cindy Haro**, Attorney, Legal Services of the Virgin Islands (United States Virgin Islands)  
**Brian Hendrix**, Executive Director, Payne County Drug Court, Inc. (Oklahoma)  
**Susan James-Andrews**, President, James-Andrews and Associates (Virginia)  
**Hon. Ronald E. Johnny**, Chief Judge, Duckwater Shoshone Tribal Court (Nevada)  
**Hon. B.J. Jones**, Chief Judge, Sisseton-Wahpeton Tribal Court (North Dakota)  
**Hon. Richard Martin**, Judge, Native Village of Chickaloon (Alaska)  
**Kimberly Martus**, Tribal Justice Consultant, Alaska Tribal Justice Resource Center (Alaska)  
**Hon. Jeff Maupin**, Judge, Native Village of Barrow (Alaska)  
**Dave McCullough**, Attorney, Michael Minnis and Associates (Oklahoma)  
**Ada Pecos Melton**, President, American Indian Development Associates (New Mexico)  
**Doug Modig**, Consultant, Gathering of Eagles (Alaska)  
**Elton Naswood**, Program Manager, Tribal Law and Policy Institute (California)  
**Hon. Jay Pedro**, Judge, Gila River Indian Community (Arizona)  
**Ray Perales**, Consultant, Native American Alliance Foundation (Wisconsin)  
**Edward Reina**, Chief of Police, Yavapai-Prescott Indian Tribe (Arizona)  
**Hon. Pat Riggs**, Judge, Ysleta Del Sur Pueblo (Texas)  
**Ann Wallace-Filosa**, Program Director, Las Cruces Juvenile Drug Court (New Mexico)  
**Clarissa Rodrigues-Coelho**, Program Manager, Drug Courts Program Office (Washington,  
D.C.)  
**Donna White**, Court Administrator, Poarch Band of Creek Tribal Court (Alabama)  
**Dr. Kenneth Robinson**, President, Correctional Counseling, Inc. (Tennessee)  
**Edward Vance**, Tribal Court Prosecutor, Yavapai-Apache Nation (Arizona)  
**Hon. Don Sollars**, Tribal Judge Emeritus, Blackfeet Tribal Alternative Court (Montana)  
**Hon. Ernest White**, Judge, Poarch Band of Creek Tribal Court (Alabama)  
**Hon. Irene Toledo**, District Judge, Navajo District Court (New Mexico)  
**Hon. Jill E. Tompkins Shibles**, Executive Director, National Tribal Justice Resource Center  
(Colorado)  
**Janna Walker**, Executive Director, Native American Alliance Foundation (Oklahoma)  
**Jonathan Whitefoot**, Public Safety Commissioner, Yakama Nation (Washington)  
**L Winnemucca**, Contract Facilitator, Native American Alliance Foundation (Florida)

**Pat Sekaquaptewa**, Associate Director, Tribal Law and Policy Institute (California)  
**Randrick (Kimo) Souza**, Project Coordinator, Mesa Gang Intervention Project (Arizona)  
**Rita Weeks**, Court Administrator, Fort Peck Tribal Court (Montana)  
**Sarah Stuckey**, Counselor, Youth and Family Counseling (New Mexico)  
**Susan Spotted Bear**, Program Director, Blackfeet Tribal Alternative Court (Montana)  
**Wayne Weston**, Program Development Specialist, Cangleska, Inc. (South Dakota)  
**Wilbur Woodis**, Data Manager/Counselor, Indian Health Service (Maryland)

## **Appendix F: Sources of Additional Information on Healing to Wellness Courts**

### **Tribal Law and Policy Institute (TLPI)**

Jerry Gardner, Executive Director  
Pat Sekaquaptewa, Associate Director  
Elton Naswood, Program Manager  
8235 Santa Monica Blvd., Suite 211  
West Hollywood, California 90046  
Telephone: 323/650-5467      Fax: 323/650-8149  
Website - <http://www.tribal-institute.org>

### **Native American Alliance Foundation (NAAF)**

Janna Walker, Executive Director  
Chico Gallegos, Staff Counsel and Chief Financial Officer  
7844 95<sup>th</sup> East Avenue  
Tulsa, OK 74133  
Telephone: 918/461-2190      Fax: 918/461-2290  
Website: [www.native-alliance.org](http://www.native-alliance.org)

### **OJP Drug Court Clearinghouse & Technical Assistance Project**

Caroline S. Cooper, Director  
School of Public Affairs  
American University  
4400 Massachusetts Avenue, N.W., Brandywine 100  
Washington, D.C. 20016-8159  
Telephone: 202/885-2875      Fax: 202/885-2885  
Website - <http://www.american.edu/justice>

### **Bureau of Justice Assistance**

Office of Justice Programs  
U. S. Department of Justice  
810 Seventh Street N.W.  
Washington D. C. 20531  
Tel: 202-616-6500      Fax: 202-305-1367  
Website - <http://www.ojp.usdoj.gov/BJA>

### **Center for Substance Abuse Treatment**

Substance Abuse and Mental Health Services Agency  
Rockwall II Building, Suite 740  
5600 Fishers Lane  
Rockville, MD 20857  
Phone 301-468-2600 or 1/800/729-6686 - National Clearinghouse for Alcohol and Drug Information  
website: [www.samhsa.gov/csat/csat.htm](http://www.samhsa.gov/csat/csat.htm)