

A Program of
the Office of Juvenile Justice and
Delinquency Prevention



OJJDP Tribal Youth
Training and Technical Assistance Center

THE TRIBAL JUVENILE HEALING TO WELLNESS COURT UNDERSTANDING SYSTEMS AND IMPACTING YOUTH

The Tribal Ten Key Components and Tribal Youth Considerations Fact Sheet

THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
Tribal Youth Training and Technical Assistance Center
Resource Division for Law and Policy



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THE 10 KEY COMPONENTS

for Tribal Healing to Wellness Courts 

Source: *Tribal Healing to Wellness Courts, The Key Components, 2nd Ed., 2014*

1 INDIVIDUAL AND COMMUNITY HEALING FOCUS

2 REFERRAL POINTS AND LEGAL PROCESSES THAT PROMOTE SOVEREIGNTY AND DUE PROCESS

3 SCREENING AND ELIGIBILITY

4 TREATMENT AND REHABILITATION

5 INTENSIVE SUPERVISION

6 INCENTIVES AND SANCTIONS

7 ONGOING INTERACTION BETWEEN THE TEAM AND COURT PARTICIPANT

8 MONITORING AND EVALUATION

9 ONGOING TRAINING FOR WELLNESS COURT TEAM

10 CONTINUAL DEVELOPMENT AND MAINTENANCE OF PARTNERSHIPS



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The Ten Key Components: A Quick Overview:

Individual and Community Healing Focus:

Tribal Juvenile Healing to Wellness Court outcomes are beneficial in many ways. Individual healing will make an impact within the community both presently and in the future. Youth who no longer struggle from the impact of addiction may contribute in good ways to the overall community.

Referral Points and Legal Processes that Promote Sovereignty and Due Process

The TJHWC is a unique problem solving court that integrates healing approaches that are designed by the TJHWC team, leadership, and advisors. Ownership and understanding of the impact of these developed processes will strengthen and support communities as they work to design and implement a uniquely tribal specific court process to serve their community youth. Legal principles that resonate in fair judicial practice while also adhering to tribal custom and culture promote due process and understanding for all participants.

Screening and Eligibility

The TJHWC is designed to serve youth who suffer from addiction to illegal substances. Eligibility factors may include age, previous delinquency court history, likelihood of engagement within the system and need for services. Screening processes will be implemented by the team to support effective processes acceptance of youth participants. Developing standard criteria and practices is an important factor in maintaining effective processes for accepting youth participants.

Treatment and Rehabilitation

The TJHWC serves youth and provides treatment referral and support for rehabilitation of youth with substance use disorders. Treatment may include an array of both physiological, behavioral and spiritual treatment modalities that originate from providers within and outside of the tribal community.

Intensive Supervision

The TJHWC may incorporate high levels of monitoring of the youth participant. Healing to Wellness Court case processes regularly include frequent drug and alcohol screening. Results from these screenings can be utilized to implement treatment and to gauge the level of intervention services needed as the youth progresses through the court process.

The Ten Key Components: A Quick Overview (cont.):

Incentives and Sanctions

Incentives and Sanctions which may be referred to as Consequences and Rewards within the Tribal Juvenile Healing to Wellness Court case process are methods to support behavior change. Consequences are administered as needed and based on participant activity. Rewards are given as an acknowledgement for case progress. Fairness and quick response by the TJHWC team is key in the administration of consequences and rewards.

Ongoing Interaction Between the Team and Youth Participant

The TJHWC case process is uniquely designed to support consistent contact between the TJHWC team and the youth participant. High engagement by and between the team and the youth is integral to relationship building, trust, and communication. Developing a healing environment of support takes time and effort

Monitoring and Evaluation

Internal processes and procedures can be continuously improved through monitoring and evaluation of outcomes and progress of youth and community. The TJHWC team should take special care to implement effective data collection processes to support future court process improvement as well as increased beneficial services to youth participants.

On-going Training for the Wellness Court Team

The TJHWC team is generally comprised of a multi-disciplinary team that works together to support the judicial, behavioral, tribal life-ways, educational and other identified needs of the youth participant. Cross-training is integral to team communication and for effective case planning.

Continual Development and Maintenance of Partnerships

Partnerships to support youth needs may include both internal and external partners. These may be direct service providers that support various aspects of the TJHWC case process. These may also be external judicial partners that support referrals to the juvenile healing to wellness court via cross agency memorandum of understanding or agreement. Partnerships are key to the continuing improvement and success of the TJHWC.

WHAT ARE THE TEN KEY COMPONENTS?:

The "Tribal Ten Key Components" are critical elements identified by the National Association of Drug Court Professionals (NADCP) and serve as a foundation for the development of Drug Courts. As Tribal Healing to Wellness Courts have developed, an adaptation to address the issues and challenges faced by Tribal Healing to Wellness Courts was created. The components are meant to be adaptable and flexible to assist with Tribal Healing to Wellness Court infrastructure and development, (*Tribal Key Components, 2014*). The flexibility of the Ten Key Components is particularly helpful, since youth have unique developmental and behavioral characteristics that may differ from Healing to Wellness Court practices for the adult population. In consideration, tribal communities should use community knowledge and understanding in coordination with wellness court resources and supportive components.

YOUTH IN THE WELLNESS COURT

Development of a Tribal Juvenile Healing to Wellness Court (TJHWC) may include the implementation of the Tribal Ten Key Components. Additionally, communities should consider the specific and unique needs of youth to develop an effective problem-solving court. Adolescent behavior, development, communication, and trauma history are all issues that arise when serving youth in the TJHWC.

Understanding these areas of impact will assist the juvenile justice practitioner in providing services that better meet the developmental needs of tribal youth and provide services that address youth behaviors in an appropriate manner. Continual training, education and staff development is key to expanding and improving the service delivery system for tribal youth. Practitioners can greatly increase the opportunities to provide effective intervention by remaining apprised of the identified needs of youth and engaging the support of the family and caregivers within the tribal community.

It is important to identify team members who have a willingness to expand their knowledge base outside of their primary area of expertise. The TJHWC requires cross-training and education to fully equip all members of the team to provide for comprehensive case planning and management. The TJHWC is a holistic intervention to assist youth with the opportunity to seek recovery from the impact of drugs and illegal substances.

"The human brain is not developed until the mid to late 20s including functioning that controls impulses, calms emotions, provides an understanding of the consequences of behavior and allows for rational decision-making."

*Report "Effects of Adolescent Development on Policing,"
OJJDP/DOJ/IACP*



DEVELOPING SYSTEMS: TRIBAL YOUTH CONSIDERATIONS

Substance Use Disorders and Tribal Youth: A 2013 Substance and Mental Health Services Administration report indicated that among persons aged 12 or older, the rate of substance dependence or abuse was higher among AI/AN than any other population group. The chronic exposure to high substance abuse has negatively affected the younger generation and continued in a vicious cycle. Tribal Youths use cigarettes, engage in binge drinking, and use illegal substances at greater rates than the general population. (DSG, 2016). Recent data also indicates that marijuana and non-medical use of prescription drugs such as opiate and pain medication were nearly twice the national average for A/AN youth. (Donovan, 2016)

"...binge drinking is more common among tribal youths than any other racial or ethnic group, and tribal youths through age 24 are more than twice as likely to die as a result of binge drinking than non-tribal youths."

(Indian Law and Order Commission Report, 2010)

The Native American Center for Excellence reported in 2008, that compared to other racial groups, AI/AN youth have higher rates of illicit drug use disorders. Additionally, a greater percent of American Indian/Alaska Native adolescents admitted for drug treatment reported inhalant use than not, and nearly half of all substance abuse treatment admissions reporting inhalant use were adolescents. The impacts of the use of illegal substances in many tribal communities can be seen throughout the youth and adult population.

System Interventions for Tribal Youth

The TJHWC offers communities the opportunity to specifically address the needs of tribal youth as they navigate the journey to sobriety. The TJHWC is an alternative court system with a unique set of policies, procedures and case planning processes to provide holistic and therapeutic judicial processes for participants. As part of the TJHWC, healing to wellness court teams comprised of legal, social, behavioral health, law enforcement and other system providers work side by side to assist youth as they work through a unique case plan. This multi-disciplinary and collaborative approach provides youth support, treatment and accountability.

Tribal communities who have implemented healing to wellness courts acknowledge that the wellness court process is markedly different from western court models that have been adopted by many tribal governments. They also note however, that the tribal healing ways that are integrated within the juvenile wellness court system are not new. Historically, tribal judicial intervention involved spirituality, community, family, and tribal specific life-ways. The integration of these tribal specific judicial and healing processes is one of the most exclusive aspects of this judicial intervention for tribal youth.



DEVELOPING SYSTEMS: TRIBAL YOUTH CONSIDERATIONS

Trauma:

Generational trauma and exposure to violence play a key role as challenges for American Indian and Alaska Native Youth. Research indicates the long-lasting impacts of trauma and violence have created a loss of community and connection for Tribal Youth, (DSG, 2016). Oppression, cultural trauma, violence, suicide, substance abuse, poverty, and individual incidents of trauma may all be impacting events, (Bigfoot, 2007). Practitioners working with Tribal youth must be trained and skilled in understanding the behavioral outcomes of exposure to trauma events, and should systematically implement informed responses within the healing to wellness system framework. Creating trauma informed policies, procedures, and systematic frameworks will assist in the effective response to trauma faced by the youth that participate in the TJHWC.

"The almost universal prevalence of trauma exposure among youth in the juvenile justice system has led to a call for innovative efforts to create trauma-informed juvenile justice systems. The first step in responding to the trauma treatment needs of these youth is to systematically identify these needs as youth become involved in the system."

National Center for Mental Health and Juvenile Justice, Developing a Trauma-Informed Decision Protocol for Juvenile Justice Practitioners

Trauma Screening:

Trauma Screening processes can be an effective tool to plan for case management in the TJHWC process. As you develop your TJHWC, mindfulness of the processes that will benefit unique community needs is essential. Experts differ on when and how to screen for trauma. There are both immediate and delayed trauma screening processes. Regardless of how screening is conducted, it is important to identify and implement developmentally appropriate trauma screening tools that are a good fit for your community's tribal youth.



DEVELOPING SYSTEMS: TRIBAL YOUTH CONSIDERATIONS

Communication:

Working with youth can pose special challenges. One challenge in particular can be effective communication with youth. Juvenile courts across the country do not adequately account for developmental considerations with regard to a young persons understanding and participation in the court process and may even punish youth for their lack of understanding, (National Juvenile Defender Center Issue Brief). Effective judicial leadership , training and education is critical to on-going effective communication and case progress.

The TJHWC judge should be understanding of developmental needs and behavioral responses of tribal youth. As well, the TJHWC team should remain apprised of resources that can assist in beneficial communication with both the youth participant and their family. Finding ways to connect and communicate information regarding the case plan for the tribal youth can assist with meaningful engagement and intervention processes.

Your team may want to consider simplifying the language used to describe the stages of the court process, treatment plans, and other TJHWC activities. Your team may also want to provide training opportunities for staff and other professionals to increase their ability to effectively engage with youth. Creating developmentally appropriate resources for youth to utilize as they navigate your TJHWC system is key. This may include utilizing easy to understand forms, guidebooks, and court session summaries.

Culture and Community:

A focus on connection, cultural knowledge and community belonging are prevention strategies that can be integrated into the TJHWC. Culture (which includes traditional values, customs, activities, and ceremonies in AI/AN communities) can play an important protective role in the lives of tribal youth. (DSG, 2016). Many Healing to Wellness Courts have elder and cultural leadership roles in either an advisory or team member status. These individuals are able to speak to and/or conduct healing practices and rituals for Tribal youth who wish to engage in cultural practices as part of the TJHWC case process.



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LEARN MORE FROM THE RESOURCES IN THIS DOCUMENT:

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2. "The Effects of Adolescent Development on Policing," Guide, Office of Juvenile Justice and Delinquency Prevention, Department of Justice and International Association of Chiefs of Police, at: <http://www.iacp.org/Portals/0/documents/pdfs/IACPBriefEffectsofAdolescentDevelopmentonPolicin g.pdf>
3. "Summary of Native Youth Data," SAMHSA American Indian/Alaska Native Data at http://www.samhsa.gov/sites/default/files/topics/tribal_affairs/ai-an-data-handout.pdf
4. "Tribal Youth in the Juvenile Justice System." Developmental Services Group, Inc., 2016 Literature Review, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. Available at: <https://www.ojjdp.gov/mpg/litreviews/Tribal-youth-in-the-Juvenile-Justice-System.pdf>
5. "Healing of the Canoe: Preliminary Results of a Culturally Grounded Intervention to Prevent Substance Abuse and Promote Tribal Identity for Native Youth in Two Pacific Northwest Tribe," Donovan et. al, American Indian Alaska Native Mental Health Resources, 2015; 22(1): 42-76, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4374439/>
6. "A Roadmap for Making America Safer," Indian Law and Order Commission Final Report, November 2013. Ch. 6, at: http://www.aisc.ucla.edu/iloc/report/files/Chapter_6_Juvenile_Justice.pdf,
7. "Environmental Scan Summary Report," Native American Center for Excellence, November 2008, Available at: http://www.samhsa.gov/sites/default/files/programs_campaigns/tribal_training/nace-environmental-scan-summary.pdf
8. "Adapting Evidence Based Treatments for Use in American Indian and Native Alaskan Children and Youth," Portland Research and Training Center on Family Support and Children's Mental Health, Focal Point, Winter 2007, Volume 21, No. 1. Available at <http://www.icctc.org/focus%20article.pdf>
9. "Understanding Trauma in the Context of Juvenile Justice Systems," National Center for Mental Health and Juvenile Justice, Website, available <http://www.ncmhjj.com/resources/understanding-trauma-context-juvenile-justice-systems/>
10. "Screening and Assessing Mental Health and Substance Use Disorders Among Youth in the Juvenile Justice System," Grisso and Underwood, Resource Guide, Office of Juvenile Justice and Delinquency Prevention, December 2004 <https://www.ncjrs.gov/pdffiles1/ojjdp/204956.pdf>
11. "Using Developmentally Appropriate Language to Communicate with Court-Involved Youth," Issue Brief, National Juvenile Defender Center, Washington DC., Available: <http://njdc.info/wp-content/uploads/2014/10/Language-HR-10.8.14.pdf>

Anna Clough, JD
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