



# **Title I – Judicial Code**

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## **Alabama-Coushatta Tribe of Texas Comprehensive Codes of Justice**

**Adopted to supersede and codified as Title I of the A-C, C.C.J. on  
September 30, 2010, by Tribal Council Resolution #2010-69, Revised to  
Supersede on November 24, 2014, by Tribal Council Resolution #2014-82,  
Revised on December 29, 2014, by Tribal Council Resolution #2014-97  
Revised on May 17, 2016, by Tribal Council Resolution #2016-43**

*Title I – Judicial Code is comprised of Tribal statutes relevant to the Establishment of Jurisdiction and Operation of Tribal Trial Courts and the Appellate Court; Appointment and Removal of Judges, Court Administration, Healing and Wellness Court, etc.*

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**CHAPTER 1.        GENERAL PRINCIPLES**

**Sec. 101        Purpose**

It is the purpose of this code to provide adequate mechanisms for the administration of justice for the Alabama-Coushatta Tribe of Texas.

**Sec. 102        Definition Of Indian**

For the purposes of the enforcement of this code as well as other codes of the Alabama-Coushatta Tribe of Texas, an Indian is defined as a person who is a member of an Indian tribe which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs (“BIA”), and any other individual who is an “Indian” for the purposes of 18 U.S.C. §§ 1152 and 1153.

**Sec. 103        Tribal Customs**

Courts of the Alabama-Coushatta Tribe of Texas shall apply the customs of the Alabama-Coushatta Tribe of Texas (“Tribe”) to the extent that said customs are consistent with this code.

**Sec. 104        Criminal Jurisdiction**

(A) Except as otherwise provided in this code, the courts of the Alabama-Coushatta Tribe of Texas have jurisdiction over any action by an Indian (hereafter referred to as “Person”) that is made a criminal offense under the Criminal Offense and Criminal Violations Codes and that occurred within the territory of the Tribe as that term is defined in Article I, Section 1 of the Tribe’s Constitution.

(B) No Person may be prosecuted, tried or punished for any offense unless the complaint is filed within 5 years after the offense is committed.<sup>1</sup>

**Sec. 105        Civil Jurisdiction**

(A) Except as otherwise provided in this title, the courts of the Alabama Coushatta Tribe of Texas have jurisdiction over any civil action arising within the courts of the Tribe in which:

- (1) The defendant is an Indian;
- (2) Other claims, provided at least one party is an Indian; or
- (3) Any person or entity who agrees to the jurisdiction of the courts of the Tribe in a contract or other agreement with the Tribe.

(B) Any civil action commenced in the courts of the Tribe is barred unless the complaint is filed within 3 years after the right of action first accrues.

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<sup>1</sup> Sec. 104 – Revised on May 17, 2016, by Tribal Resolution # 2016-43

**Sec. 106      Limits On Jurisdiction**

(A) The jurisdiction of the Tribal Courts does not extend to Federal or State employees acting within the scope of their employment.

(B) The Tribe may not be sued in its Courts unless the Tribal Council explicitly waives its tribal immunity by tribal resolution or ordinance.

**CHAPTER 2.              COURTS OF THE ALABAMA-COUSHATTA TRIBE OF TEXAS;  
PERSONNEL; ADMINISTRATION**

**Sec. 201      Composition of The Court**

(A) The courts of the Alabama-Coushatta Tribe of Texas shall be composed of a trial division and an appellate division.

(B) A Chief Trial Division Judge will be appointed who, in addition to other judicial duties, will be responsible for the supervision of all trial court personnel.

(C) The appellate division consists of three (3) judges.

(D) The decisions of the appellate division are final and not subject to appeal.

**Sec. 202      How Judges Are Appointed**

(A) Each judge of the trial division and the appellate division shall be appointed by the Tribal Council. The Tribal Council shall also appoint the Chief Trial Division Judge and a Chief Appellate Division Judge.

(B) Each judge of the trial division and the appellate division shall hold office for a period of four (4) years, unless sooner removed for cause.

(C) Each judge of the trial division and the appellate division shall be eligible for reappointment at the end of each term of office.

(D) To be eligible to serve as a judge in either the trial division or the appellate division, a candidate must have sufficient legal training to preside over criminal and civil proceedings and be currently licensed to practice law by any state jurisdiction in the United States.

(E) No candidate is eligible to serve as a judge of either the trial division or the appellate division who has ever been convicted of a felony or, within one year of the date of service or application, a misdemeanor.

(F) No judge of either the trial division or the appellate division shall be qualified to act as such wherein he or she has any conflict of interest, real or apparent.

**Sec. 203      How Judges Are Removed From Office**

(A) A judge of either the trial division or the appellate division shall be suspended without pay by the Tribal Council if said judge has a felony charge pending in any tribal, federal or state court.

(B) The Tribal Council shall remove a judge if said judge, while serving as a judge of either the trial division or appellate division, is convicted of a felony by any tribal, federal or state court.

(C) The Tribal Council may remove or suspend a judge of either the trial division or the appellate division by a vote of at least five (5) members of the Tribal Council, for an act demonstrating a lack of moral turpitude, non-feasance or malfeasance in office, gross neglect of conduct, misconduct reflecting on the dignity and integrity of the tribe, embezzlement of tribal property or assets, or for conduct in violation of any tribal code of ethics. Any judge removed or suspended under this subsection shall be given written notification and an opportunity to answer any and all charges at a designated Tribal Council meeting. The decision of the Tribal Council shall be final and non-appealable.

**Sec. 204      Appointment of the Tribal Court Administrator and Duties**

(A) If the Tribal Court Administrator becomes aware of the possibility that any judge of either the trial or appellate divisions of the courts of the Alabama-Coushatta Tribe of Texas may be subject to removal based on any of the grounds set forth in this Section, then it shall be the duty of the Tribal Court Administrator to alert the Tribal Council of the existence of such possible grounds for removal.

(B) The Tribal Administrator shall advertise for and select a Tribal Court Administrator for the Courts of the Alabama-Coushatta Tribe of Texas. The Tribal Council shall confirm by majority vote the individual selected to serve as the Tribal Court Administrator.

(C) The Tribal Court Administrator shall be responsible for the following:

- (1) For recruiting and hiring the Clerk of the Court;
- (2) For overseeing and supervising the day-to-day activities of clerical workers assigned to the courts;
- (3) Recruiting and hiring clerical workers assigned to the courts; and
- (4) Maintaining the dockets of each court.

(D) No person shall be appointed Tribal Court Administrator unless that person is a graduate of an accredited college or university, has never been convicted of a felony and is of good moral character and integrity.

(E) The Tribal Court Administrator shall be supervised by the Chief Trial Division Judge regarding matters pertaining to all courts of the Alabama-Coushatta Tribe of Texas.

(F) No later than 15 days after the end of each calendar quarter, the Tribal Court Administrator shall provide to the Chief Trial Division Judge, the Tribal Administrator and the Tribal Chief of Police a report setting forth the number of cases pending at the quarter in each court and the number of cases resolved in each court during the quarter.

**Sec. 205      Appointment of The Clerk of The Court and The Clerk's Duties**

(A) The Tribal Court Administrator shall advertise for and select a Clerk of the Court for the Tribe.

(B) The Clerk of the Court shall be responsible for the following:

- (1) For maintaining court records with the utmost care and security;
- (2) Collecting fees and fines authorized under this Code;
- (3) Issuing marriage licenses;
- (4) Issuing jury summonses, requisitions and distributing payment of fees to jurors;
- (5) Providing general information to tribal members about the functions of the tribal courts; and
- (6) Any other duties set forth in this Code or assigned by the Court Administrator.

(C) The Clerk of the Court shall forward any monies received on judgments due to the person, agency, or corporation to which entitled, within 30 days, unless directed otherwise, by a judge of either the trial or appellate division of the courts of the Alabama-Coushatta Tribe of Texas.

**Sec. 206      Prosecutors**

(A) The Tribal Council shall appoint as many tribal prosecutors as are necessary to ensure the fair and timely administration of justice.

(B) All tribal prosecutors appointed by the Tribal Council shall have sufficient experience in criminal law and shall be currently licensed to practice law by any state jurisdiction in the United States.

(C) All tribal prosecutors may be removed by a vote of five (5) members of the Tribal Council with or without cause. The decision of the Tribal Council to remove a prosecutor shall be final and non-appealable.

**Sec. 207      Public Defender**

(A) The Tribal Council shall appoint as many tribal public defenders as are necessary to ensure the fair and timely administration of justice.

(B) The tribal public defender shall be appointed to represent all indigent defendants who request legal counsel in the following circumstances:

- (1) When the Tribe charges an indigent defendant with a crime and imprisonment (even for a day) is a sentencing option;

- (2) When the Tribe charges a non-Indian indigent defendant with a criminal violation of the Violence Against Women Act (Pub. L. 113-4) and imprisonment (even for a day) is a sentencing option; and
- (3) The Tribe takes legal action to remove children from an indigent parent or guardian's home.

(C) All tribal public defenders appointed by the Tribal Council shall have sufficient experience in criminal law and shall be currently licensed to practice law by any state jurisdiction in the United States.

(D) All tribal public defenders may be removed by a vote of five (5) members of the Tribal Council with or without cause. The decision of the Tribal Council to remove a public defender shall be final and non-appealable.

**Sec. 208      Standards for Appearance of Attorneys**

(A) The Chief Trial Division Judge shall prescribe in writing, standards governing the admission and practice of law in the courts of the Tribe.

(B) At a minimum, all attorneys seeking to practice in the courts of the Alabama-Coushatta Tribe of Texas must be legally trained and currently licensed to practice law by any state jurisdiction in the United States.

**Sec. 209      Court Records**

(A) The Tribal Court Administrator shall keep a record of all proceedings before each of the courts of the Tribe. Such records shall contain the title of the case, the names of the parties, the complaint, all pleadings, the names and addresses of all witnesses, the date of any hearing or trial, the name of the judge conducting such hearing or trial, the findings of the court or jury, the judgment and any other information the court determines is important to the case.

(B) Each court of Alabama-Coushatta Tribe of Texas shall keep either an audio or written transcript of all proceedings before the court.

(C) The record in each case shall be maintained by the Tribal Court Administrator and shall be available for inspection by the parties to the case.

(D) Except for cases in which a juvenile is a party or the subject of a proceeding, and for cases whose records have been sealed by the court, all case records shall be available by the Tribal Court Administrator for inspection by the public. Procedures for requesting and receiving copies of court records will be established by the Chief Trial Division Judge.

**Sec. 210      Disposition of Fines**

(A) All money fines by the courts of the Tribe shall be in the nature of an assessment and shall be payable to the Alabama-Coushatta Tribe of Texas.



(B) The Clerk of the Court shall deliver to the Treasury Department of the Alabama-Coushatta Tribe of Texas all collected fines and the Treasury Department shall deposit all fines into the General Account of the Alabama-Coushatta Tribe of Texas.

(C) The Clerk of the Court and the Tribal Treasury Department shall keep an account of all fines and deposits available for public inspection.

### **CHAPTER 3. APPELLATE PROCEEDINGS**

#### **Sec. 301 Jurisdiction of Appellate Division**

(A) The jurisdiction of the appellate division shall extend to all appeals from final orders and judgments of the trial division, by any party except the prosecution in a criminal case where there has been a jury verdict. The appellate division shall review all issues of law presented to it which arose in the case, but shall not reverse the trial division decision unless the legal error committed affected a substantial right of a party or the outcome of the case.

#### **Sec. 302 Procedures on Appeal**

(A) An appeal must be taken within 15 days from the date on which the judgment was entered by filing a written notice of appeal with the Clerk of the Court.

(B) The notice of appeal shall specify the party or parties taking the appeal, shall designate the judgment, or part thereof appealed from, and shall contain a short statement of reasons for the appeal. The Clerk of the Court shall mail a copy of the notice of appeal to all parties other than parties taking the appeal.

(C) In civil cases, other parties shall have 15 days from receipt of the notice of appeal to file a notice of cross-appeal.

(D) In civil cases, the appellant may request the trial division to stay the judgment pending action on the notice of appeal, and, if the appeal is allowed, either party may request the trial division to grant or stay an injunction pending appeal. The trial division may condition a stay or injunction pending appeal on the depositing of cash or bond sufficient to cover damages awarded by the Court together with interest.

#### **Sec. 303 Judgment Against Surety**

(A) Any surety to a bond submits to the jurisdiction of the court and irrevocably appoints the Clerk of the Court as the agent upon whom any papers affecting liability on the bond may be served.

#### **Sec. 304 Record on Appeal**

(A) Within 20 days after a notice of appeal is filed, the Clerk of Court shall certify and file with the appellate division the record of the case.

(B) The record on appeal shall consist of the transcript of proceedings in the Alabama-Coushatta Tribal Court and all documents, exhibits, motions, briefs, and memoranda filed therein in the case along with all rulings, opinions, findings of fact, and conclusions of law issued by the trial court division.

(C) Except for a defendant appealing from a conviction under the Tribal Criminal Offense Code, all parties requesting a transcript of the proceedings shall bear the cost thereof.

**Sec. 305      Briefs and Memoranda**

(A) Within 30 days after the notice of appeal is filed, the appellant may file a written brief in support of his or her appeal. An original and one copy for each appellee shall be filed with the Clerk of Court who shall mail one copy by registered or certified mail to each appellee.

(B) The appellee shall have 30 days after receipt of the appellant's brief within which to file an answering brief. An original and one copy for each appellant shall be filed with the Clerk of the Court who shall mail one copy, by registered or certified mail, to each appellant.

(C) The appellant may file an optional reply brief within 15 days after receipt of the answering brief.

(D) All briefs shall be neatly typed on 8 ½" x 11" paper. The first page shall contain the name of the court, the name of the case and docket number, along with the names, addresses and telephone numbers of attorneys, if any, involved.

**Sec. 306      Oral Argument**

(A) The appellate division shall assign all criminal cases for oral argument. The court may in its discretion assign civil cases for oral argument or may dispose of civil cases on the briefs without argument.

**Sec. 307      Decisions**

(A) On completion of the briefing schedule and oral arguments in a case, the appellate division shall prepare and render a written decision with such concurring and dissenting opinions as the judges of the appellate division shall deem necessary and a copy of that decision shall be sent to the parties.

**Sec. 308      Rules Of Appellate Court**

(A) The Appellate Division Judge shall prescribe all necessary rules concerning the operation of the appellate division and the time and place of meeting of the Court

**CHAPTER 4.            HEALING AND WELLNESS COURT<sup>2</sup>**

**Sec. 401        Policies and Procedures**

**(A)    Adoption of Policies and Procedures**

The Healing and Wellness Court of the Alabama-Coushatta Tribe of Texas is hereby established as a division of the courts of the Alabama-Coushatta Tribe of Texas. The Chief Trial Division Judge shall exercise supervisory control over the activities of the Healing and Wellness Court.

**(B)    Respect for Alabama-Coushatta Culture and Tradition**

The Healing and Wellness Court will interpret all of its Policies and Procedures in light of the unique cultural and historical traditions of the peoples of the Alabama-Coushatta Tribe of Texas and in the interest of justice and fairness.

**(C)    Purpose**

The Wellness Court seeks to reduce alcohol abuse, drug abuse and recidivism among nonviolent offenders who come before the Tribal Court.

**(D)    Deferred Prosecution**

The Healing and Wellness Court Program defers prosecution. Should a party become involuntarily or voluntarily discharged from the Wellness Court Program, the party's matter will return to the Tribal Trial Court docket for prosecution in the same manner and posture it was in before its prosecution was deferred.<sup>3</sup>

**Sec. 402        Eligibility Criteria**

**(A)    Qualifying Criteria**

To be eligible for the Healing and Wellness Court, the proposed applicant must be all of the following:

- (1)**    An enrolled member of the Alabama-Coushatta Tribe of Texas.
- (2)**    The applicant must have a substance abuse problem.
- (3)**    The applicant must be charged with a non-violent criminal offense in the Alabama-Coushatta Tribe of Texas Tribal Trial Court AND be motivated to address their substance abuse. If the charge is not alcohol or drug related, there must be evidence that alcohol or drug use was the underlying cause of the crime.

**(B)    Disqualifying Criteria**

The following will disqualify a prospective participant:

- (1)**    Violent offenders;

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<sup>2</sup> Added on December 29, 2014 by adoption of ACITC #2014-97

<sup>3</sup> Added on December 29, 2014 by adoption of ACITC #2014-97

- (2) A pattern of domestic violence. A Participant is disqualified if the applicant has three (3) or more convictions of domestic violence offenses in the in the past ten (10) years);
- (3) Evidence that the defendant targeted vulnerable victims (such as elders or children);
- (4) Sex offenses, either as the current offense or as part of the participant's criminal history;
- (5) Criminal history or any other factor that a majority of the Healing and Wellness Court Committee determines to be grounds to disqualify a participant;
- (6) The applicant must not have a current mental health issue that would interfere with treatment and/or strict supervision.<sup>4</sup>

**Sec. 403      Confidentiality**

(A) The proceedings shall be kept confidential unless otherwise ordered by the Tribal Trial Court. No information disclosed shall be the basis for prosecution of new crimes and no participant shall be required to testify to any information discussed or disclosed during Healing and Wellness Court proceedings. Participants, once accepted, will be asked to sign a waiver authorizing the transfer of information among Healing and Wellness Court participating agencies and court-approved observers.<sup>5</sup>

**Sec. 404      Committee Structure**

(A) The Healing and Wellness Court Committee may be made up of the following representatives:

- (1) Judge
- (2) Healing and Wellness Court Coordinator
- (3) Probation Officer/Case Manager
- (4) Tribal Prosecutor
- (5) Public Defender
- (6) An officer/representative of the Alabama-Coushatta Tribal Police Department
- (7) A representative from Alabama-Coushatta Chemical Dependency Program

(B) Appropriate Committee Members will prepare and submit compliance reports to the Healing and Wellness Court Coordinator addressing their contact or lack of contact with the participants. The Committee will meet to monitor and assess compliance and progress concerning each of the program's participants.

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<sup>4</sup> Added on December 29, 2014 by adoption of ACITC #2014-97

<sup>5</sup> Added on December 29, 2014 by adoption of ACITC #2014-97

**(C)** Attendance at the Committee meetings is mandatory. If a Committee Member is unable to attend a meeting, he or she must send an alternate representative or provide a written report to the Coordinator prior to the meeting. All Committee Members and alternates are invited to attend the court hearings. Additionally, the Committee may be required to prepare wellness plans for use in sentencing hearings at the request of the Prosecutor and/or the Court. <sup>6</sup>

**Sec. 405      Wellness Court Phases**

**(A)      Phase I: Orientation and Stabilization**

- (1)**      The Participant will attend regularly scheduled Healing and Wellness Court sessions.
- (2)**      The Participant will attend all scheduled Chemical Dependency appointments and complete an initial assessment for the purpose of developing a comprehensive treatment plan.
- (3)**      The Participant will have a physical exam (medical) within first 30 days.
- (4)**      The Participant, as ordered, will attend and comply with all treatment recommendations formulated by the Health and Wellness Court Committee.
- (5)**      The Participant will submit to random drug/alcohol testing as directed by the Health and Wellness Court or by a Committee Member.
- (6)**      The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances.
- (7)**      The Participant will provide the Case Manager/Probation officer with all prescriptions and over the counter medication information within seventy-two (72) hours of receipt.
- (8)**      The Participant must complete a minimum of ten (10) hours of documented community service.
- (9)**      The Participant will comply with all other individualized program requirements.

**(B)      Phase II: Intensive Treatment**

- (1)**      The Participant will attend Healing and Wellness Court as directed by the Court.
- (2)**      The Participant will attend all scheduled Chemical Dependency appointments and complete an updated treatment plan for the purpose of establishing updated individual program goals.

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<sup>6</sup> Added on December 29, 2014 by adoption of ACITC #2014-97

- (3) The Participant will complete an employment or educational evaluation unless already employed or enrolled in an accredited learning institution or if he/she desires to be evaluated for a possible career change.
- (4) The Participant will attend and comply with all treatment recommendations formulated by the Health and Wellness Court Committee.
- (5) The Participant will meet with his/her assigned Probation Officer or designee as directed by the assigned Probation Officer.
- (6) The Participant will submit to random drug/alcohol testing as directed by the Health and Wellness Court or by a Committee Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances. (This phase requires a minimum of sixty (60) consecutive days of Sobriety.)
- (7) The Participant will provide the Case Manager/Probation Officer with all prescriptions and over the counter medication information within seventy-two (72) hours of receipt.
- (8) The Participant must complete two (2) hours of documented community service weekly unless otherwise directed.
- (9) The Participant will comply with all other program components as ordered by the Court; *i.e.*, special activities, group/individual counseling, cultural activities.

**(C) Phase III: Maintenance**

- (1) The Participant will attend Healing and Wellness Court as directed by the Court.
- (2) The Participant will attend all scheduled Chemical Dependency appointments and complete an updated treatment plan for the purpose of establishing individual program goals.
- (3) The Participant will attend and comply with all treatment recommendations formulated by the Healing and Wellness Court Committee.
- (4) The Participant will meet with his/her assigned Probation Officer as directed by the assigned Probation Officer.
- (5) The Participant will meet with the Case Manager regularly as directed by the Case Manager/Coordinator.

- (6) The Participant will submit to random drug/alcohol testing as directed by the Healing and Wellness Court or by a Committee Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances. (This phase requires a minimum of ninety (90) consecutive days of Sobriety.)
- (7) The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information within seventy-two (72) hours of receipt.
- (8) The Participant must complete a minimum of two (2) hours of documented community service weekly unless otherwise directed.
- (9) The Participant will comply with all other program components as ordered by the Court, *i.e.*, recreation activity, group/individual counseling, cultural activities, etc.
- (10) The Participant will become employed or enrolled in an accredited learning institution or vocational program, (a minimum of twenty (20) hours a week), otherwise become documented as a homemaker or other caretaker in lieu of work or education.
- (11) The Participant will comply with all other program components as ordered by the Court; *i.e.*, special activities, group/individual counseling, cultural activities.

**(D) Phase IV: Continued Care/Aftercare**

- (1) The Participant will attend Healing and Wellness Court as directed.
- (2) The Participant will attend all scheduled Family/Social Services appointments and complete an updated treatment plan for the purpose of establishing individual program goals.
- (3) The Participant, as ordered by the Court, will attend and comply with all treatment recommendations formulated by the Health and Wellness Court Committee.
- (4) The Participant will be employed or in an accredited learning institution or vocational program (a minimum of twenty (20) hours a week), or otherwise documented as a homemaker or other caretaker in lieu of work or education.
- (5) The Participant will meet with his/her assigned Probation Officer or designee as directed by the assigned Probation Officer.
- (6) The Participant will meet with the Case Manager regularly at the discretion of the Case Manager.
- (7) The Participant will submit to random drug/alcohol testing as directed by the Court or by a Committee Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating

substances. (This phase requires a minimum of one hundred twenty (120) consecutive days of sobriety.)

- (8) The Participant will provide the Case Manager/Probation Officer with all prescriptions and over the counter medication information within seventy-two (72) hours of receipt.
- (9) The Participant must complete a minimum of two (2) hours of documented community service weekly unless otherwise directed.
- (10) The Participant will comply with all other program components as ordered by the Healing and Wellness Court, *i.e.*, recreation activity, group/individual counseling, cultural activities, etc.<sup>7</sup>

**Sec. 406      Graduation**

(A) A Participant may graduate from the program upon successful completion of all recommended treatment phases and recommendation of the Health and Wellness Court Program Committee. The Participant will also be required to have all program fees/costs paid in full prior to being released from the program. Fees and costs may include, but are not limited to, drug testing, book fees, home electronic monitoring, fines, restitution and incarceration costs. In addition, the Participant will complete an exit interview with the Case Manager/Probation Officer.<sup>8</sup>

**Sec. 407      Program Components**

- (A) Mandatory Components of the Program consist of:
  - (1) Sobriety
  - (2) Court Appearances
  - (3) Random Drug Testing
  - (4) Education or Employment Requirements
  - (5) Contact with Case Manager or Program Coordinator and/or Probation Officer
  - (6) Substance Abuse Counseling and Treatment
  - (7) Community Service.
- (B) Discretionary Components of the Program consist of:
  - (1) Parenting Classes
  - (2) Mental Health Counseling and Treatment
  - (3) Domestic Violence Counseling and Treatment
  - (4) Recreation Activities
  - (5) Volunteer Work
  - (6) Community Participation

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<sup>7</sup> Added on December 29, 2014 by adoption of ACITC #2014-97

<sup>8</sup> Added on December 29, 2014 by adoption of ACITC #2014-97



- (7) Traditional Ceremonies or Events
- (8) Traditional Healing Ceremonies
- (9) Spiritual/Hope Activities
- (10) Talking Circles
- (11) Other appropriate activities or programs designed to address a component of a participant's treatment plan.<sup>9</sup>

**Sec. 408      Termination**

(A) A Participant may be unable or unwilling to commit to the treatment process and it may be necessary to terminate the Participant from the program.

- (1) **Voluntary Termination.** A Participant may elect to be terminated from the program at any time. The Court shall determine that the decision to be terminated from the program is voluntarily, intelligently and knowingly made. Upon such determination, the case will be referred back to the Tribal Trial Court docket.
- (2) **Involuntary Termination.** If the Participant refuses to comply with necessary program requirements, engages in conduct that the majority of the Healing and Wellness Court Committee finds to be extremely inappropriate or if the Participant is convicted of an offense of sufficient severity, he or she may be immediately terminated from the program.<sup>10</sup>

**Sec. 409      Program Rules**

Program participants will receive and sign a detailed list of rules which Participant agrees to adhere to and be bound by before being allowed to enter the program.<sup>11</sup>

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<sup>9</sup> Added on December 29, 2014 by adoption of ACITC #2014-97

<sup>10</sup> Added on December 29, 2014 by adoption of ACITC #2014-97

<sup>11</sup> Added on December 29, 2014 by adoption of ACITC #2014-97