

Glossary

A

Abuse: Physical or mental maltreatment, often resulting in mental, emotional, sexual, or physical injury.

Adjudication: The determination of a dispute and pronouncement of the court's decision.

Admissible evidence: Evidence that may be introduced in court to aid the trier of fact – i.e., the judge or jury – in deciding the merits of a case. Each jurisdiction has rules of evidence to determine what evidence is admissible.

Admission: The voluntary acknowledgment that certain facts are true; a statement by the accused or by an adverse party that tends to support the charge or claim against him or her but is not necessarily sufficient to establish guilt or liability.

Adolescent: A young person who is developing into an adult, typically ages 10 to 17 years of age.

Adolescent brain development: New scientific research is emerging with respect to the development of the human brain. The human brain is now understood to have different capacities and abilities depending upon whether it belongs to a child, an adolescent, or a young adult. Juvenile justice system reformers recommend an approximation with age as follows: that a “child” include individuals up to age 10; that an “adolescent” include individuals from 10 to 17; and that a “young adult” include individuals from 18 to 25.

Adoption: The legal process by which the parent/child relationship is created between persons not so related by blood. The adopted child becomes an heir and is entitled to all other privileges belonging to a natural child of the adoptive parent.

Adult: An individual who is eighteen (18) years of age or older.

After care: Aftercare, or continuing care, is the stage following primary treatment (which may include group and individual counseling, psycho-educational programming, etc.) when the participant no longer requires services at the intensity required during primary treatment. Aftercare can occur in a variety of settings, such as periodic outpatient aftercare, relapse/recovery groups, 12-step and self-help groups, and halfway houses. In drug courts, aftercare or continuing care is often included within the final phase of the drug court phased treatment plan.

Alcohol testing: Testing for the presence and concentration of alcohol (ethanol) in the blood is commonly referred to as BAC (blood alcohol content). BAC tests are typically administered via a breathalyzer.

Anthropological documentation: The documents, records, etc. that are used to prove something or make something official in the study of humans past and present.

Ankle monitor with GPS: A device that individuals under house arrest or probation may be required to wear. It is used to track an individual's whereabouts in a designated area. "GPS" stands for global positioning system, which is based on a satellite signal.

Anti-social behavior: Characterized by a long-standing pattern of a disregard for other people's rights, often crossing the line and violating those rights. It usually begins in childhood or as a teen and continues into their adult lives.

Arrest: To deprive a person of liberty by legal authority. To seize an alleged or suspected offender to answer for a crime.

Assault: An intentional threat, show of force, or movement that could reasonably make a person feel in danger of harmful physical contact.

Attorney: Synonymous with lawyer. This is one of a class of persons admitted by the state's highest court, federal court or by a tribal court to practice law in that jurisdiction. The attorney is regarded as an officer of the court and is always subject to the admitting court's jurisdiction as to his or her ethical and professional conduct. Violations of those standards of conduct may result in discipline of the attorney in the form of censure, suspension or disbarment.

B

Banishment: The forcible expulsion of somebody from the community.

Batterer treatment provider: Individuals or programs that provide counseling/treatment to batterers to assist in stopping domestic violence abuse.

Batterers' intervention treatment: A psycho-educational group led by trained professional facilitators. Batterers learn to identify abusive behaviors and are taught to react non-abusively and instead communicate with their partner. Batterers Intervention Programs differ from and are not replaceable by substance abuse treatments, mental health services, family/marital/couples or other counseling.

Battery: The unlawful touching of or use of force on another person willfully or in anger.

Bill of duties and obligations owed to youth: A number of more traditional tribes are exploring the responsibilities and rights of extended family members and what rights, privileges, and duties they might have with respect to youth. Some of these rights, privileges, and/or duties have been put into tribal statutes.

Bill of Rights: The first ten amendments to the United States Constitution; that part of any constitution that sets forth the fundamental rights of citizenship. It is a declaration of rights that are substantially immune from government interference.

Burglary: Any unlawful entry into or remaining in a building or vehicle with the intent to commit a crime.

Bylaws: Rules adopted for the regulation of an association's own actions.

C

Calendaring: Within a court, an ordered list of matters to be considered. Scheduling matters in clusters. Court actions grouped by type: children's court (dependency), juvenile court (status, delinquency, and FINS), family court (paternity, divorce, and probate), criminal court, and wellness court (drug court), etc.).

Parental/Guardian/Caretaker abuse: Physical, sexual or emotional maltreatment of a child or children by a parent, guardian or caretaker; any act or series of acts of commission or omission by a parent or other caregiver that results in harm, potential for harm, or threat of harm to a child. This is addressed by dependency codes, also known as child welfare codes. Such codes address the deficiencies of the adults in caring and providing for children.

Parental/Guardian/Caretaker neglect: A type of maltreatment that refers to the failure by the caregiver to provide needed, age-appropriate care although financially able to do so or offered financial or other means to do so. This is addressed by dependency codes, also known as child welfare codes. Such codes address the deficiencies of the adults in caring and providing for children.

Case manager: A person who is engaged in a collaborative process of assessment, planning, facilitation, care coordination, evaluation, and advocacy for options and services to meet an individual's and/or family's comprehensive health needs through communication and available resources to promote quality, cost-effective outcomes.

Case management: Case management is a method of providing services whereby a trained case manager assesses the needs of the participant and the participant's family (when appropriate) and arranges, coordinates, monitors, evaluates, and advocates for a package of multiple services to meet the specific participant's complex needs. In drug courts, although there is a designated primary case manager, case-management monitoring and interventions are team based.

Ceremonial relatives: Individuals who are related through tribal traditional adoption ceremonies. The individuals are treated as being immediate or blood relatives. It is understood that with the ceremony and relationship comes responsibility for the relative.

Charge: A description of the underlying offense in a written accusation signed by the prosecutor.

Charging decisions: The initial decision whether to file criminal charges in a case, and what those charges should be.

Child: An individual who is less than eighteen (18) years old.

Child maltreatment: Child maltreatment includes all types of abuse and neglect of a child under the age of 18 by a parent, caregiver, or another person in a custodial role (e.g., clergy, coach, teacher). There are four common types of abuse: Physical Abuse, Sexual Abuse, Emotional Abuse, and Neglect.

Child protection: A set of usually government run services designed to protect children and people who are underage and to encourage family stability.

Child support divisions: More than 50 tribes operate tribal child support programs, providing services to Native American families consistent with tribal values and cultures. Like their state counterparts, tribal child support programs locate custodial and noncustodial parents, establish legal fatherhood (paternity), establish child support orders, enforce orders, and offer family-centered services and referrals.

Choice of law: The body of law that contains the rules by which the court in which an action is brought chooses between the applicable law of the court's state (the "forum state") and the differing applicable law of another jurisdiction connected with the controversy.

Citation: A writ similar to a summons, in that it commands the appearance of a party in a proceeding. The object of a citation is to give the court proper jurisdiction and to notify the defendant that a suit has been filed.

Civil jurisdiction: The power of a court to hear and decide civil actions.

Clear and convincing evidence: A medium level of burden of proof which is a more rigorous standard to meet than the preponderance of the evidence standard, but a less rigorous standard to meet than proving evidence beyond a reasonable doubt. In order to meet the standard and prove something by clear and convincing evidence, a party must prove that it is substantially more likely than not that it is true. This standard is employed in both civil and criminal trials.

Closed court: A court proceeding in which members of the public are restricted from access to the court room proceedings due to the nature and sensitivity of the case. In criminal matters, usually

juvenile cases are held in closed court, unless the minor (a) is charged with specified violent crimes or (b) asks the court to open the hearing. The court is also closed if the crime is a sex offense and the victim requests a closed hearing, or during victim's testimony if the victim is under age 16.

Code: A systematic compilation of laws.

Collaborative court: Also known as problem-solving courts- combine judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery to reduce recidivism and improve offender outcomes. Examples of collaborative justice courts are community courts, domestic violence courts, drug courts, wellness courts, DUI courts, elder abuse courts, homeless courts, mental health courts, reentry courts, veterans' courts, and courts where the defendant may be a minor or where the child's welfare is at issue. These include dating/youth domestic violence courts, drug courts, DUI court in schools' program, mental health courts, and peer/youth courts.

Competency: Capacity to testify in a court of law; eligibility to be sworn.

Confession: An admission of guilt or other incriminating statement made by the accused; not admissible at trial unless voluntarily made.

Concurrent jurisdiction: When two or more courts or legislative or administrative officers have the same authority to deal with a particular subject matter within the same territory.

Confidentiality: A set of rules or a promise that limits access or places restrictions on certain types of information.

Cognitive ability: The capacity to perform higher mental processes of reasoning, remembering, understanding, and problem solving.

Confrontation (of witnesses): Under the Sixth Amendment of the Constitution, the accused in a criminal prosecution is entitled "to be confronted with the witnesses against him." This right entitles the accused to be present at the trial, and to hear and cross-examine all witnesses against him or her. Evidence that is not subject to confrontation, such as the confession of a codefendant who is not subject to cross-examination, may not be used against the accused.

Consent decree: Recorded agreement of parties to a lawsuit concerning the form the judgment should take. Such a contract cannot be nullified without the consent of the parties, except for fraud or mistake.

Consequence: Something that happens as a result of a particular action or set of conditions.

Constitution: The fundamental principles of law by which a government is created and a (country) land base is administered.

Consolidated: Combine (a number of things) into a single more effective or coherent whole.

Conviction: The result of a legal proceeding in which the guilt of a party is determined and upon which sentence or judgment is founded.

Counselor: A mental health worker who works with individuals, families, and groups to address and treat emotional and mental disorders and to promote mental health. They are trained in a variety of therapeutic techniques used to address issues, including depression, addiction and substance abuse, suicidal impulses, stress, problems with self-esteem, and grief. They also help with job and career concerns, educational decisions, issues related to mental and emotional health, and family, parenting, marital, or other relationship problems. A mental health counselor often works closely with other mental health specialists, such as psychiatrists, psychologists, clinical social workers, psychiatric nurses, and school counselors.

Court opinion: A statement that is prepared by a judge or court announcing the decision after a case is tried; includes a summary of the facts, a recitation of the applicable law and how it relates to the facts, the rationale supporting the decision, and a judgment; and is usually presented in writing, though occasionally an oral opinion is rendered.

Crime: A wrong that the government has determined is injurious to the public and that may therefore be prosecuted in a criminal proceeding.

Criminal jurisdiction: The power of courts to hear a case brought by a government accusing a defendant of the commission of a crime.

Cross examination: The questioning of a witness, by a party or lawyer other than the one who called the witness, concerning matters about which the witness has testified during direct examination. The purpose is to discredit or clarify testimony already given so as to neutralize damaging testimony or to present facts in a light more favorable to the party against whom the direct testimony was offered.

Cultural values: The commonly held standards of what is acceptable or unacceptable, important or unimportant, right or wrong, workable or unworkable, etc., in a community or society.

Culture: The beliefs, customs, arts, etc., of a particular society, group, place, or time.

Curfew: A regulation requiring people to remain indoors between specified hours, typically at night.

Curfew violations: (persons under age 18 only) Offenses relating to violations of local curfew and loitering ordinances where such laws exist.

Custodian: A person who has custody; keeper; guardian.

Custody: Immediate charge and control over exercised by a person or an authority (as over a ward or a suspect): safekeeping.

Custom: Regular behavior (of persons in a geographical area or type of business) that gradually takes on legal importance so that it will strongly influence a court's decision.

Customary law: A law based on custom or tradition.

D

Defendant: In criminal proceedings, the accused.

Defense advocates: A legally trained or lay advocate authorized to practice in the tribal court. The advocate provides representation for defendants in tribal courtrooms. Defense advocates may represent juveniles in cases such as curfew violation and any other offense the court may find to be a criminal matter.

Delinquency: Minor crime, especially that committed by young people.

Delinquency code: A systematic compilation of laws regarding criminal behavior carried out by a juvenile. Typically, the acts are those that otherwise would have been charged as a crime if they were an adult.

Delinquent act: An act committed by a juvenile for which an adult could be prosecuted in a criminal court, but when committed by a juvenile is within the jurisdiction of the juvenile court. Delinquent acts include crimes against persons, crimes against property, drug offenses, and crimes against public order, when juveniles commit such acts.

Delinquent conduct: Conduct, other than a traffic offense, which violates a law and is punishable by imprisonment or by confinement in jail; or a violation of a reasonable and lawful order which was entered by a juvenile court.

Dependency: One who is in need of proper and effective parental care and control and has no parent or guardian, or the parent or guardian is not willing to exercise or is incapable of exercising care and control. Or, a child who is destitute, or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care, or where the home is "unfit" by reason of abuse, neglect, cruelty or depravity by a parent, guardian or other person having care or custody of the child. Or, a child under the age of eight years and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child.

Dependency code: A systematic compilation of laws regarding children in need of proper and effective parental care and control and has no parent or guardian, or the parent or guardian is not

willing to exercise or is incapable of exercising care and control. Or, a child who is destitute, or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care, or where the home is “unfit” by reason of abuse, neglect, cruelty or depravity by a parent, guardian or other person having care or custody of the child. Or, a child under the age of eight years and who is found to have committed an act that would result in adjudication as a delinquent juvenile or incorrigible child if committed by an older juvenile or child.

Detained: To keep in custody or temporary confinement.

Detention: Holding of a person charged with crime following the person’s arrest on that charge.

Detention facilities: Any facility used for the secure detention of children. It is not part of or attached to any facility in which adult prisoners are confined, or which share staff with a facility in which adult prisoners are confined.

Detention hearing: A proceeding before a judge to determine whether an accused is to be detained, continue to be detained or released while the proceedings are pending in his/her case.

Direct File (re: transferring juveniles to adult criminal court): Statutes in fifteen states define a category of cases in which the prosecutor may determine whether to proceed initially in juvenile or criminal court. Typically, these direct file provisions give both juvenile and adult criminal courts the power to hear cases involving certain offenses or age/offense categories, leaving it up to the prosecutor to make discretionary decisions about where to file them.

Discretion of the Judge: The power of a judge to make decisions on various matters based on his or her opinion, within general legal guidelines.

Disposition: In criminal law, the sentence of the defendant is the disposition.

Dispositional alternative: A legal term that refers to a judge’s decision to give a youthful offender an alternative to incarceration or out-of-home placement. Often the approach is a community-based, family-centered program that provides services to youth and their families. Such alternatives include counseling, case management, enrichment activities, family meetings, referrals and follow-up services.

Dispositional conditions: Prerequisites or requirements of the defendant’s sentence.

Diversion: A form of sentencing and such programs are often run by a police department, court, a prosecution office, or outside agency designed to enable offenders of criminal law to avoid criminal charges and a criminal record. Problem-solving courts typically include a diversion component as part of their program. The purposes of diversion are generally thought to include relief to the courts, police department and probation office, better outcomes compared to direct involvement of the court system, and an opportunity for the offender to avoid prosecution by completing various

requirements for the program. The concept of diversion is based on the theory that processing certain youth through the juvenile justice system may do more harm than good. Many times youth will have substance abuse and mental health issues which may be the underlying cause of such delinquency.

Diversion activities: A program allowing criminal offenders to avoid criminal charges and a criminal record and such requirements may include: education aimed at preventing future offenses by the offender, restitution to victims of the offense, completion of community service hours, avoiding situations for a specified period in the future that may lead to committing another such offense (such as contact with certain people).

Diversion program: A program in which the offender is ordered to participate in a work or educational program as part of probation.

Diversionary court: Typically hears low-level offenses, particularly those committed by first-time offenders. The diversionary court avoids the regular court process of a plea and sentence or, in the case of a not-guilty plea, a trial. People who are facing charges of this nature can often be helped and deterred from future criminal conduct if they are counseled, rather than punished.

Docket: A list of cases on a court's calendar.

Domestic violence: The definition of *domestic violence* varies from the federal to the state to the tribe. It includes behaviors used by one person in a relationship to control another. One of the key differences occurs in determining what a domestic relationship is, the possibilities are spouses and former spouses; persons living together or having resided together in the past; persons who have a child in common, including gay and lesbian parenting couples and cases in which the woman is pregnant but the child has not been born; persons related by blood or adoption, including parent-child, siblings, half-siblings and stepsiblings, and gay and lesbian relationships; and persons involved in a significant sexual or romantic relationship. Each law generally defines what type of behaviors would be considered. It could include name calling, stalking, sexual violence, physical violence, and numerous other activities. Some behaviors may be considered criminal and others not, depending upon the statute.

Domestic violence advocates: A person who speaks or writes in support or defense of a person who is a victim of domestic violence. The advocate works to affirm the victim's rights and to provide information and services.

Drug testing: A drug test is a technical analysis of a biological specimen, for example urine, hair, blood, breath air, sweat, or oral fluid / saliva – to determine the presence or absence of specified parent drugs or their metabolites

Drug court: Eligible drug-addicted persons may be sent to Drug Court in lieu of traditional justice system case processing. Drug courts keep individuals in treatment long enough for it to work, while supervising them closely. Participants are:

- provided with intensive treatment and other services they require to get and stay clean and sober;
- held accountable by the Drug Court judge for meeting their obligations to the court, society, themselves and their families;
- regularly and randomly tested for drug use;
- required to appear in court frequently so that the judge may review their progress; and
- rewarded for doing well or sanctioned when they do not live up to their obligations.

Dual diagnosis: Co-occurring Mental Illness, Drug Addiction and/or Alcoholism in various combinations.

E

Electronic monitoring: Monitoring performed through the use of a wearable miniature-tracking device worn on the ankle, which is an additional release condition option for some defendants who otherwise may be held on bond. This device uses GPS satellites to track the location of the person wearing the device.

Emancipation: Express or implied relinquishing by a parent of rights in, or authority and control over, a minor child.

Enrollment: Tribal enrollment requirements preserve the unique character and traditions of each tribe. The tribes establish membership criteria based on shared customs, traditions, language and tribal blood.

Evidence: Something that furnishes proof; something legally submitted to a tribunal to ascertain the truth of a matter.

Exclusive jurisdiction: That power that a court or other tribunal exercises over an action or over a person to the exclusion of all other courts; that forum in which an action must be commenced because no other forum has the jurisdiction to hear and determine the action.

Expulsion: An ejection or banishment, either through depriving a person of a benefit or by forcibly evicting a person.

Expungement of record: The removal of a conviction (especially for a first offense) from a person's criminal record.

Extended family: A family that extends beyond the immediate family, consisting of grandparents, aunts, uncles, and cousins all living nearby or in the same household.

F

False confession: An admission of guilt for a crime for which the confessor is not responsible. False confessions can be induced through coercion or by the mental disorder or incompetency of the accused.

Family drug court: Created to address the poor outcomes derived from traditional family reunification programs for substance-abusing parents. These specialized civil dockets were adapted from the adult criminal drug court model. As in adult drug courts, substance abuse treatment and case management services form the core of the intervention. However, family drug courts emphasize coordinating these functions with those of child protective services. In addition, participants must attend frequent status hearings in court during which the judge reviews their progress and may administer gradually escalating sanctions for infractions and rewards for accomplishments. Unlike adult drug courts, where the ultimate incentive for the participant might be the avoidance of a criminal record or incarceration, in family drug courts the principal incentive for the participant is family reunification, and a potential consequence of failure may be termination of parental rights or long-term foster care for the dependent children.

Family group conferencing: A facilitated group dialogue and decision-making process in which a young person who has done harm is encouraged and supported to be directly accountable to the person who was harmed. The focus is on doing right, not on punishment. Typically, participants in a FGC include a young person accused of a crime, his/her family, the persons who were harmed and their supporters, and a trained facilitator. Depending on the severity of the crime, a member of law enforcement might also be present. Ideally, an FGC results in a consensus based plan for repairing the harm to the extent possible. When the young person completes the plan, filed charges are dropped. The participants also try to understand why the offending happened and tailor the plan to help prevent future wrongdoing. FGC can also be used in lieu of traditional school discipline processes which would otherwise result in suspensions or expulsions for more serious negative behavior on school campuses. Ideally, a single restorative system of youth accountability which addresses both school needs and juvenile charges would result when youth commit crimes on school campuses.

Family group decision making (FGDM): Recognizes the importance of involving family groups in decision making about children who need protection or care, and it can be initiated by service providers and/or community organizations whenever a critical decision about a child or youth is

required. In FGDM processes, a trained coordinator who is independent of the case brings together the family group and the service providers to create and carry out a plan to safeguard children and other family members. FGDM processes position the family group to lead decision making, and the statutory authorities agree to support family group plans that adequately address agency concerns. The authorities also organize service providers from governmental and non-governmental agencies to access resources for implementing the plans. FGDM processes are not conflict-resolution approaches, therapeutic interventions or forums for ratifying professionally crafted decisions. Rather, FGDM processes actively seek the collaboration and leadership of family groups in crafting and implementing plans that meet the child's/youth's needs.

Family-in-Need of Services:

- (a) a family whose child, while subject to compulsory school attendance, is habitually and without justification absent from school; or
- (b) a family wherein there is allegedly a breakdown in the parent-child relationship based on the refusal of the parents, guardian, or custodian to permit a child to live with them or based on the child's refusal to live with his parents, guardian or custodian; or
- (c) in either of the foregoing situations:
 - (1) the conduct complained of presents a clear and substantial danger to the child's life or health and the intervention of the juvenile court is essential to provide the treatment, rehabilitation or services needed by the child or his family; or
 - (2) the child or his family are in need of treatment, rehabilitation or services not presently being received and the intervention of the juvenile court is essential to provide this treatment, rehabilitation or services.

Felony: A crime carrying a minimum term of one year or more in state prison.

Fine: A sum of money imposed upon a defendant as a penalty for an act of wrongdoing.

Foster care: A system in which a minor has been placed into a ward, group home, or private home of a state-certified caregiver referred to as a "foster parent". The placement of the child is usually arranged through the government or a social-service agency. The institution, group home or foster parent is compensated for expenses. The state via the family court and child protection agency stand *in loco parentis* to the minor, making all legal decisions while the foster parent is responsible for the day-to-day care of the minor.

G

Gang court: Court-based gang intervention programs. These programs are based on the drug court model and provide gang-involved juvenile and adult offenders with appropriate support and opportunities while seeking to protect the community and reduce recidivism.

General jurisdiction: A court's authority to hear a wide range of cases, civil or criminal, that arise within its geographic area.

Girls' court: A gender responsive approach for girls in the juvenile justice system that links young "at-risk" females to social service agencies, providing informal sessions on everything from body image, education and counseling with a team of adults to provide trust and support. Some half-dozen such courts have emerged around the United States, each defining itself around the problems in the surrounding area. One common theme is to treat young sex workers as the victims of sex trafficking. Identifying reasons for entry into these behaviors such as childhood abuse and dysfunctional homes are important to understanding the nature of the crime and circumstances unique to girls.

Group home: A private residence for children or young people who cannot live with their families, or people with chronic disabilities who may be adults or seniors. Typically, there are no more than six residents and there is at least one trained caregiver there twenty-four hours a day. In some early "model programs", a house manager, night manager, weekend activity coordinator, and 4 part-time skill teachers were reported.

Guardian: A person assigned by a court of law, other than a parent, having the duty and authority to provide care, shelter, and control of a child.

Guardianship: The duties and responsibilities of one who has the legal authority and duty to care for another's person or property, especially because of the other's infancy, incapacity or disability.

Gun court: A gun court is a type of problem-solving court that intervenes with youths who have committed first-time, nonviolent gun offenses that have not resulted in serious physical injury. Most juvenile gun courts are short-term programs that augment rather than replace normal juvenile court proceedings. Juvenile gun courts work as early intervention programs that concentrate on preventing future gun use, reducing recidivism rates, and increasing youths' involvement in community-based programs. This basic model of juvenile gun court includes several principal elements: 1) early intervention (in many jurisdictions, before resolution of the court proceedings); 2) short-term (often a single 2 to 4 hour session), intensive programming; 3) an intensive educational emphasis to show youths the harm that can come from unlawful gun use and the immediate response that will result when youths are involved with guns; and 4) the inclusion of a wide range of court personnel and law enforcement officials working together with community members

H

Habilitation: Assisting a child with achieving developmental skills when impairments have caused delaying or blocking of initial acquisition of the skills. Habilitation can include cognitive, social, fine motor, gross motor, or other skills that contribute to mobility, communication, and performance of activities of daily living and enhance quality of life.

Hearsay: A statement, other than one made by the declarant while testifying at the trial or hearing offered in evidence to prove the truth of the matter asserted.

Hearsay rule: The rule that no assertion offered as testimony can be received unless it is or has been open to test by cross-examination or an opportunity for cross-examination, except as provided otherwise by the rules of evidence, by court rules, or by statute. The chief reasons for the rule are that out-of-court statements amounting to hearsay are not made under oath and are not subject to cross-examination.

Historical trauma: Refers to cumulative emotional and psychological wounding, extending over an individual lifespan and across generations, caused by traumatic experiences. The historical trauma response (HTR) is a constellation of features in reaction to this trauma. The HTR may include substance abuse as a vehicle for attempting to numb the pain associated with trauma. The HTR often includes other types of self-destructive behavior, suicidal thoughts and gestures, depression, anxiety, low self-esteem, anger, and difficulty recognizing and expressing emotions. Associated with HTR is historical unresolved grief that accompanies the trauma. Historical trauma is an example of transgenerational trauma. For example, a pattern of maternal abandonment of a child at a young age might be seen across three generations.

Home detention: In justice and law, home detention (also called home confinement, house arrest, or electronic monitoring) is a measure by which a person is confined by the authorities to a certain residence. Travel is usually restricted, if allowed at all. Home detention is a lenient alternative to prison time or juvenile-detention time.

I

Incarceration: Confinement in prison.

Incentives: Positive reinforcement or rewards given to participants in drug courts to promote sustained behavior change while emphasizing a supportive and celebratory approach to treatment and other interventions. Specifically, incentives are typically used as part of a prize or voucher-based system, either with direct prize-giving or by using a fishbowl approach (a form of lottery that gives people chances to win a prize). The goals may include reinforcing abstinence, improving attendance at treatment sessions, and adhering to treatment goals.

Incompetent: A person, other than a minor, who is temporarily or permanently impaired by mental illness, mental deficiency, physical illness or disability, or alcohol or drug use to the extent that the person lacks sufficient understanding to make or communicate responsible personal decisions or enter into contracts.

Indian Child Welfare Act: The Indian Child Welfare Act (ICWA) is a federal law that seeks to keep American Indian children with American Indian families. Congress passed ICWA in 1978 in response to the alarmingly high number of Indian children being removed from their homes by both public and private agencies. The intent of Congress under ICWA was to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (25 U.S.C. § 1902). ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe. ICWA is an integral policy framework on which tribal child welfare programs rely. It provides a structure and requirements for how public and private child welfare agencies and state courts view and conduct their work to serve tribal children and families. It also acknowledges and promotes the role that tribal governments play in supporting tribal families, both on and off tribal lands. However, as is the case with many laws, proper implementation of ICWA requires vigilance, resources, and advocacy.

Indian Civil Rights Act: Applies to tribes in the United States and makes many, but not all, of the guarantees of the Bill of Rights applicable within the tribes. It was enacted by Congress in 1968, and then amended in 1986, 1991, 2010, and 2013. Tribal inherent sovereignty predates the United States and the U.S. Constitution. Tribes did not participate in the Constitutional Convention and did not ratify the U.S. Constitution. As a result, the Bill of Rights and other individual liberty protections found in the Constitution do not apply to tribal governments.

Indian Law and Order Commission: The Indian Law and Order Commission (ILOC) is a federal commission established by the U.S. Congress in the Tribal Law and Order Act, (Public Law 111-211, enacted July 29, 2010). The nine-member commission was charged with conducting a comprehensive study of law enforcement and criminal justice in tribal communities, and submitting a report to the President and Congress with its findings, conclusions and recommendations for, among other things, simplifying jurisdiction in Indian country, improving services and programs to prevent juvenile crime on Indian land, to rehabilitate Indian youth in custody, to reduce recidivism among Indian youth, as well as adjustments to the penal authority of tribal courts and alternatives to incarceration.

Informal adjustment: The handling of a juvenile matter informally and can include the giving of advice and counsel to the juvenile and custodian(s), referrals to other agencies, supervision on unofficial probation, temporary placement outside the home and other referrals to other appropriate public and private agencies.

Inheritance: Real property or personal property that is received by heirs according to the laws of descent and distribution.

Intergovernmental agreements: Any agreement that involves or is made between two or more governments to cooperate in some specific way.

Interrogation: In criminal law, process of questions propounded by police to person arrested or suspected to seek solution of crime. Such person is entitled to be informed of his rights, including right to have counsel present, and the consequences of his answers. If the police fail or neglect to give these warnings, the questions and answers are not admissible in evidence at the trial or hearing of the arrested person. *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694.

J

Judge: One who conducts trials or presides over a court of justice. Judges determine controversies between parties based upon evidence and legal argument presented. They are not investigators or advisors.

Judicial waiver (re: transferring juveniles to adult criminal court): One of the more hotly debated subjects with regard to juveniles has to do with the option to waiver to adult court. Currently, there are three mechanisms by which a juvenile's case may be waived to an adult court – judicial waiver offenses, statutory exclusion, and concurrent jurisdiction.

Jurisdiction: Legal authority. The geographical area within which a court (or public official) has the right and power to operate; the persons about whom and the subject matters about which a court has the right and power to make decisions.

Juvenile code: A systematic compilation of laws devoted to juvenile matters including, but not limited to: offenses, dependency, delinquency, status offenses, and trauma sensitive provisions.

Juvenile delinquent: A minor who is guilty of criminal behavior, usually punishable by special laws not pertaining to adults.

Juvenile drug court: Dockets within juvenile courts for cases involving substance abusing youth in need of specialized treatment services. The focus is on providing treatment to eligible, drug-involved juvenile offenders with the goal of reducing recidivism and substance abuse.

Juvenile facility: Any juvenile facility (other than a school) that cares for juveniles or restricts their movement, including secure detention facilities, alcohol or substance abuse emergency shelter or halfway houses, foster homes, group homes, and shelter homes.

Juvenile Justice and Delinquency Prevention Act: A federal statute that provides funding, assistance, training, and support to state and tribal operated juvenile-justice programs, initiatives and court systems.

Juvenile justice system: A system that punished and rehabilitates adolescents who exhibit criminal behavior. The intentions of the juvenile justice system are to intervene early in delinquent behavior and act to prevent adolescents from engaging in criminal behavior as adults. The system involves incarceration as well as alternative schooling programs

Juvenile offender: A child who commits a “juvenile offense” prior to the child’s eighteenth (18) birthday.

K

Key components: Purpose and performance benchmarks for drug/wellness courts.

L

Law: The regime that orders human activities and relations through systematic application of the force of politically organized society, or through social pressure backed by force, in such a society; the legal system.

Law enforcement: The detection and punishment of violations of the law.

Lay advocate: Not expert with reference to law; non-professional. The advocate typically undergoes training and has experience in representing parties. Many tribal courts allow lay advocates to represent individuals in civil and/or criminal matters.

Liaison officer: A person who works with two organizations to communicate and coordinate their activities. Generally, liaison officers are used to achieve the best utilization of resources or employment of services of one organization by another. Liaison officers often provide technical or subject matter expertise of their parent organization. Usually an organization embeds a liaison officer into another organization to provide face-to-face coordination.

Linguistic ties: In linguistics, genetic relationship is the usual term for the relationship which exists between languages that are members of the same language family. Languages that possess genetic ties with one another belong to the same linguistic grouping, known as a language family. Two languages are considered to be genetically related if one is descended from the other or if both are descended from a common ancestor. For example, Italian is descended from Latin. Italian and Latin are therefore said to be genetically related.

M

Mediation: A method of non-binding dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution.

Memorandum of agreement: A document written between parties to cooperate on an agreed upon project or meet an agreed objective. The purpose of an MOA is to have a written understanding of the agreement between parties.

Memorandum of understanding: A written statement detailing the preliminary understanding of parties who plan to enter into a contract or some other agreement.

Mental health court: A recent phenomenon and require collaboration and consideration from practitioners in both the criminal justice and mental health fields. Mental health courts typically involve judges, prosecutors, defense attorneys, and other court personnel who have expressed an interest in or possess particular mental health expertise. The courts generally deal with nonviolent offenders who have been diagnosed with a mental illness or co-occurring mental health and substance abuse disorders. Today, more than 150 of these courts exist, and more are being planned.

Mental health treatment provider: Professionals who diagnose mental health conditions and provide treatment. Most have either a master's degree or more advanced education and training.

Mentoring: The process for the informal transmission of advising, transmitting knowledge, and providing emotional support; it entails informal communication, usually face-to-face and during a sustained period of time, between a person who is perceived to have greater relevant knowledge, wisdom, or experience (the mentor) and a person who is perceived to have less (the protégé).

Minor: A person who has not reached full legal age, a child or juvenile.

Minority status: Condition of being under legal age.

Miranda rights: The suspect must be advised of the right to remain silent, the right to have an attorney present during questioning, and the right to have an attorney appointed if the suspect cannot afford one. If the suspect is not advised of these rights or does not validly waive them, any evidence obtained during the interrogation cannot be used against the suspect at trial (except for impeachment purposes).

Misdemeanor: A lesser crime punishable by a fine and/or county jail time for up to one year.

Mistreatment: To treat badly or abusively.

Model code: An existing code that a government adopts as its own. It is not developed by the government adopting it.

N

Neglect: The omission of proper attention to a person or thing, whether inadvertent, negligent, or willful; the act or condition of disregarding.

Non public law 280 state: A state that does not have a transfer of legal authority (jurisdiction) from the federal government to state government regarding criminal and civil jurisdiction over tribal lands within the affected state.

Norms: Values and beliefs held by a community about the proper and improper ways to act toward other people, places and things.

Notice: To give legal notice to or of; notification or warning of something, especially to allow preparations to be made.

O

Offender: A person who commits a crime.

Oliphant v. Suquamish: The U.S. Supreme Court in *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978) held that tribal sovereignty does not extend to the exercise of criminal jurisdiction over a non-Indian for crimes committed in Indian country.

Open court: A court session that the public is free to attend.

Ordinance: A local law that applies to persons and things subject to the local jurisdiction.

Original jurisdiction: A court's power to hear and decide a matter before any other court can review the matter.

Out of court statement: Testimony that is given by a witness who related not what he or she knows personally, but what others have said, and that is therefore dependent on the credibility of someone other than the witness. Such evidence is generally inadmissible under the rules of evidence.

Outpatient Treatment Program: Outpatient treatment is the most common level of addiction care. Participants live at home or in a community residence and attend sessions at the program. Traditionally, regular outpatient treatment will involve one or two visits per week, lasting approximately one to two hours per visit. Participants attend group and individual counseling sessions while participating in the program. Outpatient care should almost always be included in continuing-care plans for participants who are leaving a higher level of care. Participants may stay in outpatient care for 3–12 months or more depending upon their individual needs.

P

Parent: Includes a natural or adoptive parent, but does not include persons whose parental rights have been legally terminated, nor does it include the unwed father whose paternity has not been acknowledged or established.

Parental incapacity: The child has suffered, or there is a substantial risk the child will suffer, serious physical harm or illness as a result of the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.

Parental neglect: A crime consisting of acts or omissions of a parent (including a step-parent, adoptive parent, or someone who, in practical terms, serves in a parent's role) which endangers the health and life of a child or fails to take steps necessary to the proper raising of a child. The neglect can include leaving a child alone when he or she needs protection, failure to provide food, clothing, medical attention or education to a child, or placing the child in dangerous or harmful circumstances, including exposing the child to a violent, abusive or sexually predatory person.

Parental unfitness: The definition of an unfit parent is governed by state laws, which vary by state. A parent may be deemed unfit if they have been abusive, neglected, or failed to provide proper care for the child. A parent with a mental disturbance or addiction to drugs or alcohol may also be found to be an unfit parent. Failure to visit, provide support, or incarceration are other examples of grounds for being found unfit.

Peacemaking: Peacemaking provides a safe structure where people can talk together to resolve conflict. It is a community-based process that addresses the concerns of all interested parties. This process uses traditional rituals, such as the group circle and Clan relationships, to involve parties that are in a conflict.

Peacemaking Courts: A way of resolving disputes that gives everyone involved a chance to talk, both about the facts and any underlying concerns, with the goal of reaching a mutually agreeable resolution.

Peer court: Also known as youth or teen court, is an alternative approach to the traditional juvenile justice system. A youth charged with an offense has the opportunity to forgo the hearing and sentencing procedures of juvenile court and agrees to a sentencing forum with a jury of the youth's peers.

Penalty: Sanction, usually an amount of money, imposed a punishment for civil or criminal wrongdoing.

Perpetrator: One who commits an offense or crime.

Personal jurisdiction: A court's power to bring a person into its adjudicative process; jurisdiction over a defendant's personal rights, rather than merely over property interests.

Petition: A formal request to a court or other authority asking for some kind of action. A "petition" in juvenile court is the same thing as a "charge" in the adult court.

Police investigation: The police work of inquiring into criminal activities thoroughly and systematically.

Privilege against self-incrimination: A criminal defendant's right not to be asked any questions by the judge or prosecution unless the defendant chooses to testify.

Probable cause: A reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime.

Probate: Handling the will and estate of a deceased person.

Probate Codes: A systematic compilation of laws that handle the will and estate of a deceased person.

Probation: A legal status created by court order whereby a "juvenile offender" is permitted to remain in his home under prescribed conditions and under the supervision of a person designated by the court. A "juvenile offender" on probation is subject to return to court for further proceedings in the event of his failure to comply with any of the prescribed conditions of probation.

Problem-solving court: Courts that address the underlying problems that contribute to criminal behavior and are a current trend in the legal system of the United States. In 1989, a judge in Miami began to take a hands-on approach to drug addicts, ordering them into treatment, rather than perpetuating the revolving door of court and prison. The result was creation of drug court, a diversion program. That same concept began to be applied to difficult situations where legal, social and human problems mesh.

Proof beyond a reasonable doubt: Proof that precludes every reasonable hypothesis except that which is tends to support.

Prosecutor (presenting officer): The public official who presents the government's case in criminal law.

Protective custody: The confinement of an individual by the state in order to protect the individual from being harmed either by himself or herself or some other person.

Protective order: A court order instructing a person to desist from abusing or harassing the petitioner (usually a related person) for a fixed period.

Protocol: An accepted system of behavior or procedure.

Public law 280: A transfer of legal authority (jurisdiction) from the federal government to state governments which significantly changed the division of legal authority among tribal, federal, and state governments. Congress gave six states (five states initially - California, Minnesota, Nebraska, Oregon, and Wisconsin; and then Alaska upon statehood) extensive criminal and civil jurisdiction over tribal lands within the affected states (the so-called “mandatory states”). Public Law 280 also permitted the other states to acquire jurisdiction at their option.

Punishing: To inflict a penalty for an offense.

Punishment: A sanction - such as a fine, penalty, confinement, or loss of property, right, or privilege – assessed against a person who has violated the law.

R

Reasonable suspicion: A particularized and objective basis, supported by specific and articulable facts, for suspecting a person of criminal activity.

Reconciliation: Restoration of harmony between persons or things that had been in conflict.

Redress: To set right; to remedy; to compensate; to remove the cause of a grievance or complaint.

Referral: The act or an instance of sending or directing another for information, service, consideration, or decision.

Rehabilitation: Restoration of someone to a useful place in society.

Report: A formal oral or written presentation of facts or a recommendation for action.

Residential school: The Aboriginal Residential Schools were a network of “residential” (boarding) schools for Indigenous Canadians (First Nations, Métis and Inuit). Funded by the Canadian government’s Indian Affairs and Northern Development, and administered by Christian churches, predominantly the Roman Catholic Church in Canada (60%), but also the Anglican Church of Canada (30%), and the United Church of Canada (including its pre-1925 constituent church predecessors) (10%). The policy was to remove children from the influence of their families and culture, and assimilate them into the dominant Canadian culture. Over the course of the system's existence, about 30% of native children, or roughly 150,000, were placed in residential schools nationally.

Resilience: The ability to become strong, healthy, or successful again after something bad happens.

Respite care: The provision of short-term accommodation in a facility outside the home in which a loved one may be placed. This provides temporary relief to those who are caring for family members, who might otherwise require permanent placement in a facility outside the home.

Restitution: An act of restoring a wronged or injured person to the person's condition before the wrong, loss or injury.

Restorative justice: A system of criminal justice that focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.

Restraining order: A court order prohibiting family violence; especially an order restricting a person from harassing, threatening, and sometimes merely contacting or approaching another specified person.

Retribution: Punishment or revenge for a previous act.

Robbery: Forcible stealing; the felonious taking of property from the person of another by violence or by putting him (or her) in fear.

Rules of evidence: The body of law regulating the admissibility of what is offered as proof into the record of a legal proceeding.

Runaway: A person (usually a juvenile) who has fled from the custody of legal guardians without permission and who has failed to return within a reasonable time; especially an unemancipated minor who has left home, usually indefinitely.

S

Sanctioning: Issuing a penalty or punishment attached to a law so that it is obeyed.

Sanctions: Penalties for disobeying a law or rule.

Secure detention: The holding of youth, upon arrest, in a juvenile detention facility in order to ensure the youth's appearance for all court hearings and to protect the community from future offending.

Sentencing circles: A community-directed process, conducted in partnership with the criminal justice system, to develop consensus on an appropriate sentencing plan that addresses the concerns of all interested parties.

Sex offender: Person convicted of a sexual offense such as rape (sexual assault), sexual contact or lewdness.

Sex Offender Registration and Notification Act: Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248). The Sex Offender Registration and Notification Act (SORNA) provides a comprehensive set of minimum standards for sex offender registration and notification in the United States. SORNA aims to close potential gaps and loopholes that existed under prior law and generally strengthens the nationwide network of sex offender registration and notification programs. Additionally, SORNA:

- Extends the jurisdictions in which registration is required beyond the 50 states, the District of Columbia, and the principal U.S. territories, to include also federally recognized Indian tribes.
- Incorporates a more comprehensive group of sex offenders and sex offenses for which registration is required.
- Requires registered sex offenders to register and keep their registration current in each jurisdiction in which they reside, work, or go to school.
- Requires sex offenders to provide more extensive registration information.
- Requires sex offenders to make periodic in-person appearances to verify and update their registration information.
- Expands the amount of information available to the public regarding registered sex offenders.
- Makes changes in the required minimum duration of registration for sex offenders.

Sexual abuse: An illegal sex act, especially one performed against a minor by an adult.

Social services: Government services provided for the benefit of the community, such as education, medical care, and housing.

Sovereign: To act independently as a person or nation.

Standards: A criterion for measuring acceptability, quality, or accuracy.

Standard of proof: The degree or level of proof demanded in a specific case, such as “beyond a reasonable doubt” or “by a preponderance of the evidence.”

Status offense: A minor’s violation of the juvenile code by doing some act that would not be considered illegal if an adult did it, but that indicates that the minor is beyond parental control. Examples include running away from home, truancy, and incorrigibility.

Statute: A law passed by a legislative body.

Statutory provisions: Statutory provisions expand upon the subject matter and describe when the law applies, to whom the law applies and the penalty for violating the law.

Stigmatized: To characterize or brand as disgraceful.

Subject matter jurisdiction: Jurisdiction over the nature of the case and the type of relief sought; the extent to which a court can rule on the conduct of persons or the status of things.

Substance Abuse: The excessive use of a substance, especially alcohol or a drug. A frequently cited definition of *substance abuse* is in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders, fourth edition* (DSM-IV) issued by the American Psychiatric Association. The DSM-IV definition is as follows:

A maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one or more of the following, occurring within a 12-month period:

1. Recurrent substance use resulting in a failure to fulfill major role obligations at work, school, or home (e.g., repeated absences or poor work performance related to substance use; substance-related absences, suspensions or expulsions from school; neglect of children or household)
2. Recurrent substance use in situations in which it is physically hazardous (e.g., driving an automobile or operating a machine when impaired)
3. Recurrent substance-related legal problems (e.g., arrests for substance-related disorderly conduct)
4. Continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance (e.g., arguments with spouse about consequences of intoxication, physical fights).

T

Teen court: The terms teen court, youth court, and peer court are used interchangeably. Their purpose is to provide an alternative disposition for juveniles who have committed a delinquent act, have committed a minor offense, or have been charged with a misdemeanor, and are otherwise eligible for diversion.

Termination of parental rights: The legal severing of a parent's rights, privileges, and responsibilities regarding his or her child.

Therapist: A person who helps people deal with mental or emotional problems by talking about those problems.

Tradition: The transmission of customs or beliefs from generation to generation, or the fact of being passed on in this way.

Transition plan: The section of the Individualized Education Program (IEP) that outlines transition goals and services for the student. The transition plan is based on a high school student's individual needs, strengths, skills, and interests. Transition planning is used to identify and develop goals which need to be accomplished during the current school year to assist the student in meeting his post-high school goals.

Trauma: A deeply distressing or disturbing experience.

Treatment facility: A treatment center that treats patients with substance abuse issues or mental illness.

Tribal agency: A tribal government department that is responsible for a particular activity, area, etc.

Tribal juvenile code: The laws of the tribe regarding juvenile issues.

Tribal Law and Order Act amendments: In 2010 the Tribal Law and Order Act amended the Indian Civil Rights Act to increase tribal sentence limitations to a maximum of three years imprisonment and/or \$15,000 fine. However, to exercise these enhanced sentences tribes must provide certain additional civil protections, including: the provision of effective defense counsel and a licensed and law-trained judge, making the tribal laws publicly available, and maintain a record of the criminal proceeding.

Tribal nation: A sovereign nation made up of indigenous tribal citizens.

Truancy: The action of staying away from school without good reason; absenteeism.

Truancy court: A court designed to improve daily school attendance and reduce truancy.

Truant: One who stays out of school without permission.

V

Values: Foundation upon which other values and measures of integrity are based. They are broad preferences concerning appropriate courses of action or outcomes. As such, values reflect a person's sense of right and wrong or what "ought" to be.

Victim: A victim is a person who suffers physical, mental, emotional, and/or spiritual harm due to the behavior of other(s).

Victim-Offender Mediation: Victim offender mediation is a process that provides interested victims an opportunity to meet their offender, in a safe and structured setting, and engage in a mediated discussion of the crime.

Victimizer: A person who victimizes others.

Violence Against Women Act: On March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act of 2013, or “VAWA 2013.” VAWA 2013 recognizes tribes' inherent power to exercise “special domestic violence criminal jurisdiction” (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country.

Violent offender: According to 42 USCS § 3797u-2 [Title 42. The Public Health and Welfare; Chapter 46. Justice System Improvement; Drug Courts], the term “violent offender” means a person who--

- (1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct--
 - (A) the person carried, possessed, or used a firearm or dangerous weapon;
 - (B) there occurred the death of or serious bodily injury to any person; or
 - (C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or
- (2) has 1 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.
 - (a) Definition for purposes of juvenile drug courts. For purposes of juvenile drug courts, the term “violent offender” means a juvenile who has been convicted of, or adjudicated delinquent for, a felony-level offense that--
 - (1) has as an element, the use, attempted use, or threatened use of physical force against the person or property of another, or the possession or use of a firearm; or
 - (2) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Voluntary Public Law 280 states: Prior to 1968 nine states (Arizona, Florida, Idaho, Iowa, Montana, Nevada, North Dakota, Utah and Washington) voluntarily accepted partial or complete criminal jurisdiction over Indians in Indian Country. Public Law 280 was amended in 1968 requiring

tribes to consent to state jurisdiction. No tribe has given consent since 1968. The Federal Government retains concurrent jurisdiction to prosecute under the Major Crimes Act and General Crimes Act in the so-called “option states.” See *United States v. High Elk*, 902 F.2d 660 (8th Cir. 1990); but see *United States v. Burch*, 169 F.3d 666 (10th Cir. 1999).

W

Wellness court: A problem-solving court focused on a particular issue (usually drugs or alcohol) in which the defendant is closely supervised as s/he completes a structured treatment plan.

Will: A person’s declaration of how he or she desires his or her property to be disposed of after death.

Wrap around services: Community based intervention services that emphasize the strengths of the child and family and includes the delivery of coordinated, highly individualized unconditional services to address needs and achieve positive outcomes in their lives.

Y

Young adult: A person in the early years of adulthood.

Youth: The time when a young person has not yet become an adult; the time between childhood and adulthood (maturity).

Youth domestic violence court: Juvenile domestic violence courts were established in response to the increase in teen dating violence as well as family violence initiated by teens and violence between teen parents who are not married. The juvenile domestic violence court, sometimes called dating violence or youth violence court, focuses on youth who have committed violence in the context of a specific relationship. These courts address violent incidents against a person who would be considered an intimate, such as a spouse, girlfriend/boyfriend, or someone in a dating relationship, or acts of abuse directed at a close family member, such as a parent or sibling. The approach focuses on two areas: ensuring accountability by addressing the behavior of the minor who is committing the abusive act(s) and ensuring safety and providing support for the victim.