

Chapter 9: Wellness Team

Overview

The section of the Policies and Procedures Manual (P&PM) governing the overall functions and ethics of the Healing to Wellness Court Team are intended to bolster the strength and unity of the team. These sections are implicated by Key Component 1 - Individual and Community Healing Focus, Key Component 9 - Continuing Interdisciplinary and Community Education, and Key Component 10 - Team Interaction.

One of the most common struggles across all Healing to Wellness Courts is team dynamics. Team communication and cooperation must constantly be prioritized, especially when bringing together distinct departments, agencies, and jurisdictions. There are some common best practices that can assist in this endeavor. Best practices include teams that are committed at the beginning, are compassionate and concerned, have members who "walk the talk," and whose members have tolerance and respect for each other's opinions. Stability often follows teams that have diverse groups at national trainings during the planning stages, attended national conferences to stay abreast, served as mentor courts, involved tribal council members in the planning stages, had law enforcement as an integral part of the team, made public outreach attempts, and did successful team building at local planning meetings.

Less healthy teams suffer from a lack of many of the above components. The absence of a Wellness Court Coordinator; lack of participation by schools, mental health, tribal elders, and tribal leaders; little support from the tribal leadership; lack of a community-wide steering committee; lack of buy-in from other agencies; and a community unfamiliar with the Wellness Court and the Wellness Court and that never institutionalized the notion that all can contribute to a unstable team.

Internally, a lack of regularly scheduled meetings, long and poorly facilitated meetings, poor communication between team and chemical dependency counselors and the mental health provider, core team changes, a lack of training or too generalized of training, and a lack of written material for cross-training and drug court institutionalization can further destabilize a team.

The P&PM can contribute to a strong and stable team by detailing the structure of the Wellness Court based on roles, not individuals; detail the responsibilities of team members from various agencies in written policies and procedures and memoranda of agreement/understanding; and include a written curriculum for the Tribal Wellness Court staff including educational information on substance abuse and the Wellness Court philosophy.

Relevant Key Components

Key Component #1: Individual and Community Healing Focus

Tribal Healing to Wellness Court brings together alcohol and drug treatment, community healing resources, and the tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant, and to promote Native nation building and the well-being of the community.

Key Component #9: Continuing Interdisciplinary and Community Education

Continuing interdisciplinary and community education promote effective Tribal Healing to Wellness Court planning, implementation, and operation.

Key Component #10: Team Interaction

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and payers, the community and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.

Findings from the NIJ Tribal Wellness Court Study:⁷² Key Components #1, #9, and #10

Problems Identified:

(1) Wellness teams had a great deal of member turnover.

Lessons Learned:

- Develop a strong structure for your Tribal Wellness Court by building the Tribal Wellness Court team based on roles, not individuals, in order to avoid the disintegration of the team due to staff turnover.
- Detail the responsibilities of team members from various agencies in written policies and procedures, such as memoranda of understanding, in order to ensure the team's integrity.
- Develop a written curriculum for Tribal Wellness Court staff – a Tribal Wellness Court handbook that includes educational information on substance abuse, the Tribal Wellness Court philosophy, and specific information on the policies and procedures of your court. This curriculum can be used to educate new members and help to institutionalize the Tribal Wellness Court even as staff turnover occurs.

⁷² Gottlieb, "Lessons Learned in Implementing the First Four Tribal Wellness Courts," 5, 51, and 57.

**Strengths and Weaknesses Reports in the First Four
Tribal Wellness Courts⁷³
Key Components #1, #9, and #10**



Strengths

- Good team work
- Team members “walk the talk”
- Compassionate and concerned team
- Committed team at beginning
- Home and school liaison involvement
- Tolerance and respect for other team members’ opinions
- Core team stability

- Diverse group at national trainings during planning stage
- Attendance at national conferences to stay abreast
- Mentor court to other tribes
- Training changed team members’ attitudes
- Public outreach attempts
- Tribal council members involved in planning stage
- Successful team building at local planning meetings

Weaknesses

- Lack of participation by schools, mental health, tribal elders, and tribal leaders
- Long and poorly facilitated staff meetings
- Poor communication between Wellness Court and mental health provider
- Core team changes
- Poor communication between chemical dependency counselors and team
- Not all team members “walk the talk”
- No Wellness Court coordinator
- Staff meetings not regularly scheduled
- New team members have not received basic drug court training
- Repetitive training (training not matched to team’s needs)
- Lack of written materials for cross-training and drug court institutionalization
- No buy-in from other agencies
- Little support from tribal executive board
- Community not familiar with Wellness Court
- Lack of support from Tribal Council
- Law enforcement not integral part of the team

⁷³ Taken from “Process and Outcome Evaluations of the Fort Peck Tribes Community Wellness Court” (December 30, 2005), “Process and Outcome Evaluations of the Blackfeet Alternative Court” (December 30, 2005), “Process and Outcome Evaluations of the Hualapai Wellness Court” (June 2010), “Process and Outcome Evaluations of the Poarch Band of Creek Indians Drug Court” (December 30, 2005).

Section A: Ethics

Purpose

The purpose of this section is to clearly delineate a set of ethical standards for Healing to Wellness Court Team members and to provide notice to these team members, the participants, their families, and the tribal community. These ethical standards include the agreement between team members to keep discussions about participants during staffing confidential.

Sample Tribal Wellness Court Wording

Menominee Indian Tribe of Wisconsin

"Menīpaniw "There is a Good Road" Menominee Tribal Wellness Courts – Policies and Procedures Manual" (October 2013)

Staff Responsibilities

Purpose: The purpose of this policy is to define the roles and responsibilities of the Menīpaniw Court Team members.

2. **Team** – The entire staff serves as the facilitator of treatment by resolving issues, helping to overcome problems impeding treatment and resolving any other difficulties. In addition, the team oversees the case processing aspect and is actively involved in the program, as well as providing the leadership, authority, and management capacity to enable the Menīpaniw to operate. Each member of the team appears in court in each week with the participants. Each member of the team has one vote, and majority rules in aspects with the exception of legal matters. In addition, each member of the team has the below listed responsibilities:
 - G. **Menīpaniw Court Judge** oversees the weekly court appearances by participants and imposes any sanctions that have been voted on by the team at the weekly staffing of participants.
 - H. **Menīpaniw Court Prosecutor** explains the Menīpaniw Court to prospective participants and participates generally and specifically in the referral process with the Prosecutor and the Intake/Counselor in determining the eligibility of participants.
 - I. **Menīpaniw Court Public Defender** explains the Menīpaniw to prospective participant and participates generally and specifically in the referral process with the Prosecutor and the Intake/Counselor in determining the eligibility of participants. Once the participants have been terminated or successfully complete the program, the court defender has no further responsibility to them.
 - J. **Menīpaniw Court Intake/Counselor** screens prospective participant by administering SASSI (as defined – earlier) and SUDDS evaluations and upon acceptance by the team provides outpatient counseling and makes recommendations to the team if a

participant needs inpatient treatment. The Intake/Counselor and the Menīpaniw Court Probation Officer are responsible for developing a treatment plan with each individual and determining if participants are compliant.

- K. **Menīpaniw Court Probation Officer** works with the Intake/Counselor and the participant to develop a treatment plan and to determine if participants are in compliance. The Probation Officer also works with schools and other agencies to provide GEDs, college courses, and job opportunities.*
- L. **Menīpaniw Court Coordinator** facilitates the collection and organization of all relevant information by receiving, recording, and maintaining all documents and records of the Menīpaniw Team and the participants. Assist in participant entry to program, follow up, and grant administration which includes grant reporting/program fiscal responsibilities*

Pascua Yaqui

"Drug Court Treatment" (no date)

PASCUA YAQUI DRUG COURT TEAM

PURPOSE:

The Pascua Yaqui Drug Court (PYDC) Team plans, implements, evaluates, revises, and oversees the services and activities provided through Drug Court Treatment Accordingly, the role of PYDC Team is to uphold the integrity and responsibility of each partner to provide a quality service to the Pascua Yaqui Community and its people.

POLICY:

The PYDC Team shall meet weekly to review program items and the status of participants. The members of this team are the Drug Court Judge, prosecutor, public defender, and treatment providers). The Team can request that additional persons participate on an as-needed basis or regular basis.

PROCEDURE:

- 1. The Drug Court client's progress is reviewed, monitored, and evaluated at the PYDC Team staffing, which occurs prior to the Drug Court Hearing.*
- 2. The Drug Court Program Coordinator shall be responsible for organizing the agenda for the meetings, recording the minutes, and organizing any follow-up that may be required. The Program Coordinator will ensure that reports are submitted in a timely fashion, attend participants' clinical reviews with the treatment provider(s), report to the Drug Court Team, and attend the weekly Drug Court hearing.*
- 3. The Program Coordinator will provide a written report to each member of the PYDC Team, recording the client's:*
 - A) UA Test Results.*
 - B) Attendance to meetings, groups, and individual sessions.*
 - C) Revisions and/or additions to the treatment plan based on the level of*

compliance and participation.

4. *Noncompliance issues, especially positive alcohol and/or drug test results, shall be reported immediately to the Drug Court Judge, prosecutor, and if required the public defender.*
5. *The Judge supervises the client's progress in treatment. The Judge will review, address, and resolve a client's non-compliance by amending the treatment regimen or discharging the client from the program.*
6. *The PYDC Team shall be responsible for ensuring that the established goals of the program are maintained.*

Little Traverse Bay Band of Odawa

"Waabshki-Miigwan Court Manual" (January 2011)

Ethics and Confidentiality

The fundamental concern of the Waabshki-Miigwan program is addressing alcohol and substance abuse through treatment. Federal requirements and any tribal policies regarding confidentiality of client records must be considered. To properly address the confidentiality rights of participants, the Waabshki-Miigwan team must incorporate confidentiality regulations into its policies and procedures. Confidentiality regarding substance abuse treatment is protected by United States Code and the Code of Federal regulations. Therefore, all treatment providers and team members are bound by confidentiality guidelines.

The Waabshki-Miigwan team can share information regarding participants by obtaining written consent from each participant or through court order. Participants can sign a "Release of Confidential Information Form," where the participant gives his/her consent, in writing, allowing treatment providers and team members to share and disclose information regarding substance abuse issues.

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

Because participants are involved in group counseling it is essential that they respect the confidentiality of other participants. They should agree not to disclose sensitive information discussed during sessions. This topic will be addressed in the Client Contract and the initial orientation. Also, measures must be taken by the team to ensure that information disclosed is relevant, reliable, and limited to the scope of the program and that it takes place in a professional forum.

In the event that a court staff member and a client should come in contact outside of a professional setting, communication should not take place unless initiated by the drug court participant.

Finally, Tribal law and regulations do not protect any information about suspected child abuse or neglect from being reported under tribal law to appropriate state or local authorities. Other instances of mandated reporting are in case of emergency, or threats to harm self or others.

Section B: Team Transition

Purpose

The purpose of this section is to establish a policy governing what will happen when there is turn-over in the Wellness Court Team.

Sample Tribal Wellness Court Wording

Menominee Indian Tribe of Wisconsin

"Menōpaniw "There is a Good Road" Menominee Tribal Wellness Courts – Policies and Procedures Manual" (October 2013)

Team Transition

Periodically it becomes necessary to replace members of the Wellness Court Team. Outgoing Team members are requested to submit a letter of resignation that includes the last day of participation to the team with a copy going to the Chief Justice. Upon receipt of the resignation, the Wellness Court Judge will contact the parent agency of the resigning member and request that a replacement be named as soon as possible.

Once named, the new member will receive from the Wellness Court Coordinator a packet of information that includes the mission statement, the Wellness Court policy handbook, and minutes of previous meetings. At the new member's first meeting, the other team members will provide a brief verbal account of the team's responsibilities and their own in particular.