



Hedger & Walter, LLP

TOOLS #1: CULTURALLY BASED AND LOCALLY DRIVEN

Integrating and Blending Tribal Culture and Non-Tribal Approaches

This list is intended to spark conversation about tribe-specific cultural components that the two judges may wish to incorporate into their court's program.

- Giving a traditional gift at transition/phase advancement ceremony
- Involving elders
- Involving youth
- Exploring the re-creation of practices (e.g., a men's groups to lead to traditional sweat house activities or similar activities for women)
- Participating in or learning about gathering food/materials and fishing/hunting
- Involving tribal mentors
- Learning genealogy and history of an individual's family, particularly in terms of historical trauma suffered by relatives/victims and their resiliencies
- Conducting group sessions that include tribe-specific traditional activities (for instance, making ribbon shirts, beading, baskets, dolls, etc.)
- Making community service (if required) part of a traditional activity
- Maintaining a cultural advisor on staff
- Convening counseling groups that include tribal identity, recognize historical trauma, and incorporate tribal healing customs
- Building a healthy community of connections and assessing cultural/community connections
- Using Native language in programming
- Exploring participants' needs (e.g., domestic violence prevention) and if there are cultural alternative programs for victims and perpetrators, parenting, co-parenting, etc.
- Offering to participants enrollment in a cultural class and/or to attend traditional/cultural events and activities

- Smudging (a purification practice that involves burning a bundle of dried herbs such as sage)
- Drumming

Locally Driven

Many of the joint-jurisdictional courts have blended a collaborative/problem-solving state court approach with a tribal healing to wellness approach.

Family Dependency Treatment Courts—Key Components

1. Organization and structure supported by evidence-based practices.
2. Judicial leadership working collectively with justice partners.
3. Policies and procedures developed with equity and inclusion lens.
4. Early identification, screening, and assessment.
5. Timely, high-quality, and appropriate substance use disorder treatment.
6. Comprehensive case management, services, and supports for families.
7. Therapeutic responses to behavior.
8. Monitoring and evaluation to measure effectiveness of treatment, services, and other programs.
9. Emphasis on the team's and individual's commitments to cultural competence and humility.

Tribal Healing to Wellness Courts—Key Components

1. Individual and Community Healing Focus
Alcohol and drug treatment, community healing resources and the tribal justice process; team approach used to achieve the physical and spiritual healing of participants promoting Native nation building and community well-being.
2. Referral Points and Legal Process
Various referral points and the legal process promote tribal sovereignty and the participants' due (fair) process rights.
3. Screening and Eligibility
Eligible court-involved substance-abusing parents and adults are identified early through legal and clinical screening for eligibility.
4. Treatment and Rehabilitation
Provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

5. Intensive Supervision (*case management and alcohol/drug testing*)
Effective team-based case management; participants are monitored through intensive supervision that includes frequent and random testing for alcohol and drug use.
6. Sanctions and Incentives
Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with court requirements.
7. Judicial Interaction
Ongoing involvement of the judge with the court team and staffing and ongoing judge interaction with each participant are essential.
8. Monitoring and Evaluation
Process evaluation and performance measurement and evaluation are tools used to monitor and evaluate the achievement of program goals, identify needed improvements to the court process, determine participant progress, and provide information to governing bodies, interested community groups, and funding sources.
9. Continuing Interdisciplinary and Community Education
Continuing interdisciplinary and community education promote effective court planning, implementation, and operation.
10. Team Interaction (*policies and procedures, interagency, third party, and intergovernmental agreements*)
The development and maintenance of ongoing commitments, communication, coordination, and cooperation among court team members, service providers, the community and relevant organizations, including the use of formal written procedures and agreements.