

BISHOP PAIUTE TRIBE
TITLE 3 – Tribal Court and Judicial Department
CHAPTER 3.2 – Juvenile Healing to Wellness Court

ENACTED BY TRIBAL COUNCIL: [enter passage date]

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TABLE OF CONTENTS

Bishop Paiute Tribal Juvenile Healing to Wellness Court

Section 1. Title.....	1
Section 2. Establishment of the Court (TJHWC).....	1
Section 3. General.....	1
Section 4. Purpose.....	1
Section 5. Jurisdiction.....	2
Section 6. Eligibility Criteria	2
Section 7. Policies and Procedures.....	3
Section 8. Court Collaboration Structure.....	3
Section 9. Judges of the JHWC.....	4
Section 10. Powers of the Associate Judge of the JHWC	4
Section 11. Rules of Evidence.....	4
Section 12. Collection and Maintenance of Records.....	4
Section 13. Duration of the JHWC	4
Section 14. Severability.....	5

Section 1.0 Title

This Ordinance shall be known as the “Bishop Paiute Tribal Juvenile Healing to Wellness Court Ordinance.”

Section 2.0 Establishment of the Bishop Paiute TJHWC

The Bishop Paiute Tribe hereby establishes the Bishop Paiute Tribal Juvenile Healing to Wellness Court.

Section 3.0 General

- a) The Bishop Paiute TJHWC is a transformative judicial process that may be categorized within the growing number of “problem-solving” courts. The TJHWC allows Tribal participants to obtain a full range of services to engage a participant in a holistic treatment that will provide tools and support necessary to lead a productive, alcohol-drug free, lawful and healthy lifestyle.

Section 4.0 Purpose

- a) To provide substance use/abuse/addiction rehabilitative services to tribal youth at home and in the community while helping them become a productive member of their family and community.

- b) To achieve abstinence through cultural involvement.
- c) To foster positive behavioral changes and a new lifestyle.
- d) To facilitate active participation in community-based support systems.
- e) To assist participants in positive support network.
- f) Improve participants' problem-solving skills and coping strategies.

Section 5.0 Jurisdiction

- a) The Bishop Paiute TJHWC shall have subject matter and personal jurisdiction over all juvenile and minor child cases transferred to and accepted by the TJHWC from the Superior Court of California, County of Inyo Court system and the Inyo County Probation Department. In addition, the TJHWC shall have subject matter and personal jurisdiction over all juvenile and minor child cases and referrals transferred to and accepted by the TJHWC from such other federal, state and tribal programs, agencies, offices and departments deemed appropriate by the TJHWC Planning Committee.
 - i. The Bishop Paiute TJHWC shall exercise independent discretion in its monitoring of assigned cases.
- b) The Bishop Paiute TJHWC shall have the authority to issue all orders necessary to ensure the safety, well-being, and rehabilitation of individuals who come within or consent to its jurisdiction. The TJHWC shall have the power to implement all the duties, responsibilities, and remedies set out in this Code, including the power to enforce subpoenas and orders of restriction, fines and orders of restitution, contempt, confinement and detention, and other powers as appropriate.
- c) Upon successful completion of the Bishop Paiute TJHWC, or at such a time when a participant of the Bishop Paiute TJHWC becomes ineligible to continue in the program, the Bishop Paiute TJHWC will provide such information to the appropriate governmental entity for its use in any final disposition as it relates to the Bishop Paiute TJHWC participant.

Section 6.0 Eligibility Criteria

TJHWC will target non-violent participants between the ages of 14-18 years of age charged with drug/alcohol related offenses who are members of a federally recognized Indian Tribe and fall within the Bishop Paiute Tribal Service Area. Participants with convictions for violent/sexual offenses are excluded from participation in the TJHWC.

- a) Must be a member or descendant of a federally recognized Indian Tribe living within the Bishop Paiute Tribal service area.
- b) Must not have a juvenile history in any jurisdiction for committing a violent or sexual offense.
- c) Age range of 14-18 or upon TJHWC graduation.
- d) Court/ Law Enforcement involved
- e) Guardian/Parent Support
- f) Offense was drug or alcohol related, or drug or alcohol is the underlying factor.
- g) History of drug or alcohol use;
- h) Youth with moderate or high risk of reoffending substance abuse;
 - i. Willingness to engage in and successfully complete the TJHWC.

Section 7.0 Policies and Procedures.

- a) The Bishop Paiute TJHWC shall promulgate and follow Policies and Procedures in administering the Tribal Juvenile Healing to Wellness Court. Policies and Procedures are subject to change, and changes shall be adequately and timely published to the Bishop Paiute TJHWC team, public, and participants. Upon reviewing the Policies and Procedures and considering any recommended changes, the Bishop Paiute TJHWC shall approve the Policies and Procedures on an annual basis or prior to the annual review when deemed necessary.
- b) The Policies and Procedures will address the following including, but not limited to:
 - a. Target Population
 - b. Participant Admission Criteria
 - c. Violent Participation Prohibition
 - d. Sexual Offender Prohibition
 - e. Referral Process
 - f. Entry Process
 - g. Participant Guidelines
 - h. Confidentiality
 - i. Planning Committee
 - j. Team Roles and Responsibilities
 - k. General Alcohol/Treatment Goals
 - l. Treatment and Services
 - m. Cultural Programs
 - n. TJHWC Phases/Incentives
 - o. Graduation
 - p. Sanctions and Incentives
 - q. Hearings
 - r. Drug/Alcohol Testing
 - s. Data Tracking and Evaluation
 - t. Wellness Team

Section 8.0 Court Collaboration Structure.

- a) Planning Committee:
 - a. The Planning Committee will convene monthly to discuss policy matters, allocation of resources, design culturally relevant treatment curriculum, and long-term strategic planning and participants case plan. The Planning Committee will utilize a team approach to provide healing opportunities for our tribal youth. Team members shall be committed, desired and have the ability to serve tribal youth who participant in this program.
- b) Wellness Team
 - a. The Wellness Team will convene as necessary to discuss juvenile cases and will consist of members of the family, court staff, and providers to ensure a holistic approach to wellness planning.
- c) Legal Team
 - a. The Legal Team will convene as necessary to review legal aspects of this program and ensure functionality of this specialty court.
- d) Advisory Committee
 - a. The Bishop Paiute Tribe's Court Advisory Committee will participate in the planning and evaluation of the court to help ensure efficiency and effectiveness.

Section 9.0 Judges of the Bishop Paiute TJHWC

- a) The TJHWC shall be composed of one associate judge and such associate judges as may be deemed necessary by the Bishop Paiute Tribal Council. TJHWC judges shall be appointed by the Bishop Paiute Tribal Council and shall serve in accordance with and for the term set forth in the judges' contract.

Section 10.0 Powers of the Associate Judge of the BPTJHWC.

- a) To preside as a judicial officer at and overall TJHWC cases.
- b) To render and issue Orders in furtherance of TJHWC program goals and objectives.
- c) To render and issue Orders concerning participant compliance and non-compliance with treatment plans – including imposition and enforcement of incentives and sanctions and termination from the program.
- d) To participate fully as a member of the TJHWC team committing him/herself to the program, mission, goals and otherwise work as a full partner to ensure the program's success and each participant's successful completion of the program.
- e) To comply with, implement and enforce the provisions of the TJHWC Policies and Procedures and court procedures.

Section 11.0 Rules of Evidence.

- a) Any information obtained, used or disclosed by a member of the TJHWC team, regarding the treatment methods employed by the TJHWC team, while the participant is under the jurisdiction of the TJHWC shall not be used as evidence against the participant in any proceeding in the TJHWC system or any other court in any other jurisdiction. All TJHWC records are privileged and confidential and shall not be disclosed except to the members of the TJHWC team and approved collaborators with a valid release of information on file.

Section 12.0 Collection and Maintenance of Records

- a) The TJHWC shall collect data on each individual participant and entire program.
- b) The TJHWC shall maintain files on each individual applicant or referral who is denied or refused admission to the program, including the reasons for the denial or rejection, the criminal history of the applicant, legal screening and assessment, and any other demographic information as deemed beneficial by the TJHWC Judiciary.
- c) The TJHWC shall maintain files on each participant in the program for review and evaluation as well as treatment. The information collected for evaluation purposes must include a minimum standard data set as deemed appropriate through evidence-based practices.

Section 13.0 Duration of the Bishop Paiute TJHWC

- a) The Bishop Paiute TJHWC shall operate and function as long as the TJHWC receives sufficient funding to operate the court regardless of the source of funding

Section 14.0 Severability

- a) If any part or parts, or application of any part of this Code is held invalid, such holding shall not affect the validity of the remaining parts of this Code.