



**HO-CHUNK NATION CODE (HCC)
TITLE 4 – CHILDREN, FAMILY AND
ELDER WELFARE
SECTION 16 – FAMILY WELLNESS
COURT CODE**

ENACTED BY LEGISLATURE: FEBRUARY 7, 2017

CITE AS: HCC 4 § 16

TABLE OF CONTENTS

Chapter I: General Provisions and Definitions

1. Authority	3
2. General	3
3. Purpose	3
4. Policy	4
5. Definitions	4

Chapter II: Jurisdiction, Court Structure, Policies, Procedures and Program Rules

6. Jurisdiction	6
7. Structure of the Family Wellness Court Team	7
8. Policies and Procedures	7
9. Participant Handbook	7

Chapter III: Referral and Assessment

10. Referral Procedures	8
11. Child and Family Services Screening	8
12. Legal Screening	8
13. Clinical Assessment	10
14. Cultural Assessment	10
15. Admission to Program	11
16. Records of Denials and Admissions to the Voluntary Treatment Program	11

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Chapter IV: Monitoring, Testing, and Assessments

17. Monitoring	11
18. Interaction	11
19. Testing Compliance	11
20. Assessments	12
21. Responses to Behaviors	12
22. Services	12

Chapter V: Family Wellness Court Staffing

23. Compliance Reports	13
24. Formal Staffing	13
25. Informal Staffing	14

Chapter VI: Court Procedure and Hearing

26. Rules of Evidence	15
27. Status Hearing	15
28. Termination/Expulsion	16
29. Graduation	16

Chapter VII: Records, Budget, Advisory Board

30. Collection and Maintenance of Records	17
31. Budget	18
32. Advisory Committee	18
33. Orders	19
34. Severability	19

CHAPTER I GENERAL PROVISIONS AND DEFINITIONS

1. Authority

a. Article V, Section 2(a) of the Ho-Chunk Nation Constitution (“Constitution”) grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation.

c. Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals.

d. Article V, Section 2(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions.

e. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

f. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.

g. Article VII, Section 4 of the Constitution grants the Judiciary the power to interpret and apply the Constitution and laws of the Ho-Chunk Nation.

h. Article VII, Section 7(b) of the Constitution grants the Supreme Court the power to establish written rules for the Judiciary, provided such rules are consistent with the laws of the Ho-Chunk Nation.

2. **General.** The Ho-Chunk Nation Family Wellness Court is an evidence-based treatment program that offers drug and/or alcohol addicted participants, and their families, with appropriate access to therapeutic wellness diagnostics and programming to address primary and/or co-occurring disorders, while striving to prevent out of home placement and actively supporting healthy spiritual and sober lifestyles.

3. **Purpose.** The Family Wellness Court Code shall be liberally interpreted and construed to fulfill the following expressed purposes:

a. Help Ho-Chunk Nation members break the generational cycle of abuse, addiction and enabling;

- b. Provide intensive services and more frequent court intervention to assist with reunifying Ho-Chunk Nation families and/or preventing the breakup of such families.
- c. Promote positive behavioral health and wellness for participants, their families, and the community;
- d. Reduce recidivism rates of drug and alcohol offenses to keep families together;
- e. Promote recovery in participants and the community, and support from the family and community; and
- f. Hold participants accountable through the use of effective sanctions, rewards, and treatment programming.

4. **Policy.** The Family Wellness Court is a comprehensive program designed to break the cycle of substance abuse by providing timely, family-centered treatment and supportive services to families with the ultimate goal of improving family safety, well-being, and permanence for children. The Family Wellness Court strives to prevent the out-of-home placement of Ho-Chunk children resulting from abuse and neglect related to drug and/or alcohol addiction, and to actively support community members by encouraging healthy, spiritual, and sober lifestyles that will result in positive role models for future generations to achieve such goals. The Family Wellness Court shall adhere to Ho-Chunk ideals while focusing upon restorative justice and collaborative decision-making.

5. **Definitions.**

- a. “Distal Goal” means a long term goal expected to be achieved later in the program, for example sobriety.
- b. “Evidence-based treatments” means treatments that integrate professional research and clinical expertise to achieve the best outcome for the individual.
- c. “Family Wellness Court” means a court supervised treatment program for individuals and their families who are dependent on any controlled substance or alcohol and their families. The Family Wellness Court shall comply with the ten (10) key components promulgated by the National Association of Drug Court Professionals, which include all of the following characteristics:
 - (1) Integration of alcohol and other drug treatment services with justice system case processing.
 - (2) Use of a non-adversarial approach by prosecution and defense that promotes public safety while protecting any participant’s due process rights.

(3) Identification of eligible participants early with prompt placement in the program.

(4) Access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

(5) Monitoring of participants effectively by frequent alcohol and other drug testing to ensure abstinence from drugs or alcohol.

(6) Use of a coordinated strategy with a regimen of graduated sanctions and rewards to govern the court's responses to participants' compliance.

(7) Ongoing close judicial interaction with each participant and supervision of progress for each participant.

(8) Monitoring and evaluation of the achievement of program goals and the program's effectiveness.

(9) Continued interdisciplinary education in order to promote effective Family Wellness Court planning, implementation, and operation.

(10) The forging of partnerships among other Drug Treatment Courts, public agencies, and community-based organizations to generate local support.

d. "Participant" means an individual who is admitted into the Family Wellness Court.

e. "Participant Family" means the immediate family of the participant; however it is the intent of this legislation to also include those persons living within an extended family household. Additionally, where parental custody of minors is shared, the intent is to broadly encompass all of those members of the separate households.

f. "Proximal Goal" means a short term goal expected to be achieved to move forward in the recovery program, for example attending weekly support meetings.

g. "Violent Offender" means an individual who meets either of the following criteria:

(1) Is currently charged with or has been found guilty of an offense involving:

(a) The death of or serious bodily injury to any individual; or

(b) The carrying, possessing, or use of a firearm or other dangerous weapon by that individual, whether or not any of these circumstances are an element of the offense; or

(c) Criminal sexual conduct of any degree.

(2) Has one (1) or more prior convictions for a felony involving the use or attempted use of force against another individual with the intent to cause death or serious bodily harm.

CHAPTER II JURISDICTION, COURT STRUCTURE, POLICIES, PROCEDURES, AND PROGRAM RULES

6. Jurisdiction.

a. The Family Wellness Court is hereby established by the Legislature as a court of special jurisdiction to meet the purposes set out above. The Family Wellness Court will exercise its authority as a court of special jurisdiction pursuant to rules established by the Supreme Court in accordance with Article VII, Section 7(b) of the Constitution and in Accordance with the legislative purposes set out above.

b. The Family Wellness Court will operate parallel to the Trial Court.

(1) The Family Wellness Court shall exercise independent discretion in its monitoring of assigned cases.

(2) The Family Wellness Court Judge shall preside over the Family Wellness Court case, where the focus will be on the participant's treatment, so as to ultimately facilitate reunification.

(3) The Trial Court Judge shall preside over the Child in Need of Protection and Services (hereinafter CHIPS) action, where the focus will be on the protection, services, well-being, and permanency for the children.

(4) The Family Wellness Court may provide limited progress updates to the Trial Court, subject to appropriate releases of information.

c. The Family Wellness Court shall have the authority to issue all orders necessary to ensure the safety, well-being, and rehabilitation of participants, and their families who come within, or consent to its jurisdiction. The Family Wellness Court shall have the power to implement all the duties, responsibilities, and remedies set out in this Code, including the power to enforce subpoenas, orders of restriction, fines and orders of restitution, contempt, and other powers as appropriate.

d. Upon successful completion of the Family Wellness Court program, or at such a time when a participant of the Family Wellness Court becomes ineligible to continue in the program, the Family Wellness Court will provide such information to Children and Family Services (hereinafter CFS) to determine the appropriate final disposition of CHIPS action.

7. Structure of the Family Wellness Court Team.

a. The Family Wellness Court team shall be made up of a treatment team which shall include a Judge, a Department of Justice (“DOJ”) attorney, a defense attorney, a Case Coordinator, a Case Manager, Behavioral Health provider(s), a vocational rehabilitation professional, a representative of Traditional Court, a representative of the Clan Mothers, a representative of Children and Family Services (hereinafter CFS), and other members to be determined by the treatment team, if needed to assist with the individualized customization of a participant’s treatment plan. The Family Wellness Court shall comply with the ten (10) key components promulgated by the National Association of Drug Court Professionals more fully described in Section 5.c.

b. Ho-Chunk Nation Law Enforcement shall assist with drug testing, background checks, compliance checks, and home visits when needed.

(1) The Family Wellness team may need to enter agreements with local law enforcement as needed.

c. The Compliance Division shall assist with drug testing and background checks.

d. The Department of Health shall be called upon to assist with ensuring medical services are available as needed.

8. Policies and Procedures. The Family Wellness Court shall promulgate and follow Policies and Procedures in administering the Family Wellness Court. Policies and Procedures are subject to change, and changes shall be adequately and timely published to the DOJ, public, and participants. Subject to its constitutional authority to create judicial rules, the Ho-Chunk Supreme Court will have the authority to address the Policies and Procedures.

9. Participant Handbook. The Family Wellness Court shall promulgate and distribute Participant Handbooks to the participants of the Family Wellness Court Program. The Participant Handbook shall set forth the rules of the program and obligations of the participant in a clear, age appropriate manner. Handbooks shall be distributed and the defense attorney shall go through the handbook with each participant, as soon as the participant is admitted to the Family Wellness Court and obtain written acknowledgment of participants understanding of the rules of the Family Wellness Court. Failure to abide by the program rules may result in sanctions, therapeutic responses, termination from the program, and/or guardianship may be ordered in the CHIPS case to provide permanency for the children.

CHAPTER III REFERRAL AND ASSESSMENT

10. Referral Procedures.

- a. A referral may be made by anyone, provided the prospective participant is willing to have the referral made, and is willing to agree to voluntary participation in the court program.
- b. A referral form shall be kept by the Family Wellness Court Coordinator.
- c. Once a completed referral form is received, the Family Wellness Court Coordinator will begin to forward the information to the necessary team members to initiate the appropriate screenings.

11. Child and Family Services Screening.

- a. Children and Family Services (CFS) will receive referrals regarding prospective participants for the Family Wellness Court who have child protection cases in the county system.
- b. CFS will staff the county case to determine if they have the resources and staffing capabilities to transfer the case from the county system to the Ho-Chunk Nation Trial Court.
 - (1) If the determination is no, this information will be forwarded to the Family Wellness Court Coordinator.
 - (2) If the determination is yes, this information will be forwarded to both the Family Wellness Coordinator and the DOJ to begin the process for case transfer.

12. Legal Screening.

- a. All applicants and their volunteering family members will undergo screening by the DOJ to determine legal eligibility and to examine public safety risk.
 - (1) The screening should be completed within two (2) weeks of the referral being completed.
- b. Core components of the screening process are:
 - (1) Current child in need of protection and services allegations;
 - (a) At a minimum, ground (l): "[a] child whose parent(s), guardian(s), or legal custodian(s) neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical or mental health of the child" will need to be present. HOCAK NATION CHILDREN AND FAMILY ACT, 4 HCC § 3.20a(1)(l).

(2) Current criminal charge(s), in any jurisdiction tribal/state/federal (if any);

(a) Circumstances of current offense, such as participant culpability and mandatory incarceration statutes;

(b) Violent Offenders Precluded from Participation. The Legal Screening process will include a determination if there are current pending violent felony charges; sex offenses; and offenses in which a firearm, deadly weapon, or dangerous instrument was used that may preclude admission;

(3) Criminal history;

(a) Violent Offenders Precluded from Participation. The Legal Screening process will include a determination if there are prior violent felonies; sex offenses; and offenses in which a firearm, deadly weapon, or dangerous instrument was used that may preclude admission; and

(4) Other Relevant Information;

(a) The Legal Screen process will include looking to see if the potential participant has any outstanding warrants, additional charges in other counties, been a participant in a diversion program, or been a participant in a treatment court program.

c. Legal Screening shall occur at the earliest point after a child in need of protection and services intake is received. If no legal disqualifiers exist and the DOJ believes grounds exist to warrant a *Child in Need of Protection and Services Petition* to be filed, the participants will be referred to the Family Wellness Court Coordinator.

d. The Family Wellness Court Coordinator will be immediately notified of the Legal Screening determination.

(1) If the Legal Screening results show the prospective participant is legally eligible for the program, the Family Wellness Court Coordinator will provide the contact information for the prospective participant to arrange for a Clinical Assessment to be conducted as the second phase of determining eligibility.

(2) If the Legal Screening results show that the prospective participant is not legally eligible for the program, the Family Wellness Court Coordinator will provide such documentation to the treatment team for reference and discussion.

13. Clinical Assessment.

a. The Clinical Assessment shall be completed by the treatment professionals on the treatment team to determine diagnosis, clinical eligibility, and treatment planning.

i. The assessment should be completed within two (2) weeks of the referral being completed.

b. The Clinical Assessment shall occur soon after Legal Screening results are available, thereby showing legal eligibility standards have been met.

c. The Clinical Assessment shall consist of validated standardized assessment instruments and methods.

(1) The assessment will include but is not limited to: age and physical condition of the child(ren); family employment; educational background and literacy level; community and family relations; prior and current drug and alcohol use; behavioral health and medical treatment history; demonstrable motivation of the family; and other mitigating or aggravating factors.

d. The treatment professionals will review any special needs or circumstances of the individual that may potentially affect the individual's ability to receive substance abuse treatment and follow the court's orders.

e. The Clinical Assessment shall remain confidential, will not be open to inspection by the public at the Ho-Chunk Nation Wa Ehi Hoci, is not discoverable under the DISCOVERY ACT, 2 HCC § 3, and shall not be used in a criminal prosecution, unless it reveals criminal acts other than, or inconsistent with, personal drug use.

f. The prospective participant must also recognize the possibility of, and agree to cooperate with, any future evaluation assessments, as directed by the Family Wellness Court.

g. The Family Wellness Court Coordinator will be immediately notified of the Clinical Assessment determination.

h. The Family Wellness Court Coordinator shall prepare copies of eligibility documentation to be presented to the treatment team.

14. Cultural Assessment.

a. The Traditional Court shall make a Ho-Chunk cultural assessment in order to address cultural and/or spiritual competencies with recommendations given to the Family Wellness Court.

15. Admission to Program.

- a. Assessment and Screening results shall be presented to the treatment team in order for the treatment team to ultimately recommend whether to admit an eligible applicant into the Family Wellness Court program.
- b. The treatment team shall review all relevant information before reaching a consensus on whether to admit or deny a prospective participant.
- c. Judges will make a decision based on evidence and recommendation of treatment team.
- d. The Family Wellness Court Coordinator shall notify the prospective participant's attorney, if any and the applicant to let them know the treatment team's decision.
- e. Documentation of receipt of the Participant Handbook and any meetings with the parents' attorney and DOJ, shall be placed within the participant's file to be kept by the Family Wellness Court Coordinator.

16. Records of Denials of Admission to the Voluntary Treatment Program. The Family Wellness Court Coordinator shall retain all copies of information pertaining to denials for data and research purposes. Information pertaining to denials shall not be made transferable to any entity other than the grant provider/funder, or pursuant to the Order of the Court of competent jurisdiction.

**CHAPTER IV
MONITORING, TESTING, AND ASSESSMENTS**

17. Monitoring. The Family Wellness Court shall provide a participant with consistent, continual, and close monitoring.

- a. Monitoring may include, but is not limited to, the use of a Global Positioning System (GPS) and Secure Continuous Remote Alcohol Monitor (SCRAM) units.
- b. Any loss or damage to the GPS and/or SCRAM units shall be the financial responsibility of the program participants.

18. Interaction. The Family Wellness Court shall ensure appropriate amounts of interaction among the court, treatment providers, probation, appropriate friends and/or family members and the participant.

19. Testing Compliance. The Family Wellness Court shall ensure periodic and random testing of the participant for the presence of any controlled substance or alcohol in the participant's blood, urine, or breath, using the best available, accepted, and scientifically valid methods.

20. Assessments. The Family Wellness Court shall utilize periodic evaluation assessments of the participant's circumstances and progress in the program.

a. Treatment providers shall utilize best evidence-based practices in performing new assessments as needed to determine if any additional treatment services are necessary to assist the participant.

b. Assessments shall include an evaluation of the participant's efforts towards meeting their proximal and distal goals in the program.

21. Responses to Behaviors. It shall be the responsibility of the presiding Judicial Officer or Judge, to apply appropriate sanctions and to appropriately incentivize the participant based on the evidence and recommendation of the treatment team.

a. Sanctions. The Family Wellness Court shall implement and utilize a system of appropriate, graduated, and immediate sanctions for non-compliance.

(1) Sanctions include, but are not limited to, increased phase requirements, a phase freeze, community service, and ultimately termination from the program.

(2) Therapeutic Responses. If a participant is not compliant with his/her treatment plan, the treatment team may utilize therapeutic responses to assist with getting the participant back on track with his/her treatment plan, which may include, but is not limited to thinking reports and increased counseling sessions and self-help meetings.

(3) The types of sanctions/responses used shall take into consideration the distal and proximal goals set for each participant.

b. Incentives. The Family Wellness Court shall implement and utilize a system of appropriate, graduated, and immediate incentives for compliance.

(1) Incentives may include, but are not limited to, certificates of achievement, applause, verbal encouragement, household items, credit for program fees, gift cards, public praise, and early phase advancement.

(a) Early Phase Advancement may only be given as an incentive at the discretion of the presiding Judicial Officer/Judge based upon evidence of preparedness to move to the next level.

22. Services. The Family Wellness Court, through adequate funding from the Legislature, shall ensure that substance abuse treatment services, relapse prevention services, mental health treatment referrals, parenting education classes, in-home parenting support and training programs, supervised visitation services, and/or other general services, education, vocational opportunities are appropriate and available.

CHAPTER V
FAMILY WELLNESS COURT STAFFING

23. Compliance Reports.

a. The Family Wellness Court Coordinator is responsible for coordinating all bi-weekly compliance reports to be distributed to the Family Wellness Court for the purpose of staffing. It shall be the responsibility of the treatment team members to provide updates to the Coordinator for these reports, but also to provide electronic email updates in the interim to ensure swift action regarding both desired and undesired behaviors.

b. The compliance reports will at a minimum provide:

- (1) An overview of a participant's compliance with their treatment plan;
- (2) Compliance with the program rules as laid out within the Participant Handbook;
- (3) Their period of sobriety;
- (4) Any additional services and supports that may be necessary to assist the participant;
- (5) Their start date;
- (6) The total number of weeks they have been in the program;
- (7) The phase that they are in and week in such phase, taking into consideration and noting any advancement or freeze;
- (8) A complete and detailed list of all sanctions since the start of their program; and
- (9) Updates on the child(ren) and family interaction/visitation.

24. Formal Staffing.

a. The purpose of the Family Wellness Court staffings is to update the treatment team on the program compliance and needs of each participant in his/her treatment plan, to report the results of weekly random alcohol and/or drug testing, and to discuss possible sanctions and incentives for non-compliance, tampered with, or failed tests, while also rewarding progress. The sanctions and incentives shall be applied by the Judge in the Status Hearing. The treatment team shall also make concrete arrangements to assist participants in areas of need.

b. All Family Wellness Court staffings will be closed to the public and are confidential.

(1) Only members of the Family Wellness Court treatment team shall be present during the staffings.

(2) If an individual outside of the Family Wellness Court treatment team is necessary to adequately staff a case, then that individual will complete a confidentiality agreement and be advised that any information they hear is to be strictly confidential.

(3) At times participants may be called into a staffing, or request to appear on their own, as in the case of phase advancement. A participant will be present only for the part of the staffing addressing that participant, and then will be excluded from the rest of the meeting.

c. Family Wellness Court decisions shall be made through discussion and by consensus.

d. Provision for allowing observation by others shall be at the discretion of the Judge, with appropriate releases and waivers.

25. Informal Staffing.

a. At times best practices demand decisions be made quickly. As such, Family Wellness Court members are permitted to make recommendations via the most expedient means available; including email. Treatment team members should be cognizant of ex parte communication, so if communications include the Judge- then all team members should be part of those e-mail feeds.

b. Recommendation(s) to the Judge made by e-mail shall be supported through discussion and by consensus.

c. E-mails shall remain confidential and shall include the following confidentiality disclosure statement in the signature area:

NOTICE OF PROHIBITION AGAINST RE-DISCLOSURE: This e-mail may accompany a disclosure of information concerning a client in alcohol/drug abuse treatment, made to you with the consent of such client. This information has been disclosed to you from records whose confidentiality is protected by federal law. Federal Regulations (42 CFR, Part 2) prohibits you from making any further disclosure of it without specific written consent from the person to whom it pertains, or as otherwise permitted by such regulations. Specific written consent has been given if you and the entity to receive the disclosure are identified in a valid Release of Information. A general authorization for the release of medical or other information is not sufficient for this purpose. The information is intended only for the sole use of the recipient named in this e-mail. If you are not the intended recipient, you are hereby notified that the dissemination, distribution, or copying is strictly prohibited. If you have received this e-mail in error, please contact the sender at the address or phone number noted above and delete all copies of it from your system.

CHAPTER VI COURT PROCEDURE AND HEARINGS

26. Rules of Evidence. Any information obtained, used, or disclosed by a member of the Family Wellness Court team, regarding the treatment methods employed by the Family Wellness Court treatment team, while the participant is under the jurisdiction of the Family Wellness Court shall not be used as evidence against the participant in any other proceeding in the Ho-Chunk Nation Court system or any other court in any other jurisdiction. All Family Wellness Court records are privileged and confidential and shall not be disclosed except to the members of the Family Wellness Court team. A limited progress report will be provided to the Trial Court in the CHIPS case pursuant to valid authorizations for release of information from the Participant. The Rules of Evidence adopted by the Ho-Chunk Nation Judiciary shall not apply in any Family Wellness Court proceedings.

27. Status Hearings.

a. The purpose of Status Hearings is to judicially monitor whether the participants are compliant or non-compliant in attending their required treatment sessions and activities, to review their weekly random alcohol and/or drug test results, and to formally reward or sanction participants for progress, non-compliance, or relapse in moving through their treatment plan.

b. The Status Hearings will consist of attendance by the Family Wellness Court team, the Judge, and all of the participants together.

(1) Individual participants may come before the Court from time to time, including for the purpose of requesting phase advancement. The decisions made during these will be communicated during a Status Hearing.

c. The Status Hearings shall include discussion between the Court and the participant in regard to the progress or lack thereof being made by the participant on his or her Wellness Court/Individualized Treatment Plan.

d. Due to the nature of Family Wellness Court hearings, they shall be closed to the general public. Family members and individual support system members may be in attendance during the portion of the hearing that addresses the participant they are there for- provided they complete confidentiality agreements, which shall be strictly enforced.

e. The Family Wellness Court is a non-adversarial forum.

f. Status Hearings shall be held at a minimum of every two weeks- and depending on individual needs- may be more frequent.

g. The Family Wellness Court Judge shall make all findings relevant to each participant's case pursuant to the policies and procedures adopted by the Family Wellness Court team.

28. Termination/Expulsion.

a. Upon presentation of appropriate grounds, any Family Wellness Court Team member may request that the treatment team consider termination of a participant.

(1) Grounds for termination include but are not limited to:

(a) Commission of a violent crime;

(b) Continuing failure of the participant's treatment or Family Wellness Court requirements after being provided notice of the non-compliance;

(c) Evidence indicating the participant is involved with drug dealing, or driving while under the influence of an intoxicant;

(d) Any threatening, abusive, or violent verbal/physical behavior;

(e) Hostile, threatening or disrespectful conduct towards the Court, the treatment team or other participants; or

b. Termination will be discussed and a recommendation shall be made to the Judge by consensus.

c. If the recommendation is the participant should be terminated, the Court shall provide notice and hold a Termination Hearing in order to provide the participant an opportunity to be heard on the matter.

d. Any decision to terminate shall be put in writing and provided to the participant. A copy of the Order shall be kept as part of the participant's Family Wellness Court records.

e. While participation in the Family Wellness Court is voluntary, the program is intended to promote successful reunification of families. As such, termination from the program may be indicative of whether reunification is possible within the CHIPS case, but does not necessarily mean reunification will not be possible in the CHIPS case.

29. Graduation.

a. Upon successful completion of all five (5) phases of the Family Wellness Court program, participants shall be formally recognized and praised for graduating from the Family Wellness Court program during the Status Hearings.

b. The Family Wellness Court Judge shall issue a written Order formally recognizing completion of the program to be kept as part of the Family Wellness Court records.

(1) A copy may be provided to the Trial Court addressing the CHIPS matter, pursuant to valid releases of information.

c. The graduate is to be provided a formal written Certificate recognizing completion from the program to be used by the participant as he or she requires. A copy of this Certificate shall be kept as a part of the participant's Family Wellness Court records.

CHAPTER VII RECORDS, BUDGET, ADVISORY BOARD

30. Collection and Maintenance of Records.

a. The Family Wellness Court shall collect data on each individual applicant, participant, and entire program.

(1) The Family Wellness Court 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, the preadmission legal screening and clinical assessment, and other demographic information as deemed beneficial by the Ho-Chunk Nation Judiciary.

(2) The Family Wellness Court 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, and at a minimum contain:

(a) Location and contact information for each individual participant, both upon admission and termination/graduation of the program for follow-up reviews, and third party contact information;

(b) Significant transition-point-dates, including dates of referral, admission, new court orders, violations, jail/confinement, changes in services or treatments provided, phase advancements, periods of phase freeze, discharge for graduation or termination, any provision of after-care, and after-program recidivism;

(c) The facts that led to the filing of the Child in Need of Protection and Services Petition, and other pertinent factual information, sources of referral, and all treatment court evaluations and assessments;

(d) Treatments provided, including intensity of care or dosage, and their outcomes;

(e) Other services or opportunities provided to the individual and resulting use by the individual, such as education or employment and participation of and outcome for that individual;

(f) Whether the family reunified, and recidivism rates (criminal and child protection actions);

(g) Reasons for termination or graduation from the program.

(h) The Family Wellness Court shall conduct a two year, follow-up contact with and review of participants for key outcome indicators, such as drug use, recidivism, employment, and family intactness. These follow-up contacts and reviews of former participants are not extensions of the court's jurisdiction over the individuals.

31. **Budget.** The Legislature shall appropriate operating funds to ensure the Family Wellness Court can operate fully in accordance with the mandates of this Code and with the ten 10-key components promulgated by the National Association of Drug Court Professionals. Supra. Section 5c.

32. **Advisory Committee.**

a. Consists of Community Advisors and Administrators who have the authority to engage in FWC planning and operations, which may include:

(1) HCN Traditional Court Representatives

(2) HCN CFS: Clan Mothers, CPS, Juvenile Justice, ICW, CST

(3) HCN Youth Services

(4) HCN Community Supportive Services

(5) HCN DOJ: Department of Justice Attorney, Compliance, Law Enforcement, Attorney General, Attorney for Child and Family Services

(6) HCN Health: Behavioral Health: AODA and Exec. Director or designee

(7) HCN Judiciary: Judge, Law Clerk, Clerk of Court

(8) HCN Education

(9) HCN Domestic Violence

(10) HCN Legislature

(11) Others as needed

b. The Advisory Committee shall assist with policy development and guide the court as it goes from planning to implementation

c. The Advisory Committee shall provide ongoing and regular review of policy and procedures

d. Meets on an annual basis to review Policies and Procedures; provide guidance to court.

33. **Orders.** All decisions issued by the Family Wellness Court shall be final and there shall be no right to appeal under this program, as this program is voluntary. Any appellate rights will be available under the applicable Juvenile action in the Nation's courts.

34. **Severability.** 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.

Legislative History:

04.21.15 The Legislature passed resolution 04.21.15A creating the Ho-Chunk Nation Family Wellness Court.

05.10.16 The Legislature places the proposed *Family Wellness Court Code* out for forty-five (45) day public comment via resolution 05.10.16J.

02.07.17 The Legislature adopts the *Family Wellness Court Code* (4 HCC § 16) via resolution 02.07.17X.