

Wellness Court Policies and Procedures

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Adoption of Policies and Procedures

These rules are adopted pursuant to the powers of the Hoopa Business Committee, as enunciated in the Hoopa Constitution, Title 5 § 5.04.070, and Hoopa Business Committee Resolution # 12-41-91.

Mission Statement

The purpose of the Hoopa Valley Tribe Wellness Court Program is twofold. First, to create partnerships among service providers and community resources to effectively address the behavioral health needs of court-involved substance abusing young adults, and adults; thereby creating a safer and healthier community.

Second, to assist tribal members in overcoming drug and alcohol problems by providing coordinated, court supervised therapeutic programs designed to help individual participants get free of drugs and alcohol and reconnect with family and the Hoopa Valley Tribe community.

Respect For Hoopa Valley Tribe Culture and Tradition

Out of respect for Hoopa Valley Tribe custom and tradition, the Wellness Court will interpret all Policies and Procedures in light of the unique cultural and historical traditions of the peoples of the Hoopa Valley Tribe and in the interest of justice and fairness.

Purpose

The Wellness Court program seeks to reduce alcohol and other drug abuse and recidivism among nonviolent criminal offenders who come before the tribal court. To accomplish this, intense judicial intervention and supervision is used. The program will include but is not limited to:

- Completing intake assessments;
- Combining the information obtained during the intake and assessment process with decisions made in the case;
- Coordinating between the court, the treatment community, the educational institutions and other community agencies. All will respond, as needed, to the needs of the participant, his/her family and the court;
- Providing active and continuous judicial supervision of a participant's progress in the various program components;
- Using incentives to recognize a participant's progress in his/her treatment and using sanctions for noncompliance;
- Focusing on the overall functioning of the participant throughout the Wellness Court program, in order to encourage and teach positive decision-making as a part of a healthy lifestyle;

- Reducing recidivism by developing individualized treatment plans and monitoring a participant's progress while in the program; and
- Using family supporting systems to encourage personal accountability.

Eligibility Criteria

Qualifying Criteria

To be eligible for the Hoopa Wellness Court, the proposed applicant must meet the following criteria:

- Resident of the Hoopa Indian Reservation for a minimum of two (2) months and plan to permanently reside within the jurisdiction of the Hoopa Tribal Court.
- A member of the Hoopa Valley Tribe or enrolled or eligible for enrollment in any federally recognized Indian tribe with close social or economic connections.
- The participant must be drug or alcohol addicted, and willing to address the problem.
- The applicant must have a pending charge before any Court within Humboldt County California, have a desire AND be motivated to improve their life.

Disqualifying Criteria

The following may disqualify the prospective participant: (an applicant's criminal history may exclude an applicant from participation in the program).

(a) On an accusatory pleading alleging the commission of a misdemeanor or felony offense, a defendant may be eligible for pretrial diversion pursuant to this agreement if the defendant meets all of the requirements specified in paragraph (1) of subdivision (b).

(b)(1) Pretrial diversion may be granted pursuant to this agreement if all of the following criteria are met:

(A) A Tribal Court, that has entered into an agreement with the District Attorney to facilitate Tribal Court Diversion, has determined the defendant is eligible for services offered by their Tribe and will benefit from those services. A Tribal Court may choose not to accept a defendant for any reason.

(B) The defendant consents to diversion and waives the defendant's right to a speedy trial.

(C) The defendant agrees to comply with the terms and conditions of a Wellness Plan developed by a Tribal Court as a condition of diversion.

(2) A defendant may not be placed into a diversion program, pursuant to this agreement, for the following charged offenses:

(A) A violent felony, as defined in Penal Code section 667.5(c);

(1) Murder or voluntary manslaughter.

(2) Mayhem.

(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph

(1) or (4) of subdivision (a) of former Section 262.

- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
 - (5) Oral copulation as defined in subdivision (c) or (d) of Section 287 or of former Section 288a.
 - (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
 - (7) Any felony punishable by death or imprisonment in the state prison for life.
 - (8) Any felony in which the defendant inflicts great bodily injury on a person other than an accomplice, which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
 - (9) Any robbery.
 - (10) Arson, in violation of subdivision (a) or (b) of Section 451.
 - (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
 - (12) Attempted murder.
 - (13) A violation of Section 18745, 18750, or 18755.
 - (14) Kidnapping.
 - (15) Assault with the intent to commit a specified felony, in violation of Section 220.
 - (16) Continuous sexual abuse of a child, in violation of Section 288.5.
 - (17) Carjacking, as defined in subdivision (a) of Section 215.
 - (18) Rape or sexual penetration, in concert, in violation of Section 264.1.
 - (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
 - (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
 - (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
 - (22) Any violation of Section 12022.53.
 - (23) A violation of subdivision (b) or (c) of Section 11418.
- (B) A serious felony, as defined in Penal Code section 1192.7(c);
- (1) Murder or voluntary manslaughter;
 - (2) mayhem;
 - (3) rape;
 - (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
 - (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
 - (6) lewd or lascivious act on a child under 14 years of age;
 - (7) any felony punishable by death or imprisonment in the state prison for life;
 - (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
 - (9) attempted murder;

- (10) assault with intent to commit rape or robbery;
- (11) assault with a deadly weapon or instrument on a peace officer;
- (12) assault by a life prisoner on a noninmate;
- (13) assault with a deadly weapon by an inmate;
- (14) arson;
- (15) exploding a destructive device or any explosive with intent to injure;
- (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- (17) exploding a destructive device or any explosive with intent to murder;
- (18) any burglary of the first degree;
- (19) robbery or bank robbery;
- (20) kidnapping;
- (21) holding of a hostage by a person confined in a state prison;
- (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life;
- (23) any felony in which the defendant personally used a dangerous or deadly weapon;
- (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
- (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
- (26) grand theft involving a firearm;
- (27) carjacking;
- (28) any felony offense, which would also constitute a felony violation of Section 186.22;
- (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
- (30) throwing acid or flammable substances, in violation of Section 244;
- (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
- (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Sections 245.2, 245.3, or 245.5;
- (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
- (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
- (35) continuous sexual abuse of a child, in violation of Section 288.5;
- (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 12034;
- (37) intimidation of victims or witnesses, in violation of Section 136.1;
- (38) criminal threats, in violation of Section 422;

- (39) any attempt to commit a crime listed in this subdivision other than an assault;
- (40) any violation of Section 12022.53;
- (41) a violation of subdivision (b) or (c) of Section 11418; and
- (42) any conspiracy to commit an offense described in this subdivision.
- (C) Involuntary manslaughter;
- (D) Vehicular manslaughter;
- (E) A violation of Penal Code section 236.1 Rape (Felony)
- (F) A violation of Penal Code section 266e solicitation of prostitution or forcing someone into prostitution (Felony);
- (G) A violation of Penal Code sections 266h or 266i; 266h: Pimping (felony): 266i: pandering (felony) encouraging, forcing, threatening, coercing, or fraudulently tricking someone into prostitution. Bringing someone across state lines for prostitution.
- (H) A violation of Penal Code section 267 Taking someone under the age of 18 away from parent or guardian for purpose of prostitution (Felony?)
- (I) A violation of Penal Code sections 288.2, 288.3, or 288.4; 288.2 providing child pornography to a minor (Wobbler- may be felony or misdo depending on circumstances) 288.3 Contacting minor with intent to commit certain felonies 288.4 Setting up meeting with minor with intent to engage in sexual activity (Wobbler- may be felony or misdo depending on the circumstances)
- (J) A violation of law involving pornography as defined in Penal Code sections 311.1 et seq;
- (K) An offense for which a person, if convicted, would be required to register pursuant to Penal Code Section 290 Sex offender Registration;
- (L) A felony violation of child abuse as defined in Penal Code sections 273a–d;
- (M) A felony violation of Penal Code section 273.5(a) Domestic Violence; and
- (N) A violation of Vehicle Code sections 23152 or 23153. 23152 Wet and Reckless- driving with any amount of alcohol in system 23153: DUI must have Blood Alcohol level of 0.08% or higher
- (3) A defendant is presumptively eligible for tribal diversion for the following charged offenses, unless the prosecutor objects within 30 days of receiving notice of a defendant's acceptance into a Tribal Court program:
 - (A) Any felony offense not listed in subsection (b)(2) of this agreement;
 - (C) A misdemeanor violation of Penal Code section 273.5 Domestic Violence- provable injury, probably not serious injury or the crime is a felony and not subject to diversion
 - (D) A violation of Penal Code section 243(e) Domestic Battery - no proof of injury needed to convict. Unlawful touching is enough to convict. ; and
 - (E) A violation of Penal Code section 646.9. Stalking. Wobbler- felony or misdo depending on circumstances

(c) As used in this chapter, “pretrial diversion” means the postponement of prosecution, either temporarily or permanently, at any point in the judicial process from the point at which the accused is charged until adjudication, to allow the defendant to participate in a Tribal Court, subject to all of the following:

(1) The Tribal Court in which the defendant has been placed shall provide regular monthly reports to the defense and the prosecutor on the defendant’s progress in the Wellness Plan.

(2)(A) The Tribal Court shall recommend a diversion period in the Wellness Plan. The period may be static or a range.

(B) The initial period of diversion shall be no longer than two years. This period may be extended, pursuant to a subsequent agreement by all parties, to meet the treatment needs of the defendant.

(C) Upon entering the agreement to divert a case, a court date for final review shall be set to reflect the end of the agreed upon term of diversion.

(3) At any time during the period of diversion, the Tribal Court may modify a Wellness Plan to reflect the progress of the defendant.

(4) At any time during the period of diversion, the Tribal Court may impose sanctions for violations of the Wellness Plan. Sanctions may include, but are not limited to, modifications of the Wellness Plan.

(5) Upon request, the Superior Court shall conduct a hearing to determine whether restitution, as defined in subdivision (f) of California Penal Code Section 1202.4, is owed to any victim as a result of the diverted offense and, if owed, order its payment during the period of diversion. However, a defendant’s inability to pay restitution due to indigence or mental disorder shall not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.

(d) (1) If either of the following circumstances exist and after notice to the defendant and defense counsel, the prosecutor may file a request to calendar for Reinstatement of Criminal Proceedings in the Superior Court:

(A) The defendant is charged with an additional misdemeanor, allegedly committed during the pretrial diversion, that reflects the defendant’s propensity for violence.

(B) The defendant is charged with an additional felony allegedly committed during the pretrial diversion.

(2) After notice to the defendant and defense counsel, the prosecutor shall file a request to calendar for Reinstatement of Criminal Proceedings in the Superior Court if, based on a decision of the Tribal Court, the defendant is performing unsatisfactorily in Tribal Court or has been terminated therefrom.

(e) At the end of the diversion period, or upon notice from the Tribe that a defendant has successfully completed the Tribal Court Wellness Plan, a hearing shall be held in the Superior Court and the prosecution shall dismiss the defendant’s criminal charges that were the subject of the diversion.

(f) If the prosecutor dismisses the charges, the clerk of the Superior Court, shall file a record with the Department of Justice indicating the disposition of the case diverted pursuant to this agreement.

(h) No statement, or information procured therefrom, made by the defendant in connection with the determination of his or her eligibility for diversion, and no statement, or information procured therefrom, made by the defendant, subsequent to the granting of diversion or while participating in such program, and no information contained in any report made with respect thereto, and no statement or other information concerning the defendant's participation in such program shall be admissible in any action or proceeding. However, if a divertee is recommended for termination for cause, information regarding their participation in such program may be used for purposes of the termination proceedings.

(i) The Tribal Court administering the diversion and the defendant's treatment providers, shall, to the extent not prohibited by federal law, have access to the defendant's records, including progress reports, during the defendant's time in diversion, as needed, for the purpose of monitoring the defendant's progress in, and compliance with, the Wellness Plan.

Confidentiality

The Hoopa Adult Wellness Court proceedings shall be kept confidential unless otherwise ordered by the Court. No information disclosed shall be the basis for prosecution of new crimes and no participant shall be required to testify to any information discussed or disclosed during Adult Wellness Court hearings. Participants, once accepted, will be asked to sign a waiver authorizing the transfer of information among Adult Wellness Court participating agencies and court-approved observers.

Team Structure

The Adult Wellness Court Team may be made up of the following representatives:

- Judge
- Wellness Court Coordinator
- Court Case Manager
- Probation Officer
- An officer/representative of the Hoopa Valley Tribal Police Department
- A representative of the Education Department
- A representative from Hoopa Family Services
- A representative from Hoopa Chemical Dependency Program
- A representative from Hoopa Behavioral Health and Chemical Dependency Program
- At least one community member for support
- A Cultural Advisor
- A tribal elder
- Tribal Council member

Appropriate committee members will prepare and submit compliance reports to the Adult Wellness Court Coordinator addressing their contact or lack of contact with the participants. The Wellness Court Team will meet once a week to monitor and assess compliance and progress concerning each of the program's participants. Attendance at the weekly team meetings is mandatory. If a Team member is unable to attend the meeting, he or she must send an alternate representative or provide a written report to the Coordinator prior to the meeting. All Team members and alternates are invited to attend the weekly Adult Wellness Court hearings. Additionally, the committee may be required to prepare wellness plans for use in sentencing hearings at the request of the prosecutor and/or the Court.

Individual Team Members' Roles and Responsibilities

The Wellness Court Judge and Staff

The judge is the key leader for the Adult Wellness Court Program. The Judge will explain the defendant's legal rights and options and the program requirements at the defendant's first court appearance. Upon entrance into the program, the participant is subject to intensive judicial supervision, treatment program requirements and drug testing.

The judge not only oversees the program participant's performance and progress, but must also bring together all of the "parts" of the program, those within the criminal justice system as well as those associated with community, educational, public health, mental health and other resources needed to support the participant's progress.

The Court will convene weekly to review the status of all participants involved in the program. The weekly status reviews are to monitor the accountability of the participant, the wellness court staff and other tribal court program services. The judge shall supervise and re-enforce treatment by reviewing the reports from the treatment providers and input from each participant and will use various incentives, both positive and negative, to encourage compliance with the treatment program. The Court will forward all court ordered release conditions to the Adult Wellness Team. The Program Coordinator will delegate court orders to appropriate individuals for monitoring purposes, i.e. curfew requirements to police, job or school attendance and performance to Career Development or education, intake/treatment program requirements to Hoopa Chemical Dependency, drug/alcohol testing to probation, etc.

Wellness Court Coordinator

The Wellness Court Coordinator will be primarily responsible for facilitating a participant's entry into the Adult Wellness Court program and monitoring his or her progress throughout the program. The Wellness Court Coordinator will also schedule and

facilitate the Wellness Court weekly meetings and conduct necessary follow-up; maintain data collection for statistical reporting and will enter data into and maintain the administrative records related to the Adult Wellness Court Program. The Adult Wellness Court Coordinator will assist in developing and revising program policies and procedures, program brochures and client workbooks and will provide administrative support to ensure collaboration between the Adult Wellness Court Team, provider agencies and community organizations and program participants. The Adult Wellness Court Coordinator will also conduct public presentations to promote awareness and education of the Wellness Court programs and will act as a liaison with Federal, State and Tribal representatives, as necessary. The Adult Wellness Court Coordinator will also research and identify funding sources to maintain and/or enhance the program.

Court Case Manager/Probation Services

The Court Case Manager/Probation Officer will conduct weekly random alcohol and drug testing, home, work and school site visits, and facilitate group sessions for Adult Wellness Court, maintain case files and data collection for statistical reporting, monitor counseling, rehabilitation, education and employment of juveniles, adults and families involved in the Adult Wellness Court process. Attend weekly staffing and court hearings, prepare weekly status reports and conduct the necessary follow up; confer with representatives of the court and resource agencies. The case manager will also assist with a participant's entry into the Adult Wellness Court program. The Court Case Manager will be the liaison with judicial personnel, Adult Wellness Court Team members, community members, and community organizations to enhance the Adult Wellness Court and for the benefit of its participants.

The case manager/probation officer will monitor and report the participant's compliance and noncompliance with the Adult Wellness Court Program. The probation officer's responsibilities will include, but are not limited to the following: Being a liaison between the Tribal Court, the Adult Wellness Court Team and the participant; conducting pre- and post-intake interviews with the participants to ensure terms and conditions of the court order are understood; monitoring the status of the assigned participant by conducting unannounced visits to school, work and home; arranging random drug/alcohol testing; providing supervision of participants in accordance with the terms and conditions required by the Court; preparing pre-disposition reports as required by the Court; maintaining a comprehensive file of the participant; investigating and substantiating allegations of violations of order and submitting revocation reports to the Humboldt County District Attorney for filing of revocation motions and recommendations for modifications. The probation officer will assist the committee in formulating wellness plans for the court's consideration. Perform other duties as assigned or required.

Public Defender/Defense Attorney

The defense council will review the case, the participant's criminal history and the Adult Wellness Court Eligibility, Attachment C, and the Adult Wellness Court Application (D) provided by the Hoopa Valley Tribal Court Coordinator. With this information, the Adult

Wellness Court Team will determine if the participant is eligible for the Adult Wellness Court Program. If the client qualifies to enter the Adult Wellness Court, the defense council will file all necessary legal documents and pleadings. The role of the defense attorney is to ensure the rights of each participant are protected while encouraging the client's full participation in the program.

Hoop Valley Tribal Police Department

A member of the Police Department will be part of the Adult Wellness Court Team; and will assist probation with any court ordered alcohol and drug tests and home search/visits.

K'ima:w Behavioral Health (KBH)

KBH will provide professional assessments and counseling services as ordered by the Court. Upon entry into the program, and the participant signing the appropriate releases, HCD will provide the Court with assessment and treatment recommendations. During the course of participation, KBH will provide the Court with treatment progress reports on each participant. KBH will assist the Wellness Court Team in formulating wellness plans for the Court's consideration and will assist in the monitoring of the participant's attendance and progress in treatment services.

KBH will coordinate with other providers both within the Nation and outside the Nation to provide a continuum of alcohol, drug and other related treatment and rehabilitation services appropriate for participants. These services include but are not limited to UA testing, counseling, AA/NA meetings, and treatment. KBH will locate alternative or culturally appropriate resources for treatment as necessary and appropriate.

KBH will provide professional assessments and mental health status in order to determine program eligibility as ordered by the Court. Prior to entry into the program, and the participant having signed the appropriate releases, KBH will provide the Court with assessment and treatment recommendations. During the course of participation, KBH will provide the Court with treatment progress reports on each participant. KBH will assist the Wellness Court Team in formulating wellness plans for the Court's consideration and will assist in supporting the participant's progress in treatment services.

KBH will coordinate with other providers both within the Nation and outside the Nation to provide a continuum of alcohol, drug and other related treatment and rehabilitation services appropriate for participants. These services include but are not limited to UA testing, counseling, AA/NA meetings, and treatment. KBH will locate alternative or culturally appropriate resources for treatment as necessary and appropriate.

Pre-Program Procedures

Step 1: Identification of the Participant (State Court)

Initial identification of potential Wellness Court participants will be done in the criminal court of the Humboldt County Superior Court. Potential participants will be identified as soon as possible through the eligibility criteria checklist provided to the Superior Court, District Attorneys office and Public Defenders by the program. Once a potential participant is identified and agrees to Wellness Court screening, the defense attorney or other state court screening personnel shall provide the potential participant with the:

- the Arraignment Screening & Waivers form
- the application form and
- a release of information

Once completed, these forms must be returned to the Wellness Court Coordinator.

Step 2: Coordinator Completes Legal Screening Process (Wellness Court)

After the ROI and completed application have been returned to the court coordinator, the coordinator will reach out to the potential participant's defense attorney and request:

- the current criminal complaint and
- the client's criminal history.

If the defense attorney does not have this info and is not sure when they will have access to it, the Court Coordinator should ask the client to complete an ROI to obtain the needed information from the Humboldt County District Attorney's Office.

The court coordinator will ask anyone from whom information is sought for an estimated date the information will be available and must follow up with that person if the information is not received on time.

After the current criminal complaint or a criminal history are received, the court coordinator will review this information to determine whether the person is eligible for Wellness Court.

Step 3: Wellness Court Case Opened or Applicant Notified of Ineligibility

Once an eligibility determination has been made, the Court Coordinator will complete the Notice of Wellness Court Eligibility. The Wellness Court applicant and their criminal defense attorney must be given a copy of the Notice.

Applicant is Eligible

The Court Coordinator files the Notice of Eligibility and the completed Adult Wellness Court application with the Tribal Court Clerk. This will open the Wellness Court case file. If the applicant has not already done so, they must set up a meeting with the Wellness Court Probation Officer to schedule behavioral health assessments.

The Court Coordinator will provide a copy of the Notice of Adult Wellness Court Eligibility to the District Attorney and Defense Council.

Applicant is Ineligible

The Court Coordinator must provide a copy of the Notice of Eligibility to the applicant's defense attorney within 5 working days of the ineligibility determination.

Step 4: Filing Request to Enter Diversion (State Court)

The defense attorney files a Request to Enter Diversion in the state court on the participant's behalf and provides a copy to the Court Coordinator.

Step 5: Wellness Plan Created

After the behavioral health assessments are completed, a Wellness Plan is created for the participant.

Step 6: Wellness Plan Provided to Defense Attorney (Wellness Court)

The court coordinator will provide the Adult Wellness Court plan to the participant's defense attorney.

Wellness Court Phases

PHASE I: ORIENTATION AND STABILIZATION

1. The Participant accepts that Adult Wellness Court requirements are a priority.
2. The Participant will attend Adult Wellness Court once per week.
3. The Participant will attend all scheduled Hoopa Chemical Dependency and/or Behavioral Health appointments and complete an initial assessment for the purpose of developing a comprehensive treatment plan.
4. The Participant will have a physical (medical) and dental exam within first 30 days.
5. The Participant will attend recovery groups as directed by the Adult Wellness Court Team.
6. The Participant will attend 30 recovery meetings within 90 days. Recovery meetings include but are not limited to A.A., N.A, Alanon, church, etc.
7. The Participant, as ordered by the Adult Wellness Court, will attend and comply with all treatment recommendations formulated by the Adult Wellness Court Team.

8. The Participant will meet with his/her assigned Case Manager/Program Coordinator or designee a minimum of once per week unless otherwise directed by the assigned Case Manager/Coordinator.
9. The Participant will submit to random drug/alcohol testing at least two (2) times per week, or as directed by the Adult Wellness Court or by a Team Member.
10. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances.(This phase requires a minimum of 45 consecutive days of Sobriety)
11. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information no later than the next business day after receipt.
12. The Participant must complete a minimum of 10 hours of documented community service, to be provided on the Wellness Court Community Service form, Attachment F.
13. The Participant may be placed on house arrest or given a curfew and shall not leave his/her home unless authorized by the Court, unless on a bona fide emergency or to attend a court ordered activity.
14. The Participant will comply with all other program components as ordered by the Wellness Court Team (i.e. recreation activity, group/individual counseling and/or therapy, cultural activities, etc.)
15. All requests to the Wellness Court must be submitted in writing, discussed by the Wellness Court Team in staffing and a recommendation offered to the Court before it may be considered a legitimate request.
16. The Participant will comply with all other individualized program requirements.

PHASE II: INTENSIVE TREATMENT

1. The Participant will attend Adult Wellness Court every two weeks or as directed by the Court.
2. The Participant will attend all scheduled Hoopa Chemical Dependency and or Behavioral Health appointments and complete an updated treatment plan for the purpose of establishing updated individual program goals.
3. The participant will complete an employment or educational evaluation unless already employed or enrolled in an accredited learning institution or if he/she desires to be evaluated for a possible career change.

4. The Participant will attend a minimum of 3 recovery meetings a week. Recovery meetings include but are not limited to A.A., N.A, Alanon, church, etc.
5. The Participant will attend and comply with all treatment recommendations formulated by the Wellness Court Team.
6. The Participant will meet with his/her assigned Case Manager/Program Coordinator or designee a minimum of once per week unless otherwise directed by the assigned Probation Officer.
7. The Participant will submit to random drug/alcohol testing a minimum of 2 times per week or as directed by the Adult Wellness Court or by a Team Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances. (This phase requires a minimum of 60 consecutive days of Sobriety)
8. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information no later than the next business day of receipt.
9. The Participant must complete 2 hours of documented community service weekly unless otherwise directed. Wellness Court Community Service Form, Attachment F.
10. The Participant is allowed up to 10 hours of recreational time per week.
11. The Participant will maintain a sponsor and actively work with him/her, completing steps 4-6 of their self-help recovery program.
12. The Participant will comply with all other program components as ordered by the Wellness Court; i.e. special activities, group/individual counseling, cultural activities.

PHASE III: MAINTENANCE

1. The Participant will attend Adult Wellness Court every two weeks or as directed by the Court.
2. The Participant will attend all scheduled Hoopa Chemical Dependency and/or Behavioral Health appointments and complete an updated treatment plan for the purpose of establishing individual program goals.
3. The Participant will attend a minimum of 2 recovery meetings a week.
4. The Participant will attend and comply with all treatment recommendations formulated by the Wellness Court Team.

5. The Participant will meet with his/her assigned Case Manager/Program Coordinator or designee once per week unless otherwise directed by the assigned Case Manager/Coordinator.
6. The Participant will submit to random drug/alcohol testing a minimum of once per week or as directed by the Wellness Court or by a Committee Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances. (This phase requires a minimum of 90 consecutive days of Sobriety)
7. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information no later than the next business day of receipt.
8. The Participant must complete a minimum of 2 hours of documented community service weekly unless otherwise directed.
9. The Participant must complete 10 hours of documented recreation activity.
10. The Participant will comply with all other program components as ordered by the Wellness Court, i.e. recreation activity, group/individual counseling, cultural activities, etc.
11. The Participant will become employed or enrolled in an accredited learning institution or vocational program, (a minimum of 20 hours a week), otherwise documented as a homemaker or other caretaker in lieu of work or education.
12. The participant will maintain a sponsor and actively work with them in completing steps 7-9 of their self-help recovery program.
13. The Participant will complete a new strength based evaluation with the Case Manager or Program Coordinator.
14. The Participant will comply with all other program components as ordered by the Adult Wellness Court; i.e. special activities, group/individual counseling, cultural activities.

PHASE IV: CONTINUED CARE/AFTERCARE

1. The Participant will attend Adult Wellness Court once per month or as directed.
2. The Participant will attend all scheduled Chemical Dependency and/or Behavioral Health appointments and complete an updated treatment plan for the purpose of establishing individual program goals.
3. The Participant will attend a minimum of 1 recovery meeting a week.

4. The Participant, as ordered by the Adult Wellness Court, will attend and comply with all treatment recommendations formulated by the Wellness Court Team.
5. The Participant will be employed, or actively searching for employment, or in an accredited learning institution or vocational program, (a minimum of 20 hours a week), or otherwise documented as a homemaker or other caretaker in lieu of work or education.
6. The Participant will meet with his/her assigned Case Manager/Program Coordinator or designee as directed by the assigned Case Manager/Program Coordinator.
7. The Participant will submit to random drug/alcohol testing a minimum of 1 times per month or as directed by the Wellness Court or by a Committee Member. The Participant must not use, possess or enable the use of any alcohol, drugs or other intoxicating substances. (This phase requires a minimum of 90 consecutive days of Sobriety)
8. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information no later than the next business day of receipt.
9. The Participant must complete a minimum of 2 hours of documented community service weekly unless otherwise directed.
10. The Participant must complete 10 hours of documented recreation activity.
11. The Participant will maintain sponsor and actively work with them, completing steps 10-12.
12. The Participant will comply with all other program components as ordered by the Wellness Court i.e. recreation activity, group/individual counseling, cultural activities, etc.

Graduation

A Participant may graduate from the program upon successful completion of all recommended treatment phases and recommendation of the Hoopa Adult Wellness Court Program committee. The Participant will also be required to have all program fees/costs paid in full prior to being released from the program. Fees and costs may include, but are not limited to, drug testing, book fees, home electronic monitoring, fines, restitution and incarceration costs. In addition, the Participant will complete an exit interview with the Case Manager or Program Coordinator.

Program Components

Mandatory Components:

1. Sobriety
2. Court Appearances
3. Random Drug Testing
4. Education or Employment Requirements
5. Contact with Case Manager or Program Coordinator and/or Probation Officer
6. Substance Abuse Counseling and Treatment
7. Community Service
8. Recreation Activities
9. Recovery or Support Groups

Discretionary Components:

1. Parenting Classes
2. Mental Health Counseling and Treatment
3. Domestic Violence Counseling and Treatment
4. Recreation Activities
5. Volunteer work
6. Community Participation
7. Traditional Ceremonies or Events
8. Traditional Healing Ceremonies
9. Spiritual/Hope Activities
10. Talking Circles
11. Other appropriate activities or programs designed to address a component of a participant's treatment plan.

Termination

The goal of the Hoopa Adult Wellness Court Program is for each Participant to successfully work through each of the treatment phases to graduation. However, from time to time, a Participant may be unable or unwilling to commit to the treatment process and it may be necessary to terminate the Participant from the program.

Voluntary Termination

A Participant may elect to be terminated from the program at any time. The court shall determine that the decision to be terminated from the program is voluntarily, intelligently and knowingly made. Upon such determination, the case will be referred back to the Tribal Criminal Court and the Prosecutor's office for stipulated trial, entry of the conviction(s) and for sentencing or revocation.

Involuntary Termination

A Participant may be involuntarily terminated from the program by a majority of the Hoopa Wellness Court Program committee at a meeting in which a minimum of 5 committee members are present. Participants are required to actively participate in his or her treatment plan.

A Participant who fails to comply with his or her treatment plans and components will receive cumulative termination points through the program. A Participant who obtains a total of 100 points shall be automatically terminated from the program.

If the Participant refuses to comply with necessary program requirements, engages in conduct that the majority of the Hoopa Wellness Court Program Team finds to be extremely inappropriate or if the Participant is convicted of an offense of sufficient severity, he or she may be immediately terminated from the program.

Sanction and Termination Point System

The Hoopa Adult Wellness Court Team has adopted and incorporated the following sanction and termination point system to track a participant's accrual of program termination points and to apply consistent sanctions when applicable. The following chart can be modified by the Committee or Judge to address individual circumstances.

ACTIVITY/VIOLATION	POINTS	SANCTION
Missed Court Appearance – unexcused	5	Incarceration & Fees
Lying to Committee/Court	5	Essay / Letter of apology/Oral Presentation
Failure to or a refusal to submit to a Drug/Alcohol Test When directed or a failed Drug/Alcohol Screen.	5	IMMEDIATE, minimum 48 hours incarceration, House arrest, Increased testing,
Use of substances including misuse of over the counter and prescription drugs	5	IMMEDIATE, minimum 48 hours incarceration, House arrest, Increased testing,
Use of medication without proper notification to Case Manager or Coordinator	5	House arrest, Increased testing, possible incarceration
Charged with new offense	5 to 100	House arrest, Increased testing. Reassessment of program appropriateness.
Violation of confidentiality	5	Essay on confidentiality, letter of apology,
Failure to contact Case Manager, Probation Officer or Coordinator as directed	1 to 5	Daily check with Case Manager, curfew or extra Court appearances
Failure to complete treatment assignments	1 to 5	Four (4) hours of community service to be completed by next hearing
Missed Treatment or other Court Ordered Appointment – unexcused	1 to 5	Make up appointment will be required.
Repeated lateness to court or other court ordered activities	1 to 5	Admonition, essay, community services,
Failure to complete community service in designated time	1 to 5	Completion of community service hours & additional hours.
Curfew violation/House Arrest or HEM Violations	1 to 5	Tightened curfew hours and weekend house arrest.
Inappropriate language (cussing or swearing) or displaying inappropriate gestures.	1 to 5	Four (4) hours of community service to be completed by next hearing
Inappropriate, disrespectful or disruptive behavior.	1 to 5	Committee/Courts Discretion
Inappropriate dress	1 to 5	Four (4) hours of community service to be completed by next hearing
Violation of standard program rules,	1 to 5	Committee Discretion
Extremely Inappropriate Behavior or Found To Be Responsible for a sufficiently serious offense	100	AUTOMATIC TERMINATION FROM PROGRAM

Program Sanctions

In addition to sanctions listed above, the Hoopa Adult Wellness Court Team may utilize the following additional sanction:

- At Judge's discretion, an additional 1 to 10 points
- Increased hours of community work service or approved community participation
- Essay writing
- House arrest
- Home Electronic Monitoring
- Increased court appearances
- Increased random drug testing
- Repeat a previous/present phase
- Lengthened phase
- No contact/No association
- Incarceration
- Increased contact with Case Manager/Program Coordinator
- Termination from program
- Completion of additional assignments
- Fines

Program Incentives

Incentives shall be awarded to a participant based upon his or her individual progress in the program and upon achievement of program goals and objectives deserving of recognition. The Judge or any member of the AWC committee may recommend the awarding of an incentive during any phase of the program. The following list is not inclusive.

- At Judge's discretion, a decrease of 1 to 5 points
- Praise and individualized recognition in Court
- Release from house arrest
- Participation in positive community activities
- Reduction of community work service hours
- Decreased random drug testing
- Certificates of Accomplishment
- Decreased court appearances
- Event tickets
- Gift Certificate
- Decrease in termination points

Phase Requirements

- All requirements are minimums
- **Items required to be completed for Phase promotion/graduate**

Requirements	Phase I	Phase II	Phase III	Phase IV
Court	Weekly	Bi-Weekly	Bi-Weekly	Monthly
Individual Counseling/Therapy	Weekly	As Arranged	As arranged	As arranged
Family Support Group	As ordered	As ordered	As ordered	As ordered
Family Therapy	As Ordered	As Ordered	As ordered	As Ordered
Culture	As Ordered	As Ordered	As Ordered	As Ordered
Probation	As arranged	As arranged	As arranged	As arranged
Case Manager	Weekly	As arranged	As arranged	As arranged
Community Service	10 hours per week	2 hours per week	2 hours per week	2 hours per week
Recreation	0 hours per week	10 hours per week	10 hours per week	10 hours per week.
Recovery Groups/Activities	30 in 90 days	3 per week	2 per week	1 per week
Random Drug Test	At least 2 per week	At least 2 per week	At least 1 per week	At least 1 per month
Curfew	9pm-5am/House arrest	As ordered	As ordered	As ordered
Abstinence	45 days	60 days	90 days	90 days
Physical Exam	Within 30 days	----	----	----
Dental Exam	Within 30 days	----	----	----
Get Sponsor	Steps 1-3	Maintain Steps 4-6	Maintain Steps 7-9	Maintain Steps 10-12
Strength Based Assessment	Within 30 days		Reassessed	
Sub. Abuse Evaluation	Prior to Entry	Reassessed	----	----
Exit Plan	Oral/Written Presentation	Oral/Written Presentation	Oral/Written Presentation	As Arranged
Program Debrief	----	----	----	As Arranged
Other	Committee Approval arranged (All Phases)			

Program Rules

YOU WILL BE REQUIRED TO ABIDE BY THE FOLLOWING RULES:

The Hoopa Adult Wellness Court Program is an official Court of record and all participants are expected to conduct themselves accordingly. There are certain rules that must be followed by all persons attending official Wellness Court hearings. Any person, participant or otherwise, who

fails to follow the Court rules may be held in Contempt of Court and sanctioned accordingly. The following MUST be followed at all times:

1. All participants must appear in court before the Wellness Court Judge weekly, or as directed. The purpose of the weekly Wellness Court hearing is to discuss the participant's progress in the program. Failure to appear in court as required may result in an arrest warrant being issued and sanctions being imposed.
2. Participants are NOT excused from attending (1) weekly court hearings, or (2) treatment sessions, unless they speak personally with the Tribal Court Case Manager, Program Coordinator or Counselor, and get permission directly. (Leaving a phone message, or any other kind of message, that you are not coming to court or to your scheduled treatment session, does not authorize permission to miss court or treatment.)
3. Do not schedule appointments/activities during scheduled court hearings or treatment sessions.
4. All participants will provide the Adult Wellness Court Coordinator, Case Manager, Counselor and Therapist with a current and active phone number, or a valid message phone.
5. Participants must submit, in advance, written requests to the committee for permission to attend overnight activities or events outside of the community. Advance notice of at least seven (7) days is required.
6. All participants must remain in court until all cases are heard. The only exception to this rule is when a participant has provided a written request to the Adult Wellness Court Team prior to the hearing. No last minute requests (i.e. during the Adult Wellness Court hearing) will be granted.
7. During the Adult Wellness Court hearing the Judge will call the Participant before the bench and address his or her progress or lack thereof in court. Cases are called in random order decided by the Judge. The Judge reserves the right to call any case in a closed setting depending on the circumstances.
8. All information (i.e. drug test results, new arrests etc.) discussed in court during hearings is confidential and may not be discussed with any person outside of Wellness Court. In other words, any participant who hears something in court and reveals confidential information to any person outside of the Adult Wellness Court will be subject to sanction and may be subject to an offense of Contempt of Court.
9. Participants are responsible for their own transportation to and from all court hearings and treatment sessions (i.e. alcohol and drug education classes, individual and family counseling sessions and other scheduled activities).
10. The participant must attend all weekly scheduled treatment counseling sessions. This includes but is not limited to any and all scheduled recreational activities, alcohol/drug education classes, individual and family counseling sessions. This also includes any other activities or appointments that may be developed during the course of his or her participation in the program.

11. Participants must be on time for all treatment sessions, recreational activities, community work service and weekly court hearings. If late, the participant may not be allowed to attend/participate in a scheduled activity, (i.e., counseling, education classes, group sessions etc.), and will be considered to have missed session. Contact the Counselor or Case manager if there is a possibility of tardiness or missed session. Names and phone numbers of emergency contacts will be provided. Generally, only a verified medical matter is a reasonable excuse.
12. The Participant must submit to weekly random drug tests (urine, saliva, breath or other appropriate means of monitoring) to determine if he/she has been using illegal drugs or alcohol. The Participant must submit to testing upon request or as directed by the Wellness Court or Team Member. The Participant's refusal to provide a sample will be considered a positive test for substance.
13. A positive drug test, refusal to test or failure to immediately respond to a phone call request will be grounds for immediate apprehension and 48 hours incarceration for the first infraction, a minimum of 72 hours for the second and subsequent infractions. Additional sanctions may also be imposed at the next regularly scheduled court hearing.
14. The Participant shall perform a minimum number of community work service in each phase of the program. (The minimum number of community work hours and frequency required is identified in each of the phase requirements).
15. The Participant shall participate in a minimum number of recreation hours in each phase of the program such as weight lifting, biking, yoga, basketball etc. or an alternative activity such as language classes. (The minimum number of recreation/alternative activity hours required is identified in each of the phase requirements).
16. To verify that community work service was performed, a Participant will be required to provide a signed form (Attachment F). Each Participant is responsible for obtaining forms from the Case Manager or Program Coordinator. Participants will present the completed/signed forms to the Case Manager or Program Coordinator by the designated due date. A Participant will NOT be allowed to fill out the form on the day of court.
17. The Participant shall be responsible for the cost of court ordered home electronic monitoring and secure, continuous, remote alcohol monitors.
18. All Participants are required to comply with a curfew established by the Wellness Court Team. The Hoopa Police Department will monitor curfew and house arrest compliance.
19. Participants must dress appropriately at all times while participating in Wellness Court activities, including Wellness Court hearings, treatment sessions, and recreational activities. Clothing bearing drug or alcohol related themes, gang affiliation, obscene or vulgar messages are considered inappropriate. Clothing such as shorts, cutoff pants, midriff tops, and flip-flops are also considered inappropriate. Accessories such as sunglasses and hats are not to be worn inside the courtroom unless medically required.
20. Participants shall not use profanity and other vulgar or rude language during Wellness Court activities. This includes all court hearings, treatment sessions, community work service, and recreational activities.

21. Violence, harassment, or other inappropriate behavior among participants or other individuals will not be tolerated. Such behavior may result in termination from the program.
22. Participants shall comply with all reasonable commands and directives of the Tribal Court Case Manager, Program Coordinator, Treatment Counselors, Clinical Therapists, Probation Officer, Court Bailiff, Wellness Court Team members and Police Officer during all Wellness Court activities.
23. Wellness Court terms and conditions (i.e. court appearances, treatment sessions, recreational activities or other court ordered activities) have priority over all other activities, including sports.
24. All Participants must be respectful and courteous to others, including other Participants, their spouses/immediate family, members of the Wellness Court Team and court staff during all Wellness Court hearings, treatment sessions and recreational activities.
25. The participant will be required to have all program fees/costs paid in full prior to being released from the program. Fees/costs include drug testing, book fees, home electronic monitoring, fines, restitution, incarceration costs, etc.
26. The Participant will provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information within 72 hours of receipt.

ATTACHMENT A

Notice of Wellness Court Eligibility



1
2
3
4 IN THE HOOPA VALLEY TRIBAL WELLNESS COURT
5 HOOPA, CALIFORNIA
6

7
8
9 In re: _____

10 DOB: _____

No.: _____

HCSC No.: _____

**NOTICE OF WELLNESS
COURT ELIGIBILITY**

11
12
13 The above-named individual was charged with: _____.

14 The Defendant was referred for a Risk/Needs Assessment on: _____.

15 The Defendant was referred for a ASAM Assessment on: _____.

16 The Defendant was advised of their responsibilities of entering the Adult Wellness
17 Diversion Court on: _____.

18 The above-named individual was determined eligible/ineligible for the Hoopa Valley
19 Tribal Wellness Court diversion program on _____.

20
21 This Notice is provided upon initial review of the available criminal history, and review of
22 the current offense or violation, our Adult Wellness Team has determined this individual
23 meets the qualifying criteria under Adult Wellness Court policies and procedures.
24

25 Dated: _____

Wellness Court Coordinator

NOTICE OF WELLNESS COURT ELIGIBILITY

ATTACHMENT B

Limited Release of Information



Hoopa Valley Tribal Court
Hoopa, California

ADULT WELLNESS COURT

LIMITED AUTHORIZATION TO RELEASE INFORMATION

Name: _____ Last 4 of SSN: _____ Date of Birth: _____

I REQUEST AND AUTHORIZE:

- | | |
|---|---|
| <input type="checkbox"/> Hoopa M.A.T Program | <input type="checkbox"/> Hoopa Behavioral Health |
| <input type="checkbox"/> Humboldt County District Attorney's Office | <input type="checkbox"/> Humboldt County Public Defender's Office |
| <input type="checkbox"/> Probation Officer | <input type="checkbox"/> K'ima:w Medical Center |
| <input type="checkbox"/> Hoopa Tribal Court | <input type="checkbox"/> Hoopa Valley Tribal Advocacy Program |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Hoopa Child & Family Services |
- (Specify)

TO RELEASE AND/OR EXCHANGE INFORMATION/RECORDS WITH:

HOOPA WELLNESS COURT
PO BOX 1389
HOOPA, CA 95546
(530) 625-4305

YOU MAY USE OR DISCLOSE THE FOLLOWING INFORMATION (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Identifying information | <input type="checkbox"/> Diagnosis |
| <input type="checkbox"/> General Progress Report* | <input type="checkbox"/> Discharge summary |
| <input type="checkbox"/> Treatment plan | <input type="checkbox"/> Current Medications |
| <input type="checkbox"/> Attendance Report | <input type="checkbox"/> Other(specify) _____ |

*Progress report does not include session notes: it is a summary of progress only.

REASON(S) FOR AUTHORIZATION: For determination of participation in Hoopa Wellness Court.

MY RIGHTS:

I do have to sign an authorization form: (1) to take part in research study or (2) to receive health care when the purpose is to create health care information for a third party.

I may revoke this authorization in writing. If I did, it would not affect any actions already taken based upon this authorization. I may not be able to revoke this authorization if its purpose was to obtain insurance. Two ways to revoke this authorization: (1) fill out a revocation form, available at the health care facility, or (2) Write a letter to the custodian of records.

Once health care information is disclosed, the person or organization that receives it may re-disclose it. Privacy laws may no longer apply.

I further authorize the sending of any of these records to HOOPA WELLNESS COURT

Signature: _____ Date signed: _____

Print Name: _____

A Copy of this authorization shall have the same effect as the original.

THIS AUTHORIZATION EXPIRES 1 YEAR AFTER THE DATE THAT IT IS SIGNED

ATTACHMENT C

Wellness Court Eligibility Form



HOOPA VALLEY TRIBE WELLNESS COURT

12530 State Highway 96
PO Box 1389
Hoopa, CA 95546
530-625-4305

ADULT WELLNESS COURT ELIGIBILITY

NAME: _____ HCSC NO. _____
ENROLLED OR ENROLLABLE HOOPA? _____ IF NO, ENROLLED OR ENROLLABLE IN ANY
OTHER TRIBE? _____ IF YES, WHICH TRIBE? _____

DEFENDANT'S MAILING ADDRESS:

DEFENDANT'S PHYSICAL ADDRESS (if different from mailing address):

DEFENDANT'S PHONE NUMBER: _____

ELIGIBLE FOR DRUG COURT PARTICIPATION?

YES, START DATE: _____

NO, REASON FOR INELIGIBILITY:

NOTIFICATION REGARDING ELIGIBILITY SENT - Attach documentation of notification

Defendant – method of delivery e-mail mail interoffice mail – Date: _____

Prosecutor – method of delivery e-mail mail interoffice mail – Date: _____

Defense atty. – method of delivery e-mail mail interoffice mail – Date: _____

Probation – method of delivery e-mail mail interoffice mail – Date: _____

Date

Wellness Court Coordinator

ATTACHMENT D

Adult Wellness Court Application



ADULT WELLNESS COURT PARTICIPANT APPLICATION

Please read each question carefully before answering. Failure to complete all required Wellness Court forms accurately will delay the processing of your application. False or misleading information will be treated as a false statement subjecting you to exclusion from the program.

IDENTIFYING INFORMATION

Name: _____ DOB: _____

Mailing Address: _____

Physical Address: _____

Length at current address: _____

Home Phone: _____ Work Phone: _____

Gender: Male Female

Currently living: Alone Spouse/Significant Other Roommate Parent(s) Homeless

List all addresses you have lived at in the last 18 months: _____

Emergency contact: _____ DOB: _____

Address: _____

Phone: _____

LEGAL HISTORY

Do you have any existing warrants or pending charges that are outside of the Hoopa Valley

Tribe? Yes No

If yes, explain: _____

Case number(s): _____

Do you have any prior convictions for violent crimes and/or convictions involving a weapon?

Yes No

If yes, explain: _____

Case number(s) _____

What legal charge(s) have brought you to be referred for Wellness Court? _____

Case number(s) _____

List all active cases numbers: _____

Were you ever arrested as a juvenile (16 years old or younger)? Yes No

If yes, explain: _____

SUBSTANCE ABUSE HISTORY/TREATMENT

Primary substance of choice: _____ Age of first Use: _____

Frequency: _____ Amount: _____ Last Used: _____

Secondary substance of choice: _____ Age of first Use: _____

Frequency: _____ Amount: _____ Last Used: _____

Other substances of abuse: _____

PROBLEMS RELATED TO SUBSTANCE ABUSE

Have you ever experienced a blackout? Yes No

Have you noticed an increase or decrease in tolerance to achieve desire effect? Yes No

Have you ever taken a substance in larger amounts over a longer period than what was intended?

Yes No

Have you ever experienced withdrawal symptoms? Yes No

Have you ever spent a great deal of time in activities necessary to obtain the substance/ recovery from its effects? Yes No

Has there been a persistent desire or unsuccessful effort to cut down or control your substance use? Yes No

Have you given up social, occupational, or recreational activities because of your substance use?

Yes No

Do you continue to use despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused by the substance (e.g., continued drinking despite a medical warning that drinking would make a physical

condition worse?) Yes No

Have you ever participated in treatment? Yes No If yes, please list the type(s) of treatment and approximate date(s): _____

Have you ever used substances intravenously? Yes No When _____

Have you ever attended AA/NA meetings? Yes No When _____

Have you ever had an AA/NA sponsor? Yes No When _____

Have you ever taken any type of medication to assist with your sobriety? (Antabuse, Suboxone, etc.)

Do you smoke? Yes No Daily Amount _____ Have you ever tried to quit? Yes No

FAMILY & SOCIAL HISTORY

Father's Name: _____ Phone No.: _____

Address: _____

Mother's Name: _____ Phone No.: _____

Address: _____

Step-father's Name: _____ Phone No.: _____

Address: _____

Step-mother's Name: _____ Phone No.: _____

Address: _____

Sibling(s) Names and Locations: _____

Have you discussed the option of participating in Wellness Court with any family members?

Yes No Explain: _____

Family History of Alcoholism/Substance abuse or addiction: Yes No

Current Status: _____

Single Married Divorced Separated Widowed

Name of spouse or significant other: _____ DOB: _____

Length of marriage/relationship: _____

Do you have any children? Yes No Do you have physical and/or legal custody of your

children? Yes No Explain: _____

Children's names, ages and living situation:

Name: _____ Age: _____ Living: _____

Name: _____ Age: _____ Living: _____

Name: _____ Age: _____ Living: _____

Name: _____ Age: _____ Living: _____

EDUCATIONAL HISTORY

Level of Education: HS Diploma GED HSED Year Completed _____

Vocational Degree _____ College Degree _____

Are you currently enrolled in any educational or skill development program? Yes No

If yes, explain: _____

Have you ever been diagnosed with a learning disability? Yes No

If yes, explain: _____

EMPLOYMENT HISTORY

Do you receive any public assistance? Yes No

General Relief? Yes No

Social Security? Yes No

SSI? Yes No

Other? Yes No What type: _____

Are you currently employed? Yes No

If yes, about how many days per week? _____ Length of time at current job? _____

Current Job site: _____

If not currently employed, Unemployed, but seeking Unemployed, but not seeking

Health Insurance: Yes No

MILITARY HISTORY

Branch of Service: _____ Highest Rank Achieved _____
Length of Service: _____ Discharge Type: _____

PHYSICAL/MENTAL HEALTH

Have you ever received treatment from a Psychologist or Psychiatrist? Yes No

Have you ever been diagnosed with a mental health condition? Yes No

Are you currently receiving treatment from a mental health professional? Yes No

Please list any mental health diagnosis: _____

Treating Psychiatrist/Psychologist: _____

Agency: _____ Phone No.: _____

Current Medications: _____

Side Effects: _____

Please list any current physical problems: _____

Treating Doctor: _____ Agency: _____ Phone No.: _____

Do you have any allergies? _____

Do you have any form of communicable diseases? (Hepatitis C, HIV, etc.) _____

Have you been hospitalized in the last year? Yes No Date(s) _____

Are you currently pregnant: Yes No If so, when is your due date: _____

History of suicidal ideations (threats/attempts/hospitalizations)? Yes No Year(s) _____

Please explain: _____

History of homicidal ideations (threats/attempts)? Yes No Year(s) _____

Please explain: _____

What do you believe your strengths are? _____

What do you believe your weaknesses are? _____

What do you enjoy doing in your leisure time? _____

Are there any on-resolved issues that you feel contribute to your alcohol/chemical use? Explain:

Do you need assistance with ADA access or translation services? Yes No

MOTIVATION

Please explain why you want to be involved in Wellness Court:

I declare under penalty of perjury under the Laws of the Hoopa Valley Tribe that the above is true and accurate to the best of my knowledge and belief.

Dated: _____

Signature: _____

ATTACHMENT E

Adult Wellness Court Community Service Form



**HOOPA VALLEY TRIBE
WELLNESS COURT**

12530 State Highway 96
PO Box 1389
Hoopa, CA 95546
530-625-4305

COMMUNITY SERVICE FORM

Participant's Name: _____ Case Number: _____
 Name of Organization: _____
 Address: _____ Telephone Number: _____
 _____ Name of Contact person: _____

DATE	START TIME	END TIME	TOTAL HOURS	AUTHORIZING SIGNATURE

Total Hours Worked: _____

Comments: _____

It is the responsibility of the participant to provide this log to the Wellness Court. **All hours MUST be turned into the Wellness Court NO LATER than 11:00 am each WEDNESDAY for verification to receive credit.**

I certify that I performed all the above hours on the dates and times listed.

Dated: _____ Participant's Signature: _____

FOR WELLNESS COURT USE ONLY:	
Hours verified <input type="checkbox"/> yes <input type="checkbox"/> no	Team Member that verified hours: _____
Date and Time of verification: _____	

ATTACHMENT F

Phase I Program Rules

The following MUST be followed at all times:

1. Wellness Court terms and conditions (i.e. court appearances, treatment sessions, recreational activities or other court ordered activities) have priority over all other activities, including sports.
2. **Appear on time and in person** for ALL scheduled court hearings, and stay until all cases are heard. **Failure to appear in court as required may result in an arrest warrant being issued and sanctions being imposed.** During Phase I, you are required to appear weekly for Wellness Court.
3. Participate in ALL treatment/counseling sessions. You must attend all weekly scheduled treatment/counseling sessions. This includes alcohol/drug education classes and individual and family counseling sessions.
4. You are required to comply with a **curfew** established by the Wellness Court Team. **Your curfew for Phase I is 9:00 p.m. to 5:00 a.m. or house arrest.** You must submit, **in advance**, written requests to the Team for permission to attend overnight activities or events outside of the community. At least seven (7) days' notice is required.
5. You must attend and be on time for ALL scheduled activities. This includes court hearings, treatment/counseling sessions, recreational activities, community service, and any other appointments required by your participation. **If you are more than five (5) minutes late, you may not be allowed to attend/participate, and will be considered to have missed that session.** Generally, only a verified medical matter is a reasonable excuse.
6. You must provide written proof of **10 hours of community service** hours no later than the day before your weekly scheduled court hearing. You are responsible for obtaining the form from the Case Manager. You will NOT be allowed to fill out the form on the day of court.
7. Submit to at least 2 weekly random drug tests (urine, saliva, breath or other appropriate means of monitoring). You must submit to testing upon request; if you refuse to provide a sample, it will be considered a positive test for substances. **A positive, refused, or failure to immediately respond to a request will be grounds for immediate apprehension and 48 hours incarceration for the first infraction, a minimum of 72 hours for the second and subsequent infractions.** Additional sanctions may also be imposed at the next regularly scheduled court hearing.
8. Do not schedule appointments/activities during scheduled court hearings or treatment sessions.
9. Provide a current and active phone number, or a message phone number.
10. You are required to attend **30 recovery groups in 90 days.** You must get a sponsor and **complete steps 1-3** prior to being advanced to Phase II.
11. You must **abstain** from all chemical substances not prescribed. You must be clean and sober for a minimum of 45 days before being advanced to Phase II.
12. You must obtain a **physical exam and a dental exam** within 30 days
13. Keep all information from court sessions confidential. In other words, do not discuss anything that happens during Wellness Court (i.e. drug test results, new arrests etc.) with anyone that is not involved with the Wellness Court.
14. You are responsible for your own transportation to and from all court hearings and treatment sessions.
15. You shall participate in a minimum number of recreation hours in each phase of the program such as weight lifting, biking, yoga, basketball etc. or an alternative activity such as language classes. The minimum number of recreation/alternative activity hours required in Phase I is 0 hours.
16. You must dress appropriately at all times while participating in Wellness Court activities. Clothing bearing drug or alcohol related themes, gang affiliation, obscene or vulgar messages are considered inappropriate.
17. You shall not use profanity and other vulgar or rude language during Wellness Court activities. This includes all court hearings, treatment sessions, community service work, and recreational activities.
18. Violence, harassment, or other inappropriate behavior among participants or other individuals will not be tolerated. Such behavior may result in termination from the program.
19. You shall comply with all reasonable commands and directives of the Tribal Court Case Manager, Program Coordinator, Treatment Counselors, Clinical Therapists, Probation Officer, Court Bailiff, Wellness Court Team members and Police Officer during all Wellness Court activities.
20. You must be respectful and courteous to others, including other Participants, their spouses/immediate family, members of the Wellness Court Team and court staff during all Wellness Court hearings, treatment sessions and recreational activities.
21. You **MUST** provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information no later than the next business day after receipt.
22. Prior to advancing to Phase II, you must write a letter to the Wellness Court Team stating what you have learned through Phase I, and why you should be advanced to Phase II.
23. OTHER REQUIREMENT: _____
25. OTHER REQUIREMENT: _____

Your initials above and signature below indicates that you have read and understand all of your requirements to participate in the Wellness Court Program. Any violation of the above rules will result in point advancement and sanctions.

Date: _____

Participant

ATTACHMENT G

Phase II Program Rules

The following MUST be followed at all times:

1. Wellness Court terms and conditions (i.e. court appearances, treatment sessions, recreational activities or other court ordered activities) have priority over all other activities, including sports.
2. Appear on time and in person for ALL scheduled court hearings, and stay until all cases are heard. Failure to appear in court as required may result in an arrest warrant being issued and sanctions being imposed. During Phase II, you are required to appear bi-weekly for Wellness Court, or as directed by the Wellness Court Team.
3. Participate in ALL treatment/counseling sessions. You must attend all scheduled treatment/counseling sessions. This includes alcohol/drug education classes and individual and family counseling sessions.
4. You are required to comply with a curfew established by the Wellness Court Team. Your curfew for Phase II is ____ p.m. to ____ a.m. You must submit, in advance, written requests to the Team for permission to attend overnight activities or events outside of the community. At least seven (7) days' notice is required.
5. You must attend and be on time for ALL scheduled activities. This includes court hearings, treatment/counseling sessions, recreational activities, community service, and any other appointments required by your participation. If you are more than five (5) minutes late, you may not be allowed to attend/participate, and will be considered to have missed that session. Generally, only a verified medical matter is a reasonable excuse.
6. You must provide written proof of 2 hours of community service hours no later than the day before your weekly scheduled court hearing. You are responsible for obtaining the form from the Case Manager. You will NOT be allowed to fill out the form on the day of court.
7. Submit to at least 2 weekly random drug tests (urine, saliva, breath or other appropriate means of monitoring). You must submit to testing upon request; if you refuse to provide a sample, it will be considered a positive test for substances. A positive, refused, or failure to immediately respond to a request will be grounds for immediate apprehension and 48 hours incarceration for the first infraction, a minimum of 72 hours for the second and subsequent infractions. Additional sanctions may also be imposed at the next regularly scheduled court hearing.
8. Do not schedule appointments/activities during scheduled court hearings or treatment sessions.
9. Provide a current and active phone number, or a message phone number.
10. You are required to attend 3 recovery groups per week. You must get a sponsor and maintain steps 4-6 prior to being advanced to Phase III.
11. You must abstain from all chemical substances not prescribed. You must be clean and sober for a minimum of 60 days before being advanced to Phase III.
12. Keep all information from court sessions confidential. In other words, do not discuss anything that happens during Wellness Court (i.e. drug test results, new arrests etc.) with anyone that is not involved with the Wellness Court.
13. You are responsible for your own transportation to and from all court hearings and treatment sessions.
14. You shall participate in a minimum number of recreation hours in each phase of the program such as weight lifting, biking, yoga, basketball etc. or an alternative activity such as language classes. The minimum number of recreation/alternative activity hours required in Phase II is 10 hours per week.
15. You must dress appropriately at all times while participating in Wellness Court activities. Clothing bearing drug or alcohol related themes, gang affiliation, obscene or vulgar messages are considered inappropriate.
16. You shall not use profanity and other vulgar or rude language during Wellness Court activities. This includes all court hearings, treatment sessions, community service work service, and recreational activities.
17. Violence, harassment, or other inappropriate behavior among participants or other individuals will not be tolerated. Such behavior may result in termination from the program.
18. You shall comply with all reasonable commands and directives of the Tribal Court Case Manager, Program Coordinator, Treatment Counselors, Clinical Therapists, Probation Officer, Court Bailiff, Wellness Court Team members and Police Officer during all Wellness Court activities.
19. You must be respectful and courteous to others, including other Participants, their spouses/immediate family, members of the Wellness Court Team and court staff during all Wellness Court hearings, treatment sessions and recreational activities.
20. You MUST provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information no later than the next business day after receipt.
21. OTHER REQUIREMENT: _____
22. OTHER REQUIREMENT: _____

Your initials above and signature below indicates that you have read and understand all of your requirements to participate in the Wellness Court Program. Any violation of the above rules will result in point advancement and sanctions.

Date: _____

Participant

ATTACHMENT H

Phase III Program Rules

The following MUST be followed at all times:

1. Wellness Court terms and conditions (i.e. court appearances, treatment sessions, recreational activities or other court ordered activities) have priority over all other activities, including sports.
2. Appear on time and in person for ALL scheduled court hearings, and stay until all cases are heard. **Failure to appear in court as required may result in an arrest warrant being issued and sanctions being imposed.** During Phase III, you are required to appear bi-weekly for Wellness Court, or as directed by the Wellness Court Team.
3. Participate in ALL treatment/counseling sessions. You must attend all scheduled treatment/counseling sessions. This includes alcohol/drug education classes and individual and family counseling sessions.
4. You are required to comply with a **curfew** established by the Wellness Court Team. **Your curfew for Phase III is ____ p.m. to ____ a.m.** You must submit, **in advance**, written requests to the Team for permission to attend overnight activities or events outside of the community. At least seven (7) days' notice is required.
5. You must attend and be on time for ALL scheduled activities. This includes court hearings, treatment/counseling sessions, recreational activities, community service, and any other appointments required by your participation. **If you are more than five (5) minutes late, you may not be allowed to attend/participate, and will be considered to have missed that session.** Generally, only a verified medical matter is a reasonable excuse.
6. You must provide written proof of **2 hours of community service** hours no later than the day before your weekly scheduled court hearing. You are responsible for obtaining the form from the Case Manager. You will NOT be allowed to fill out the form on the day of court.
7. Submit to at least 1 weekly random drug tests (urine, saliva, breath or other appropriate means of monitoring). You must submit to testing upon request; if you refuse to provide a sample, it will be considered a positive test for substances. **A positive, refused, or failure to immediately respond to a request will be grounds for immediate apprehension and 48 hours incarceration for the first infraction, a minimum of 72 hours for the second and subsequent infractions.** Additional sanctions may also be imposed at the next regularly scheduled court hearing.
8. Do not schedule appointments/activities during scheduled court hearings or treatment sessions.
9. Provide a current and active phone number, or a message phone number.
10. You are required to attend **2 recovery groups per week.** You must get a sponsor and **maintain steps 7-9** prior to being advanced to Phase IV, the final stage.
11. You must **abstain** from all chemical substances not prescribed. You must be clean and sober for a minimum of 90 days before being advanced to Phase IV, the final phase.
12. Keep all information from court sessions confidential. In other words, do not discuss anything that happens during Wellness Court (i.e. drug test results, new arrests etc.) with anyone that is not involved with the Wellness Court.
13. You are responsible for your own transportation to and from all court hearings and treatment sessions.
14. You shall participate in a minimum number of recreation hours in each phase of the program such as weight lifting, biking, yoga, basketball etc. or an alternative activity such as language classes. The minimum number of recreation/alternative activity hours required in Phase III is **10 hours per week.**
15. You must dress appropriately at all times while participating in Wellness Court activities. Clothing bearing drug or alcohol related themes, gang affiliation, obscene or vulgar messages are considered inappropriate.
16. You shall not use profanity and other vulgar or rude language during Wellness Court activities. This includes all court hearings, treatment sessions, community service work, and recreational activities.
17. Violence, harassment, or other inappropriate behavior among participants or other individuals will not be tolerated. Such behavior may result in termination from the program.
18. You shall comply with all reasonable commands and directives of the Tribal Court Case Manager, Program Coordinator, Treatment Counselors, Clinical Therapists, Probation Officer, Court Bailiff, Wellness Court Team members and Police Officer during all Wellness Court activities.
19. You must be respectful and courteous to others, including other Participants, their spouses/immediate family, members of the Wellness Court Team and court staff during all Wellness Court hearings, treatment sessions and recreational activities.
20. You **MUST** provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information no later than the next business day after receipt.
21. OTHER REQUIREMENT: _____
22. OTHER REQUIREMENT: _____

Your initials above and signature below indicates that you have read and understand all of your requirements to participate in the Wellness Court Program. Any violation of the above rules will result in point advancement and sanctions.

Date: _____

Participant

ATTACHMENT I

Phase IV Program Rules

The following MUST be followed at all times:

1. Wellness Court terms and conditions (i.e. court appearances, treatment sessions, recreational activities or other court ordered activities) have priority over all other activities, including sports.
2. **Appear on time and in person** for ALL scheduled court hearings, and stay until all cases are heard. **Failure to appear in court as required may result in an arrest warrant being issued and sanctions being imposed.** During Phase IV, you are required to appear monthly for Wellness Court, or as directed by the Wellness Court Team.
3. Participate in ALL treatment/counseling sessions. You must attend all scheduled treatment/counseling sessions. This includes alcohol/drug education classes and individual and family counseling sessions.
4. You are required to comply with a **curfew** established by the Wellness Court Team. **Your curfew for Phase IV is ____ a.m. to ____ p.m.** You must submit, **in advance**, written requests to the Team for permission to attend overnight activities or events outside of the community. At least seven (7) days' notice is required.
5. You must attend and be on time for ALL scheduled recreational activities. This also includes any other activities or appointments that may be developed during the course of your participation in the program.
6. You must provide written proof of **2 hours of community service** hours no later than the day before your weekly scheduled court hearing. You are responsible for obtaining the form from the Case Manager. You will NOT be allowed to fill out the form on the day of court.
7. Submit to at least 1 weekly random drug tests (urine, saliva, breath or other appropriate means of monitoring). You must submit to testing upon request; if you refuse to provide a sample, it will be considered a positive test for substances. **A positive, refused, or failure to immediately respond to a request will be grounds for immediate apprehension and 48 hours incarceration for the first infraction, a minimum of 72 hours for the second and subsequent infractions.** Additional sanctions may also be imposed at the next regularly scheduled court hearing.
8. Do not schedule appointments/activities during scheduled court hearings or treatment sessions.
9. Provide a current and active phone number, or a message phone number.
10. You are required to attend **1 recovery groups per week**. You must get a sponsor and **maintain steps 10-12** prior to being released from the program.
11. You must **abstain** from all chemical substances not prescribed. You must be clean and sober for a minimum of 90 days before being released from the program.
12. Keep all information from court sessions confidential. In other words, do not discuss anything that happens during Wellness Court (i.e. drug test results, new arrests etc.) with anyone that is not involved with the Wellness Court.
13. You are responsible for your own transportation to and from all court hearings and treatment sessions.
14. You must be on time for each required activity. This includes court hearings, treatment/counseling sessions, recreational activities, community service, and any other appointments required by your participation. **If late, you may not be allowed to attend/participate, and will be considered to have missed that session.** Generally, only a verified medical matter is a reasonable excuse.
15. You shall participate in a minimum number of recreation hours in each phase of the program such as weight lifting, biking, yoga, basketball etc. or an alternative activity such as language classes. The minimum number of recreation/alternative activity hours required in Phase IV is **10 hours per week**.
16. You must dress appropriately at all times while participating in Wellness Court activities. Clothing bearing drug or alcohol related themes, gang affiliation, obscene or vulgar messages are considered inappropriate.
17. You shall not use profanity and other vulgar or rude language during Wellness Court activities. This includes all court hearings, treatment sessions, community service work, and recreational activities.
18. Violence, harassment, or other inappropriate behavior among participants or other individuals will not be tolerated. Such behavior may result in termination from the program.
19. You shall comply with all reasonable commands and directives of the Tribal Court Case Manager, Program Coordinator, Treatment Counselors, Clinical Therapists, Probation Officer, Court Bailiff, Wellness Court Team members and Police Officer during all Wellness Court activities.
20. You must be respectful and courteous to others, including other Participants, their spouses/immediate family, members of the Wellness Court Team and court staff during all Wellness Court hearings, treatment sessions and recreational activities.
21. You **MUST** provide the Case Manager/Program Coordinator with all prescriptions and over the counter medication information within 72 hours of receipt.
22. Prior to being released from the program, you will be required to participate in an exit planning and debriefing meeting with the Wellness Court Team.
23. OTHER REQUIREMENT: _____
24. OTHER REQUIREMENT: _____

Your initials above and signature below indicates that you have read and understand all of your requirements to participate in the Wellness Court Program. Any violation of the above rules will result in point advancement and sanctions.

Date: _____

Participant

ATTACHMENT J

Tribal Court Diversion Disqualifying Criteria

(TRIBAL COURT DIVERSION DISQUALIFYING CRITERIA)

(a) On an accusatory pleading alleging the commission of a misdemeanor or felony offense, a defendant may be eligible for pretrial diversion pursuant to this agreement if the defendant meets all of the requirements specified in paragraph (1) of subdivision (b).

(b)(1) Pretrial diversion may be granted pursuant to this agreement if all of the following criteria are met:

(A) A Tribal Court, that has entered into an agreement with the District Attorney to facilitate Tribal Court Diversion, has determined the defendant is eligible for services offered by their Tribe and will benefit from those services. A Tribal Court may choose not to accept a defendant for any reason.

(B) The defendant consents to diversion and waives the defendant's right to a speedy trial.

(C) The defendant agrees to comply with the terms and conditions of a Wellness Plan developed by a Tribal Court as a condition of diversion.

(2) A defendant may not be placed into a diversion program, pursuant to this agreement, for the following charged offenses:

(A) A violent felony, as defined in Penal Code section 667.5(c);

(1) Murder or voluntary manslaughter.

(2) Mayhem.

(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of former Section 262.

(4) Sodomy as defined in subdivision (c) or (d) of Section 286.

(5) Oral copulation as defined in subdivision (c) or (d) of Section 287 or of former Section 288a.

(6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.

(7) Any felony punishable by death or imprisonment in the state prison for life.

(8) Any felony in which the defendant inflicts great bodily injury on a person other than an accomplice, which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.

(9) Any robbery.

(10) Arson, in violation of subdivision (a) or (b) of Section 451.

(11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.

(12) Attempted murder.

(13) A violation of Section 18745, 18750, or 18755.

(14) Kidnapping.

(15) Assault with the intent to commit a specified felony, in violation of Section 220.

(16) Continuous sexual abuse of a child, in violation of Section 288.5.

(17) Carjacking, as defined in subdivision (a) of Section 215.

(18) Rape or sexual penetration, in concert, in violation of Section 264.1.

(19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.

(20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.

(21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.

(22) Any violation of Section 12022.53.

(23) A violation of subdivision (b) or (c) of Section 11418.

(B) A serious felony, as defined in Penal Code section 1192.7(c);

(1) Murder or voluntary manslaughter;

(2) mayhem;

(3) rape;

- (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
- (6) lewd or lascivious act on a child under 14 years of age;
- (7) any felony punishable by death or imprisonment in the state prison for life;
- (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
- (9) attempted murder;
- (10) assault with intent to commit rape or robbery;
- (11) assault with a deadly weapon or instrument on a peace officer;
- (12) assault by a life prisoner on a noninmate;
- (13) assault with a deadly weapon by an inmate;
- (14) arson;
- (15) exploding a destructive device or any explosive with intent to injure;
- (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
- (17) exploding a destructive device or any explosive with intent to murder;
- (18) any burglary of the first degree;
- (19) robbery or bank robbery;
- (20) kidnapping;
- (21) holding of a hostage by a person confined in a state prison;
- (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life;
- (23) any felony in which the defendant personally used a dangerous or deadly weapon;
- (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
- (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
- (26) grand theft involving a firearm;
- (27) carjacking;
- (28) any felony offense, which would also constitute a felony violation of Section 186.22;
- (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
- (30) throwing acid or flammable substances, in violation of Section 244;
- (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
- (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Sections 245.2, 245.3, or 245.5;
- (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
- (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
- (35) continuous sexual abuse of a child, in violation of Section 288.5;
- (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 12034;
- (37) intimidation of victims or witnesses, in violation of Section 136.1;
- (38) criminal threats, in violation of Section 422;
- (39) any attempt to commit a crime listed in this subdivision other than an assault;
- (40) any violation of Section 12022.53;
- (41) a violation of subdivision (b) or (c) of Section 11418; and
- (42) any conspiracy to commit an offense described in this subdivision.

- (C) Involuntary manslaughter;
- (D) Vehicular manslaughter;
- (E) A violation of Penal Code section 236.1 Rape (Felony)
- (F) A violation of Penal Code section 266e solicitation of prostitution or forcing someone into prostitution (Felony);
- (G) A violation of Penal Code sections 266h or 266i;
 - 266h: Pimping (felony):
 - 266i: pandering (felony) encouraging, forcing, threatening, coercing, or fraudulently tricking someone into prostitution. Bringing someone across state lines for prostitution.
- (H) A violation of Penal Code section 267 Taking someone under the age of 18 away from parent or guardian for purpose of prostitution (Felony?)
- (I) A violation of Penal Code sections 288.2, 288.3, or 288.4;
 - 288.2 providing child pornography to a minor (Wobbler- may be felony or misdo depending on circumstances)

288.3 Contacting minor with intent to commit certain felonies

288.4 Setting up meeting with minor with intent to engage in sexual activity (Wobbler- may be felony or misdo depending on the circumstances)

- (J) A violation of law involving pornography as defined in Penal Code sections 311.1 et seq;
- (K) An offense for which a person, if convicted, would be required to register pursuant to Penal Code Section 290 Sex offender Registration;
- (L) A felony violation of child abuse as defined in Penal Code sections 273a–d;
- (M) A felony violation of Penal Code section 273.5(a) Domestic Violence; and
- (N) A violation of Vehicle Code sections 23152 or 23153.
 - 23152 Wet and Reckless- driving with any amount of alcohol in system
 - 23153: DUI must have Blood Alcohol level of 0.08% or higher
- (3) A defendant is presumptively eligible for tribal diversion for the following charged offenses, unless the prosecutor objects within 30 days of receiving notice of a defendant’s acceptance into a Tribal Court program:
 - (A) Any felony offense not listed in subsection (b)(2) of this agreement;
 - (C) A misdemeanor violation of Penal Code section 273.5 Domestic Violence- provable injury, probably not serious injury or the crime is a felony and not subject to diversion
 - (D) A violation of Penal Code section 243(e) Domestic Battery - no proof of injury needed to convict. Unlawful touching is enough to convict. ; and
 - (E) A violation of Penal Code section 646.9. Stalking. Wobbler- felony or misdo depending on circumstances
- (c) As used in this chapter, “pretrial diversion” means the postponement of prosecution, either temporarily or permanently, at any point in the judicial process from the point at which the accused is charged until adjudication, to allow the defendant to participate in a Tribal Court, subject to all of the following:
 - (1) The Tribal Court in which the defendant has been placed shall provide regular monthly reports to the defense and the prosecutor on the defendant’s progress in the Wellness Plan.
 - (2)(A) The Tribal Court shall recommend a diversion period in the Wellness Plan. The period may be static or a range.
 - (B) The initial period of diversion shall be no longer than two years. This period may be extended, pursuant to a subsequent agreement by all parties, to meet the treatment needs of the defendant.
 - (C) Upon entering the agreement to divert a case, a court date for final review shall be set to reflect the end of the agreed upon term of diversion.
 - (3) At any time during the period of diversion, the Tribal Court may modify a Wellness Plan to reflect the progress of the defendant.

(4) At any time during the period of diversion, the Tribal Court may impose sanctions for violations of the Wellness Plan. Sanctions may include, but are not limited to, modifications of the Wellness Plan.

(5) Upon request, the Superior Court shall conduct a hearing to determine whether restitution, as defined in subdivision (f) of California Penal Code Section 1202.4, is owed to any victim as a result of the diverted offense and, if owed, order its payment during the period of diversion. However, a defendant's inability to pay restitution due to indigence or mental disorder shall not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.

(d) (1) If either of the following circumstances exist and after notice to the defendant and defense counsel, the prosecutor may file a request to calendar for Reinstatement of Criminal Proceedings in the Superior Court:

(A) The defendant is charged with an additional misdemeanor, allegedly committed during the pretrial diversion, that reflects the defendant's propensity for violence.

(B) The defendant is charged with an additional felony allegedly committed during the pretrial diversion.

(2) After notice to the defendant and defense counsel, the prosecutor shall file a request to calendar for Reinstatement of Criminal Proceedings in the Superior Court if, based on a decision of the Tribal Court, the defendant is performing unsatisfactorily in Tribal Court or has been terminated therefrom.

(e) At the end of the diversion period, or upon notice from the Tribe that a defendant has successfully completed the Tribal Court Wellness Plan, a hearing shall be held in the Superior Court and the prosecution shall dismiss the defendant's criminal charges that were the subject of the diversion.

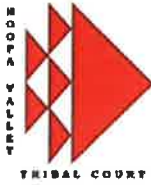
(f) If the prosecutor dismisses the charges, the clerk of the Superior Court, shall file a record with the Department of Justice indicating the disposition of the case diverted pursuant to this agreement.

(h) No statement, or information procured therefrom, made by the defendant in connection with the determination of his or her eligibility for diversion, and no statement, or information procured therefrom, made by the defendant, subsequent to the granting of diversion or while participating in such program, and no information contained in any report made with respect thereto, and no statement or other information concerning the defendant's participation in such program shall be admissible in any action or proceeding. However, if a divertee is recommended for termination for cause, information regarding their participation in such program may be used for purposes of the termination proceedings.

(i) The Tribal Court administering the diversion and the defendant's treatment providers, shall, to the extent not prohibited by federal law, have access to the defendant's records, including progress reports, during the defendant's time in diversion, as needed, for the purpose of monitoring the defendant's progress in, and compliance with, the Wellness Plan.

ATTACHMENT K

Adult Wellness Court Progress Report



12530 State Highway 96 - Hoopa, California 95546
PROGRESS REPORT

Adult Wellness Wellness Diversion Family Wellness

Participant Name: _____	Case No.: _____
Entry Date: _____	Months in Wellness: _____
County (Diversion): _____	Original Charge(s): _____
State Case No(s): _____	_____
_____	_____
_____	_____

Meetings and Support Groups

- Attending support groups as directed (AA, NA, etc.)
- Meeting with case worker as directed

Drug/Alcohol Tests (since last court date)

Date Tested	Positive	Negative
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Referral made for:

- Behavioral Health
- K'ima:w Medical Center
- Housing Assistance
- Education
- TANF
- Community Service _____
- Other: _____

Wellness Phase: _____ Requesting Completion of Phase

Attachments (attach in the order listed below):

- Case Plan (*update continuously and attach to every report to show progress*)
Date of Last Update: _____
- Phase Checklist (*attach when requesting completion of Phase*)
- LS/CMI Risk Assessment Report (*reassess only if additional criminal charges after entry to AWC*)
- ASAM Needs Assessment Report
Date of Assessment: _____

Summary:

Date: _____

Case Worker (Print)

Signature