

An illustration of four individuals in traditional, brightly colored robes (purple, green, red, and blue) performing a ceremony. They are holding wooden paddles and are set against a dark, starry night sky. The scene is framed by a white L-shaped graphic element in the top-left and bottom-right corners.

Incorporating Customs and Traditions in Your Healing to Wellness Court

Lauren van Schilfgaarde
Tribal Law and Policy Institute



CULTURAL IDENTITY

What does it mean to be
Native?

Ancestry; citizenship

Kinship; community;
belonging;
collective responsibility

Multi-cultural – two-worlds

Loss of Connection

- Generations of intentional, systemic cultural destruction
 - *War, disease, enslavement, and genocide*
 - *Removal and large-scale loss of land; loss of economy*
 - Reservation system
 - Allotment
 - *Assimilation policies*
 - Criminalization of religion and cultural practices
 - Boarding schools
 - Termination
 - Relocation
 - Large-scale, disproportionate removal of Native children



Loss of Connection

- The nature of substance addiction is anti-social
- For many tribal communities, this also means anti-community
- For many of our participants, this loss of connection is generations-deep

Cost of Addiction

- Crime
- Removal of children
- Cost to service providers

- Employment, contributors to the economy
- Family well-being

- Community well-being, contributors to the culture

Re-connecting

- As Dr. Condon noted, we need to help our participants stay away from the “people, places, and things” connected to use
- But, “staying away” is insufficient
- We must help rebuild new people, places, and things





Origin of Tribal Judiciaries

- Divergence of Values:
Leadership emphasize dispute resolution role, rather than executive or legislative duties
 - Goal was mediation as opposed to ascertaining guilt
 - Facilitator as opposed to decision-maker
- Courts of Indian Offenses
 - 1849 – Creation of the Interior Department
 - 1883 – CFR Courts are institutionalized, *Ex Parte Crow Dog*
 - Heightened need for inter-tribal/Indian-non-Indian dispute resolution
 - Served at the pleasure of the Indian agent

INSTITUTE FOR GOVERNMENT RESEARCH

STUDIES IN ADMINISTRATION

THE PROBLEM OF INDIAN ADMINISTRATION

Report of a Survey made at the request
of Honorable Hubert Work, Secretary
of the Interior, and submitted to him,
February 21, 1928

SURVEY STAFF

LEWIS MERRIAM

Technical Director

RAY A. BROWN

HENRY ROE CLOUD

EDWARD EVERETT DALE

EMMA DUKE

HERBERT R. EDWARDS

FAYETTE AVERY MCKENZIE

MARY LOUISE MARK

W. CARSON RYAN, JR.

WILLIAM J. SPILLMAN

Modern Tribal Courts

- 1934 – Indian Reorganization Act
 - Many tribes assumed judicial functions, replacing CFR courts
- Opportunity
 - For a system that is more responsive to tribal needs and under tribal control
 - To resurrect traditions and customs
- Many courts apply large bodies of written law, as well as custom and tradition.

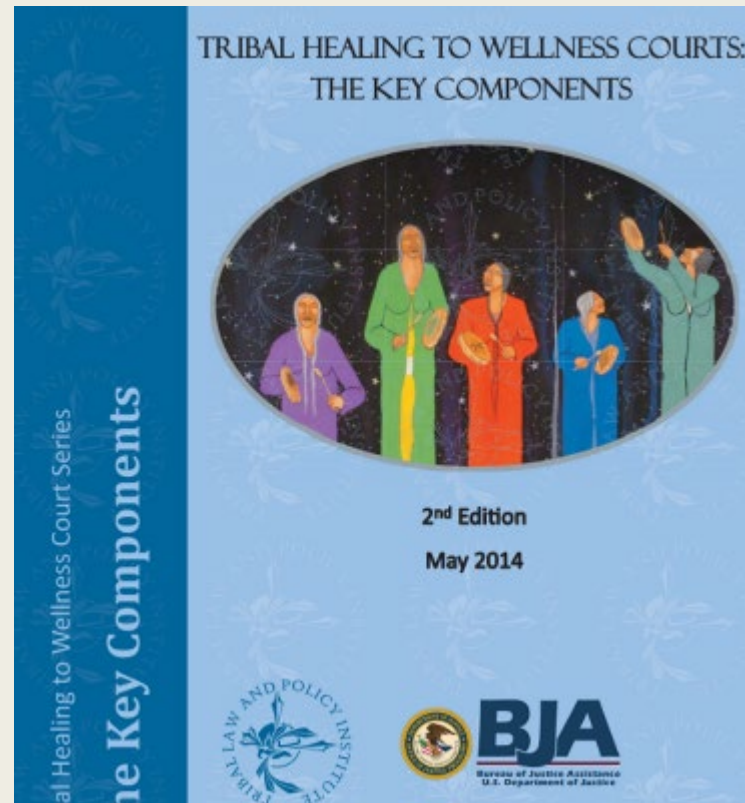


Tribal Healing to Wellness Courts

- Tribal adaptations of drug courts
- Appeal to
 - Focus on addiction as a disease
 - Non-adversarial
 - Focus on healing
 - Focus on holistic relationships
- “Healing to Wellness” adopted to
 - Exchange negative “drug” term for indigenous focus on “healing” and “wellness”
 - Concede that “wellness” is not a destination, but a journey

Tribal Key Components

www.WellnessCourts.org



Tribal Key Components recognize

- Community involvement
- Family relationships and involvement
- Culture and Tradition
- Exercise of Tribal Sovereignty

Adversarial Court vs. Wellness Court

- Event-oriented
- Case-specific
- Sentence is uniform
- Service providers interact via referral
- Offender is removed from the community
- Post-sentencing supervision is punitive intended to “catch” violations
- Neutral judge
- Process-oriented
- Person-specific
- Case plan is individualized
- Service providers interact directly
- Participant remains in the community; reintegration
- Supervision is intended to support participant and reinforce treatment
- Involved Judge

Tribal Healing to Wellness Court Series

Treatment Guidelines, 2nd Edition

TRIBAL HEALING TO WELLNESS COURTS: TREATMENT GUIDELINES, 2ND EDITION



November 2017



Main Office: 8235 Santa Monica Blvd., Suite 211 - West Hollywood, CA 90046

P: 323.650.5467 - F: 323.650.5149

Tribal Healing to Wellness Courts: www.WellnessCourts.org

Tribal Law and Policy Institute: www.Home.TLPI.org

Tribal Court Clearinghouse: www.TLPI.org

TREATMENT GUIDELINES, 2ND ED.

Culturally-Based Treatment

- Regain a practical ethnic identity
- Gain a healthy social network committed to the participants' recovery
- Make a religious, spiritual, or moral recommitment to themselves and their community
- Reengage in recreational/volunteer or vocational activities
- Gain a social role in the community

- Strengths-based!

WAABSHKI-MIIGWAN

Culture. Family. Community. HOPE!

The Mission of the WAABSHKI-MIIGWAN (White Feather) Program is to implement a collaborative partnership among the community, service providers, court and adults who face substance abuse challenges and to restore holistic balance using Odawa values and teachings as envisioned by our ancestors to spark the healing and rehabilitation of non-violent addicted offenders.



Little Traverse Bay Bands
of Odawa Indians
Tribal Court
Healing to Wellness Concepts

Copyright 2010 www.odawadugacourt.com All Rights Reserved

Design & Development by LTBB Tribal Court

Key Component 1: Individual and Community Healing

- Little Traverse Bay Bands of Odawa Indians' White Feather story

Key Component 4: Treatment and Rehabilitation

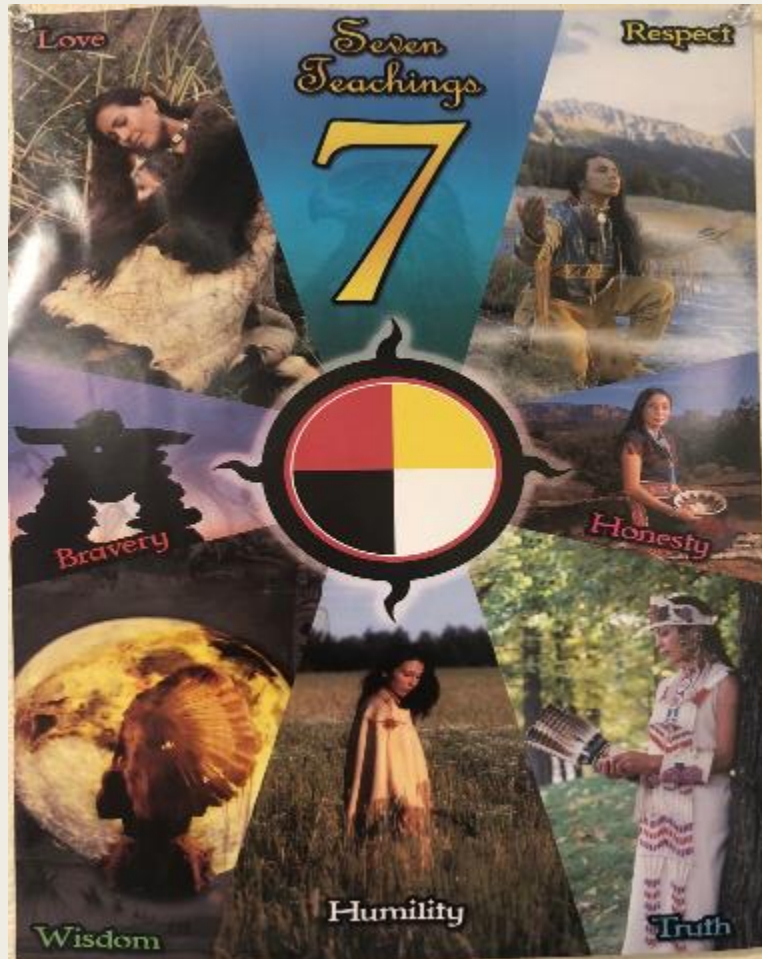
- Wellness Courts utilize clinical best practices, including
 - *phased treatment,*
 - *individual counseling,*
 - *group counseling,*
 - *cognitive behavioral therapies,*
 - *support groups,*
 - *family therapies*
 - *residential treatment*



Key Component 4: Incorporating Culture and Tradition

- Formal native healing treatments, such as
 - *White Bison/Wellbreity*
 - *Cultural Advisor on staff*
 - *Fatherhood/
Motherhood is Sacred*





Key Component 4: Incorporating Culture and Tradition

- Smudging
- Traditional gifts
- Feasts
- Name ceremony
- Native language
- Genealogy assignment
- Craft classes



Key Component 5: Intensive Supervision

- Service projects for elders
- Service projects for cultural centers, language programs
- Building the sweat lodge
- Meal preparation
- Community event clean-up

Graduation Honoring

- Feast
- Family engagement
- Community engagement
- Blanket ceremony
- Traditional gift



Center for Native Child and Family Resilience

- Resilience-related and culturally-appropriate approaches to tribal child welfare
- Highlights evidence-based standards of care
- Highlights community and practice-based models
- Improve holistic services
- <https://cncfr.jbsinternational.com/>



**Center for
Native Child
and Family Resilience**

Prevention. Intervention. Respect.



Title	Focus Area	Type
The Tools to Understand: Community as Co-Researcher on Culture-Specific Protective Factors for Alaska Natives.	Child Family	Journal Article (2006)
Native American Motivational Interviewing: Weaving Native American and Western Practices a Manual for Counselors in Native American Communities	Child Family	
Honoring resilience narratives: Protective factors among Indigenous women experiencing intimate partner violence.	Family	Journal Article (2016)
National Overview of Medication-Assisted Treatment for American Indians and Alaska Natives With Substance Use Disorders.	Family	Journal Article (2017)
Indian Health Service pharmacists engaged in opioid safety initiatives and expanding access to naloxone.	Family	Journal Article (2017)
Evaluation of American Indian Health Service Training in Pain Management and Opioid Substance Use Disorder.	Family	Article (2016)
The transgenerational trauma and resilience genogram.	Child Family	Journal Article (2013)
Building bridges: Connecting systemic trauma and family resilience in the study and treatment of diverse traumatized families.	Family	Journal Article (2017)
Testing the efficacy of a brief sexual risk reduction intervention among high-risk American Indian adults: study protocol for a randomized controlled trial.	Family	journal article (2016)

Key Component 7: Judicial Interaction





The Tribal Law and Policy Institute

Lauren van Schilfgaarde,
Tribal Law Specialist

8235 Santa Monica Blvd.
Ste. 211
West Hollywood, CA 90046
(323) 650-5467
wellness@tlpi.org
www.WellnessCourts.org

