

PROMISING STRATEGIES FOR TRIBAL HEALING TO WELLNESS COURTS:
PEER TO PEER LEARNING THROUGH MENTOR COURTS

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Promising Strategies for Tribal Healing to Wellness Courts: Peer to Peer Learning through Mentor Courts

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Tribal Healing to Wellness Mentor Courts

[Little Traverse Bay Bands of Odawa Indians Waabshkii Migwan Healing to Wellness Program](#)

[Tulalip Healing to Wellness Court](#)

[Bernalillo County Metropolitan Court Urban Native American Healing to Wellness Court Program](#)

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Introduction

Tribal Sovereignty and Tribal Healing to Wellness Courts

The Tribal Law and Policy Institute (TLPI) Mentor Court program was conceived to address a critical gap in the provision of Tribal-specific technical assistance by developing and implementing a Tribal-specific Mentor Court Program. While Federal and State Mentor Court Programs offer valuable insights, they often lack focus on Tribal-specific issues such as jurisdictional complexities, limited access to resources, heightened rates of substance abuse, co-occurring disorders, cultural values, and historical trauma. Furthermore, the unique sovereign status of Tribal Nations, each with its own customs, laws, and cultural needs, necessitates tailored approaches to the development and sustainability of Healing to Wellness programs. Recognizing these challenges, the Tribal Law and Policy Institute (www.Home.TLPI.org), with funding from the U.S. Department of Justice (DOJ), organized the development, implementation, and facilitation of the Mentor Court Program. The primary goal of the program was to manage and implement a Tribal Healing to Wellness Court (THWC) Tribal-specific Mentor Court program for Tribal justice systems including Tribal veterans' treatment courts, with a focus on Tribal-inclusivity, culturally relevant selection criteria, and peer-to-peer exchange of information. The primary objective was to foster the exchange of information between established Mentor Court programs and Sister Court Programs. ***Sister Courts are Tribal programs in the planning, implementation, or enhancement stages seeking Mentor Courts' expertise and experiences to enhance their own jurisdictions. The relationship between Mentor Courts and Sister Courts is representative of the interconnectedness of Indigenous peoples and the significance of shared knowledge.*** We believe that the Mentor Court/Sister Court model promotes Tribal sovereignty and self-determination within Indigenous justice systems.

Tribal courts often find themselves in training sessions conducted by State or Federal entities, only to find that certain aspects do not apply to their programming and lack culturally sensitive training materials. The absence of universally recognized best practices for Tribal Healing to Wellness Courts compounded with the lack of training resources targeted to Tribal programs has elevated the need for Tribal-specific technical assistance. The Mentor Court program emerged as a response to these challenges by offering knowledge and experience that emerges from a Tribal framework. This approach emphasizes Tribal inclusivity, culturally relevant selection criteria, and the promotion of peer-to-peer exchange of information among Tribal justice practitioners.

By providing a platform for Tribal-specific Mentor Court programs, including those focused on addressing the unique needs of Tribal veterans, the Mentor Court Program aims to empower Tribal communities to develop effective, culturally responsive justice interventions. Through collaborative learning and knowledge-sharing, this initiative seeks to enhance the capacity of Tribal justice systems to address substance abuse, promote healing, and uphold Tribal sovereignty.

Eligibility Criteria and Interview Process

The programs featured in this publication underwent a rigorous selection process guided by specific criteria aimed at identifying exemplary models of Tribal Healing to Wellness Courts (THWCs). The selection criteria included:

1. **Adherence to the [10 Key Components of Healing to Wellness Programs](#):** Programs were evaluated based on their alignment with the 10 Key Components, as defined by TLPI. These components serve as guiding principles for the development and operation of effective THWCs, incorporating elements such as integration of substance abuse treatment, judicial interaction, monitoring and supervision, and community engagement.
2. **Incorporation of [Best Practices for Adult Treatment Courts](#):** Programs were assessed for their utilization of best practices derived from adult treatment courts, which have demonstrated success in addressing substance abuse issues within the justice system. This included strategies as described by the National Drug Court institute- All Rise, formerly known as the National Association of Drug Court Professionals (NADCP) publication on adult treatment courts, such as the use of evidence-based treatment modalities, responding to participant behavior to promote behavioral change, case management, and collaboration with community partners.
3. **Innovation and Traditional Practices:** Programs were evaluated for their innovative approaches incorporating community values when welcoming participants in programming home through holistic healing, while addressing substance abuse and criminal justice system involvement. THWCs self-identified strength guided the process of developing the Mentor Court program. Emphasizing Indigenous knowledge and traditions in framework for peer-to-peer learning.

Based on these criteria, the following programs were selected:

- [The Little Traverse Bay Bands of Odawa Indians Waabshki Miigwan Healing to Wellness Court](#)
- [Tulalip Healing to Wellness Court](#)
- [Bernalillo County Metropolitan Court Urban Native American Healing to Wellness Court Program](#)

These three programs were recruited and exemplify excellence in THWCs, showing a commitment to evidence-based practices, cultural responsiveness, adherence to best practices, and innovation. Through the development of a Tribal-Specific Mentor Court program, this publication aims to highlight the process of implementing a peer-to-peer learning program as an Indigenous teaching method. Additionally, it will advance the implementation and sustainability of THWCs across the country. This publication serves as an overview of the first year of programming providing Promising Strategies for training and technical assistance for THWCs with a holistic focus on justice. This publication also details the challenges, lessons learned, and plans for the Mentor Court program's future.

I. Tribal Healing to Wellness Courts: An Overview

The establishment and evolution of Tribal Healing to Wellness Courts (THWC) represent a significant milestone in the advancement of Indigenous justice systems. This overview provides a comprehensive examination of the development of THWCs, key components, challenges, successes, and the future of technical assistance through peer-to-peer learning opportunities as a promising practice.

A. Origins and Historical Context

The roots of THWCs can be traced back to the broader movement of drug courts in the United States during the 1980s and 1990s. These specialized courts emerged in response to the recognition that traditional punitive approaches to substance abuse were ineffective and often exacerbated underlying issues. Inspired by the success of drug courts, Tribal communities began to explore alternative justice models that were culturally relevant and responsive to the unique needs of Indigenous peoples.

Restorative justice is indeed deeply rooted in Indigenous practices and philosophies and has been integrated into the framework of THWCs in many Indigenous communities.

Historically, Indigenous cultures across the globe have embraced restorative justice principles as a means of resolving conflicts and restoring harmony within their communities. Restorative justice focuses on repairing the harm caused by damaging behavior by emphasizing healing, reconciliation, and community involvement, rather than punishment and retribution.

Incorporating restorative justice into THWCs not only promotes individual healing and rehabilitation but also strengthens community bonds and resilience. By drawing on Indigenous traditions and values, THWCs reaffirm the importance of restoring balance and harmony within communities affected by substance abuse and related issues. As such, restorative justice serves as a cornerstone of THWC, reflecting the holistic and culturally responsive approach to justice and healing in Indigenous communities.

The development of THWCs was guided by foundational principles rooted in Indigenous values, customs, and traditions. The Ten Key Components of Healing to Wellness Courts, developed by TLPI, provided a framework for the establishment and operation of these courts.¹ These components emphasize the integration of substance abuse treatment, judicial interaction, monitoring and supervision, community engagement, and cultural sensitivity.

¹ Joseph Thomas Flies-Away, Carrie Garrow, and Pat Sekaquaptewa. *Tribal Healing to Wellness Courts: The Key Components* (West Hollywood, CA: Tribal Law and Policy Institute, 2014), <http://www.wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Courts%20The%20Key%20Components.pdf>.

B. Understanding the 10 Key Components of Healing to Wellness Courts²



Key Component #1: Individual and Community Healing Focus

Tribal Healing to Wellness Court brings together alcohol and drug treatment, community healing resources, and the Tribal justice process by using a team approach to achieve the physical and spiritual healing of the individual participant, and to promote Indigenous Nation building and the well-being of the community.

Key Component #2: Referral Points and Legal Process

Participants enter Tribal Healing to Wellness Court through various referral points and legal processes that promote Tribal sovereignty and the participant's due (fair) process rights.

² This excerpt is taken from Tribal Law and Policy, "The Tribal Key Components," Tribal Healing to Wellness Courts (accessed February 29, 2024), <http://wellnesscourts.org/tribal-key-components/index.cfm>.

Key Component #3: Screening and Eligibility

Eligible court-involved substance-abusing parents, guardians, juveniles, and adults are identified early through legal and clinical screening for eligibility and are promptly placed into the Tribal Healing to Wellness Court.

Key Component #4: Treatment and Rehabilitation

Tribal Healing to Wellness Court provides access to holistic, structured, and phased alcohol and drug abuse treatment and rehabilitation services that incorporate culture and tradition.

Key Component #5: Intensive Supervision

Tribal Healing to Wellness Court participants are monitored through intensive supervision that includes frequent and random testing for alcohol and drug use, while participants and their families benefit from effective team-based case management.

Key Component #6: Incentives and Sanctions

Progressive rewards (or incentives) and consequences (or sanctions) are used to encourage participant compliance with the Tribal Healing to Wellness Court requirements.

Key Component #7: Judicial Interaction

Ongoing involvement of a Tribal Healing to Wellness Court judge with the Tribal Wellness Court team and staffing, and ongoing Tribal Wellness Court judge interaction with each participant are essential.

Key Component #8: Monitoring and Evaluation

Process measurement, performance measurement, and evaluation are tools used to monitor and evaluate the achievement of program goals, identify needed improvements to the Tribal Healing to Wellness Court and to the Tribal court process, determine participant progress, and provide information to governing bodies, interested community groups, and funding sources.

Key Component #9: Continuing Interdisciplinary and Community Education

Continuing interdisciplinary and community education promotes effective Tribal Healing to Wellness Court planning, implementation, and operation.

Key Component #10: Team Interaction

The development and maintenance of ongoing commitments, communication, coordination, and cooperation among Tribal Healing to Wellness Court team members, service providers and payers, the community, and relevant organizations, including the use of formal written procedures and agreements, are critical for Tribal Wellness Court success.

The publication [Tribal Healing to Wellness Courts The Key Components.pdf](#) provides an in-depth explanation of the 10 Key Components of THWC. The key components are explained with examples of active THWC and how they integrate the principles into their programming.

The development of THWCs was not without its challenges. Limited access to resources, jurisdictional complexities, and historical trauma posed significant obstacles to the implementation and sustainability of these courts. Additionally, Tribal justice systems often faced skepticism and resistance from external entities, including Federal and State governments, which challenged their authority to administer justice within their own communities.

Despite the challenges, THWCs have demonstrated considerable success in addressing substance abuse and promoting holistic healing within Indigenous communities. These courts have achieved notable reductions in recidivism rates, improvements in participant well-being, and enhanced community engagement. As an example, the Little Traverse Bay Bands of Odawa Indians increased its program graduation rate by approximately 20 percent following the implementation of cultural enhancements which included connecting clients to culture bearers in the community.³

THWCs are increasingly using tools like the Native Wellness Assessment (created by the Thunderbird Partnership Foundation) to assess cultural literacy and engagement within their participant populations. The use of these data gathering tools will be used to evaluate anecdotal observations about the impact of cultural engagement on both graduation rates and recidivism rates among program participants.

Moreover, THWCs have played a vital role in revitalizing traditional justice practices, fostering cultural pride, and promoting self-determination among Indigenous peoples. THWCs implement the use of Indigenous language and ceremonial practices like offering tobacco, smudging, and water ceremonies within the courtroom setting to promote traditional justice practices. Some programs are encouraging participants to attend cultural events by counting them as a peer recovery event. This is both a prosocial activity and creates recovery capital by promoting connections to individuals who are engaged in cultural activities outside of a program.

As THWCs continue to evolve and expand, they hold the promise of addressing the root causes of substance abuse, promoting healing, and strengthening Indigenous communities for generations to come.

Throughout this process Tribal Courts have been critiqued and evaluated on Federal standards for how to implement and operate their THWC programs. THWC often require grant funding

³ See LTBB WMHTWC Data Collection, 2016–2024. WMDCP’s two-year recidivism rates are also lower than the state of Michigan’s two-year recidivism rates. See <https://www.courts.michigan.gov/498c7b/siteassets/court-administration/best-practices/psc/ncsc-adult-recidivismanalysis.pdf> at 37-42 cf.

during the planning, development, implementation, and/or enhancement, and sustainability of programming for the following reasons:

Limited Resources: Many Tribal communities have limited financial resources, which can hinder their ability to develop and sustain comprehensive Wellness Court programs. Grant funds provide much-needed financial support to cover expenses such as staffing, training, treatment services, and program administration.

Capacity Building: Developing a Healing to Wellness Court requires specialized knowledge and expertise in areas such as substance abuse treatment, treatment services, legal advocacy, and cultural competency. Grant funds can be used to train court personnel and build their capacity to effectively implement and manage THWCs.

Program Development: Designing and implementing a Healing to Wellness Court involves developing policies and procedures, establishing partnerships with community organizations and service providers, and creating treatment plans tailored to the needs of participants. Grant funds can support these program development activities, including hiring consultants or experts to assist with planning and implementation.

Service Provision: Healing to Wellness Courts typically provide a range of support services to participants, including substance abuse treatment, mental health counseling, housing assistance, job training, and cultural activities. Grant funds can be used to cover the costs of these services, ensuring that participants receive the support they need to address the underlying causes of their involvement in the criminal justice system.

Evaluation and Monitoring: It's essential for Tribal courts to evaluate the effectiveness of their THWC programs and make any necessary adjustments to improve outcomes for participants. Grant funds can support program evaluation activities, including data collection, analysis, and reporting, as well as ongoing monitoring to ensure program fidelity and compliance with grant requirements.

Overall, grant funds play a critical role in supporting the development, implementation, and sustainability of Healing to Wellness Court programs in Tribal communities, helping to address the complex needs of individuals involved in the criminal justice system and promote healing, rehabilitation, and community well-being. It is well documented that Tribal justice systems benefit from increased access to funding that should be coupled with specific Tribal technical assistance and resources.

C. Original “Mentor Courts” Process and Outcome Evaluations

Federal evaluation of Tribal Healing to Wellness Courts has historically not acknowledged the disadvantages created by colonization or highlighted the specific strengths of cultural protective

factors as a best practice in Tribal Nations. This is shown in the first evaluation of the pilot “Mentor Tribal Drug Courts” as detailed in a [2005 report by Karen Gottlieb](#).

The four Tribal Wellness Courts were the Blackfeet Alternative Court, the Fort Peck Community Wellness Court, the Hualapai Wellness Court, and the Poarch Band of Creek Indians Drug Court funded by the Tribal Drug Court Initiative, and they were the pioneers of the Tribal Wellness Court movement.

The evaluation conducted in the Gottlieb Report aimed to assess the effectiveness and impact of these specialized courts in addressing the needs of participants and promoting healing and rehabilitation within Tribal communities. The evaluation of programming focused on court operations, organizational structure, participant outcomes, and cultural sensitivity and inclusion.

Key outcomes:

Positive Participant Outcomes: Many participants in the Tribal Wellness Courts did show improvement in the following: substance abuse, mental health, housing stability, employment, and overall well-being. Noted from the report was the holistic approach of the court, taking both the person and community into the incorporation of services assisted in positive outcomes.

Community Support and Engagement: The evaluations highlighted the importance of community involvement in the success of Tribal wellness courts. It is necessary to have active and supportive participation from Tribal leaders, service providers, and the community to create a supportive environment and enhance overall program effectiveness.

Cultural Relevance: Tribal Wellness Courts effectively integrated traditional cultural values and practices into their programs and demonstrated greater success in engaging participants and promoting healing. Utilizing culture as the foundation of programming and weaving cultural activities, ceremonies, and community members into the overall process was particularly beneficial to participants in programming.

Challenges:

Despite the positive outcomes observed, the evaluations also identified several challenges facing Healing to Wellness programs.

Resource Constraints: Limited funding and staffing posed significant challenges to the sustainability and effectiveness of Tribal Wellness Courts. Courts struggled to provide comprehensive support services, maintain interdisciplinary teams, and address the diverse needs of participants with limited resources.

Interagency Collaboration: Coordinating with external agencies and service providers was often challenging for Tribal Wellness Courts. Fragmentation of services and lack of communication

between agencies hindered participants' access to necessary support services, such as mental health treatment or housing assistance.

Cultural Competency: Some courts faced difficulties in ensuring that court personnel had sufficient cultural competency to effectively engage with Indigenous participants. Lack of understanding or sensitivity to Tribal cultures and traditions could undermine the success of the program and erode trust within the community.

The Federal evaluation of the first “Mentor” courts provided valuable insights to the strengths, challenges, and future needs of technical assistance for THWCs, highlighting culturally specific technical assistance will foster positive outcomes for communities. While these courts demonstrated positive outcomes in promoting healing, rehabilitation, and community well-being, they also faced significant obstacles specific to Tribal communities to promote sustainability of programming.

These significant obstacles in programming and identified deficiencies from the Federal funding and ultimate ending of those four courts provides a glaring demonstration of the need for Tribal specific technical assistance, support, and evaluation. By addressing these challenges and building upon their strengths, Tribal Wellness Courts can continue to serve as vital resources for healing and justice within Tribal communities.

D. Best Practices, Promising Practices, and Healing to Wellness Courts

As noted in the initial evaluation of the first four federally funded THWCs, there has been limited research over the last twenty-six years specific to Tribal communities. The best practices for adult treatment courts⁴ can also apply to Healing to Wellness Courts, with some adaptations to reflect the unique cultural and community context of Tribal justice systems. Here's how these best practices are applied to THWCs:

1. Multidisciplinary Team Approach:

- THWCs should establish multidisciplinary teams consisting of Tribal elders, mental health professionals, substance abuse counselors, legal experts, and other community stakeholders. This diverse team collaborates to address the complex needs of participants while integrating traditional cultural practices.

2. Individualized Treatment Plans:

- Develop individualized treatment plans that are culturally sensitive and tailored to specific needs. Treatment plans should incorporate traditional healing

⁴ National Association of Drug Court Professionals, Adult Treatment Court Best Practice Standards (National Association of Drug Court Professionals, 2023), https://allrise.org/wp-content/uploads/2023/12/All-Rise-Adult-Treatment-Court-Best-Practice-Standards-2nd-Ed.-I-VI_final.pdf.

practices and evidence-based interventions for substance abuse and mental health issues.

3. Evidence-Based Practices:

- Implement evidence-based practices that are culturally appropriate and responsive to Tribal communities' needs. This may include integrating traditional healing ceremonies, storytelling, and cultural teachings into treatment modalities, alongside evidence-based therapeutic approaches.

4. Regular Judicial Interaction:

- Provide regular judicial oversight and interaction with participants, incorporating traditional justice principles such as restorative justice and peacemaking circles. Judicial interaction emphasizes accountability, healing, and community reintegration within the cultural context of the Tribe.

5. Access to Comprehensive Services:

- Ensure participants have access to a comprehensive range of culturally relevant services, including substance abuse treatment, mental health counseling, cultural revitalization programs, housing assistance, and vocational training. Services should be coordinated to address the holistic needs of participants.

6. Graduated Sanctions and Incentives:

- Implement a system of graduated sanctions and incentives that align with traditional Tribal values and practices. Sanctions and incentives should be culturally appropriate and reflective of the community's values, promoting accountability and positive behavior change.

7. Data Collection and Evaluation:

- Collect data on participant outcomes, program effectiveness, and cultural relevance to evaluate the impact of Healing to Wellness Courts. Use culturally appropriate evaluation methods and engage Tribal community members in data collection and analysis processes.

8. Cultural Competence and Sensitivity:

- Ensure that court personnel and service providers have cultural competence and sensitivity to effectively engage with Tribal participants. Respect Tribal customs, languages, and traditions in program delivery and service provision.

9. Collaboration and Community Partnerships:

- Forge partnerships with Tribal governments, community organizations, Tribal elders, and other stakeholders to enhance participant support and access to culturally relevant resources. Collaboration fosters a culturally responsive and supportive environment within the Healing to Wellness Court.

10. Continual Improvement and Innovation:

- Continuously assess and improve Healing to Wellness Court practices based on feedback from participants, Tribal leaders, and community stakeholders. Embrace innovation and adaptability to meet the evolving needs of Tribal communities while honoring traditional values and practices.

By incorporating these best practices and adapting them to the cultural context of Tribal communities, THWC can effectively promote recovery, rehabilitation, and community well-being among Indigenous individuals involved in the justice system.

E. Peer-to-Peer Learning

Within the framework of the 10 Key Components and best practices it is imperative to recognize the strength of peer-to-peer learning and the sharing of information from Mentor Courts to Sister Courts as Indigenous learning practice.

Mentoring is an inherent peer-to-peer practice where knowledge is shared and provided on a personal, programmatic, and community basis. The Mentor Courts are able to use their lived experiences to provide insight on how to successfully provide support services to participants involved in programming. This approach learning is a culturally sensitive practice and Indigenous learning practice for Tribal communities is deeply rooted in the cultural traditions, values, and ways of knowing of Indigenous peoples.

1. Cultural Sensitivity:

- Peer-to-Peer learning provides a framework for holistic learning through an experiential process engaging the spirit, heart, the mental and the physical and that interconnectedness deepens the experience of learning and knowledge. Learning and teaching are a circular process that is strengthened through a peer-to-peer modality by acknowledging the cultural value of reciprocity.⁵

⁵ Susan Chiblow, "An Anishinaabe Research Methodology that Utilizes Indigenous Intelligence as a Conceptual Framework Exploring Humanity's Relationship to N'bi (Water)," *International Journal of Qualitative Methods* 20 (2021), <https://journals.sagepub.com/doi/full/10.1177/16094069211058017>

2. Indigenous Learning Practices:

- Indigenous learning practices, including peer-to-peer learning, are grounded in Indigenous knowledge systems and ways of knowing. They emphasize the interconnection between humans, nature, and spirituality, fostering a holistic understanding of the world.⁶

3. Community-Centered Learning:

- Peer-to-peer learning within Tribal communities prioritizes communal learning over individual achievement. It takes place within the community context, where individuals share knowledge, skills, and experiences in a collaborative and supportive environment.⁷

4. Storytelling:

- Peer-to-peer learning in Tribal communities often involves oral tradition and storytelling as primary modes of knowledge transmission. Elders and knowledge holders share narratives, teachings, and ancestral wisdom through storytelling, fostering cultural continuity and resilience.⁸

5. Cultural Preservation:

- Peer-to-peer learning plays a crucial role in the transmission and preservation of Indigenous cultures, languages, and traditions. It facilitates the passing down of cultural practices, traditional knowledge, and intergenerational wisdom from elders to younger generations.⁹

6. Respect for Elders and Traditional Knowledge Holders:

- Peer-to-peer learning in Tribal communities acknowledges the wisdom and expertise of elders and traditional knowledge holders. It promotes respect for elders and their role as cultural mentors and guardians of Indigenous wisdom.¹⁰

7. Holistic and Contextual Learning:

- Peer-to-peer learning fosters a holistic and contextual understanding of the world, integrating intellectual, emotional, spiritual, and physical dimensions of

⁶ Marie Ann Battiste, *Decolonizing Education: Nourishing the Learning Spirit* (Saskatoon, SK: Purich Publishing, 2013).

⁷ W. James Jacob, Sheng Yao Cheng, Maureen K. Porter, *Indigenous Education: Language, Culture and Identity* (Springer, 2015).

⁸ Vine Deloria, Jr., *Spirit and Reason: The Vine Deloria, Jr.* (Golden, CO: Fulcrum Publishing, 1999).

⁹ Angelina E. Castagno and Bryan McKinley Jones Brayboy, "Culturally Responsive Schooling for Indigenous Youth: A Review of the Literature," *Review of Educational Research* 78(4) (2008): 941–993.

¹⁰ Ray Barnhardt and Angayuqaq Oscar Kawagley, "Indigenous Knowledge Systems and Alaska Native Ways of Knowing," *Anthropology & Education Quarterly* 36(1) (2005): 8–23.

human experience. It aligns with Indigenous cosmology, ecological awareness, and cultural interconnectedness.¹¹

8. Adaptability and Innovation:

- Peer-to-peer learning in Tribal communities is adaptive and innovative, responding to changing social, environmental, and cultural contexts. It encourages creativity, critical thinking, and problem-solving skills and empowers individuals to adapt traditional knowledge to contemporary challenges.¹²

In summary, peer-to-peer learning as a culturally sensitive practice and Indigenous learning practice for Tribal communities encompasses principles of cultural sensitivity, community-centric learning, oral tradition, cultural transmission, respect for elders, holistic learning, and adaptability. These practices reflect the rich cultural heritage and values of Indigenous peoples while promoting meaningful and relevant educational experiences within Tribal communities. This is a promising practice endorsed as the primary mechanism for implementing the Mentor Court Program.

¹¹ Gregory Cajete, *Look to the Mountain: An Ecology of Indigenous Education* (Skyland, NC: Kivaki Press, 1994).

¹² Andrew Blackbird, *History of the Ottawa and Chippewa Indians of Michigan* (The Ypsilantian Job Printing House 1887), <https://tile.loc.gov/storage-services/service/gdc/lhbum/16465/16465.pdf>

II. Mentor Court Program Planning

The planning and implementation of a Tribal-specific Mentor Court Healing to Wellness Program came out of a need for Tribal-specific technical assistance to best serve Native American and Native Indians (NA/NI) populations. There is still limited research on evidence-based practices specific to NA/NI programs, which requires Tribal Healing to Wellness Courts (THWC) to have customized technical assistance to address the following:

- *Adapting the drug court concept to include alcohol dependency and abuse treatment services due to the high volume of alcohol abuse in Indian country;*
- *Designing an effective drug court process within unique jurisdictional factors; and*
- *Ensuring sustainability in the face of unsecure funding, high Wellness Court Team turnover rates, and limited available human resources.*

These identified challenges are not reflected in State or national training, which leaves THWCs without representation in trainings—practices that do not support Tribal sovereignty and show a lack of inclusion and cultural sensitivity.

The identified need for Tribal-specific programming was recognized by TLPI leadership and after writing a supplemental grant narrative the Department of Justice (DOJ) awarded TLPI with grant funds to design and implement a Tribal-specific Mentor Court Program that would include veteran programming, a focus on cultural practices and customs Nation-to-Nation, eligibility criteria, selection criteria, and the facilitation of peer-to-peer exchange of information.

The overarching goal of programming was integrating the 10 Key Components, best practices, and peer-to-peer learning into a Mentor Court Program holds significant promise for enhancing the effectiveness and cultural relevance of Tribal Healing to Wellness Courts. By adopting these principles, such a program would embody a holistic approach to justice that prioritizes cultural sensitivity, community engagement, and intergenerational learning within Tribal communities. Incorporating peer-to-peer learning acknowledges the wisdom and expertise of Tribal elders and traditional knowledge holders, fostering a sense of cultural continuity and empowerment among participants. Through mentorship and shared experiences, Tribal Healing to Wellness Courts can harness the collective wisdom of the community to promote healing, rehabilitation, and community well-being. This is a restoration of traditional teaching and promotes unity amongst Tribal communities to share knowledge and encourage sovereignty. By embracing these principles, a Mentor Court Program has the potential to serve as a promising practice for Tribal Healing to Wellness Courts, embodying the values and aspirations of Indigenous justice systems while addressing the unique needs of Tribal communities in a culturally responsive manner.

A. Establishment of Programming

The establishment of programming involved the creation of a Mentor Courts working group comprising TLPI Wellness Court staff, subject-matter expert consultants, and TLPI leadership. Together, they collaborated to develop a Tribally specific Mentor Court model. This model included the establishment of criteria, guidelines, and procedures for participation in the Mentor Court program. Additionally, the working group was tasked with identifying and recruiting Tribal Healing to Wellness Court (THWC) Mentor Courts, which would serve as mentors to other Tribal courts seeking guidance and support. Simultaneously, efforts were made to identify and recruit "Mentee Courts," those seeking assistance and mentorship to enhance their own Healing to Wellness Court programs. Once Mentor and Mentee Courts were identified, the working group facilitated the matching process, ensuring compatibility and alignment between mentor and mentee programs. Ongoing support was provided through the facilitation of information exchange between Mentor and Mentee Courts, which included communication by email, phone, or video calls. This exchange facilitated the sharing of documents, forms, policies, procedures, and best practices, fostering a collaborative learning environment and promoting the growth and development of Healing to Wellness Court programs across Tribal communities.

B. TLPI Tribal Healing to Wellness Mentor Court Program Eligibility Requirements

The Mentor Court program's design was structured with the same guidelines as the Federal Mentor Court program. The eligibility requirements were revised during the recruitment process for Mentor Courts recognizing that Tribal communities through their disadvantaged resources may not always comply with all best practice requirements but through resiliency and problem solving are able to provide holistic services in programming. The nature of Healing to Wellness Courts that have experienced disadvantages and have overcome those in programming is a benefit to the "Mentee" Courts that will experience similar struggles in programming.

Mentor Courts must have the capacity to host in-person and virtual visits from other jurisdictions.

To become a Mentor Court, it was and continues to be essential that the court have the capacity to host both in-person and virtual visits from other jurisdictions. This requirement ensures that Sister Courts could observe and learn from the operations and practices of the Mentor Court, regardless of geographical distance or travel constraints. In-person visits provide Sister Courts with the opportunity to witness firsthand the day-to-day functioning of the Mentor Court, interact with court staff and stakeholders, and have the opportunity to ask questions and garner insights to real-time programming. Virtual visits offer a flexible and accessible alternative, allowing a Sister Court to engage with the Mentor Court remotely through video conferencing technology. Virtual visits enable Sister Courts to participate in meetings, observe court proceedings, and engage in discussions with court personnel without

the need for travel, reducing costs and promoting participation in programming. By ensuring Mentor Courts have the capacity to host both in-person and virtual visits, the Mentor Court Program maximizes accessibility and opportunities for knowledge exchange, thereby enhancing the effectiveness and impact of the mentorship experience for Mentee Courts.

Mentor Courts must have all key essential team members of a Healing to Wellness Court team.

For Mentor Courts participating in the Mentor Court Program, it is crucial that they have all key essential team members of a Healing to Wellness Court team in place. These key team members typically include representatives from various disciplines and roles that contribute to the holistic support and supervision of participants in the Healing to Wellness Court Program. Key essential team members may include:

- **Judge or Judicial Officer:** Responsible for presiding over court proceedings, providing oversight, and making decisions regarding participant progress and program compliance.
- **Prosecutor:** Represents the State or Tribal government in legal proceedings and collaborates with defense counsel and other team members to ensure participants receive appropriate legal support and due process.
- **Defense Counsel:** Represents participants in legal proceedings, ensures their rights are protected, and advocates for their interests within the court system.
- **Case Manager/Coordinator:** Coordinates participant services, conducts assessments, develops individualized treatment plans, and monitors participant progress throughout the program.
- **Substance Abuse Treatment Provider:** Offers substance abuse assessment, counseling, and treatment services to participants with substance use disorders, including individual and group therapy sessions.
- **Mental Health Provider:** Offers mental health assessment, counseling, and treatment services to participants with mental health issues, addressing trauma, depression, anxiety, and other mental health concerns.
- **Probation or Community Supervision Officer:** Monitors participant compliance with court orders, conducts regular check-ins, and provides support and supervision to participants in the community.
- **Tribal Elder or Cultural Advisor:** Provides cultural guidance, support, and spiritual counseling to participants, incorporating traditional healing practices, ceremonies, and cultural teachings into the program.
- **Community Support Services Liaison:** Connects participants with community resources and support services, such as housing assistance, vocational training, education programs, and social services.

- **Court Coordinator/Administrator:** Manages court operations, schedules hearings, maintains case records, and coordinates communication between team members, participants, and external stakeholders.
- **Probation or Community Supervision Officer:** Monitors participant compliance with court orders, conducts regular check-ins, and provides support and supervision to participants in the community.
- **Tribal Elder or Cultural Advisor:** Provides cultural guidance, support, and spiritual counseling to participants, incorporating traditional healing practices, ceremonies, and cultural teachings into the program.
- **Community Support Services Liaison:** Connects participants with community resources and support services, such as housing assistance, vocational training, education programs, and social services.
- **Court Coordinator/Administrator:** Manages court operations, schedules hearings, maintains case records, and coordinates communication between team members, participants, and external stakeholders.

By ensuring that Mentor Courts have all key essential team members in place, the Mentor Courts program can provide Sister Courts with comprehensive guidance and support in establishing and maintaining effective Healing to Wellness Court programs within their own communities. This ensures that Mentee Courts have access to the expertise and resources necessary to promote participant success, community well-being, and cultural relevance within the Tribal justice system.

Mentor Courts must be able to provide peer-to-peer learning opportunities and adhere to site visit policies. For Mentor Courts participating in the peer-to-peer program, they must be able to provide learning opportunities and adhere to site visit policies. These requirements ensure that Mentee Courts have access to valuable learning experiences and that visits to Mentor Courts are conducted in a structured and respectful manner. Here's an explanation of each component:

1. Peer-to-Peer Learning Opportunities:

- Mentor Courts should create opportunities for peer-to-peer learning, where representatives from Mentee Courts can observe court proceedings, interact with court staff, and learn from the Mentor Court's experiences and practices. These opportunities may include shadowing court hearings, participating in case conferences, and engaging in discussions with key team members.

2. Adherence to Site Visit Policies:

- Mentor Courts must have clear policies and procedures established for hosting site visits with Sister Courts. These policies should outline the process for scheduling visits, expectations for conduct during visits, and guidelines for ensuring confidentiality and privacy of participants. Adherence to site visit policies helps maintain professionalism, respect, and confidentiality throughout the mentorship process.

By ensuring Mentor Courts can provide peer-to-peer learning opportunities and adhere to site visit policies, the Mentor Court Program promotes meaningful knowledge exchange and collaboration between Mentor and Sister Courts. This fosters a supportive learning environment and enhances the effectiveness of the mentorship experience for all parties involved.

Mentor Courts must adhere to the 10 Key Components of Healing to Wellness Courts.

As part of the Mentor Court Program, it is imperative that Mentor Courts adhere to the 10 Key Components of Healing to Wellness Courts. These components serve as foundational principles for the establishment and operation of effective Healing to Wellness Court programs and are necessary for ensuring consistency, and best practices within the Mentor Court's operations. Adherence to these components demonstrates the commitment to upholding the core values and objectives of THWCs, which include promoting participant recovery, rehabilitation, and community well-being within a culturally responsive framework.

The [10 Key Components of Healing to Wellness Courts](#), as defined by the Tribal Law and Policy Institute (TLPI), typically include:

1. **Access and Entry**
2. **Team Approach**
3. **Participant Screening and Assessment**
4. **Treatment and Rehabilitation**
5. **Continuing Court Interaction**
6. **Monitoring and Evaluation**
7. **Case Management**
8. **Coordinated Strategy**
9. **Cultural Competency**
10. **Community Involvement**

By adhering to these components, Mentor Courts ensure that their practices align with evidence-based approaches to addressing substance abuse, co-occurring disorders, criminal activity and related issues within Tribal communities to promote healing. This commitment not only enhances the effectiveness of the Mentor Court's own operations but also serves as a model for Sister Courts seeking guidance and support in implementing and enhancing Healing to Wellness Court Programs within their own communities. Overall, adherence to the 10 Key Components of Healing to Wellness Courts is essential for Mentor Courts to fulfill their role as mentors and leaders in promoting sovereignty, traditional activities healing, and positive outcomes within the Tribal justice system.

Mentor Courts must have a written policy and procedure manual and participant handbook that you are willing and able to share with other jurisdictions.

As part of the Mentor Court program, Mentor Courts must have a comprehensive written policy and procedure manual and a participant handbook. These documents serve as essential

resources for guiding the operations and practices of the Mentor Court and provide valuable insights and guidance to other jurisdictions seeking to establish or enhance their own Healing to Wellness Court Programs.¹³

The policy and procedure manual outlines the operational guidelines, protocols, and procedures that govern the functioning of the Mentor Court. It covers various aspects of court operations, including case management procedures, participant eligibility criteria, team member roles and responsibilities, court hearings and proceedings, data collection and evaluation processes, and confidentiality and privacy policies. The manual is designed to provide clarity, consistency, and transparency in the Mentor Court's operations and serves as a reference for court staff, team members, and stakeholders.

Similarly, the participant handbook is a resource designed to provide participants with information about the Healing to Wellness Court program, their rights and responsibilities, program expectations, available services and resources, and the judicial process. The handbook is intended to empower participants by providing them with clear and accessible information about the program and promoting their active engagement and participation in their own recovery and rehabilitation.

Both the policy and procedure manual and the participant handbook are valuable tools for sharing knowledge and best practices with other jurisdictions. Mentor Courts must be willing and able to share these documents with other jurisdictions as part of the mentorship process, thereby facilitating peer-to-peer learning and collaboration within the Healing to Wellness Court community. By sharing their policies, procedures, and participant materials, Mentor Courts contribute to the growth, development, and success of Healing to Wellness Court programs across Tribal communities, ultimately advancing the goals of participant recovery, community well-being, and cultural relevance within the Tribal justice system.

Mentor Courts must be willing and able to provide data, participate in research and publications, and engage in media campaigns as requested by TLPI.

As part of the Mentor Court Program, Mentor Courts are required to be willing and able to provide data, participate in research and publications, and engage in media campaigns as requested by TLPI. These activities play a crucial role in advancing the knowledge, understanding, and effectiveness of Healing to Wellness Court programs within Tribal communities and contribute to the broader goals of promoting participant recovery, rehabilitation, and community well-being.

¹³ TLPI has developed a THWC Policies and Procedures Guide. See http://www.wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Court%20Playbook%20FINAL_November%202015.pdf.

1. Data Sharing:

- Mentor Courts must be willing to share data and information related to their court operations, participant outcomes, and program evaluations with TLPI. This data sharing enables TLPI to assess the impact and effectiveness of Mentor Court programs, identify best practices, and inform ongoing program improvement efforts.

2. Participation in Research:

- Mentor Courts may be asked to participate in research studies, evaluations, or assessments conducted by TLPI or other research entities. This participation involves providing access to court personnel, participants, and program data for research purposes, and cooperating with researchers in data collection and analysis activities.

3. Publications:

- Mentor Courts may be invited to contribute to publications, reports, or academic articles that document their experiences, insights, and best practices in operating Healing to Wellness Court programs. These publications serve as valuable resources for sharing knowledge and lessons learned with other jurisdictions and stakeholders.

4. Media Campaigns:

- Mentor Courts may be called upon to participate in media campaigns or public awareness initiatives aimed at raising awareness about Healing to Wellness Court programs, promoting their benefits and successes, and destigmatizing substance abuse and related issues within Tribal communities. This involvement may include interviews, testimonials, or public appearances.

By actively engaging in data sharing, research participation, publications, and media campaigns as requested by TLPI, Mentor Courts contribute to the advancement of knowledge and understanding in the field of Healing to Wellness Courts. Their participation helps to build a strong evidence base for the effectiveness of these programs, informs policy and practice decisions, and raises public awareness about the importance of addressing substance abuse and promoting recovery within Tribal communities. Ultimately, Mentor Courts' willingness to participate in these activities demonstrates their commitment to promoting positive outcomes and cultural relevance within the Tribal justice system.

Mentor Courts must be an operational court program for a minimum of two years.

A requirement for Mentor Court status was that courts must have been operational with participants in programming for a minimum of two years. This criterion ensures that Mentor Courts have established a solid foundation, gained practical experience, and demonstrated a commitment to the sustainability and effectiveness of their Healing to Wellness Court programs before serving as mentors to other jurisdictions. It is necessary to have active participation to provide real-time learning opportunities to Sister Courts.

By operating for a minimum of two years, Mentor Courts have had sufficient time to implement and refine their court operations, establish collaborative partnerships with key stakeholders, develop policies and procedures, and demonstrate positive outcomes for participants. This experience and track record of success position Mentor Courts as credible and knowledgeable mentors capable of providing valuable guidance and support to Mentee Courts seeking to establish or enhance their own Healing to Wellness Court programs.

Additionally, Mentor Courts that have been operational for at least two years have likely encountered and addressed common challenges and barriers associated with implementing and sustaining Healing to Wellness Court programs. This experiential knowledge enables Mentor Courts to provide practical insights, strategies, and best practices to Mentee Courts, thereby facilitating their success and promoting positive outcomes within their own communities.

Overall, the requirement for Mentor Courts to have been operational for a minimum of two years ensures that Mentor Courts have the necessary experience, expertise, and capacity to effectively mentor and support Mentee Courts in their efforts to establish and maintain successful Healing to Wellness Court programs within Tribal communities.

During the recruitment process of Mentor Courts, it became evident that given jurisdictional limitations, resource inequality, and unique cultural identities of each tribal government, there may be challenges in complying with all national treatment court best practices. As previously noted, the Gottlieb findings underscore the limitations of federal and state technical assistance. Tribal specific technical assistance, tailored approaches to recruitment, and balancing adherence to best practices within a cultural framework were promoted in the recruitment process.

While Healing to Wellness programs may face obstacles in adhering to best practices, it is essential to recognize that they operate within complex and dynamic contexts. By acknowledging these challenges and working collaboratively with Tribal communities, stakeholders, and partners, THWCs can continue to strive toward excellence and innovation through a narrative approach of how their programs operate.

TLPI, recognizing the unique challenges that face THWCs, provided a supplemental interview portion for courts that wanted to be considered for Mentor Court status but currently did not comply with all best practices. The interview allowed programs to detail which requirement(s) they currently do not comply with and how their court operates without that function. This allows programs to provide context and demonstrate their unique approach to fulfilling the objectives of a THWCS. This is an invaluable learning tool and an opportunity for peer-to-peer learning of providing successful strategies for dealing with staff turnover, insufficient funding, limited access to attorneys, decreased access to treatment services, and jurisdictional issues.

C. Interview Process (Narrative Approach)

An interview process was implemented in the recruitment process of Mentor Courts to provide a traditional practice for identifying courts and providing a peer-to-peer learning opportunity. During the initial evaluation process the TLPI Mentor Court was going to utilize the “BEST Assessment” a standardized tool that Tribes would fill out ensuring alignment with best practices and the 10 Key Components. It became evident that this approach did not fully capture the depth and richness of Tribal programming, nor did it recognize the unique historical faced by Tribal programs and communities. The 2005 Gottlieb study, cited earlier, highlights the deficits in utilizing strict assessment-based approaches with Tribal programs.

Currently there are no best practices specifically identified for Tribal programming. The use of a narrative approach in recruitment allows programs to identify what has worked or has not worked for their community. There is a wide variation in cultural practices and norms, community challenges and strengths within Indigenous communities and a narrative approach allows for a more meaningful evaluation of potential Mentor Courts.

Cultural Incompatibility: The BEST assessment may not adequately account for the unique cultural traditions, values, and needs of Tribal communities. THWCs programs often incorporate cultural practices and community-based approaches that may not be fully captured or recognized within a standardized assessment tool. The switch to recruitment by utilizing an interview process allowed for programs to share their strengths and innovative strategies. Acknowledging that individual communities extend beyond the framework of Federal requirements and cultural practices are restorative to communities.

TLPI updated the Mentor Court recruitment process to better align with the needs and priorities of Tribal communities. As an enhancement of the project this will involve developing a more culturally responsive assessment tool and relying on a programmatic narrative as the primary mechanism of sharing information throughout the recruitment process.

Interviews were conducted with potential Mentor Courts to have open-ended discussions with their teams where they could highlight their strengths of programming. This narrative opportunity provided insights into the types of programs they wanted to focus on, jurisdictional situations, program strengths, team composition and relationships, as well as innovative features.

During program implementation the narrative approach was restructured based on the recommendations of Tulalip, a current Federal Mentor Court, based on the successes and challenges they experienced. This represented a full circle of the learning approach in self-determination and shaping the Mentor Court program based on the expertise from innovative programs.

Interviewing the potential Mentor Courts highlighted the inherent strengths that THWCs possess to provide restorative justice to community members through a holistic approach. It also highlighted the barriers to current technical assistance provided to Tribal communities and the lack of peer-to-peer support currently available. As a result of this process, TLPI recognized the vital need for Indigenous learning approach to promote THWCs and Tribal sovereignty.

D. Decolonized Approach of Peer-to-Peer Learning

Peer-to-peer learning is an advantageous approach for Indigenous populations as it aligns with traditional communal learning practices and can address specific needs within the community. Peer-to-peer learning is a culturally responsive method of teaching that supports intergenerational learning and sharing of knowledge.

Research suggests that people's individual performance, whether work-related or academic, is affected by other members in their peer groups due to peer pressure and learning through social interactions. This makes peer-to-peer mentorship an effective learning process. While peer-to-peer mentorship is practical in most instances, it can be a more complicated approach for Tribal Healing to Wellness Courts. This is due to the impact colonization has had on Tribes—an impact that not only affects individual people but also entire Tribal systems and inter-Tribal relationships. Because of this, there should be a decolonized approach to peer-to-peer mentorship. In other words, mentorship court programs should be indigenized.

When working in Tribes, one must be cognizant of the historical trauma that exists within that community. For Tribal communities, historical trauma is a direct result of colonization, and it has led to numerous negative impacts for Tribal members. In fact, the substance use disorders that THWCs seek to address are one result of historical trauma. Additional manifestations of historical trauma that exist in Tribal communities are cycles of physical and emotional abuse, difficulties maintaining healthy interpersonal relationships, and other mental health disorders.

However, historical trauma does not only manifest in individual Tribal members but also in the community itself. An example of this as it relates to Mentor Court programs is the inter-Tribal conflicts and tensions that exist today as a result of colonization. For example, in certain regional areas there may be Tribes that are unwilling to work together due to past conflicts over land or resources due to colonization displacing Tribes from their original land and limiting resources. But inter-Tribal tension is not just a consideration for individual Tribes in specific contexts—there is a more general tension in the ways that all Tribes interact with one another due to this historical competition that was forced upon Tribes.

This tension was particularly evident during the development of the Mentor Court Program, when there were conversations about mentee Tribes being paired with a Mentor Court to guide their developing THWC. These discussions resulted in mentee courts expressing fear of judgment and being not being worthy of respect. This is one example of how the historical

trauma caused by forced competition between Tribes has impacted the way Tribes work together today. Instead of openly and willingly working together, there can be hesitation from Tribes to engage in the vulnerability and trust needed in asking for and receiving help. This is only exacerbated by the fact that the Federal grants available to fund Healing to Wellness Courts are limited and competitive.

These fractured relationship dynamics amongst Tribes are a result of historical trauma due to colonization, therefore, a decolonial approach would benefit peer-to-peer mentorship. To incorporate a decolonial approach means to do things that are opposite to colonial, Western practices—it is to instead indigenize the way programs operate. This better suits Tribes who are still healing from the historical trauma resulting from colonization. Peer-to-peer mentorship is a practical solution to helping Tribes develop effective THWCs, but this approach is a Westernized idea, so it must be indigenized for it to better work for Tribes. This publication proposes several suggestions in which indigenization of Mentor Court Program can take place.

One suggestion is to indigenize the language used within Mentor Court Programs. This indigenization can begin with what the program is called. For example, throughout this mentorship program, Tribes gave feedback that they did not like the term “mentor” in Mentor Courts because it created a hierarchy. Traditionally, Tribes haven’t worked within a hierarchy, but have instead worked in non-hierarchal relationships, resembling the idea of a circle: No one is above another. Working with Tribes using a non-hierarchal lens and, thus, using language that avoids setting up a hierarchy, creates a less hostile environment in which Tribes can work together. An alternative for language to use in replace of “mentor” and “mentorship” might be “Sisters” or “Sister Court.”

Mentorship programs should also incorporate Indigenous values into the program. These values might include kinship, community, wellness, reciprocity, accountability, responsibility, respect, and healing. Working from these values encourages Tribes to be more open when working with a mentorship program, as they are values to which Tribes can relate. Relatedly, mentorship programs should pull for the cultures of the Tribes that they work with and find similarity and common ground so Tribes can find the overlap where they can work together.

Indigenizing also means that mentorship programs should work from the bottom up. This means that rather than working with Tribes toward a goal on a timeline, take a step back and first work with Tribes to instill trust—both trust between the program and the Tribe and trust between the two individual Tribes. While improving Tribes’ THWCs is the ultimate goal of mentorship programs, it’s important for Tribes to have the time needed to be able to develop trust between each other to combat distrust established by historical trauma. Importantly, working from the bottom up with Tribes necessitates not working on a strict timeline. Establishing trust takes time, and Tribes will be hesitant to work with programs who do not give them the time and space they need to feel comfortable in their relationships both with the program and the mentoring Tribe.

III. Founding Tribal Healing to Wellness Mentor Court Programs

After concluding the storytelling process and evaluating the eligibility criteria, the three founding Mentor Court Programs were selected: Bernalillo County Metropolitan Court Urban Native American Healing to Wellness Court Program, Tulalip Healing to Wellness Program, and The Little Traverse Bay Bands of Odawa Indians Waabshkii Migwan Healing to Wellness Court. All three are innovative programs with different programmatic structure and jurisdictions. Geographically placed across the country but all within the same framework of supporting Tribal citizens with alcohol and drug abuse and any co-occurring disorders through intensive judicial support and treatment services with specific cultural practices to support participants.

The founding programs customize matches between programs so that courts find similarities in jurisdiction and resources. A development from interviews and technical assistance with Tribal grantees showed that providing similarly situated resource capabilities was important for providing peer-to-peer learning opportunities. As an example, an urban area that has access to transitional housing, transportation services, and rehabilitation treatment does not provide comparable learning experiences for a Tribal court that is situated in a rural community where they have limited to no access to those services. Simply pairing courts because they are Tribal communities denies the individual sovereignty of each community that they have their own strengths, identities, and opportunities as independent nations. As such the Founding Courts were selected for their innovative features, best practice adherence and their cultural practices as well as their capacity to provide different expertise and geographical differences, jurisdictional authority, and funding.

Profiles on Founding Tribal Healing to Wellness Mentor Courts



A. Little Traverse Bay Bands of Odawa Indians

Waabshkii Migwan Healing to Wellness Program

The Little Traverse Bay Bands of Odawa Indians (LTBB) are an Anishinabek Nation located on Little Traverse Bay in northern Michigan. LTBB reaffirmed its relationship with the Federal government in 1994. LTBB has a separation of powers constitution adopted in 2005 that establishes the Tribal Court as an independent government branch.

The [Little Traverse Bay Bands of Odawa Indians Tribal Court Waabshki-Miigwan Healing to Wellness Program](#) (WMHTWP) has been operational since 2009. The WMHTWP has been a past Department of Justice grant funding recipient and is implementing its third DOJ enhancement grant.

The WMDCP utilizes a multidisciplinary team (MDT) consisting of a judge, prosecutor, defense attorney, program coordinator, case manager, cultural resource advisors, peer graduate, law enforcement officer, behavioral health therapists, court administrator, and senior court clerk. The members of the MDT each have a role in implementing the program and receive regular training to ensure that they are aware of the current best practices and recent trends in specialty courts.

Mission: 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 to restore holistic balance using Odawa values and teachings as envisioned by our ancestors to ignite the healing and rehabilitation of Tribal citizens.

Entry: The WMDCP is an Adult Healing to Wellness Court and as such focuses on high-risk/high-need individuals. Potential program participants are identified through multiple pathways, including a review of daily inmate rosters from local jails and referrals from probation officers, defense attorneys, and individuals that are charged in Tribal Court. After an individual is identified as a potential participant, the program coordinator reviews their criminal history to determine if they have any disqualifying criminal offenses, then administers the LS/CMI risk/needs assessment to determine if they are high-risk/high-need individuals. The program's treatment provider will also administer a substance use disorder assessment if the potential participant has not recently completed one.

After the potential participant is determined to be eligible, the program coordinator presents the individual's case to the team and votes on whether to recommend entrance into the program. If the individual is being prosecuted in Tribal Court, the recommendation will be presented to the judge at sentencing.

If the individual is being prosecuted in another jurisdiction, this recommendation is passed along to the individual's defense attorney, prosecuting attorney and the individual conducting the presentence investigation. The program coordinator will attend the sentencing hearing to ensure that any questions that the judge may have about the program can be answered. In these cases, participation in the program will be ordered as a condition of the client's probation.

The client has a welcome fire where the members of the team meet the client, explain their role on the team, and welcome them into the program. Following the welcome fire the client has their entry hearing in Tribal Court.

Program Structure: The program is a hybrid misdemeanor/felony level program that lasts at least 18 months, divided into five phases. The phase structure is based on the seven grandfather teachings, the four directions and the 12 Steps of Wellbriety. Phase one (spiritual) is based on the teaching of honesty and focuses on learning program expectations, time-management, and step one. Phase two (emotional) is based on the teaching of humility and respect as well as the participant working on step two, step three, and peer mentorship/sponsorship. Phase three (physical) is based on the teachings of bravery and love on establishing SMART goals (Specific, Measurable, Achievable, Relevant and Time-bound), a family tree presentation, and steps four through seven: sobriety maintenance and relapse prevention. Phase four (mental) focuses on the teachings wisdom and truth with participants working on steps eight through twelve, establishing career goals, aptitude testing, personal makeover, resume building, interviewing for dream job, and aftercare. Phase five lasts six months where participants are focused on long-term recovery and connection with their community.

During the first three phases, clients attend weekly court hearings. During phase three and phase four clients are eligible to have their court attendance modified to bi-weekly. If a client has a relapse they enter into a "Recommitment to Recovery Phase" that lasts eight weeks and utilizes the seven grandfather teachings to reinforce recovery principles and assist the clients in exploring why they relapsed.

Each week, clients have requirements they must complete to advance in the program. Clients are required to participate in individual and group counseling, complete homework assignments, attend peer recovery meetings (AA, NA, SMART Recovery, Talking Circle, community activities), make all their calls to the drug testing hotline, complete all required drug screens, and complete 30/30/30. The 30/30/30 requirement of the program requires that clients be employed, engage in community service, or be enrolled in a verified educational program for at least thirty hours per week. Clients must provide verification of their meeting attendance of 30/30/30 completion.

Compliance: Upon entry into the program, clients must wear a GPS device and a SCRAM, an alcohol and location monitoring device. There are some circumstances where a client might be enrolled on a SoberLink device instead of a SCRAM. SCRAM units are downloaded weekly.

Clients are required to randomly drug test throughout their participation in the program. Clients are required to call into a call-to-test line between the hours of 6:00 am–9:00 am daily to determine whether they are required to test. The program utilizes a web-based application to track whether clients made their daily calls.

If clients are selected to test, they go to an off-site location and submit a ten-panel urinalysis screen. In the event the testing center is closed clients either submit to an instant UA screen at the Tribal Court or an oral swab over Zoom. The costs of monitoring devices and drug screening are covered by the program.

Cultural Framework: The program has evolved over time and is moving to using culture and cultural practice as its foundation. The seven grandfather teachings and other Anishinaabe cultural practices are used throughout the program to support client recovery and to create connections outside of the program within the community.

Upon entry into the program clients receive feast bundles: male clients receive fire bundles and female clients receive water bundles. The cultural resource advisors work with clients to understand how the bundles they receive relate to recovery. Male clients learn how to lite a fire and care for it and female clients learn how to perform a water ceremony.



Clients are also taught how to do an Anishinaabe protocol introduction; they learn how to say their spirit's name (if known), their clan (if known), where they were born, where they live, and their occupation.

Clients participate in a talking circle each week, which also counts as a peer recovery meeting. The cultural resource advisors utilize materials like the Mishoomis Book to guide the talking circle.

Clients are also given the opportunity to participate in cultural activities, including sugar bush, bulrush, and cattail gathering; cedar bark gathering; sweet grass gathering; and sage gathering. Clients also could participate in community mat-weaving projects; these events are sober and bring together a wide variety of community members.

During court hearings, sage and water are placed in the courtroom and are available for anyone to use in the event they are struggling or have a difficult moment.

Near the end of each phase clients have a phase fire facilitated by the cultural resource advisors. Team members attend these fires to encourage the client and support them on their journey. At the completion of each phase a feast is held for the client. When a client graduates a ceremony is held for them. Male clients receive a ribbon shirt, female clients receive a ribbon skirt, and all clients receive gifts from the team and are presented with an eagle feather. A drum is invited and sings an opening song, honor song, and closing song for the graduation ceremony.¹⁴

¹⁴ “Waabshki-Miigwan Healing to Wellness Court,” Little Traverse Bay Bands of Odawa Indians (accessed February 28, 2024), <https://ltbbodawa-nsn.gov/judicial-branch/waabshki-miigwan> .



B. Tulalip Healing to Wellness Court

Mission: To provide the support and resources necessary for our participants to begin living sober lives and reconnecting with their families, community, and culture.

Jurisdiction: Tulalip as a sovereign Nation operates a court of general jurisdiction. The court has authority of Tribal law within the Tulalip Indian Reservation, which includes civil, criminal, juvenile, and family law cases. The Tulalip Tribal Court promotes self-determination through its commitment to administer justice and protect its community.¹⁵

Structure: The [Tulalip Healing to Wellness Court](#) (Wellness Court) is a fifteen- to twenty-four-month program designed to provide an alternative to the traditional method of adjudicating criminal cases that are based on addiction to drugs and/or alcohol. The Wellness Court is designed to facilitate the rehabilitation of adults accused or convicted of criminal misdemeanor offenses who have significant substance abuse problems and often, mental health disorders. Participants are carefully screened and must meet stringent eligibility criteria. They are required to address their chemical dependency issues, resolve their legal obligations, and obtain employment and/or further their education.

- Entry: Potential participants are identified by prosecuting attorney, defense counsel, judge, probation, and law enforcement and referred to the Wellness Court Program Manager.
- The program manager will review the referral to make sure the defendant meets the criteria for Wellness Court.
- If the defendant meets Wellness Court criteria and is interested in Wellness Court, the case manager sets an appointment to begin the screenings process (initial interview).
- Initial interview. A potential participant meets with the case manager or designee to further explain the program, including the stage descriptions, and to answer any questions. The risk/needs assessment (RANT) is completed to make sure the participant meets the high-risk/high-need criteria. A screening/intake form is also completed along

¹⁵ Tulalip Tribal Code, Chapter 2.05, Tribal Court, <https://www.codepublishing.com/WA/Tulalip/#!/Tulalip02/Tulalip0205.html#2.05>.

with signed releases of information. This allows the coordinator or case manager to share information with the team including contact information, family information, legal status, criminal history, education, employment and financial status, medical and psychiatric history, and persons who know the potential participant's recent activities. If there is no information obtained through this process that would exclude the potential participant from the Wellness Court, the case manager then assists the potential participant with setting up appointment for a chemical dependency/mental health evaluation along with Wellness Court observation. If the defendant is probation only, the case manager will also meet with Wellness Court defense attorney. To ensure the potential participant does not forget where and when appointments are set, an appointment card is provided.

- After all the releases are signed, the case manager is responsible for providing reports and information necessary to the Wellness Court team members involved in the screening process prior to their scheduled appointments with potential participants.

Compliance: The use of graduated sanctions is necessary to change participant behavior in meaningful ways. When applied appropriately, sanctions may keep an individual from unnecessarily spending time in jail. The threat of sanctions is expected to assist Wellness Court participants in becoming successful. As a result of substance use, many substance users have lost respect for themselves and have lost the support of their family, friends, and community. Therefore, the use of sanctions can motivate participants to succeed. Team members are encouraged to recommend sanctions, which conform to Wellness Court's goal of promoting law-abiding, drug-free lifestyles.

Treatment Services: Tulalip Tribes Behavioral Health and Recovery uses evidence-based practices including the Living in Balance Program and Moral Recognition Therapy (MRT). Living in balance is a research-based, flexible, practical, and user-friendly substance abuse treatment curriculum that helps clients to address uses in lifestyle areas that may have been neglected during addiction. Living in balance uses a research-based treatment approach, incorporates Twelve Step/spiritual learning with cognitive behavioral learning. Living in Balance was developed by Danya international with funding from the National Institute on Drug Abuse (NIDA). MRT is a premiere cognitive-behavioral program for substance abuse treatment and for criminal offenders. MRT addresses beliefs and reasoning and is a structured systematic, step-by-step group counseling treatment approach for treatment-resistant offenders. This program is designed to alter how clients think and make judgments about what is right and wrong. MRT seeks to move clients from hedonistic reasoning levels where concern for social rules and others becomes important. MRT research has shown that as clients complete steps moral reasoning increases in adult and juvenile offenders. MRT is found to be effective with both genders in adult and juvenile populations.

Behavioral health includes both mental health and chemical dependency treatment. An integrated approach utilizing concurrent providers from both modalities provides the clients

with increased contact and care. This offers clients the best chances of success and more properly mirrors a circular, wraparound approach appropriate for Tribal communities and traditional ways of problem solving. Integrated treatment reduces severity of symptoms for both mental health and chemical dependency disorders, which in turn fosters increased participation in community integration and can lead to successful housing and employment options.

Tulalip Tribes Mental Wellness providers incorporate a wide variety of evidence-based counseling modalities in addition to cultural and spiritual considerations, needs, and activities. Motivational Interviewing, utilized by all providers, came out of the chemical dependency treatment movement and has proven to be effective in all types of medical settings regarding assessing and fostering readiness for change. Additional evidence-based tools used are Dialectical Behavioral Treatment (DBT), Eye Movement Desensitization and Reprocessing (EMDR) particularly affective with trauma, PTSD and anxiety, Cognitive Behavioral Therapy (CBT), and Art Therapy. All providers use a Rogerian approach to relationship building understanding that without building this avenue of recovery success rates are much lower.

Graduation Requirements: *A participant will be eligible for graduation upon team approval.*

To graduate, the participant will be required to:

- Completed Wellness Court program through the Mastery Stage,
- Have at least 120 consecutive days of sobriety,
- Working or going to school full-time,
- Live in stable and drug-free environment,
- Completed 40 hours of community give back,
- Paid all restitution, and
- Presented recovery plan to the Wellness Court team.

C. Bernalillo County Metropolitan Court Urban Native American Healing to Wellness Court Program

The [Bernalillo County Metropolitan Court](#) is a DWI Drug Court Program with a specific Urban Native American Healing to Wellness Court Program.

Mission: The mission of the Urban Native American Healing to Wellness Court Program is to create an atmosphere of healing for Native Americans through best practices and traditional methods in pursuit of spiritual and physical recovery from alcohol and other substances.

Jurisdiction: The Bernalillo County Metropolitan Court's Healing to Wellness Court Program is a post-adjudication specialty court that addresses the needs of self-identified Native American adults convicted of two or more Driving While Intoxicated (DWI) offenses by providing treatment and services to those participants. The program is a minimum length of twelve months, however the total length of stay is dependent on each individual participant's satisfactory or unsatisfactory progress through the program. This court utilizes a multidisciplinary team, led by a Metropolitan Court Judge that holds participants accountable for their compliance in the program, while providing treatment, supporting their recovery from alcohol and drug use, and encouraging prosocial behaviors. The program utilizes treatment and ancillary services to promote abstinence from both alcohol and drugs. All participants are required to make regular appearances before the presiding judge to discuss their progress in their recovery. In addition, they are required to engage and participate in intensive outpatient substance abuse treatment and ancillary services. Participants are also encouraged to engage in Native American traditional healing and groups. All participants are required to attend weekly self-help groups and submit to frequent random observed urine and breath testing to assure abstinence from alcohol and drugs. Funding for this program is provided by State appropriations, as well as Federal, State, and local grants.

Program Structure: The Healing to Wellness Court Program is a twelve-month, five-phase program with two tracks, which combines intensive supervision and individualized treatment, to include cultural-specific treatment. Track one focuses on participants who are assessed as low-risk and high-risk needs. Each participant within this track will be given an individualized treatment plan and will have minimal supervision. Track two focuses on participants who are assessed as high-risk and high-needs. Participants in this track will be supervised more intensely and may receive criminogenic focused treatment, in addition to substance abuse treatment. In addition, within these two tracks, we also provide treatment for co-occurring disorders. Assigned tracks will be determined by the outcome of screenings and assessments completed upon their referral into the program. The program utilizes the practices specified in the Ten Key Components of Tribal Adult Drug Courts and the Ten Guiding Principles for DWI Courts. Each court team member is familiar with and supports these practice standards. Court team members continually strive to practice in a manner consistent with these practice standards. Program research and evaluation will routinely provide the court team with a relatively objective comprehensive audit of fidelity to these practices.

Entry Process: The Healing to Wellness Court Program seeks to admit eligible high-risk/high-need and low-risk/high-needs individuals with significant criminogenic risk and need. Potential participants must identify as a Native American adult who has been convicted of at least two or more DWI offenses within Bernalillo County and voluntarily agree to participate in the program. Due to Federal funding participants must not have any violent felony offense convictions, including sex offenses. In addition, participants must live within thirty miles of the courthouse and have reliable transportation.

Screening for initial eligibility is completed by an assigned probation officer through a review of their criminal history, willingness to participate, and additional screening criteria. If the incident involves an accident with or without injuries, the victim(s) must be contacted to assess possible restitution owed by the defendant, as well as the concurrence with the defendant participating in the program. Screening and Assessment Pursuant to the defendant's plea and judicial order the case will be routed to the Healing to Wellness Court Program probation staff and screened for program eligibility. This includes a demographic interview, including questions regarding substance abuse and mental illness, and the administration of the DUI Risks and Needs Triage (DUI RANT) to address areas of criminogenic risk and need. A defendant's motivation and accountability during the screening process can be assessed but should not be given inordinate weight in the recommendation for eligibility. The screening is the primary opportunity for the probation officer to explain the program's expectations and answer any questions the potential participant may have. The screening packet shall be given to the judicial specialist for entry into the database.

If found to be eligible for the Healing to Wellness Court Program, the probation officer will conduct a full presentence investigation to gather information for the Pre-Sentence Report (PSR). The defendant's criminal history, prior supervision compliance and treatment experiences, and other collateral issues will be considered in the probation officer's sentencing recommendation. The PSR shall reflect recommendations for acceptance into this court program. Should a defendant have a serious mental health disorder that may hinder their success in the Healing to Wellness program, they will be screened for referral to Metro Court's Behavioral Health Court by a member of the BHC team.

Upon acceptance, a clinical assessment will be performed by the contracted treatment agency to determine placement in the appropriate level of treatment, which includes a biopsychosocial interview and the administration of the Addiction Severity Index (ASI). A multi-axial diagnosis consistent with the Diagnostic and Statistical Manual Fifth Edition (DSM-V) will be made as well. The results form the basis of determining the potential participant's needs and the preliminary individualized treatment plan. The treatment provider should also provide a determination of the level of care based on the American Society of Addiction Medicine Patient Placement Criteria (ASAM-PPC-2R). Recommendations developed by the assessing clinician are provided to the court team. The participant's risk level will be determined according to the outcome of their score from the DUI RANT. In addition, participants will be referred to First Nations to complete a

health and wellness assessment to determine additional needs and Native American–specific services. The court team will benefit from an understanding of the participant’s readiness to change as regards service planning and expectations.

Treatment Services: An integral part of the program is treatment, and First Nations is the treatment provider for the program. First Nations strives to provide an integrated and culturally competent health delivery system that addresses the medical, physical, social, emotional, and spiritual needs of our participants. Additionally, they offer Native American Specific Treatment (NAST), which is meant to encourage peer support and build a sense of community for those in the program while connecting with their culture.

Graduation: Graduation is a notable event and cause for celebration. A participant is considered eligible for graduation when they have completed all requirements of each phase and have a sober and sustainable housing environment conducive to recovery. Leading up to graduation it is expected that a participant has maintained their sobriety for ninety days prior to their expected graduation date and that they are positively contributing to the community by being employed, advancing their education, attending school, or completing community service. The participant is expected to complete a Pre-Graduation Questionnaire to encourage a thoughtful approach to life after the court. In addition, an exit interview is scheduled with a member of the probation staff prior to graduation to obtain useful information for the team. Questionnaires and exit surveys are used to consider any possible changes to the program. Graduates are encouraged to invite family, friends, and other supporters to their ceremony. During the graduation ceremony the graduate is encouraged to speak to the assembled court about his or her path to graduation.¹⁶

¹⁶ “Urban Native American Healing to Wellness Court,” Bernalillo County Metropolitan Court (accessed February 28, 2024), <https://metro.nmcourts.gov/bernalillo-county-metropolitan-court/specialty-courts/urban-native-american-healing-to-wellness-court/>.

Local Specialty Court Selected as National Mentor Court

The Bernalillo County Metropolitan Court's Urban Native American Healing to Wellness Court was recently named a Mentor Court for similar programs across the country. The [Tribal Law and Policy Institute \(TLPI\)](#) selected the program citing its adherence to best practice principles of the National Association of Drug Court Professionals (NADCP) and to the 10 Key Components of Healing to Wellness Courts. The Metro Court program has specifically been selected to mentor a court out of Seattle that has experienced setbacks in getting its Healing to Wellness Court off the ground.

"I am tremendously proud of our Healing to Wellness team and all of its hard work. We have a lot of knowledge to share with the mentee court, and we look forward to collaborating with them to help them achieve the success we have seen with our participants. Teamwork has been the key to our success, and I am committed to ensuring that we continuously strive to do our best in order to have the greatest positive impact on the community," said Judge Renée Torres, who has presided over the Urban Native American Healing to Wellness Court for six years now.

The Urban Native American Healing to Wellness Court takes a holistic approach to achieve the spiritual and physical recovery for self-identified Native Americans with two or more DWI convictions, while still holding them accountable. The intensive year-long program uses traditional wellness principles to meet the needs of its participants who are from numerous tribes, through groups such as Food As Medicine, Women's and Men's Wellness, Cultural Enrichment, Traditional Arts, Talking Circles and others designed to build a sense of community and to reconnect participants to their culture.

Forty-one participants are currently in the program, and as of March of this year, the program recorded a 5.77% recidivism rate amongst those who successfully graduate.

As a mentor court, Urban Native American Healing to Wellness Court allows the Mentee Court to observe staffing and court sessions and will meet regularly for peer-to-peer learning opportunities.

To be selected as a Mentor Court, the Urban Native American Healing to Wellness Court underwent intensive vetting to include a rigorous application process, ongoing communication with TLPI, numerous meetings, and interviews with the entire multidisciplinary team.

From: <https://metro.nmcourts.gov/2023/06/06/local-specialty-court-selected-as-national-mentor-court/>

IV. Tribal Healing to Wellness Mentor Court Operations

A. Program Development and Implementation Strategies

TLPI's [Tribal Healing to Wellness Court Enhancement Training](#) provided firsthand experiences from Tribal Healing to Wellness Mentor Courts and data from their programs in a setting with peer-to-peer learning opportunities. The Mentor Court track had the highest attendance and evaluation scores at the 2023 training. The Mentor Court track was an option for attendees to learn from the three founding Mentor Courts, in addition to hearing from subject matter experts on ICWA and Veteran's Programming. The sessions focused on promising practices, innovative features, and lived experiences in programming.

Comments from Mentor Court track attendees included:

- *Loved it.*
- *The networking will be a must for moving forward in our program.*
- *Excellent! Loved the interaction with peers to share and learn from each other.*
- *Great opportunity to learn from one another.*
- *Excellent presentation, funny, engaging.*
- *Excellent insights and the humor was helpful as well.*
- *Very informative and inspiring.*
- *Learned a lot.*
- *Judge Boome is great at connecting with participants.*
- *Very informative.*
- *I Learned things I did not know and will definitely use.*
- *This was a great eye opener for our program and how we need to review and rethink our language and mission statesmen. Miiigwech!!*
- *Excellent! Because we are "marinated in colonization" (source is marie battiste) we are unable to recognize our complicities in furthering it. This session very quickly showed us that and gave us a path to decolonize and then indigenize our space. So wonderful.*
- *Very helpful in looking at our programming with a fresh perspective.*
- *The presentation provided great concrete suggestions and the presenters had such a wealth of knowledge.*
- *Everything was interesting and will help us out with trying to get a Wellness court going in our district.*
- *First session of the day I thoroughly enjoyed and learned. The presenters were spot on. Thank you!*

At the conclusion of the enhancement conference, six programs expressed interest in becoming Sister Courts, showcasing the Mentor Court as a promising practice. Among the various forms of peer-to-peer learning, the most sought-after was the dissemination of policies and procedures manuals, indicating a strong need for structured guidance. Additionally, there was a notable demand for information on medically assisted treatment, highlighting the ongoing support required for Tribes to integrate this practice effectively into their communities. It is crucial to consider traditional methods and sacred medicines to incorporate holistic healing approaches, aligning with the cultural and spiritual values of Tribal communities.



The benefits outlined in the following text underscore the critical importance of integrating peer-to-peer learning into Healing to Wellness Courts. By embracing this practice, THWCs can enhance their effectiveness in addressing substance abuse and promoting holistic healing within Indigenous communities. However, the implementation of peer-to-peer learning requires intentional collaboration, resource allocation, and cultural responsiveness. Training and support for peer mentors, culturally competent curriculum development, and ongoing evaluation are essential components of successful implementation efforts.

V. Reflections: From Past to Future

A. Opportunities

Tribal Healing to Wellness Courts (THWC) offer a progressive approach to addressing substance abuse and related issues within Indigenous communities. Rooted in cultural traditions and focused on holistic healing, THWCs seek to restore individuals to wellness while fostering community resilience. In this context, the integration of peer-to-peer learning stands as a transformative practice with immense potential. This conclusion will explore the benefits of peer-to-peer learning within HWCs and advocate for its widespread implementation as a fundamental aspect of Indigenous justice systems.

Advantages of Peer-to-Peer Learning in Tribal Healing to Wellness Courts:

1. Cultural Relevance and Sensitivity:

- Peer-to-peer learning facilitates the transmission of cultural knowledge and practices within HWCs.
- Participants learn from individuals who share their cultural background, promoting a sense of belonging and trust.
- Cultural teachings and traditions become integral components of the healing process, enhancing its effectiveness and sustainability.

2. Empowerment and Support:

- Peers serve as role models and mentors, offering guidance and support to individuals navigating the challenges of recovery.
- The peer-to-peer dynamic fosters a sense of camaraderie and solidarity among participants, reducing feelings of isolation and stigma.
- Through shared experiences and mutual encouragement, individuals gain confidence in their ability to overcome obstacles and achieve wellness.

3. Holistic Healing:

- Peer-to-peer learning recognizes the interconnectedness of physical, mental, emotional, and spiritual well-being.
- Participants engage in comprehensive healing practices that address the root causes of substance abuse and promote overall wellness.
- Peers provide valuable insights and resources for accessing culturally relevant healthcare services, traditional therapies, and community support networks.

4. Community Empowerment:

- Peer-to-peer learning extends beyond individual participants to encompass the broader community.
- As individuals progress in their healing journey, they become advocates for positive change within their families and communities.
- Community members are actively involved in supporting HWCs and shaping their development, fostering a sense of ownership and collective responsibility.

B. Lessons Learned

Peer-to-peer learning holds immense promise as a transformative practice within THWCs. The emphasis on sovereignty, cultural sensitivity and a holistic approach make it uniquely suited to address the complex needs of Indigenous communities and justice systems. Embracing peer-to-peer enables THWCs to utilize the experience and knowledge of established programs to assess and improve the delivery of programming to their participants and communities. TLPI offers customized technical assistance and programming that promotes justice and healing, facilitates the adoption of peer-to-peer learning in THWCs, and recognizes of the power of Indigenous cultural practices to empower communities.

Continued evaluation of Mentor Courts is essential for assessing program effectiveness, identifying areas for improvement, and ensuring that Mentee Courts receive valuable support and guidance. Two key components of this evaluation process are yearly site visits and ongoing data collection.

1. **Yearly Site Visits:** Yearly site visits provide an opportunity for program evaluators or representatives from the Mentor Court program to visit Mentor Courts in person, observe court proceedings, meet with court staff and stakeholders, and assess program operations. These visits allow for a comprehensive evaluation of the Mentor Court's adherence to best practices, the effectiveness of program implementation, and the impact on participant outcomes. Site visits also facilitate dialogue between Mentor Courts and program evaluators, enabling Mentor Courts to share successes, challenges, and lessons learned, and receive feedback and recommendations for program improvement.
2. **Ongoing Data Collection:** Ongoing data collection is critical for monitoring program performance, tracking participant outcomes, and informing programmatic decisions. Mentor Courts are typically required to collect and report data on various program indicators, such as participant demographics, case outcomes, recidivism rates, and program completion rates. This data allows for the evaluation of program effectiveness over time, the identification of trends and patterns, and the assessment of the impact of programmatic changes or interventions. Additionally, Mentor Courts may participate in

research studies or evaluations that require additional data collection efforts to assess program outcomes and inform evidence-based practices.

By conducting yearly site visits and ongoing data collection, Mentor Courts can contribute to the continuous improvement and refinement of the Mentor Court program. These evaluation activities provide valuable insights into program implementation, effectiveness, and impact, enabling Mentor Courts to identify strengths and areas for growth, share best practices with Mentee Courts, and contribute to the overall success of THWC programs within Tribal communities.

C. Envisioning the Future of Healing to Wellness Court Programming

The Mentor Court program was designed, implemented, and operational within one year of the receipt of Federal funding. During this first year TLPI Mentor Courts and Sister Courts had successful peer-to-peer learning opportunities and created a strong foundation for future programming. This model of peer-to-peer engagement utilizing Indigenous learning as the primary technical assistance tool for Tribal Nations is a promising practice. As we collect data on the efficacy of this model, we hope to have this modality recognized as a best practice for technical assistance for Tribal programs.

The recruitment process for Mentor Courts was successful due to several factors including the existing interpersonal relationships between TLPI and Mentor Court staff, familiarity with Mentor Court programs, and the utilization of Indigenous learning styles in programming by Mentor Courts.

Recruiting “Mentee Courts” for peer-to-peer programming was more difficult and presented different challenges that did not exist in the recruitment of Mentor Courts. Fewer court programs seemed willing to directly identify themselves as programs that would benefit from peer-to-peer learning. Even court programs willing to engage in some aspects of peer-to-peer learning expressed reluctance in other elements of peer-to-peer learning (e.g., onsite visits with Mentor Courts). Federal-style recruitment methods such as direct outreach or formal applications have not yielded increased participation in Sister Court programming.

During the implementation, the following engagement areas were noted as needing adaptation for the sustainability of the peer-to-peer program.

Limited Awareness and Outreach: One of the key challenges has been the limited awareness of the Mentor Court program among Tribal communities. Many Tribal courts may not be familiar with the program or its benefits. TLPI plans to address this through enhanced outreach efforts, leveraging conferences, workshops, and other events as platforms to showcase Mentor Court successes and engage potential Sister Courts.

Resource Constraints: Tribal communities often face resource constraints, including limited funding, staffing shortages, and time constraints. As a result, engaging in peer-to-peer programming may not be a priority for some courts. To mitigate this challenge, TLPI plans to

emphasize the value proposition of the Mentor Court program, highlighting the benefits of participation such as access to knowledge, expertise, and support from experienced Mentor Courts.

Follow-Up and Engagement: Building and maintaining relationships with potential Sister Courts requires ongoing follow-up and engagement. To address this, we plan to prioritize follow-up and engagement efforts, establish regular communication channels, and provide continuous support and guidance to Sister Courts throughout their participation in the program.

Conclusion

By addressing these challenges and implementing targeted strategies, we aim to enhance the effectiveness and reach of our peer-to-peer programming, fostering collaboration, knowledge exchange, and mutual support among Tribal Healing to Wellness Court programs. Together with our partners and stakeholders, we are committed to overcoming these challenges and achieving continued improvement and peer-to-peer learning for THWCs across the country.

VI. Additional Resources

Tribal Law and Policy Institute Publications

Kori Cordero, Suzanna M. Garcia, & Lauren van Schilfgaarde, Tribal Healing to Wellness Courts: Intergovernmental Collaboration (Tribal Law and Policy Institute, 2021), https://287f3473-8ddb-4a3e-a842552e544a6932.usrfiles.com/ugd/3fb28d_979365c3029e42b38d7eb8f29167c362.pdf.

Joseph Thomas Flies-Away, Carrie Garrow, & Pat Sekaquaptewa, Tribal Healing to Wellness Courts: The Key Components (Tribal Law and Policy Institute, 2014), <http://www.wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Courts%20The%20Key%20Components.pdf> .

Joseph Thomas Flies-Away, Jerry Gardner, & Carrie Garrow, Overview of Tribal Healing to Wellness Courts, 2nd ed. (Tribal Law and Policy Institute, 2014), <http://wellnesscourts.org/files/THWC%20Overview%20Final%20-%20Sept%20%202014.pdf>.

Joseph Thomas Flies-Away, Tribal Healing to Wellness Courts: The Judicial Bench Book (Tribal Law and Policy Institute, 2016), [http://wellnesscourts.org/files/THWC%20Judicial%20Bench%20Book%20May%202016\(3\).pdf](http://wellnesscourts.org/files/THWC%20Judicial%20Bench%20Book%20May%202016(3).pdf).

Carrie Garrow, Kori Cordero, & Lauren van Schilfgaarde Tribal Healing to Wellness Courts: Case Management (Tribal Law and Policy Institute, 2018), <http://wellnesscourts.org/files/HTWC%20Case%20Management.pdf>.

Mark E. Panasiewicz, Rebecca S. Panasiewicz, & Lauren van Schilfgaarde, Tribal Healing to Wellness Courts: Treatment Guidelines, 2nd ed. (Tribal Law and Policy Institute, 2017), http://www.wellnesscourts.org/files/Treatment%20Guide%202nd%20ed_%202017.pdf.

Pat Sekaquaptewa & Lauren van Schilfgaarde, Tribal Healing to Wellness Courts: The Policies and Procedures Guide (Tribal Law and Policy Institute, 2015), http://wellnesscourts.org/files/Tribal%20Healing%20to%20Wellness%20Court%20Playbook%20FINAL_November%202015.pdf.

Lauren van Schilfgaarde, Tribal Healing to Wellness Courts: Formalizing Healing to Wellness Courts in Tribal Law (Tribal Law and Policy Institute, 2022), https://287f3473-8ddb-4a3e-a842-552e544a6932.usrfiles.com/ugd/3fb28d_900c901cf26c4f8e8ea213a02e114268.pdf.

Tribal Law and Policy Institute Websites

Home: www.home.tlpi.org.

Tribal Healing to Wellness Courts: www.wellnesscourts.org.

Tribal Youth Resource Center: www.TribalYouth.org

Walking on Common Ground, Tribal-State-Federal Collaborations:
www.walkingoncommonground.org.

Tribal Court Clearinghouse: www.TLPI.org

Tribal Law and Policy Institute Webpages

Alcohol and Drug-Specific Research: www.wellnesscourts.org/alcohol_drug_research.cfm.

Alternative Tracks: www.wellnesscourts.org/Alternative_Tracks.cfm.

Collaborations: www.wellnesscourts.org/wellness-court-collaborations/index.cfm.

Data and Evaluation: www.wellnesscourts.org/wellness_court_resources/evaluations.cfm.

Drug Testing: www.wellnesscourts.org/random_drug_testing.cfm.

Family Healing to Wellness Courts: www.wellnesscourts.org/family.cfm.

Forms, Policies & Procedures and Other Operational Materials: www.wellnesscourts.org/forms-and-policies.cfm.

Healing the Healers: www.wellnesscourts.org/healers.cfm.

Historical Trauma: www.wellnesscourts.org/historical_trauma.cfm.

Incentives and Sanctions: www.wellnesscourts.org/sanctions-incentives.cfm.

Incorporating Culture and Tradition: www.wellnesscourts.org/culture.cfm.

Juvenile Healing to Wellness Courts: www.wellnesscourts.org/juvenile.cfm.

(Tribal) Key Components: www.wellnesscourts.org/tribal-key-components/index.cfm.

Legal Issues: www.wellnesscourts.org/legal_issues.cfm.

Opioid Crisis: www.wellnesscourts.org/Opioid.cfm.

Performance Measures: www.wellnesscourts.org/performance_measures.cfm.

Planning a Wellness Court: www.wellnesscourts.org/wellness_court_resources/planning.cfm.

Research: www.wellnesscourts.org/drug-court-research/index.cfm.

Restorative Justice: www.wellnesscourts.org/restorative_justice.cfm.

Screening and Assessment: www.wellnesscourts.org/screening.cfm.

State Drug Court Resources and Technical Assistance Partners: www.wellnesscourts.org/state-resources/index.cfm.

Team Member Roles: www.wellnesscourts.org/team_member_roles.cfm.

Treatment: www.wellnesscourts.org/treatment/index.cfm.

Veterans Treatment Courts: www.wellnesscourts.org/veterans.cfm.

Webinar Series: www.wellnesscourts.org/webinars.cfm.

Indigenous Knowledge Focused Books and Publications

Ray Barnhardt and Angayuqaq Oscar Kawagley, "Indigenous Knowledge Systems and Alaska Native Ways of Knowing," *Anthropology & Education Quarterly* 36, no. 1 (2005): 8-23. Available at: https://www.uaf.edu/ankn/publications/collective-works-of-ray-b/02Barnhardt-Kawagley_08-23.pdf

Gregory Cajete, *Look to the Mountain: An Ecology of Indigenous Education* (Skyland, NC: Kivaki Press, 1994).

Susan Chiblow, "An Anishinaabe Research Methodology that Utilizes Indigenous Intelligence as a Conceptual Framework Exploring Humanity's Relationship to N'bi (Water)," *International Journal of Qualitative Methods* 20 (2021). Available at: <https://journals.sagepub.com/doi/full/10.1177/16094069211058017>

Marie Ann Battiste, *Decolonizing Education: Nourishing the Learning Spirit* (Saskatoon, SK: Purich Publishing, 2013).

W. James Jacob, Sheng Yao Cheng, Maureen K. Porter, *Indigenous Education: Language, Culture and Identity* (Springer, 2015).

Vine Deloria, Jr., *Spirit and Reason: The Vine Deloria, Jr.* (Golden, CO: Fulcrum Publishing, 1999).

Angelina E. Castagno and Bryan McKinley Jones Brayboy, "Culturally Responsive Schooling for Indigenous Youth: A Review of the Literature," *Review of Educational Research* 78, no. 4 (December 2008): 941-993.

Katherine S. van Wormer and Lorenn Walker, *Restorative Justice Today: Practical Applications* (SAGE Publications, Inc., 2012).

Vakunta, P. W. (2019). Culturally sensitive pedagogy and the relevance of indigenous knowledge systems. *Journal of Social Science Education*, 18(2), 1-10.

Healing to Wellness Court and Drug Court Related Organizations

All Rise (Formerly the National Association of Drug Court Professionals): [AllRise.org](https://www.allrise.org).
See [Adult Treatment Court Best Practice Standards \(National Association of Drug Court Professionals, 2023\)](#).

Bureau of Justice Assistance: [bj.a.ojp.gov](https://www.bja.ojp.gov)
See [Adult Treatment Court Program Resources](#).

Center for Justice Innovation (Formerly Center for Court Innovation):
www.innovatingjustice.org.

Children and Family Futures: www.cffutures.org.

National Center for State Courts: www.ncsc.org.
See [Treatment Court Resources](#).

National Council of Juvenile and Family Court Judges: www.ncjfcj.org.
See [Juvenile Treatment Court Resources](#).

National Treatment Court Resource Center (Formerly the National Drug Court Resource Center): [ntcrc.org](https://www.ntcrc.org).

Office of Juvenile Justice and Delinquency Prevention: [ojjdp.ojp.gov](https://www.ojjdp.ojp.gov).
See [Juvenile Drug Treatment Court Resources](#).