

ONEIDA NATION PUBLIC MEETING NOTICE

WEDNESDAY, MAY 4, 2022, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at

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HEALING TO WELLNESS COURT LAW

The purpose of this proposed law is to establish the Nation's Healing to Wellness Court to:

- ♦ offer intensive case management, treatment, and court supervision to individuals who committed an offense directly or indirectly related to a substance abuse or addiction issue;
- ♦ provide access to holistic, structured, and phased substance abuse treatment and rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho t^ (Our Ways);
- ♦ create intragovernmental and intergovernmental collaborative teams to interact with each participant; and
- ♦ encourage and support each participant in the goal of their recovery to lead lawful productive lives free of substance abuse and addiction.

The Healing to Wellness Court Law will:

- ♦ Establish the Healing to Wellness Court as a division of the Trial Court and delegate jurisdiction to the Healing to Wellness Court for matters related to substance abuse and addiction, and any matter arising under this law;
- ♦ Delegate authority to the Healing to Wellness Court to collaborate and enter into intergovernmental agreements with other courts of competent jurisdiction that exercise concurrent jurisdiction;
- ♦ Establish the Healing to Wellness Court team, comprised of a Trial Court Judge, Court Coordinator, Oneida Police Department Officer, representative from Probation, Substance Abuse Treatment provider, representative of Oneida culture and heritage, and any other member as determined by the Team, and provide how any revisions to the composition of the Healing to Wellness Court team are made;
- ♦ Delegate authority to the Healing to Wellness Court to establish policies and procedures governing the operation and implementation of the Healing to Wellness Court program; and
- ♦ Provide that the Healing to Wellness Court is a non-adversarial forum, and that all Team meetings and hearings are closed to the public, and held in accordance with the policies and procedures created by the Court.

PUBLIC COMMENT PERIOD CLOSSES WEDNESDAY, MAY 11, 2022

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Healing to Wellness Court law please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](http://oneida-nsn.gov/government/register/public%20meetings).



ADD ONEIDA TITLE IN ONEIDA LANGUAGE HEALING TO WELLNESS COURT LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

REQUESTER: Tribal Action Plan (TAP)-Laws and Policies Sub- Committee	SPONSOR: Daniel Guzman King	DRAFTER: Clorissa N. Santiago	ANALYST: Carmen VanLanen
Intent of the Legislation or Amendments	To establish the Nation’s Healing to Wellness Court to bring together community healing resources with the Nation’s justice system to work collaboratively with intragovernmental and intergovernmental partnerships to reduce the abuse of alcohol and other drugs and drug-related criminal activity affecting the Nation’s community in an effort to promote life-long substance abuse recovery and the reintegration of participants into the Oneida community [8 O.C. 808.1-2].		
Purpose	<p>The purpose of this law is to establish the Nation’s Healing to Wellness Court to:</p> <ul style="list-style-type: none"> • Offer intensive case management, treatment, and court supervision to individuals who committed an offense directly or indirectly related to a substance abuse or addiction issue [8 O.C. 808.1-1(a)]; • Provide access to holistic, structured, and phased substance abuse treatment and rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho t^ (Our Ways) [8 O.C. 808.1-1(b)]; • Create intragovernmental and intergovernmental collaborative teams to interact with each participant [8 O.C. 808.1-1(c)]; and • Encourage and support each participant in the goal of recovery to lead lawful, productive lives free of substance abuse and addiction [8 O.C. 808.1-1(d)]. 		
Affected Entities	The Nation’s Judiciary, Oneida Police Department, and Oneida Behavioral Health		
Related Legislation	Public Peace Law; Judiciary Law; Oneida Judiciary Rules of Civil Procedure Law; Oneida Judiciary Rules of Evidence Law		
Public Meeting	A public meeting will be held on Wednesday, May 4, 2022 with a public comment period held open until May 11, 2022.		
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not yet been requested.		

SECTION 2. LEGISLATIVE DEVELOPMENT

A. **Background.** The request to develop a Healing to Wellness Court law came from the Tribal Action Plan (TAP)- Laws and Policies Sub-Committee in December 2017. The Law was first added to the Active Files List on October 7, 2020.

B. **History of Drug Courts.** The drug court movement started in the late 1980s to help combat an increase in the number drug-related offenses and re-offenses that resulted in overcrowded jails and prisons, which incarceration alone was not able to control.¹ Between 1980 and 2000, arrests for drug offenses more than doubled.² Those who were imprisoned were not being treated for their substance abuse and the underlying problems and were subjected to traumatization by the prison system and faced many barriers upon release³. The response to this issue was to develop a court approach that systematically prioritized treatment in substance abuse cases.⁴ A drug court is a special court docket to which cases involving alcohol and other substance abusing offenders are assigned for intensive supervision and treatment.⁵ Drug courts are distinguished by several features, such as expedited case processing, outpatient treatment, and support services (e.g., job placement and housing services).⁶

C. **Development of Healing to Wellness Courts in Native Nations.** Native nations were looking to develop a court that would help confront intergenerational substance abuse issues while avoiding the term “drug court”, thus developing the term “healing to wellness court”. This term referred to the healing and wellness aspects of this approach, along with the idea that wellness is an ongoing journey.⁷ In August 2003, state and national drug court efforts were used to help draft tribal-specific healing to wellness court curriculums. The newly developed Healing to Wellness Courts were not simply tribal courts that heard cases involving substance abuse but were special court docket-collaboratives that partnered with service providers to create a program for participants that included extensive supervision and treatment.⁸ Tribal Healing to Wellness courts are guided by the Tribal Ten Key Components, which are the fundamental essentials of the drug court concept that were adjusted to reflect the tribal notions of healing and wellness, particularly the concept of a healing to wellness journey and the collaboration involved.⁹

SECTION 3. CONSULTATION AND OUTREACH

A. The following departments within the Nation participated in the development of this Law and legislative analysis:

- Oneida Nation Judiciary;
- Oneida Police Department;
- Oneida Behavioral Health;
- Tribal Action Plan (TAP);

¹ U.S. Department of Justice Office of Justice Programs, “Tribal Healing to Wellness Court: The Key Components,” (April 2003).

² Arthur J. Lurigio, “The First 20 Years of Drug Treatment Courts: A Brief Description of Their History and Impact”.

³ Tribal Law and Policy Institute, “Tribal Healing to Wellness Courts: Intergovernmental Collaboration,” (May 2021).

⁴ *Id.*

⁵ *Id.*

⁶ Arthur J. Lurigio, “The First 20 Years of Drug Treatment Courts: A Brief Description of Their History and Impact”.

⁷ Tribal Law and Policy Institute, “Tribal Healing to Wellness Courts: Intergovernmental Collaboration,” (May 2021).

⁸ *Id.*

⁹ *Id.*

- 35 ▪ Legal Resource Center;
36 ▪ General Manager; and
37 ▪ Oneida Business Committee
- 38 **B.** The following groups outside of the Nation were consulted in the drafting of this law and analysis:
39 ▪ Tribal Law and Policy Institute;
40 ▪ National Association of Drug Court Professionals (NADCP);
41 ▪ Wisconsin Department of Corrections; and
42 ▪ Wisconsin Statewide Treatment Court Coordinator.
- 43 **C.** The following laws and ordinances from other States, municipalities, and Tribes were reviewed in the
44 drafting of this Law and analysis:
45 ▪ Ho-Chunk Nation Healing to Wellness Court Code;
46 ▪ Cherokee Tribal Drug Court Code of Ordinances;
47 ▪ Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians Wellness Court Tribal
48 Code;
49 ▪ Fort Peck Wellness Court Code;
50 ▪ Penobscot Nation Healing to Wellness Court Program Procedures;
51 ▪ Poarch Band Creek of Indians Healing to Wellness Court Code;
52 ▪ Swinomish Tribal Court Code;
53 ▪ Fort McDowell Yavapai Nation Law and Order Code;
54 ▪ Winnebago Tribal Traditional Wellness Court Code; and
55 ▪ Tlingit and Haida Indian Tribes of Alaska Wellness Court Code.

56

57 **SECTION 4. PROCESS**

- 58 **A.** This Law has followed the process set forth in the Legislative Procedures Act (LPA).
59 ▪ On October 7, 2020, the Legislative Operating Committee added this Law to its Active
60 Files List.
61 ▪ On February 16, 2022, the Legislative Operating Committee approved the draft of this law
62 and directed that a legislative analysis be developed.
63 ▪ On March 16, 2022, the Legislative Operating Committee approved the draft of the
64 legislative analysis.
- 65 **B.** A group that included members from the departments of the Legislative Reference Office, Legislative
66 Operating Committee, and the Oneida Business Committee participated in the Tribal Healing to
67 Wellness Court Planning Initiative (THTWCPI) Training held by the National Association of Drug
68 Court Professionals (NADCP) through Microsoft Teams on the following dates:
69 ▪ November 18, 2020;
70 ▪ November 19, 2020; and
71 ▪ November 20, 2020.
- 72 **C.** At the time this legislative analysis was developed the following work meetings had been held
73 regarding the development of this Law:
74 ▪ January 6, 2021: LOC work meeting with the Oneida Police Department, Oneida Judiciary,
75 General Manager, Oneida Behavioral Health, Legal Recourse Center, and Wisconsin
76 Department of Corrections.

- 77 ▪ January 20, 2021: LOC work meeting Oneida Police Department, Oneida Judiciary,
78 General Manager, Oneida Behavioral Health, Legal Recourse Center, and Wisconsin
79 Department of Corrections.
- 80 ▪ January 28, 2021: LOC work meeting.
- 81 ▪ February 5, 2021: Work meeting with Oneida Judiciary.
- 82 ▪ March 2, 2021: LOC work meeting with Oneida Police Department, Oneida Judiciary,
83 General Manager, Oneida Behavioral Health, Legal Recourse Center, and Tribal Action
84 Plan.
- 85 ▪ March 16, 2021: LOC work meeting with Oneida Police Department, Oneida Judiciary,
86 General Manager, Oneida Behavioral Health, and Legal Recourse Center.
- 87 ▪ May 18, 2021: Work meeting with Oneida Judiciary, Oneida Behavioral Health, Tribal
88 Action Plan, Cultural Heritage.
- 89 ▪ January 19, 2022: LOC work meeting.
- 90 ▪ January 27, 2022: LOC work meeting with Oneida Police Department, and Oneida
91 Judiciary.
- 92 ▪ February 10, 2022: LOC work meeting with Oneida Police Department, and Oneida
93 Judiciary.

94 SECTION 5. CONTENTS OF THE LEGISLATION

- 95 **A. Purpose and Policy.** The purpose of this Law is to establish the Nation’s Healing to Wellness Court.
96 The Court shall offer intensive treatment, case management, and court supervision to individuals who
97 have committed an offense directly or indirectly related to substance abuse or addiction issues. [8 O.C.
98 808.1-1]. It is the policy of the Nation to bring together community-healing resources with the Nation’s
99 justice system to collaborate with partnerships to reduce the risk of substance abuse and criminal
100 activity related to substance abuse. [8 O.C. 808.1-2].
- 101 **B. Establishment.** The Healing to Wellness Court is hereby established as a division of the Trial Court.
102 [8 O.C. 808.4-1]. The Court shall have the authority to issue all orders necessary to ensure the safety,
103 well-being, and rehabilitation of individuals who come within or consent to its jurisdiction. [8 O.C.
104 808.4-1(a)]. The Court shall have the power to implement all the duties, responsibilities, and remedies
105 set out in this Law, including the power to enforce subpoenas and orders of restriction, fines and orders
106 of restitution, contempt, and other powers as appropriate. [8 O.C. 808.4-1(b)].
- 107 **C. Jurisdiction.** The Healing to Wellness Court shall have jurisdiction over matters related to substance
108 abuse and addiction and any matters arising under this Law [8 O.C. 808.4-2].
- 109 **D. Healing to Wellness Court Team.** The Healing to Wellness Court program shall be administered by a
110 Healing to Wellness Court Team, which shall be comprised of the following individuals:
- 111 1. Trial Court Judge;
 - 112 2. Healing to Wellness Court Coordinator;
 - 113 3. Oneida Police Department Officer;
 - 114 4. Representative of Probation;
 - 115 5. Substance Abuse Treatment Provider;
 - 116 6. Representative of Oneida culture and heritage; and
 - 117 7. Any other member to be determines by the Healing to Wellness Court Team. [8 O.C. 808.4-
118 3(a)].

119 The composition of the Healing to Wellness Court Team may be revised as necessary as determined by
120 the Court. The Court shall provide notification of any revision to the composition of the Healing to
121 Wellness Court Team to the Oneida Business Committee and General Manager. [8 O.C. 808.4-3(b)].

- 122 **E. *Healing to Wellness Court Procedures.*** The Court shall establish policies and procedures governing
123 the operation and implementation of the Healing to Wellness Court program. [8 O.C. 808.5-1]. All
124 Healing to Wellness Court Team meetings and hearings shall be closed to the public except for invited
125 guests as allowed by HIPAA regulations. [8 O.C. 808.5-3]. The Court shall not be a court of record.
126 Any information obtained, used, or disclosed by a member of the Healing to Wellness Court Team,
127 including the participant, while the participant is under the jurisdiction of the Court shall not be used
128 as evidence against the participant in any other proceeding in the Judiciary or any other court in any
129 other jurisdiction. All Court records are privileged and confidential and shall not be disclosed except to
130 the members of the Healing to Wellness Court Team. [8 O.C. 808.5-7]. However, confidential
131 information may always be disclosed after the participant has signed a proper consent form, even if it
132 is protected by Federal confidentiality regulations. The regulations also permit disclosure without a
133 participant's consent in several situations, including medical emergencies, program evaluations, and
134 communications among program staff. [8 O.C. 808.5-7(a)].
135

136 SECTION 6. RELATED LEGISLATION

137 **A. *Related Legislation.*** The following laws of the Nation are related to this Law:

- 138 ▪ *Judiciary law.* The Judiciary law established a Judiciary for the Nation, and provides for the
139 administration of law, justice, judicial procedures and practices by the Nation as a sovereign
140 nation by exercising the inherent power to make, execute, apply and enforce its own law, and
141 to apply its own customs and traditions in matters affecting the Oneida people. [8 O.C. 801.1-
142 1].
 - 143 ▪ *Court Open to the Public.* The Judiciary law provides that proceedings of the Trial
144 Court shall be public and members of the general public may freely attend the same,
145 except for peacemaking or mediation proceedings or if expressly prohibited by law. [8
146 O.C. 801.4-4].
 - 147 1. This Law provides that all Healing to Wellness Court Team hearings shall be
148 closed to the public except for invited guests as allowed by HIPAA
149 regulations. [8 O.C. 808.5-3].
 - 150 ▪ *Subject Matter Jurisdiction.* The Judiciary law provides that Trial Court shall have
151 subject matter jurisdiction over cases and controversies where laws of the Nation
152 specifically authorize the Trial Court to exercise jurisdiction.
 - 153 1. This Law provides that the Healing to Wellness Court shall have jurisdiction
154 over matters related to substance abuse and addiction and any matters arising
155 under this law. [8 O.C. 808.4-2].
- 156 ▪ *Internal Operating Procedures.* The Judiciary law provides that the Judiciary is
157 authorized to establish internal operating procedures governing the operation of the
158 court, as long as the procedures shall not affect substantive rights and shall not conflict
159 with existing law, the Rules of Procedure, or other rules enacted or approved by the
160 Oneida Business Committee or Oneida General Tribal Council.

- 161 1. This Law provides that the Court shall establish policies and procedures
162 governing the operation and implementation of the Healing to Wellness Court
163 program. [8 O.C. 808.5-1].
- 164 ■ *Oneida Judiciary Rules of Civil Procedure.* The Oneida Judiciary Rules of Civil Procedure
165 governs all civil actions that fall under the jurisdiction of the Nation to ensure that there is a
166 consistent set of rules governing the process for civil claims, in order to ensure equal and fair
167 treatment to all persons who come before the Tribal Courts to have their disputes resolved. [8
168 O.C. 803.1-1, 803.1-2].
 - 169 ■ This Law provides that the Oneida Judiciary Rules of Civil Procedure shall not apply
170 in any Court proceedings. [8 O.C. 808.5-6].
 - 171 ■ *Oneida Judiciary Rules of Evidence.* The Oneida Judiciary Rules of Evidence establishes rules
172 of evidence to apply in proceedings held in the Trial court and Family Court of the Oneida
173 Judiciary administer Court proceedings fairly, eliminate unjustifiable expense and delay, and
174 promote the development of evidence law, by obtaining the truth and securing a just
175 determination. [8 O.C. 804.1-1, 804.1-2].
 - 176 ■ This Law provides that the Oneida Judiciary Rules of Evidence shall not apply in any
177 Court proceedings. [8 O.C. 808.5-6].
 - 178 ■ *Public Peace Law.* The Public Peace law sets forth community standards and expectations
179 which preserve the peace, harmony, safety, health, and general welfare of individuals who live
180 within the boundaries of the Reservation. [3 O.C. 309.1-1]. The Public Peace law prohibits a
181 person from committing a civil infraction involving alcohol, tobacco, and drugs. [3 O.C. 309.4-
182 4, 309.9]. Upon a finding by the Trial Court that a violation of the Public Peace law has
183 occurred, the individual may be ordered to participate in counseling or any other program
184 relevant and available to the Nation. [3 O.C. 309.11-2(c)].
 - 185 ■ Potentially, a person who violates the Public Peace law may be ordered to participate
186 in the Nation’s Healing to Wellness Court program is allowed by Court’s policies and
187 procedures.

188

189 SECTION 7. OTHER CONSIDERATIONS

190 A. *Fiscal Impact.* Please refer to the fiscal impact statement for any fiscal impacts.

- 191 a. Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation
192 except emergency legislation. [1 O.C. 109.6-1].
 - 193 i. A fiscal impact statement shall be submitted by agencies as directed by the Legislative
194 Operating Committee. [1 O.C. 109.6-1].
 - 195 ii. Fiscal Impact statements may be prepared by any agency who may receive funding if
196 the legislation is enacted, any agency who may administer a program if the legislation
197 is enacted, any agency who may have financial information concerning the subject
198 matter of the legislation, or by the Finance Office, upon request of the Legislative
199 Operating Committee. [1 O.C. 109.6-1(a) and (b)].
 - 200 iii. Oneida Business Committee resolution BC-10-28-20-A titled, “Further Interpretation
201 of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,” provides further
202 clarification on who the Legislative Operating Committee may direct complete a
203 fiscal impact statement at various stages of the legislative process, as well as
204 timeframes for completing the fiscal impact statement.
- 205 b. *Conclusion.* The Legislative Operating Committee has not yet requested that a fiscal impact

206 statement be developed for this Law.
207
208

Title 8. Judiciary - Chapter 808
Oneida Language
Oneida Translation
HEALING TO WELLNESS COURT

808.1. Purpose and Policy
808.2. Adoption, Amendment, Repeal
808.3. Definitions

808.4. General
808.5. Healing to Wellness Court Procedures

1
2 **808.1. Purpose and Policy**

3 808.1-1. *Purpose.* The purpose of this law is to establish the Nation’s Healing to Wellness Court
4 to:

- 5 (a) offer intensive case management, treatment, and court supervision to individuals who
6 committed an offense directly or indirectly related to a substance abuse or addiction issue;
7 (b) provide access to holistic, structured, and phased substance abuse treatment and
8 rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho tʼ (Our
9 Ways);
10 (c) create intragovernmental and intergovernmental collaborative teams to interact with
11 each participant; and
12 (d) encourage and support each participant in the goal of their recovery to lead lawful
13 productive lives free of substance abuse and addiction.

14 808.1-2. *Policy.* It is the policy of the Nation to bring together community-healing resources with
15 the Nation’s justice system to work collaboratively with intragovernmental and intergovernmental
16 partnerships to reduce the abuse of alcohol and other drugs and drug-related criminal activity
17 affecting the Nation’s community in an effort to promote life-long substance abuse recovery and
18 the reintegration of participants into the Oneida community.

19
20 **808.2. Adoption, Amendment, Repeal**

21 808.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__.

22 808.2-2. This law may be amended or repealed by the Oneida Business Committee and/or General
23 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

24 808.2-3. Should a provision of this law or the application thereof to any person or circumstances
25 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
26 to have legal force without the invalid portions.

27 808.2-4. In the event of a conflict between a provision of this law and a provision of another law,
28 the provisions of this law shall control.

29 808.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

30
31 **808.3. Definitions**

32 808.3-1. This section shall govern the definitions of words and phrases used within this law. All
33 words not defined herein shall be used in their ordinary and everyday sense.

34 (a) “Court” means the Oneida Healing to Wellness Court, which is a division under the
35 Trial Court that has the designated responsibility to oversee the Healing to Wellness Court
36 program matters.

37 (b) “Court of competent jurisdiction” means a federal, state, or tribal court that has
38 jurisdiction and authority to do a certain act or hear a certain dispute.

39 (c) “Healing to Wellness Court program” means a court-supervised evidence-based
40 treatment program which promotes recover through a coordinated community-based
41 response for individuals who abuse or are dependent on any controlled substance or
42 alcohol.

43 (d) “Intragovernmental” means relating to or conducted within a government.

44 (e) “Intergovernmental” means relating to or conducted between two (2) or more
45 governments.

46 (f) “Judiciary” means the Oneida Nation Judiciary, which is the judicial system that was
47 established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later
48 authorized to administer the judicial authorities and responsibilities of the Nation by
49 Oneida General Tribal Council resolution GTC-03-19-17-A.

50 (g) “Nation” means the Oneida Nation.

51 (h) “Participant” means an individual who is admitted to the Healing to Wellness Court.

52 (i) “Trial Court” means the Trial Court of the Oneida Nation Judiciary.

53
54 **808.4. General**

55 808.4-1. *Establishment.* The Healing to Wellness Court is hereby established as a division of the
56 Trial Court.

57 (a) The Court shall have the authority to issue all orders necessary to ensure the safety,
58 well-being, and rehabilitation of individuals who come within or consent to its jurisdiction.

59 (b) The Court shall have the power to implement all the duties, responsibilities, and
60 remedies set out in this law, including the power to enforce subpoenas and orders of
61 restriction, fines and orders of restitution, contempt, and other powers as appropriate.

62 808.4-2. *Jurisdiction.* The Court shall have jurisdiction over matters related to substance abuse
63 and addiction and any matter arising under this law.

64 (a) *Concurrent Jurisdiction.* The Court shall have the authority to collaborate with courts
65 of competent jurisdiction that exercise concurrent jurisdiction.

66 (b) The Court may enter into collaborative inter-jurisdictional agreements with other
67 courts of competent jurisdiction, law enforcement agencies, and other service providers
68 upon approval by the Oneida Business Committee.

69 808.4-3. *Healing to Wellness Court Team.* The Healing to Wellness Court program shall be
70 administered by a Healing to Wellness Court Team. The Healing to Wellness Court Team is the
71 group of professionals who are primarily responsible for overseeing the day-to-day operations of
72 the Healing to Wellness Court program and administering the treatment and supervisory
73 interventions.

74 (a) *Composition.* The Healing to Wellness Court Team shall be comprised of the following
75 individuals:

76 (1) Trial Court Judge;

77 (2) Healing to Wellness Court Coordinator;

78 (3) Oneida Police Department Officer;

79 (4) Representative of Probation;

80 (5) Substance Abuse Treatment Provider;

81 (6) Representative of Oneida culture and heritage; and

82 (7) any other member to be determined by the Healing to Wellness Court Team.

83 (b) *Revisions to the Composition of the Healing to Wellness Court Team.* The composition
84 of the Healing to Wellness Court Team may be revised as necessary as determined by the

85 Court. The Court shall provide notification of any revision to the composition of the
86 Healing to Wellness Court Team to the Oneida Business Committee and General Manager.
87

88 **808.5. Healing to Wellness Court Procedures**

89 808.5-1. *Establishment of Policies and Procedures.* The Court shall establish policies and
90 procedures governing the operation and implementation of the Healing to Wellness Court program.
91 The policies and procedures of the Healing to Wellness Court program shall not affect substantive
92 rights and shall not conflict with existing law or rules enacted or approved by the Oneida Business
93 Committee or Oneida General Tribal Council unless otherwise provided for within this law.

94 808.5-2. Healing to Wellness Court Team meetings and hearings shall proceed pursuant to the
95 policies and procedures adopted by the Court.

96 808.5-3. All Healing to Wellness Court Team meetings and hearings shall be closed to the public
97 except for invited guests as allowed by HIPAA regulations.

98 808.5-4. The Court is strictly a non-adversarial forum.

99 808.5-5. The Court judge shall make all findings of facts relevant to each participant's case
100 pursuant to the policies and procedures adopted by the Court.

101 808.5-6. *Exclusion from the Oneida Judiciary Rules of Evidence and Oneida Judiciary Rules of*
102 *Civil Procedure.* The Oneida Judiciary Rules of Evidence as well as the Oneida Judiciary Rules
103 of Civil Procedure shall not apply in any Court proceedings.

104 808.5-7. *Not a Court of Record.* The Court shall not be a court of record. Any information
105 obtained, used, or disclosed by a member of the Healing to Wellness Court Team, including the
106 participant, while the participant is under the jurisdiction of the Court shall not be used as evidence
107 against the participant in any other proceeding in the Judiciary or any other court in any other
108 jurisdiction. All Court records are privileged and confidential and shall not be disclosed except to
109 the members of the Healing to Wellness Court Team.

110 (a) Confidential information may always be disclosed after the participant has signed a
111 proper consent form, even if it is protected by Federal confidentiality regulations. The
112 regulations also permit disclosure without a participant's consent in several situations,
113 including medical emergencies, program evaluations and communications among program
114 staff.

115
116 *End.*

117
118 _____
Adopted – BC-__-__-__-__