

Title 8. Judiciary - Chapter 808
HEALING TO WELLNESS COURT

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808.1. Purpose and Policy

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

- (a) 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;
- (b) provide access to holistic, structured, and phased substance abuse treatment and rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho tá (Our Ways);
- (c) create intragovernmental and intergovernmental collaborative teams to interact with each participant; and
- (d) encourage and support each participant in the goal of their recovery to lead lawful productive lives free of substance abuse and addiction.

808.1-2. *Policy.* It is the policy of the Nation 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.

808.2. Adoption, Amendment, Repeal

808.2-1. This law was adopted by the Oneida Business Committee by resolution BC-07-13-22-D.

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 This law may be amended or repealed by the Oneida Business Committee and/or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

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

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

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

808.3. Definitions

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

- (a) “Court” means the Oneida Healing to Wellness Court, which is a division under the Trial Court that has the designated responsibility to oversee the Healing to Wellness Court program matters.
- (b) “Court of competent jurisdiction” means a federal, state, or tribal court that has jurisdiction and authority to do a certain act or hear a certain dispute.
- (c) “Healing to Wellness Court program” means a court-supervised evidence-based treatment program which promotes recover through a coordinated community-based

response for individuals who abuse or are dependent on any controlled substance or alcohol.

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

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

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

(g) “Nation” means the Oneida Nation.

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

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

808.4. General

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

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

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

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

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

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

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

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

(1) Trial Court Judge;

(2) Healing to Wellness Court Coordinator;

(3) Oneida Police Department Officer;

(4) Representative of Probation;

(5) Substance Abuse Treatment Provider;

(6) Representative of Oneida culture and heritage; and

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

(b) *Revisions to the Composition of the Healing to Wellness Court Team.* The composition of the Healing to Wellness Court Team may be revised as necessary as determined by the Court. The Court shall provide notification of any revision to the composition of the Healing to Wellness Court Team to the Oneida Business Committee and General Manager.

808.5. Healing to Wellness Court Procedures

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

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

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

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

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

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

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

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

End.

Adopted – BC-07-13-22-D