

# **Navigating Ethical Rules in Juvenile Healing to Wellness Courts- Part One**

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**Presented By:**

**The Hon. Carrie E. Garrow, Chief Judge Saint Regis Mohawk**

**Facilitation By:**

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# Opening in a Good Way



# Today's Presenter



Judge Carrie E. Garrow (Mohawk)  
Chief Judge, Saint Regis Mohawk Tribe

# Session Facilitation



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# Overview

- Why do we need ethics and confidentiality rules?
- Different rules for different team members
- Working within these rules while also promoting an environment that allows for open communication and collaboration
- Confidentiality
- Family Involvement





# Why ethics?

- Ethics defines what is good for individual and society – establishes the nature of duties we owe ourselves and others
- What happens if we have no standard of our professional duties?



# Structure of Wellness Court

In General-

- Non-adversarial
- Team-Oriented
- Promotes transparency and communication for the benefit of the participant
- Phases



# Different Ethical Rules for Team Members

- Counsel must provide competent, diligent, and zealous advocacy to protect client's procedural and substantive rights – *National Juvenile Defense Standards*
- The primary responsibility of the clinical social worker is to the individual patient, the family, or the group with whom he or she has a professional relationship. Clinical social workers respect the dignity, protect the welfare, and maximize the self-determination of the patients with whom they treat. *NYS Society for Clinical Social Work Code of Ethics*





# Different Ethical Rules for Team Members

- A judge shall perform the duties of the judicial office impartially, competently, and diligently. *Canon 2, Model Code of Judicial Conduct*
- Education team members – *Family Educational Rights and Privacy Act (FERPA)*



# Different Ethical Rules for Team Members

- Individual Roles
  - Multi-layered-Consider the multiple layers of obligation
  - *For example potential Federal, State, Tribal and Licensure Obligations*



# Different Ethical Rules for Team Members

- What are the ethical standards/codes of conduct of team members who are not bound by other canons/licensure requirements?
  - *Juvenile Healing to Wellness Courts*
    - *Mentors/Volunteers – “Promote the Welfare and Safety of the Young Person”*
    - *Supplemental Programming (Pro-social/Recreational)*
    - *Tribal Employees (Tribal Codes of Conduct/Standards for Employees)*
    - *Elders*



# Discussion

- Shared community values that determine ways that the team will interact with the youth. How to find these?
- Does your community have formal standards of conduct for governance and/or employment?
  - Uniformity/Non-Tribal Employees?
- Who is required/bound by terms/standards?
- What are you required to comply with?
- What is the process for challenges/Resolution process ?



# Confidentiality

- Why confidentiality rules?
- Minors must give consent in JHWC and they can revoke consent to share information
  - Parent role in consent
- How do you ask minors to give consent?
- What issues do you have with confidentiality?



# Family Involvement

- Involve youth in identifying family/mentors
- Use assessment process to determine need to involve absent family
- Use strength-based approach with family
- Involve family in planning and case management – family group planning then develop a contract
- Assist family with seeking services they need

# Family Involvement

## Demonstrate respect for their partnership

- Timing of hearings
- Provide transportation and childcare
- Find resources that are accessible
- Provide time for discussions with parents when youth are not present
- Empower family to impose sanctions and incentives

# Family Involvement

## Avoiding adversarial dynamics

- Avoid arguing and reacting to behavior that seems uncooperative
- Be willing to share power in collaboration process
- Allow time for trust to grow
- Do not let authority of drug court team or client's resistance predict case outcome
- When needed provide mediation, counseling, family-focused meetings to find common interest and build agreements between families and drug court

# Juvenile Rights and Relationship

## Notice/Due Process

- Expectations (Orientation)
- Requirements (Case Plan)

## Policies and Procedures

- Communication Plan

## Necessary Disclosures (To Protect Youth or Others)

- Harm
- Fraud
- Abuse/Neglect (Must disclose/Liability for non-disclosure)



# Questions?





# Thank You!

## TRIBAL YOUTH RESOURCE CENTER

 [www.TribalYouth.org](http://www.TribalYouth.org)



Envisioning a future where Indigenous youth thrive through traditional lifeways.



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# Closing in a Good Way





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