

Juvenile Healing to Wellness Court

Spring/Summer 2020 Online Learning Series

Session Five: Promoting Positive Behavior Change: Responses in the Juvenile Healing to Wellness Court

Session Content Development:

Kris Pacheco and Precious Benally
Tribal Law and Policy Institute

Online Learning Material Edits:

Anna Clough
Tribal Youth Resource Center



Tech Reminders ☺

- Your control panel will appear on the right side of your screen.
- To minimize the control panel, click the orange arrow at the top left of the panel.
- All attendees will be muted during today's presentation.
- Once you call into the meeting call line, enter your pin#.
- Use the questions box on your panel to submit questions throughout the presentation.
- To view live captions during the presentation, copy and paste the link shared in the chat box into a new browser window.
- The session materials and evaluation will be shared via email with all attendees.



Today's Facilitators



Kristina Pacheco (Pueblo of Laguna)
Wellness Court Training and Technical Assistance
Specialist, Tribal Law and Policy Institute
Kristina@TLPI.org



Anna Clough (Muscogee Creek/Yuchi)
Co Dir., Lead Juvenile Healing to Wellness
Courts, Tribal Youth Resource Center
Anna@TLPI.org



As a training and technical assistance provider for the Office of Juvenile Justice and Delinquency Prevention, the Tribal Youth Resource Center as part of the Tribal Law and Policy Institute and its partner the National Native Children's Trauma Center bring an in-depth understanding and appreciation of American Indian and Alaska Native history, customs, and Indigenous justice systems.

Native youth benefit from a value held by Native peoples:

Our Children are Sacred.

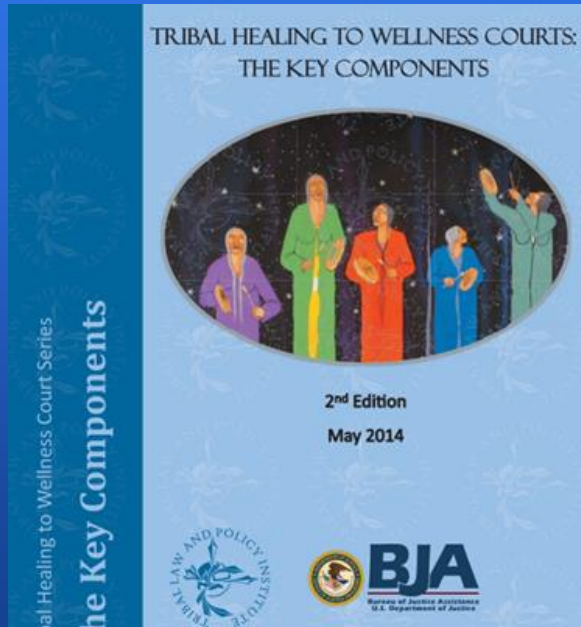
Juvenile Healing to Wellness Court Online Learning Series

Session Five- Promoting Positive Behavior Change

Session Objectives-

- **Understand the types of activities that can support positive behavior change, including responses to positive and negative participant behaviors.**
- **Survey resource tools to support effective responses to participant behaviors within the Wellness Court.**
- **Discuss phase progressions within the wellness court framework.**

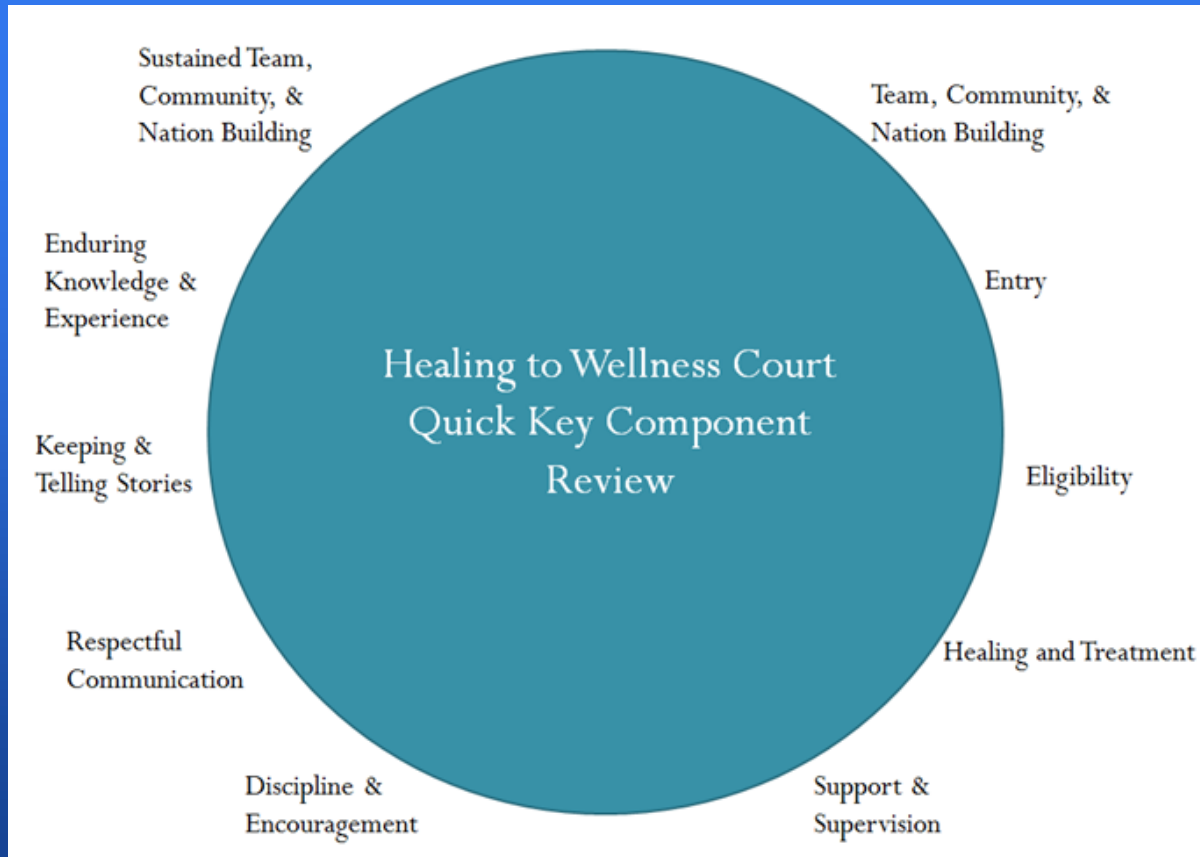
Tribal Key Components



Tribal Key Components Recognize:

- Community Involvement
- Family Relationships and Parent/Caregiver Involvement
- Culture and Tradition
- Exercise of Tribal Sovereignty

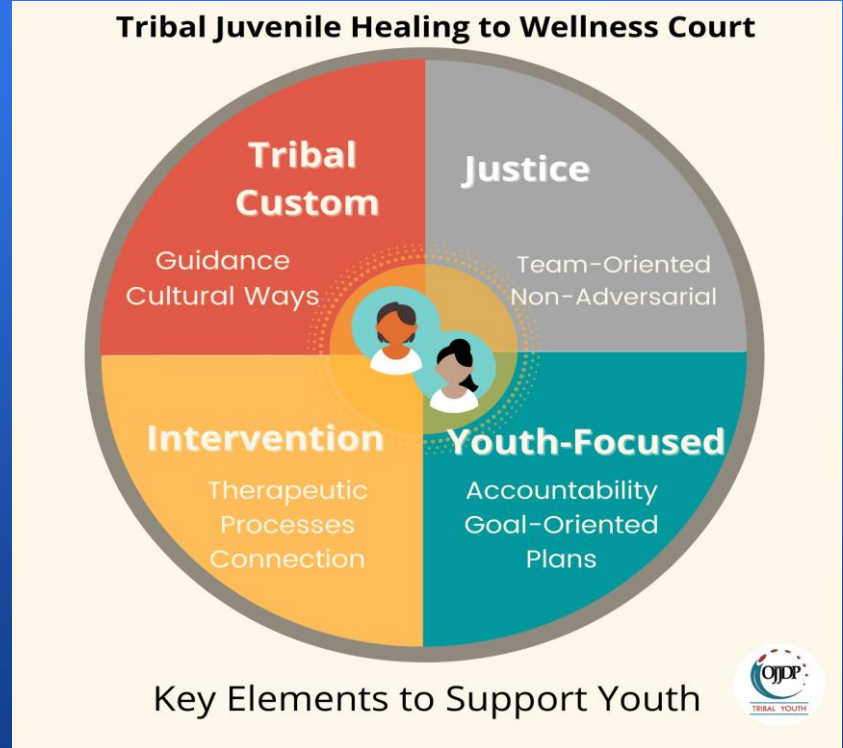
<https://www.wellnesscourts.org>



<http://wellnesscourts.org/tribal-key-components/index.cfm>

Goals of the Healing to Wellness Court

- Enhance the capacity
- Provide services that are:
 - Comprehensive
 - Developmentally-Appropriate
 - Community-Based
 - Culturally-Appropriate



Developing Incentives and Sanctions (Responses) in the Juvenile Healing to Wellness Court

Today we are going to discuss Key 6:

🔑 Key #6- Incentives and Sanctions/Responses

Open Discussion-
What kinds of methods are used in a traditional juvenile justice setting that encourage or motivate positive behavior change?



Incentives

Key Component #6- *Progressive rewards that are used to encourage participant compliance with the Tribal Healing to Wellness Court requirements. **Should be meaningful, certain, understandable, fair, and equitable.** (See, [Tribal Healing to Wellness Courts, The Key Components, 2nd ed.](#))*



Incentives

**Juvenile Drug Treatment Court-
Objective 1, Guideline 1.4** The JDTC
includes the use of effective
contingency management strategies
(e.g., incentives and sanctions)

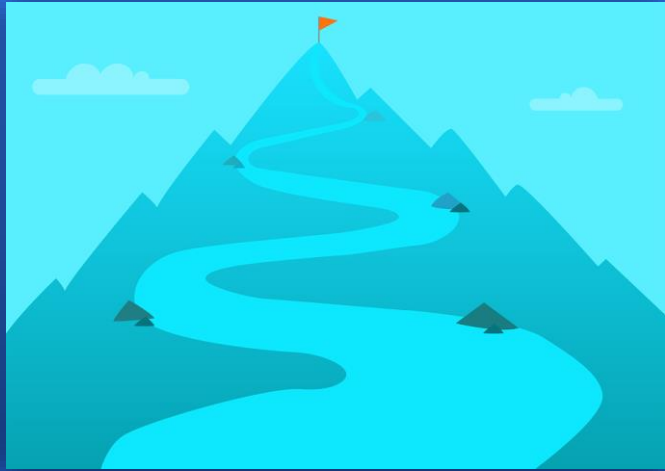
Objective 5.1- Application of incentives
should equal or exceed the sanctions
that the JDTC applies. Incentives
should be favored over sanctions.



Incentives

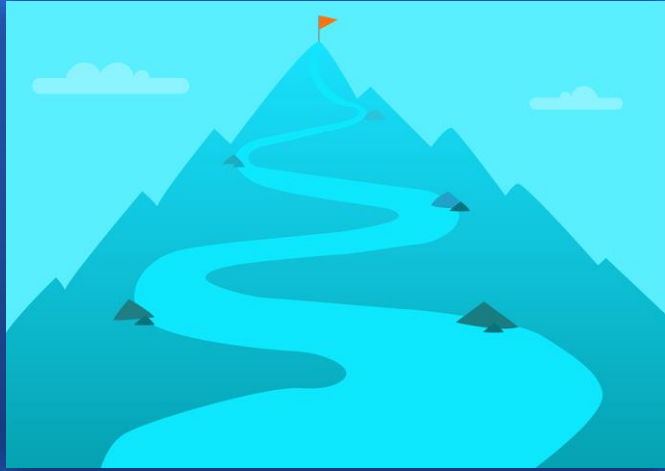
**Juvenile Drug Treatment Court-
Guideline 5.2-** Participants should feel that the assignment of incentives and sanctions is fair:

- Application should be consistent, i.e., participants should receive similar incentives and sanctions as others who are in the court for the same reasons. (Note- similar does not equal same)
- Without violation of principles of consistency- valuable to individualize.



Sanctions/ Responses

Key Component 6#- Progressive consequences are used to encourage participant compliance with the Tribal Healing to Wellness Court Requirements.



Sanctions/ Responses

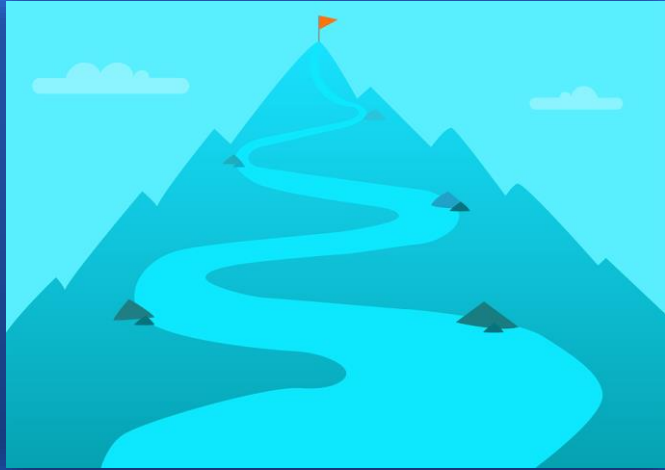
Sanctions- Associated with short-term effects (hours or days) when a behavior “cannot be permitted to recur and must be squelched quickly in the interest of public safety.” See *[Tribal Healing to Wellness Courts, The Key Components, 2nd Ed.](#)*, at 50 (Adult Court Setting)

When we think of behaviors that are harmful to both the individual and community we look to immediate responses. In what ways might sanctions and their application differ from that of an adult treatment court?



Consider our discussion in Session 1- *Do you remember our "Fearless Youth" example?*

- **Be Understanding-** Balance infractions of the youth participant agreements against normal youthful behaviors/those behaviors of the specific youth. Team should always promote individual and community safety.
- **Be Realistic-** Expect and anticipate setbacks as youth are oriented to the court and begin to engage in treatment and program services.
- **Consider Youth Development-** Delivery of sanctions can be just as important as the type of sanctions that are administered.
- **Explore and Address Underlying Conditions-** Look deeper to identify issues that should be addressed with available services.

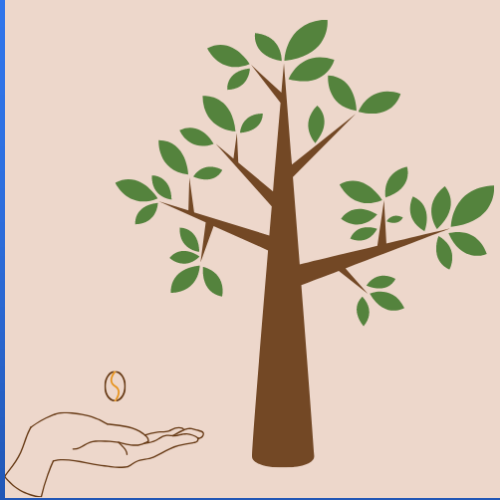


Sanctions/ Responses

JDTC Guideline Objective 5.1-

Sanctions are generally administered if a juvenile does not comply with the program (for example, missing scheduled events or therapy), tests positive on a drug test, misses a drug screen, does not attend a court hearing, commits a crime, or fails to follow the provisions of his or her

treatment. (*Juvenile Drug Treatment Court Guidelines, citing Choo, K., Petrosino, A., Persson, H., Fronius, T., Guckenburger, S., and Earl, K. 2016. Juvenile Drug Courts: Policy and Practice Scan. San Francisco, CA: WestEd Justice and Prevention Research Center*)



Administration of Incentives and Sanctions

Guidelines to Consider:

- *Immediate*
- *Certain*
- *Consistent*
- *Fair*
- *Appropriate Intensity*
- *Goal-Oriented*
- *Graduated*
- *Individualized*
- *Therapeutically Sound*

Review: Step 17 in Design Incentives and Sanctions, NCJFCJ-Starting Juvenile Drug Court: A Planning Guide; pgs. 153-155

More on Sanctions/Responses for Youth Wellness Court Participants

Research has demonstrated that empowering, wrap-around, and trauma-informed approaches benefit youth and their families. Two sites where such services were observed during listening sessions were the Tribal Healing to Wellness Court and the dual diagnosis state court. In the tribal court, the efforts of the judge and the team to connect youth to their culture and the true and broad collaboration of the team were strong. The judge and drug court team clearly demonstrated in staffing meetings and in their engagement with the youth in court that all are part of the community and should have every opportunity to connect and be successful.

The tribal court took a much broader wellness approach to Juvenile Drug Treatment Court, investing in a holistic approach to improving outcomes. ***Sanctions were geared toward connecting the youth even more strongly to community.*** The most evolved state court that was observed had also moved to a wellness model. The court was a dual diagnosis court, strong in mental health treatment, with close ties to community resources to ensure that each youth received a broad array of services to improve their overall well-being.

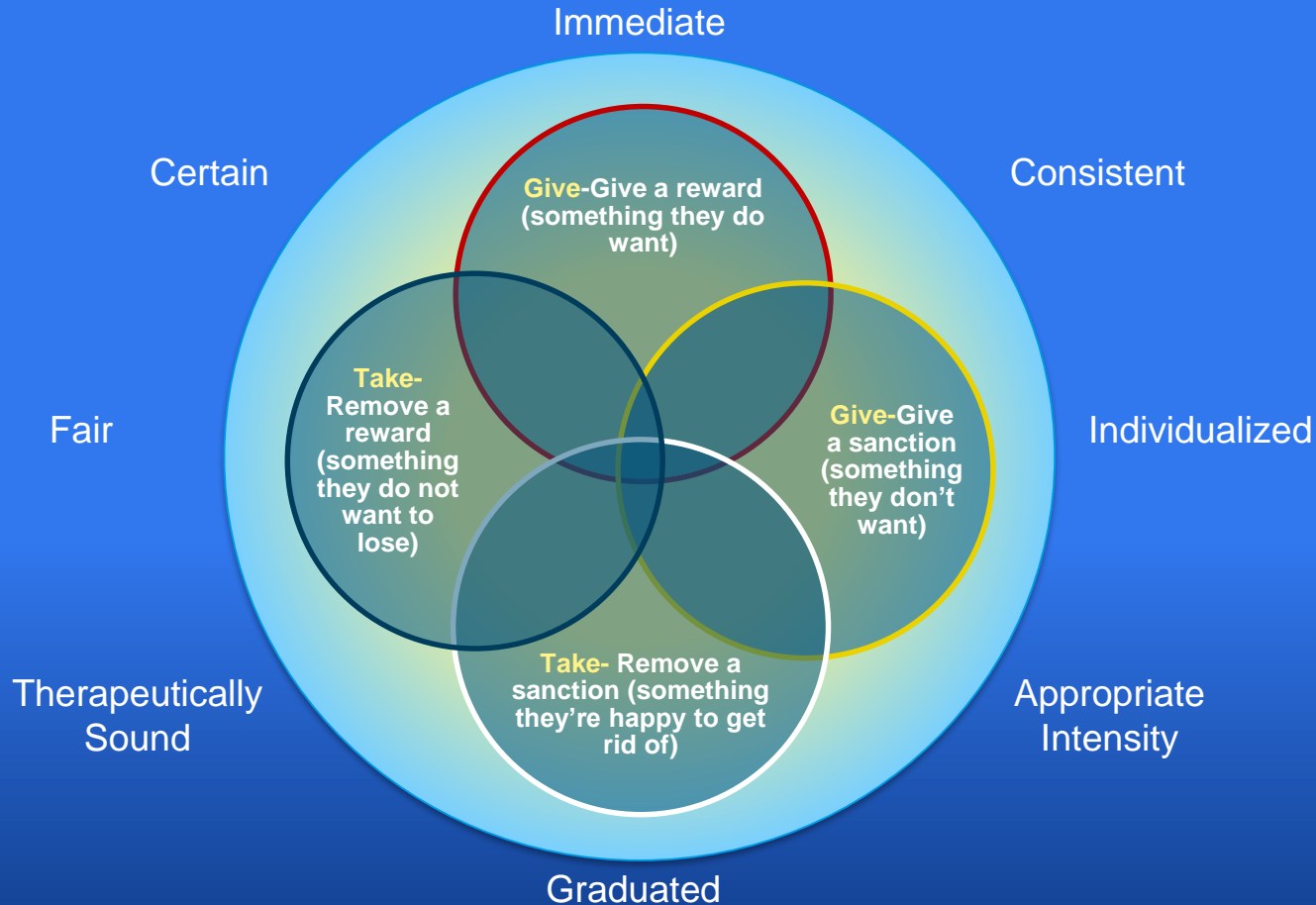
[OJJDP Juvenile Drug Treatment Court Guidelines Project: Juvenile Drug Treatment Court Listening Sessions, 2016](#)



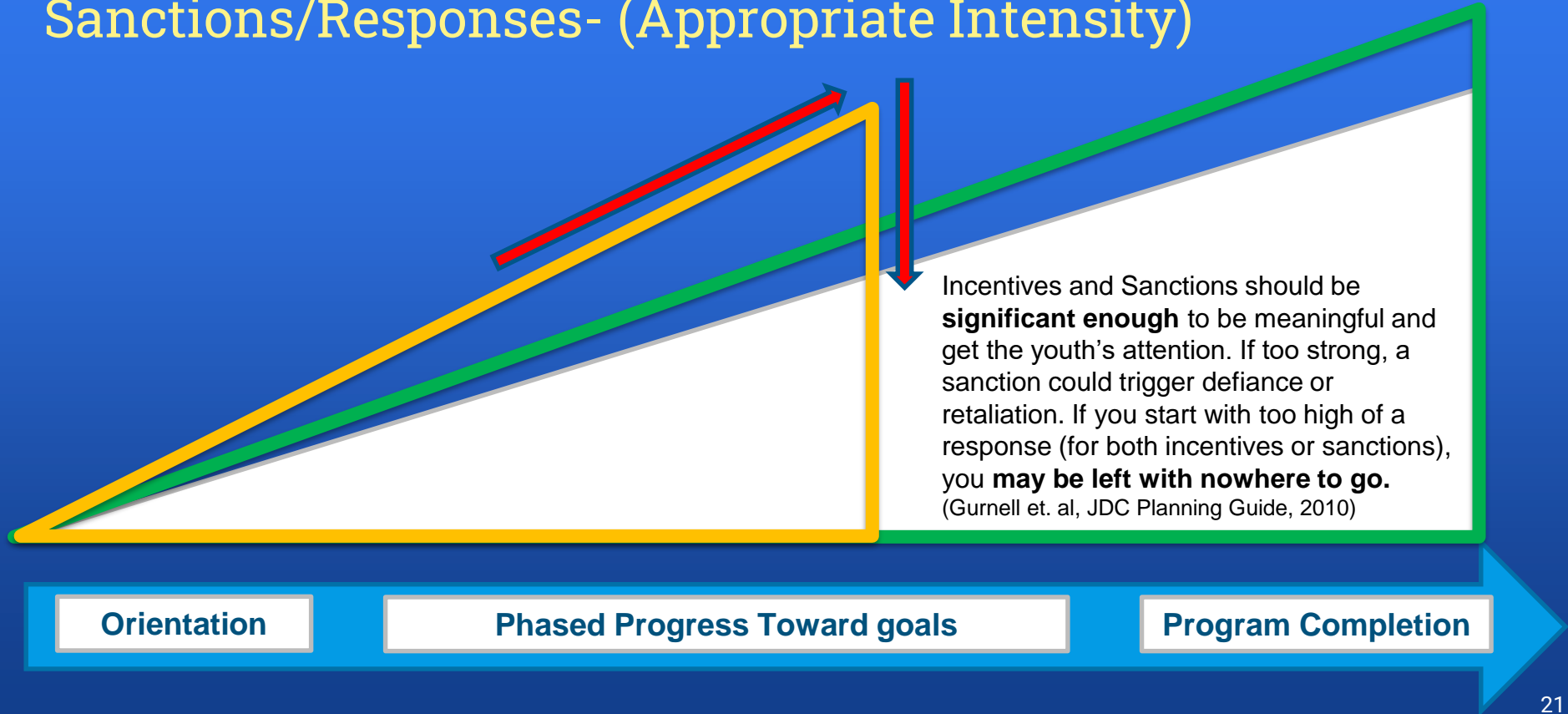
Methods- *Let's Consider The
Techniques*

- *Give/Take Reward*
- *Give/Take Sanction*

Reinforcing and Supporting Positive Behavior



Graduated Administration of Incentives and Sanctions/Responses- (Appropriate Intensity)



Special Considerations

- **Determine a Selection of Incentives and Sanctions-** Work with the team early on to establish a list of incentives and sanctions/responses- Work to develop internal policies regarding the scale/manner in which the incentives/sanctions will be applied. More may be added as your court develops.
- **Due Process-** Important for youth and parents to understand the incentives and sanctions process.
- **Fairness and Understanding-** Advise youth and parents at orientation of the types of incentives that may be offered to reward progress and also the graduated sanctions that may be administered for non-compliance.

Parent/Engagement and Sustainability

- In what ways will parents/caregivers be encouraged to be supportive participants?
- Are there processes that will support inclusivity, engagement and learning opportunities for parents/caregivers?
 - Classes, talking circles, outside activities, special events
- Will the team establish clear guidelines/expectations for parents/caregivers? What are those expectations?

Therapeutic Adjustments- Should come from the treatment provider

Give (Enhancements)

- New Assessment
- Trauma Group
- More Treatment Groups
- Move from Intensive Outpatient to Residential Treatment

Take (Reductions)

- Move from Intensive Outpatient to Outpatient
- Few Treatment Groups
- Replacing Treatment Groups with Youth Groups

Sample List of Rewards/Incentives

Low	Moderate	High
Verbal Praise Small Tangible Rewards Recognition in Court Symbolic Rewards Written Commendations	Reduced Supervision Requirements Reduced Community Restrictions Enhanced Milieu Status Moderate Tangible Rewards Self-Improvement Services	Supervised Day Trips Travel Privileges Large Tangible Rewards Point Systems/Vouchers Commencement Ceremony Honoring Ceremony

For a full breakdown of these categories visit the National Drug Courts Institute, Incentives and Sanctions:

<https://www.ndci.org/resource/training/incentives-and-sanctions/>

See also the Juvenile Healing to Wellness Court Handbook for a sample list of incentives:

https://www.tribalyouthprogram.org/media/filer_public/ae/87/ae87b60b-c1c3-408d-9d00-38f5cff0b23e/jh2w_court_handbook.pdf

Example of Goal-Oriented Incentive Plan

Goal	Behaviors to Reinforce	Incentives or Reinforcers
Improve academic performance (reading skills, graduation from high school, or completion of GED)	<ul style="list-style-type: none">• Attending school/classes• Completing assignments• Adhering to school rules• Attending special interest classes• Productively using study time• Improving grades	<ul style="list-style-type: none">• Recognition from the bench• Books• Opportunities to read to young children• Display of work• Awarding certificates• Later curfew• Higher grades

Learn more about incentives and sanctions by reviewing the NCJFCJ Planning Guide
<https://www.ncjfcj.org/publications/starting-a-juvenile-drug-court-a-planning-guide/>

Other treatment court incentive methods that can support and motivate behavior change

- Rocket Docket
- Program Wide Drawing Procedures
- Point-Based Rewards Systems
- Short Term Agreements with pre-determined Incentives and Sanctions.

Learn more by reading Individualizing Responses to Motivate Behavior Change in Youth: A Four Pronged Approach

https://www.ncjfcj.org/wp-content/uploads/2019/07/NCJFCJ_JDTC_Four-Pronged_Approach_Final.pdf



Sample List of Sanctions/Responses

Low	Moderate	High
Verbal Admonishment Letters of Apology Writing Assignments Journaling Daily Activity Logs Life Skills Assignments Jury Box Observation Increased Community Restrictions Team Round-Tables	Increased Supervision Useful Community Service Increased Reporting Holds	Day Reporting Electronic Surveillance Home Detention Detention Termination from Program

For a full breakdown of these categories visit the National Drug Courts Institute, Incentives and Sanctions:
<https://www.ndci.org/resource/training/incentives-and-sanctions/>

See also the Juvenile Healing to Wellness Court Handbook for a sample list of sanctions:
https://www.tribalyouthprogram.org/media/filer_public/ae/87/ae87b60b-c1c3-408d-9d00-38f5cff0b23e/jh2w_court_handbook.pdf

Data Collection and Program Evaluation

- What are some ways to measure responsiveness to responses?
 - A points-based system can assist programs with measuring youth accomplishment toward goals and also measure when youth are non-compliant.
 - For other methods, ongoing data collection and evaluation can assist the program in engaging in strategies that increase positive youth behaviors and deter from non-compliance and recidivism.
 - For more on data collection in the wellness court see Data Collection, [Case Management](http://www.wellnesscourts.org/HWC_Publication_Series.cfm) at http://www.wellnesscourts.org/HWC_Publication_Series.cfm

Discussion

- What are some incentives that might be more “local” to your community?
- What are some of the responses/sanctions that are already issued within your current juvenile justice system?
- How might those responses be amended or modified to work as part of a graduated/phased plan?

Questions?



Additional Resources

- Tribal Youth Resource Center, <https://www.TribalYouth.org>
- TYRC Youtube Channel, https://www.youtube.com/channel/UCnNec1JCnhp7iCnGhXPsvEw/videos?disable_polymer=1
- Tribal Healing to Wellness Courts, www.wellnesscourts.org
- National Drug Court Institute, <https://www.ndci.org/resource/training/incentives-and-sanctions/>
- National Council of Juvenile and Family Court Judges, Four-Pronged Approach <https://ncjfcj-old.ncjfcj.org/JDTC-Four-Pronged-Approach>
- Wellness Courts Archived Presentation on Incentives and Sanctions <http://www.wellnesscourts.org/files/TLPI%20Learning%20Exchange.pdf>

- Join our Google Classroom! This session and other materials will be archived on google classroom. <https://classroom.google.com/> Class Code: **mzdldfm**
- ** Note you may need to set up a free google email account to log in.*

We appreciate your feedback!

- Please complete the survey by clicking the survey link:
https://docs.google.com/forms/d/e/1FAIpQLScwyBgiXF_BrqFlfNZIo-f407lGeu9RXnofCLiggC1Mnw4upg/viewform?usp=sf_link
- Join us for **Session 6** of the Juvenile Healing to Wellness Virtual Training Series, “**Juvenile Healing to Wellness Court Phases**” on October 22, 2020.

Thank You!



The [Tribal Youth Resource Center](#) is led by the [Tribal Law and Policy Institute](#) in partnership with the [National Native Children's Trauma Center](#)

This project was supported by Grant #2018-MU-MU-K001 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice.