



Tribal Juvenile Healing to Wellness
Courts- Peer Connections
Monthly Dialogue
“Supporting Youth Safety”
May 16, 2022



Tribal Youth Resource Center
www.TribalYouth.org

Opening



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▶ GUEST PRESENTER



Cori F. Matthew (Salish & Blackfeet), Tailored Services Administrative Director for the Capacity Building Center for Tribes



▶ CAPACITY BUILDING CENTER FOR TRIBES

- The Center for Tribes collaborates with American Indian and Alaska Native nations to help strengthen Tribal child and family systems and services in order to nurture the safety, permanency, and well-being of children, youth, and families.
- The Center offers an array of services, such as: products and tools, peer networking activities, and individualized expert consultation. Services are available at no cost to assist Tribal organizations with improving child welfare practice and performance.
- <https://tribalinformationexchange.org/>



▶ Our Time Together Today

This session will discuss:

- ❖ Building trust, strengthening relationships and creating a safe environment for JHWC participants.
- ❖ Identify ways to address and respond to issues related to child well-being and safety.
- ❖ Consider case scenarios and discuss strategies to respond to disclosures or knowledge of abuse and/or neglect.

Wellness Courts

Promotes a Positive Environment

- ✦ Focus on Treatment/Support
- ✦ Therapeutic (Cooperative Alliance)
- ✦ Trust and Connection
- ✦ Safety and Acceptance



Juvenile Wellness Court Team Approach

- ✦ Trauma Informed
- ✦ Support Healthy Development of Youth
- ✦ Develop processes that contribute to sustained recovery
- ✦ Create connections individually and within the local community



▶ ABUSE/NEGLECT DEFINING STATUTES

- State civil laws define the conduct, acts, and omissions that constitute child abuse or neglect that must be reported to child protective agencies.
- Tribes have inherent authority to enact codes in tribal court even when they may overlap with federal authority to prosecute pursuant to the Major Crimes Act, 18 U.S.C. § 1153, or the Indian Country Crimes Act, frequently referred to as the General Crimes Act.
- A 2006 amendment to the Major Crimes Act added the crime of felony child abuse or neglect as a crime that is prosecutable by the United States if committed by an Indian in Indian country, 18 U.S.C. § 1153.

▶ ABUSE/NEGLECT DEFINING STATUTES

- Federal Child Abuse Prevention and Treatment Act (CAPTA)- “any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation (including sexual abuse as determined under section 111), or an act or failure to act which presents an imminent risk of serious harm” (42 U.S.C. 5101 note, § 3)

▶ RECOGNIZING ABUSE/NEGLECT

- Act further stipulates that “a child shall be considered a victim of ‘child abuse and neglect’ and of ‘sexual abuse’ if the child is identified, by a State or local agency employee of the State or locality involved, as being a victim of sex trafficking’ (as defined in paragraph (10) of section 7102 of title 22) or a victim of severe forms of trafficking in persons described in paragraph (9)(A) of that section” (42 U.S.C. § 5106g(b)(2)).

▶ MAJOR TYPES OF CHILD ABUSE AND NEGLECT

- Physical abuse
- Neglect
- Sexual Abuse
- Emotional Abuse
- Abandonment
- Parental Substance Abuse

Source: What is Child Abuse and Neglect? Recognizing the Signs and Symptoms, Fact Sheet, [ChildWelfare.Gov](https://www.childwelfare.gov), 2019

▶ DISCLOSURE

- Disclosure is the process by which youth come to tell others about being sexually abused (or being at risk thereof) and is critical to stopping the abuse and activating legal and therapeutic interventions.
- Disclosing can be complicated and challenging for youth due in part to uncertainties they may have around what will happen after they disclose.
- Most youth (60-80%) who experience sexual abuse do not disclose until adulthood, and many never do at all.

<https://uwjoshuacenter.org/how-and-when-do-youth-disclose-abuse>

▶ TYPES OF DISCLOSURES

Youth may disclose in a number of ways-

- Purposeful or Accidental
- Spontaneous or Prompted/Elicited;
- Explicit or Vague
- Disclosure may be further impacted by age, developmental factors, child's relationship with the abuser.

▶ BARRIERS TO DISCLOSURE

- Anticipation of Negative Social Reactions/Lack of Support
- Fear of Negative Consequences (Reputation, social shame, family honor, being killed)
- Fear of Negative Consequences for the abuser (example, family member may go to jail)
- Feelings of guilt, shame, and somehow feeling responsible for the perpetrator's actions
- Fear of whatever the offender said would happen if the child told, will happen. (*Example: I'll kill/hurt you and/or your family, friends etc.*)

▶ RESPONDING TO ABUSE/NEGLECT

- Support the Child/Youth
- Acknowledge courage to speak out
- Believe and Discuss
- Provide a Safe Environment (Program)
- Reassure
- Listen/Don't Make Assumptions
- Do not interrogate

<https://www.childhelp.org/what-is-child-abuse/handling-child-abuse-disclosures/>

▶ RESPONDING TO ABUSE/NEGLECT

- Make no promises
- Document Exact Quotes
- Be Supportive/Not Judgmental
- Follow local protocols

<https://www.childhelp.org/what-is-child-abuse/handling-child-abuse-disclosures/>

▶ TEAM RESPONSE

Be Prepared

- Be aware of mandatory reporting requirements
- Jurisdiction <http://www.tribal-institute.org/2014/DrugEndangeredChildrenHO.pdf>
- Applicable laws, policies, and procedures
- Response Plan for Disclosures
- Risk/Assessment Tools/Referral to Child Welfare/Coordination with Departments

▶ YOUTH DISCLOSURES

- <https://www.childhelp.org/what-is-child-abuse/handling-child-abuse-disclosures/>
- <https://www.childsafehouse.org/info/faqs/why-do-children-not-tell/>

▶ CASE SCENARIO 1

Jess is a fourteen year old. She lives with her grandmother who has had a guardianship over her for the last six years. Jess often has to help her grandmother around the house with cleaning and usually does most of the grocery shopping. Since it's hard for her grandmother to get around, she helps with almost all the errands. Recently, Jess's grandmother was in the hospital. Her grandmother has been giving her less and less for the weekly groceries. On one recent trip to the store, her grandmother's medications were so costly, that they could only afford a few groceries- not enough to sustain them both for a week.

Jess is able to get one meal a day at school, but on weekends she has been resorting to staying with a cousin or other friends overnight. Since Jess is on juvenile probation for an alcohol incident at school- she is not supposed to be out after 9pm- she knows she is risking getting caught by her juvenile probation officer. She doesn't want to get into trouble, but she knows that she will have access to both dinner and breakfast on the weekend if she's away from her grandmother's home.

▶ CASE SCENARIO 2

Jane is a new probation officer. She recently was requested to be a part of the Tribe's new JHWC. She is excited about the opportunity. She has been assigned to work with a 14 year old Jack. Jack has a history of drug use and was recently caught at school with marijuana. Jack has a hard time opening up and has not shared very much with Jane. Jane has continued to visit with Jack at least twice a week, usually once at home and once at school. After several months, Jack seems to be making progress in his wellness court case plan. Jane has even noticed that Jack wants to participate in some of the extra-curricular activities.

The entire team has been celebrating this success as Jack has had school-related behavior issues for many years. This change in behavior is a major breakthrough. So much so, they have planned a fun incentive for his next court hearing. During a school visit with Jack, Jane notices that he has a mark on his face. She asks him if he has been fighting at school. Jack shares that his mom's boyfriend was drunk and had slapped him the night before. Jane wants to ask more questions, but before she can- Jack asks her "to just forget what he said- it's not a big deal." He picks up his backpack and leaves.

▶ CASE SCENARIO 3

A fourteen-year-old youth complains of her teeth causing pain at school. The school nurse, who is in charge of disbursing pain medication contacts the youth's parents. They indicate that they will schedule an appointment with a dentist. A month later, the youth shows up in the nurse's office again with pain in her mouth. The nurse observes visible discoloration and signs of severe decay in several of the youth's teeth. The youth begins crying due to the pain being so severe. The nurse asks the youth if she had seen the dentist recently in which the youth responds "no" and shares that she hasn't been to the dentist since before they relocated about three years ago.

- ❖ Does the school nurse have a duty to report?
- ❖ If this youth was a JHWC participant and the nurse outreached- how would the team respond?

RESOURCES

- Jurisdiction, <http://www.tribal-institute.org/2014/DrugEndangeredChildrenHO.pdf>
- Tribal Legal Code Resource: Crimes Against Children, [Guide for Drafting or Revising Tribal Laws on Crimes Against Children](#)
- Tribal Child Welfare Codes as Sovereignty in Action, Mandated Reporting- Page 9, https://turtletalk.files.wordpress.com/2016/08/nni_nicwa_tribalcodesurvey.pdf

▶ RESOURCES

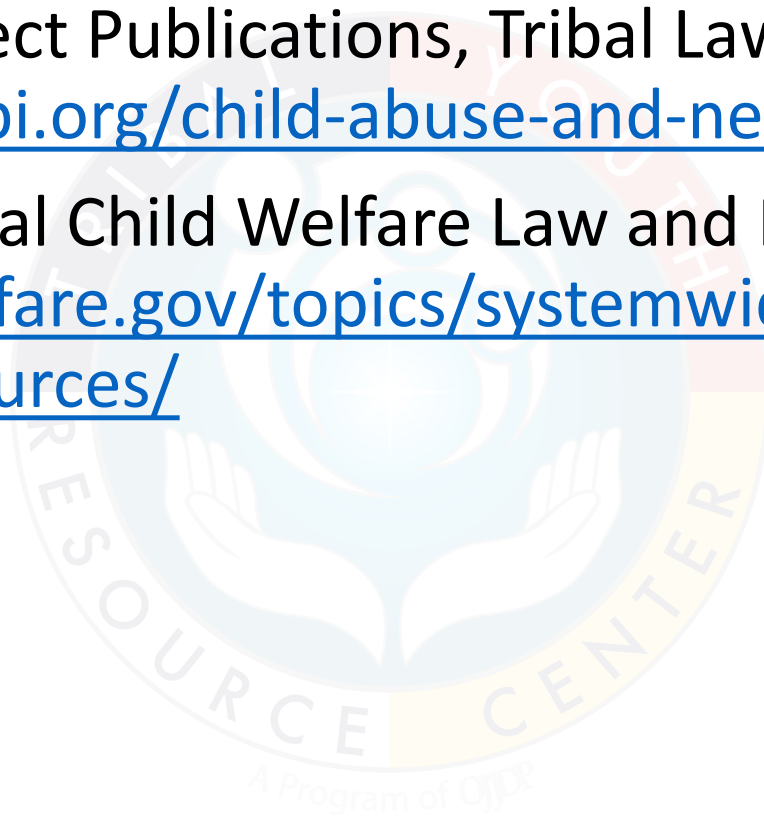
- Research to Practice Brief, Child Safety and Risk Assessments in American Indian and Alaska Native Communities
https://www.acf.hhs.gov/sites/default/files/documents/opre/safety_assessmentbrief2016_b508.pdf
- What is Child Abuse and Neglect- Recognizing the Signs and Symptoms <https://www.childwelfare.gov/pubpdfs/whatiscan.pdf>
- Why Don't They Tell? Teens and Sexual Assault Disclosure, https://www.nctsn.org/sites/default/files/resources/fact-sheet/why_dont_they_tell_teens_and_sexual_assault_disclosure.pdf

► RESOURCES

- Respecting the Circle of Life- Decision-making and how to talk with trusted adults about sexual decision making
<https://www.healthynativeyouth.org/curricula/respecting-the-circle-of-life/>
- What To Do If Your Child Discloses Sexual Abuse,
[https://www.nctsn.org/sites/default/files/resources/what if your child discloses sexual abuse.pdf](https://www.nctsn.org/sites/default/files/resources/what_if_your_child_discloses_sexual_abuse.pdf)
- What to do if a Child Discloses Abuse or Neglect to You,
<https://www.kidsfirstinc.org/what-to-do-if-a-child-discloses-abuse-or-neglect-to-you/>

► RESOURCES

- Child Abuse and Neglect Publications, Tribal Law and Policy Institute
<https://www.home.tlpi.org/child-abuse-and-neglect-publications>
- Links to State and Tribal Child Welfare Law and Policy,
<https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/resources/>



▶ JHWC MONTHLY DIALOGUES



Please **Save the Date** for next month's dialogue, which will occur on June 23, 2022 for a conversation with Judge Carrie Garrow, Chief Judge St. Regis Mohawk, Healing to Wellness Court

Closing



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