



MILLE LACS BAND OF OJIBWE
COURT OF CENTRAL JURISDICTION



Informational Bulletin

NUMBER:
#23-01

**Communications Regarding Child in Need of Protection
or Services Respondents and Family Healing to
Wellness Court Participants**

DATE:
March 20, 2023

TOPIC

OF INTEREST TO:

Judges

Guidelines for communicating about Mille Lacs Band Child in Need of Protection (CHIPS) respondents who are also Family Healing to Wellness Court (FHTWC) participants.

Attorneys

Guardian ad Litem

PURPOSE

Social Services Agency
Directors and Staff

Explain the different roles of Mille Lacs Band Family Services social workers and the Family Healing to Wellness Court Case Manager and give direction regarding communication concerning child caregivers who are CHIPS respondents and FHTWC participants.

Respondent Caregivers

FHTWC Participants

ADDITIONAL INFORMATION

Detailed information regarding FHTWC benefits, requirements, and procedures may be found here:

<https://millelacsband.com/government/judicial/wellness-court>.

CONTACT

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Mille Lacs Band Court of Central Jurisdiction
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I. BACKGROUND

Noojimo'wiigamig Inaawanidiwag (Healing Journey), the Mille Lacs Band Family Healing to Wellness Court (“FHTWC”) was established with the enactment of Title 5, Chapter 4 of the Mille Lacs Band Statutes on April 22, 2022. The program became operational on October 1, 2022. The FHTWC is a unique, culturally grounded, collaborative approach to more effectively handling child protection cases involving Mille Lacs Band children who have been neglected or abused because their caretakers struggle with substance use disorder.

The FHTWC program, a specialized docket of the Mille Lacs Band Children’s Court, is an approximately 18-to-24-month four-phase voluntary, confidential program for parents, guardians, and custodians of Band children who are the subject of a pending child protection matter and are diagnosed with a substance use disorder (“SUD”). A person is eligible for the FHTWC if they are:

- A parent, custodian, or guardian of a child who is a Mille Lacs Band member, is eligible for membership, or is a Band member descendant.
- A respondent in a child protection case pending before the Mille Lacs Band District Court.
- Have been diagnosed with a substance use disorder and are willing to comply with treatment recommendations.
- Have never been convicted of felony child abuse or found at any time to be a violent offender.
- Have not been convicted of any sex crime within the ten years preceding their program application.
- Willing to execute releases of information, allowing confidential information to be shared with the Healing Journey team, ancillary service providers, and probation officers when appropriate.

Children’s parents, guardians, or custodians are offered an alternative to the ordinary Child in Need of Protection or Services (CHIPS) process to the FHTWC. If successful, they may avoid adjudication, achieve sobriety, and reunite with their children more quickly. The FHTWC views addiction as a health condition, something to be treated, not punished. Services are provided through a coordinated team approach. Consistent supervision and supportive encouragement are provided by a dedicated FHTWC case manager and by frequent interactions with the FHTWC team and judge.

II. CHIPS REVIEW HEARINGS

Once a CHIPS respondent caregiver is admitted to the FHTWC, the District Court CHIPS proceedings are stayed and the case is transferred to the FHTWC. Each FHTWC participant works with the FHTWC Case Manager to develop a Wellness Plan that includes components of any previously ordered case plan, the FHTWC phases requirements, and any other service or requirement that will assist the participant in their recovery and family reunification efforts.

The Healing Journey Team reviews each participant’s progress in frequent staffing meetings. The team also discusses any unmet needs that the participant and their children may have and makes efforts to provide and coordinate necessary services. The core team members include:

- FHTWC Judge
- FHTWC Case Manager
- MLB Family Services Social Worker
- Court Administrator (Coordinator)
- Deputy Solicitor General
- Respondent's Legal Counsel
- Cultural Advisor
- Guardian ad Litem
- Court Clerk
- Service Providers
- Band Employees Working with Participant Families

When relevant and appropriate, the team may also include additional individuals, such as:

- Tribal Court Peacemaker
- School Officials
- Ojibwe Language Teacher
- Probation Agents
- Peer Recovery Specialist
- Tribal Police
- County Social Worker
- Parole Officers

Participants meet with the Healing Journey Team in periodic status hearings to jointly review their progress and address any non-compliance. These hearings are predominantly focused on the adult participant. However, statutorily required CHIPS review hearings for participant families are also held. The CHIPS hearings are held separately, and caregivers not participating in the FHTWC may attend these hearings. The FHTWC judge has the authority to enter CHIPS orders concerning the children and their parents, guardians, or custodians. When the participant graduates from the FHTWC, the Office of the Solicitor General files a motion to dismiss the CHIPS petition in the District Court. If the participant voluntarily leaves the program or is terminated, the CHIPS case is returned to the District Court's regular docket.

III. FHTWC CASE MANAGER AND SOCIAL WORKER ROLES

The motivations for the development of a Family Healing to Wellness Court were to: (1) reduce the number of families becoming involved in CHIPS cases,(2) to expedite the safe reunification of children and families, and (3) to reduce the recurrence of child abuse and neglect involving caregiver substance use disorder. The FHTWC is an enhancement to the Mille Lacs Band's current Child Protection Services. Social workers who work within the Family Services Department continue to be the primary contact for courts and agencies regarding children and families who are the subject of Band CHIPs proceedings and state CHIPS proceedings governed by the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq. Requests for information and questions regarding Band families involved in CHIPS proceedings should be directed to the assigned Family Services social worker or the Family Services Department Child Protection Services at (320) 532-1725.

The FHTWC case manager is the primary staff person responsible for supporting and monitoring adults participating in the Healing Journey. While the FHTWC case manager coordinates and collaborates with the Family Services social workers, the case manager is not the contact for issues concerning the children in CHIPS cases, for example, foster care placement and visitation. However, if the FHTWC participant has executed a release, the FHTWC case manager may share information.