



Public Health Law

Office for State, Tribal, Local and Territorial Support
Centers for Disease Control and Prevention

Senators Introduce Bill on Tribal Healing to Wellness Courts

On October 22, 2015, US Senators Jon Tester [D-MT] and Alan “Al” Franken [D-MN] introduced a bill, the Tribal Healing to Wellness Courts Act, to assist tribal nations in establishing Tribal Healing to Wellness Courts.¹ Tribal Healing to Wellness Courts are a form of drug court, adapted to fit the unique culture, history, and community needs of tribal nations.²

About Tribal Healing to Wellness Courts

Drug courts are an alternative to standard criminal and family court proceedings for participants with substance abuse problems, including “criminal defendants and offenders, juvenile offenders, and parents with pending child welfare cases.”³ These courts maintain a specialized docket comprising cases related to drug possession, driving under the influence, and child welfare.⁴ Drug courts offer teams of judges, attorneys, law enforcement officers, probation officers, social workers, and substance abuse treatment service providers, among others, to help participants complete treatment programs.⁵

Tribal Healing to Wellness Courts offer a tailored approach to drug courts to fit tribal nations’ individual needs: “Tribes and tribal courts (including Tribal Healing to Wellness Courts) can be radically diverse in their cultures, languages, needs, governance structures, and laws.”⁶ Tribal Healing to Wellness Courts also incorporate Native healing and wellness concepts and cultural teachings and practices while also respecting and supporting tribal sovereignty.⁷ As of May 2014, more than seventy of these courts were operating or under development across tribal nations.⁸

About the Proposed Tribal Healing to Wellness Courts Act

The bill, which has been referred to the Senate Committee of Indian Affairs, authorizes funding for a program through which the US Attorney General may grant competitive funding to tribal nations to support Tribal Healing to Wellness Courts.⁹ The bill specifically outlines that, at the discretion of the tribal nation, Tribal Healing to Wellness Court services can include cultural activities.¹⁰

To receive funding, the bill requires that grantees establish “mandatory periodic testing for each participant for the use of controlled substances or other addictive substances during any period of participation in the tribal healing to wellness court.”¹¹ The bill also prohibits the participation of violent offenders¹² in Tribal Healing to Wellness Courts funded through the Act.¹³



For more information about Tribal Healing to Wellness Courts, visit the [Tribal Court Clearinghouse](#), a Tribal Law and Policy Institute project.¹⁴ The clearinghouse offers various resources on Tribal Healing to Wellness Courts including a policies and procedures guide, judicial bench book, and program development guides.¹⁵

Acknowledgments and Disclaimers

This document was developed by Aila Hoss, JD, Carter Consulting, Inc., contractor with the Public Health Law Program (PHLP) within the CDC's Office for State, Tribal, Local and Territorial Support (OSTLTS). This document was produced in collaboration with OSTLTS's Tribal Support Unit. The author would like to thank Matthew Penn, JD, MLIS, PHLP Director, for his editorial assistance.

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¹ Tribal Healing to Wellness Courts Act of 2015, S. 2205, 114th Cong. (2015) (read twice and referred to the Committee on Indian Affairs). See also, [Tester, Franken introduce criminal justice reform bill for Indian Country](#), SENATOR TESTER PRESS RELEASE, (Oct. 22, 2015) (last visited Dec. 22, 2015).

² [Tribal Healing to Wellness Courts: The Key Components](#), TRIBAL LAW AND POLICY INSTITUTE, viii (2d ed. May 2014).

³ [Drug Courts](#), NATIONAL INSTITUTE OF JUSTICE (last visited Nov. 19, 2015).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Tribal Law and Policy Institute, *supra* note 2 at vi.

⁷ *Id.* at ix, 6–8.

⁸ *Id.* at ix.

⁹ S. 2205, *supra* note 1, at § 3(a)(1).

¹⁰ *Id.* at § 3(a)(2).

¹¹ *Id.* at §§ 4(a)(1), 3(a)(1)(B)(i).

¹² The bill defines “violent offender” under § 5(a).

¹³ *Id.* at § 5(b)(1).

¹⁴ [Tribal Healing to Wellness Courts](#), TRIBAL COURT CLEARINGHOUSE (last visited Nov. 19, 2015).

¹⁵ *Id.*