

**COMMUNITY WELLNESS COURT
ADMISSION PROCESSES**

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1. Program Admission

1.1 Overview

The Yukon Community Wellness Court (CWC) is an opt-in court program. Clients are referred to, or make application into the program. Application or referral does not guarantee acceptance. In most cases, the screening phases will proceed via an integrated and consultative approach involving those in the CWC core wellness team and through discussions at the pre-court meeting.

A description of members involved in the various teams can be found in Appendix A.

1.2 Referral

Any person or organization can refer a client to the CWC. Referral sources can include: RCMP, defence counsel, Aboriginal Court Workers, and community groups or organizations. An offender may also self-refer, or be referred by family or a support person.

To refer a client, a referral form must be received by the Adult Probation Office. This form serves as an opportunity to flag for the Primary Case Manager (PCM) those clients who may benefit from supports early on in the CWC program. The form specifically targets clients who may have FASD, or clients who wish to have support from their First Nation or other community. The receipt of support is voluntary.

1.3 First Appearance in CWC

In order for a client to be admitted into the CWC, he or she must meet both legal and suitability criteria (see item 1.4.1 below). In general, decisions related to the admissibility of an individual will be based on a collaborative approach between members of the CWC pre-court team.

At the client's first appearance in the CWC, Crown requests an order for the client to undergo a suitability assessment. The matter is adjourned two weeks to the next CWC date to allow the assessment to take place.

1.4 Suitability Assessment

In the suitability assessment stage the client is screened for their suitability to participate in the CWC. A further objective of the suitability assessment stage is to assess issues necessary to facilitate the client's participation in the CWC, including housing and any physical and mental health concerns.

Suitability is defined as meeting four criteria:

1. Having a wellness-related problem.
2. Being sufficiently motivated to make changes in their life.
3. Accepting responsibility for their behaviour.
4. Accepting the authority of the Court and the guidance and direction of their CWC Wellness Team.

1.4.1 Suitability Criteria

The first criterion for acceptance into the CWC is having an identifiable wellness-related problem that includes one or more of the following: an addiction to alcohol and/or other drugs, a mental health problem, and/or FASD. These presenting issues should be contributing to the client's criminal behaviour.

The second criterion is for the client to show some interest or motivation to make positive changes in his/her life. The client should clearly indicate that they are interested in addressing their addiction, and/or other identified wellness-related issues.

The third criterion is an acceptance of responsibility for their criminal behaviour. They should be willing to accept responsibility for the criminal offence(s) they are charged with and be prepared to enter a guilty plea.

The fourth criterion is a willingness to accept the authority of the court and the guidance and direction of the CWC Wellness Team (Appendix A). They must show both the capacity and a desire to work closely with members of their team to both develop their wellness plan and to complete it.

1.4.2 Suitability Assessment Process

Over a two-week period, the client has appointments with their PCM for the purposes of assessing the four CWC suitability criteria. The PCM clearly explains the CWC process and the commitment that will be required of the client to find success.

The assessment will be guided by the CWC intake assessment form. Information collected will include the following:

1. Basic personal identification
2. Description of current offences/dispositions
3. Place of residence (shelter)
4. Community supports
5. Alcohol and/or other drug use and past treatment (general)
6. Mental health
7. Physical health
8. Cognitive impairments/developmental disabilities
9. Medication
10. Willingness to work with the treatment team
11. Motivation to make changes

The assessment form requires the PCM to indicate whether they have done a file review, talked to collateral contacts, and gathered relevant psychological, psychiatric and substance abuse assessments.

Throughout the process, the client's insight, supports and previous attempts at rehabilitation are considered to determine the client's level of motivation.

The screening is carried out by the PCM; however, s/he may seek input from the CWC mental health nurses, addictions counsellors, the CWC physician, and other service providers in the client's life.

If the client is of Aboriginal ancestry, and upon their permission, the PCM will seek input from the client's First Nation or from the Aboriginal Court Worker with the Council of Yukon First Nations.

It is expected that the screening will take approximately two weeks (10 working days) to complete. The assessment may take longer if matters are adjourned in court for more in-depth assessments, or if the PCM is unable to meet with the client in a regular manner.

The PCM reports on the results of the suitability assessment at the pre-court meeting on the day or the client's next scheduled CWC appearance. The pre-court team reviews the findings and comes to general consensus on whether the client should be accepted into the CWC.

1.5 CWC Second Appearance

Barring any delays, at the client's second appearance Crown reports on the decision made at the pre-court meeting. Members of the core wellness team may be asked to provide the presiding judge with a verbal report.

If the client is accepted into the CWC, they must comply with the following admission requirements:

1. Entrance of a guilty plea;
2. Provision of a waiver in the approved form; and
3. Agreement to abide by specified bail conditions.

The client is formally welcomed into the CWC and they begin their Wellness Journey. The judge makes an order for the development of the client's wellness plan.

If a client does not meet the suitability and/or legal criteria, or if they decide not to opt into the CWC, their matters are adjourned to the appropriate court in the regular court stream.

2. Wellness Plan

2.1 Overview

Once a client begins their Wellness Journey, the focus for the first few months is on further assessment, the early provision of some identified supports, and the development of the individual's personal Wellness Plan. The client works closely with their PCM and other members of the core wellness team to develop his/her plan. Depending on each client's needs, other service providers in the community may be part of the wellness team. Barring any delays, such as waiting for assessment reports from other professionals and challenges regarding the participation of the client, the plan is formally submitted to court within 60 days of when the plan was ordered.

2.2 Wellness Plan Principles

The development of the wellness plan is at the heart of the CWC. Its development is defined by three principles: client-centred, holistic, and collaborative.

2.2.1 Client Centered

The wellness plan is client-centered. The plan is individually tailored to the client's risks, needs, desires, and abilities and the client is involved in its development. The plan should be realistic, address the client's problem areas, and be agreeable to both the client and the wellness team.

2.2.2 Holistic

Recognizing the various and many layers of challenges clients face, the CWC recognizes the need to work with the client as a whole person: attending to their physical, emotional, mental and spiritual needs.

The CWC is designed to help clients whose criminal behaviour is, in part, the result of wellness-related problems of addiction(s), mental health problem(s), and/or FASD. Other wellness challenges may include physical health, housing, poverty, low-levels of education and literacy, and trauma.

2.2.3 Collaborative Process

The development of a client's wellness plan is a collaborative process. Clients of the CWC may have multiple wellness needs and may require a variety of services to address these needs. As such, services will be provided by a community of supports. Service providers actively collaborate, using a case-management model, to ensure the delivery of services are as seamless as possible.

2.3 Wellness Plan Development

The PCM is responsible for overseeing and developing the wellness plan (see Appendix B). Initially, the PCM meets with the client to gather in-depth information and administer assessments. This information gathering builds on what was already obtained during the suitability assessment.

2.3.1 Wellness Team

After assessing the client's strengths and problem areas, the PCM convenes a wellness team consisting of the client and the core wellness team. Other community agencies and support people may be asked to become members of the team. The team is responsible for assisting the PCM in developing the client's wellness plan.

2.3.2 General Assessments

During this period the PCM may administer the following assessments to understand the client's needs and capacity to follow a wellness plan:

General Health Questionnaire (GHQ 28): This is a 28-item questionnaire that provides a profile of the client's more recent health or illness issues. It is also a valid screen for certain mental health concerns such as anxiety, depression and thoughts of self-harm.

The Level of Service/Case Management Inventory (LS-CMI): This interview-driven assessment instrument measures risk factors in the areas of criminal history, education / employment, family / marital, leisure / recreation, companions, alcohol / drug problems, pro-criminal attitudes / orientation, antisocial patterns, personal problems, perpetration history, incarceration history, and social / health / mental health concerns. The instrument produces an overall risk classification that assists with the case planning process by identifying target treatment areas.

2.3.3 Substance Abuse Assessment

The CWC addictions counsellors are part of the CWC core wellness team. They are specifically contacted by the PCM if it is believed that the client may have substance abuse problems.

If the client has substance abuse problems, the following assessments may be conducted by the CWC addictions counsellors:

- Drug Abuse Screening Test (DAST) – measures severity of problems occurring by determining the life areas negatively affected by an individuals' drug use.
- Problems Related to Drinking Scale (PRD) – measures severity of problems by determining the life areas negatively affected by alcohol use.
- Alcohol Use Questionnaire (ADS) – assists to measures severity of physical and mental damage done by alcohol.
- Inventory of Drug-Taking Situations (IDTS) – identifies life situations that the individual is likely to use or is at risk of using drugs and/or alcohol.
- Drug-Taking Confidence Questionnaire (DTCQ) – identifies individual's level of confidence to deal with life situations without using drugs and/or alcohol.

These tools evaluate the degree of substance abuse severity over the last 12 months.

A semi-structured interview assessment tool is also used. It looks at the detailed history of the client's use patterns, negative and positive consequences to use, life areas impacted by use, decision-making abilities and motivation level of change.

Many of the clients of the CWC are expected to have significant alcohol and other drug addictions. If the client is in active withdrawal and they are in custody at the time, the release from custody may be delayed until they are stabilized.

2.3.4 Mental Health Assessment

A CWC mental health nurse is part of the CWC core wellness team. If the client has, or is suspected of having a mental health problem, they are referred by the PCM to a mental health nurse through completion of a referral form. The nurse meets with the client to conduct a mental health intake assessment.

After completing the initial intake assessment, the mental health nurse arranges a psychiatric assessment by the consulting psychiatrist if needed. Following completion of the assessment/s the mental health team will decide based on the admission criteria according to the general mental health service guidelines set out by the Department of Justice, the assessments, and discussions whether they can provide mental health services to the CWC client.

If the client meets the CWC criteria and the mental health guidelines for service, the mental health nurse develops a mental health case plan for the client. This plan includes the following major elements:

- psychiatric/nursing diagnosis
- client objectives
- interventions & treatment
- recommendations

The mental health team may also arrange other psychological and/or psychiatric testing, therapy or admissions that the client may require. These may include: psychological

tests (i.e. the Hamilton Depression Rating Scale, personality inventory); neuro-psychological testing; specialized therapy (i.e. dialectical behaviour therapy, trauma counselling); and, admissions to the Whitehorse General Hospital or other psychiatric units required for stabilization or rehabilitation.

The mental health treatment plan is submitted to the PCM, Crown and defence counsel, and to the Court. The PCM integrates the mental health treatment plan into the client's overall wellness plan.

2.3.5 FASD Assessment

If a client is suspected of having FASD, the PCM will administer the Fascets screening tool. This screening tool is used to support the referral and diagnosis process and is not intended as a diagnosis tool. This tool would be used should FASD be suspected and in absence of an FASD diagnosis.

A client may be placed on a waitlist for a comprehensive FASD diagnosis. This waitlist is maintained by the Fetal Alcohol Spectrum Society of Yukon (FASSY).

2.3.6 Other assessments

Other assessments will be conducted as they are formally incorporated into the CWC process.

2.4 Wellness Plan Contents

Services and supports are developed based on the following list of potential wellness needs (see Appendix B):

- Substance Abuse
- Mental Health
- Housing
- Family support
- Education/employment
- Family/Marital
- Parenting and Child Care
- Medical Concerns
- Cognitive Issues
- Leisure/Recreation
- Spirituality
- Attitude
- Professional Support
- Emotional issues
- Financial
- Other

2.5 Wellness Plan Case Conference

After assessments have been completed, the PCM convenes a wellness plan case conference. Members of the core team, family/support person and community services providers are brought together for a case conference prior to the plan being submitted to the judge.

At the case conference, the client's wellness plan is finalized.

Wellness plans are submitted to the court, Crown and defence, two days prior to the client's court date.

2.6 Wellness Plan Submission

On the day that the client's Wellness Plan is scheduled to be submitted to court, the plan is discussed at the pre-court meeting. In the CWC, the Judge engages the client in a brief discussion about their plan during the court check-in.

**CWC Core Wellness and
Pre-Court Team Members**

1. Core Wellness Team

The Wellness Team core members are as follows:

1. PCM
2. CWC addictions counsellor
3. CWC mental health team (mental health nurse and consulting psychiatrist)
4. CWC physician

If the client is First Nations, the Wellness Team core members may include, with the client's approval, one or more of the following:

- representative of the client's First Nation
- support person, including family members(s)

If the client is diagnosed with, or suspected of having FASD, the Wellness Team core members may include, with the client's approval:

- a representative of FASSY
- support person, including family member(s)

Members of the client's expanded Wellness Team may include representatives from government and community service providers.

The client's expanded Wellness Team also includes any additional support person(s) that the client has identified. This could be a member of their family, First Nation, a friend, AA sponsor, employer, etc.

2. Pre-Court Team

Members of the CWC pre-court team are as follows:

1. CWC coordinator (Chair)
2. CWC Judge (present only for clients who are in their Wellness Journey)
3. Aboriginal Court Worker
4. Crown counsel
5. Defence counsel
6. Primary Case Manager
7. CWC mental health nurse
8. CWC addictions counsellor
9. Crown Witness Coordinator

**Community Wellness Court
Wellness Plan**

Name:

DOB:

Reason for Referral:

Treatment Team:

Social History

Determinants of Wellness:

Substance abuse

Mental Health

Housing

Family support

Education/employment

Family/Marital

Parenting and Child Care

Medical Concerns

Friends

Cognitive Issues

Leisure/Recreation

Spirituality

Attitude

Professional Support

Emotional issues

Financial

Other

Assessments

- LSI/CMI:
- General Health Questionnaire:
- FAS Questionnaire

Wellness Plan

Report prepared by:

Date: