Navigating Ethical Rules in Juvenile Healing to Wellness Courts- Part One

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Presented By:

The Hon. Carrie E. Garrow, Chief Judge Saint Regis Mohawk Facilitation By:

Anna Clough and Jacob Metoxen, Tribal Youth Resource Center

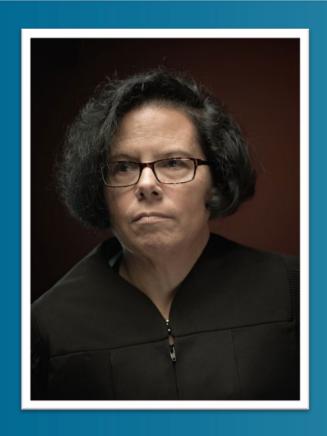


Opening in a Good Way





Today's Presenter



Judge Carrie E. Garrow (Mohawk) Chief Judge, Saint Regis Mohawk Tribe



Session Facilitation



Jacob Metoxen
Training and Technical Assistance Specialist
Tribal Youth Resource Center



Anna Clough
Co. Dr., Juvenile Wellness Courts Lead
Tribal Youth Resource Center



Overview

- Why do we need ethics and confidentiality rules?
- Different rules for different team members
- Working within these rules while also promoting an environment that allows for open communication and collaboration
- Confidentiality
- Family Involvement



Why ethics?

- Ethics defines what is good for individual and society establishes the nature of duties we owe ourselves and others
- What happens if we have no standard of our professional duties?



Structure of Wellness Court

In General-

- Non-adversarial
- Team-Oriented
- Promotes transparency and communication for the benefit of the participant
- Phases



- Counsel must provide competent, diligent, and zealous advocacy to protect client's procedural and substantive rights – National Juvenile Defense Standards
- The primary responsibility of the clinical social worker is to the individual patient, the family, or the group with whom he or she has a professional relationship. Clinical social workers respect the dignity, protect the welfare, and maximize the self-determination of the patients with whom they treat. NYS Society for Clinical Social Work Code of Ethics

- A judge shall perform the duties of the judicial office impartially, competently, and diligently. Canon 2, Model Code of Judicial Conduct
- Education team members Family Educational Rights and Privacy Act (FERPA)



- Individual Roles
 - Multi-layered-Consider the multiple layers of obligation
 - For example potential Federal, State, Tribal and Licensure Obligations



- What are the ethical standards/codes of conduct of team members who are not bound by other canons/licensure requirements?
 - Juvenile Healing to Wellness Courts
 - Mentors/Volunteers "Promote the Welfare and Safety of the Young Person"
 - Supplemental Programming (Pro-social/Recreational)
 - Tribal Employees (Tribal Codes of Conduct/Standards for Employees)
 - Elders

Discussion

- Shared community values that determine ways that the team will interact with the youth. How to find these?
- Does your community have formal standards of conduct for governance and/or employment?
 - Uniformity/Non-Tribal Employees?
- Who is required/bound by terms/standards?
- What are you required to comply with?
- What is the process for challenges/Resolution process?



Confidentiality

- Why confidentiality rules?
- Minors must give consent in JHWC and they can revoke consent to share information
 - Parent role in consent
- How do you ask minors to give consent?
- What issues do you have with confidentiality?



Family Involvement

- Involve youth in identifying family/mentors
- Use assessment process to determine need to involve absent family
- Use strength-based approach with family
- Involve family in planning and case management family group planning then develop a contract
- Assist family with seeking services they need



Family Involvement

Demonstrate respect for their partnership

- Timing of hearings
- Provide transportation and childcare
- Find resources that are accessible
- Provide time for discussions with parents when youth are not present
- Empower family to impose sanctions and incentives



Family Involvement

Avoiding adversarial dynamics

- Avoid arguing and reacting to behavior that seems uncooperative
- Be willing to share power in collaboration process
- Allow time for trust to grow
- Do not let authority of drug court team or client's resistance predict case outcome

 When needed provide mediation, counseling, family-focused meetings to find common interest and build agreements between families and drug court



Juvenile Rights and Relationship

Notice/Due Process

- Expectations (Orientation)
- Requirements (Case Plan)

Policies and Procedures

Communication Plan

Necessary Disclosures (To Protect Youth or Others)

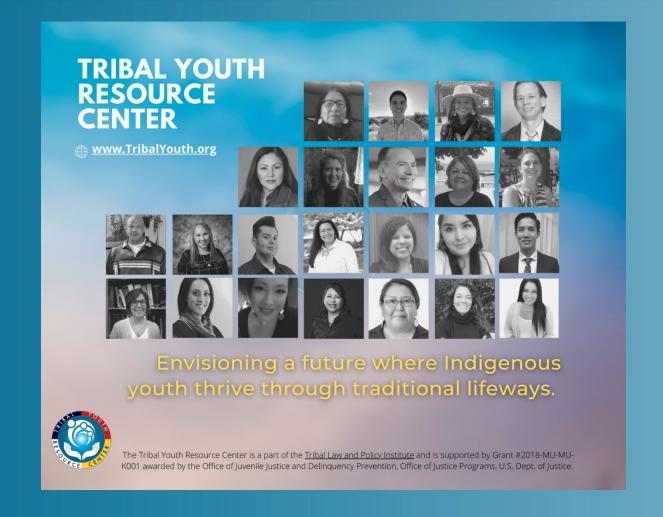
- Harm
- Fraud
- Abuse/Neglect (Must disclose/Liability for non-disclosure)



Questions?



Thank You!



Closing in a Good Way





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