



Best Practice Framework for Nova Scotia Wellness Court Programs

Wellness Court Programs Steering Committee
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Foreword

How can a Wellness Court Program meet diverse community needs?

The goal of a Wellness Court Program is to improve the wellbeing of adults involved with the criminal justice system without compromising community safety. This document is intended to help community members identify and create Wellness Court Programs that meet specific community needs. It is recognized that “one size does not fit all.” Communities may identify that a substance abuse treatment Court is needed, where other communities may need a Court that focuses on mental health, while others need to address issues of family violence. While those needs may differ depending on the dynamics in each community, this document outlines principles that apply across programs. As such, this *Framework* document may be adapted to develop problem-solving approaches in Wellness Court Programs to address issues related to mental health, substance abuse/gambling, domestic violence, and other social issues. The full articulation of the guiding principles/non-negotiables can be found in the [Terms of Reference – Wellness Court Programs Working Group](#).

Although care should be taken to reflect the principles in all aspects of any Wellness Court Program, their application must include adherence to legal requirements, including statutory obligations. A vital pre-condition is that the Crown must have a provable case against the participant. The underlying principles to be reflected in all aspects of Wellness Court Programs can be found in the [Terms of Reference – Wellness Court Programs Working Group](#).

How might your community benefit from a Wellness Court Program?

The major benefits for your community derive from the fact that the Program is driven by needs specific to your community. The Program is delivered by a team of professionals who provide support and supervision to participants. Education and training, evaluation, Judicial interaction, and leadership are also essential components. The aim is to promote healthier and safer individuals, families, and communities.

In determining whether your community will benefit from a Wellness Court Program, it is important to establish your needs. Consideration should be given to both the values and needs of your community with respect to mental health, substance use/gambling, domestic violence, and/or other social issues. Since those values and needs may differ among communities, Wellness Court Programs may offer different services in different communities.

What are the community needs and capacity to sustain a Wellness Court Program?

The first step is to establish meetings with interested community stakeholders who represent diverse interests including justice and health. (*See Appendix A for a sample Stakeholder Letter of Interest.*) In this initial assessment, it is important to gather relevant data to inform the creation/development of the right type of Wellness Court Program. Data should include:

- Number of individuals before the Court, local community values, and nature of the issues in the geographic region, e.g., substance-use/gambling, domestic violence, mental health, etc.
- Arrest and disposition figures, and number of calls related to the issues of interest, e.g., substance-use/gambling, domestic violence, mental health and/or other social issues. In consultation with local police or the Crown Attorney's office, collect the number of identifiable arrests and convictions, lengths or incarceration, and recidivism rates.
- In partnership with treatment providers and service agencies, collect data regarding trends in substance-use/gambling, domestic violence, mental health and/or other social issues. This may include reviewing admissions/intakes, referrals/intakes indicating justice system involvement, and readmission rates. Also, treatment providers may have data/information regarding specific levels of care available in the community and be able to identify any gaps in services.
- Inventory of resources/supports available within the community.
- Identification of gaps in resources needed for sustainability of the Wellness Court Program.

[Creating the Steering Committee and Wellness Court Program Team](#)

Who should be included on the Steering Committee?

A Steering Committee should be established after the community needs and capacity assessments are completed. The Steering Committee should be made up of a diverse group of community leaders and stakeholders, including Justice, Health, and Community Services but must include members who are authorized to enter into service agreements and/or delegate individuals to attend meetings on behalf of each of their organizations. Diversity of interested stakeholders on the Steering Committee will ensure that the community's assessment considers its diverse needs and capacity.

What are the responsibilities of the Steering Committee?

- Determine if Attorney General approval is required. If so, complete the required steps to obtain approval. *(See Appendix B for a sample Attorney General Approval of Drug Treatment Court Program.)*
- Consider resource availability in deciding upon a Program. For example, long-wait lists for services in an area where a Wellness Court Program is being considered will be a factor in whether the Program will operate or what criteria will be applied to the Program.
- Develop Program goals, objectives, and a mission statement. This should occur early in the Court Program development process.

- During the initial stages of the formation and implementation of the Court Program, the Steering Committee will have frequent regular meetings.
- Once the Court Program is fully established, the Steering Committee should, at a minimum, meet semi-annually to review Program performance, address any required changes to policies or procedures, provide direction/advice to the Program if requested, and consider modification of the Program mandate in consideration of changing community resources and/or legislation.
- Determine the makeup of the Wellness Court Program Team.
- Ensure compliance with the requirements of the *Provincial Evaluation Framework* for Wellness Court Programs. (Refer to the [Terms of Reference](#).)
- Explore avenues for funding including formalized agreements, grants, and contracts; in-kind contributions; and community and service group grants.
- Ensure the issues of a delayed sentence/resolution are adequately addressed in the [Consent to Participate](#) and [Waiver of Delay](#) forms. Restorative justice does not require a formal waiver, but the issue may arise. The [Consent and Waiver](#) form should address the issue of delay, as delay may occur at the pre-plea stage, assessment stage, or at sentencing to facilitate an individual proceeding. It will be good practice to put on the record the reason for the delay.

Who should be included on the Wellness Court Program Team?

A Wellness Court Program Team must include the Judge, Legal Aid or Private Counsel, Crown Attorney(s), Probation, and a Mental Health and Addictions clinician and/or other members with relevant competencies specific to the mandate of the Court Program. Other service/provider members may be added based upon the needs assessment, but care should be taken that everyone conforms to confidentiality and privacy requirements of internal policies and relevant legislation. Applicants sign a [Nova Scotia Health Authority Consent to Share Health Information](#). Observers may attend pre-Court meetings provided they sign a [Confidentiality Agreement](#).

Non-governmental Organization (NGO) service providers, such as clergy, advocacy organizations, housing providers, and law enforcement agencies, may be accessed to provide support service to participants of the Program; however, they should not be part of the Program Team due to privacy and ethical considerations. Other service providers may be requested to speak to the Wellness Court Program Team, so it will be necessary to establish protocols, Memorandums of Understanding, and agreements to ensure information privacy.

The Wellness Court Program Team will meet before each Court's sitting. The pre-Court meeting is an important feature of the Wellness Court Program as each partner can contribute information concerning each participant. The Judge will typically facilitate the Team's progress review of each participant who is on the Court docket. The pre-Court meeting will also include

reviewing eligibility screens, discussing applications, and reviewing participant progress. Participant incentives and sanctions and forward-planning should be discussed.

Participants of the Wellness Court Program waive the right to attend these meetings and agree to be represented by their counsel. In special circumstances, Duty Counsel may be required to attend. Furthermore, the participants agree to their case being discussed at the pre-Court meeting, including their participation and progress in the Program.

Specific Wellness Court Program Considerations

What are the guiding principles for a Wellness Court Program focusing on mental health disorders?

- Collaboration and Support - A spirit of interagency collaboration and governmental support is essential to benefit the stakeholders, the community, and the Program participants. Ongoing liaison among services is essential.
- Safety and Security - There is a need to consider, acknowledge, and respond to the requirements of safety of both the participant and the public. In doing so, we will work with victims, accused, families, and communities to establish, increase, and promote safety.
- Community Engagement - To maximize the impact of the Program, there is a need to extend the collaboration to both community organizations and the community at large.
- Continuous Learning, Education, and Support - Learning from each other is integral to the success of this type of Court Program, and it is important that each member of the Team remain flexible and responsive to changes. Public education is important to improve awareness and understanding of the Program. A component of education and support necessitates ongoing meaningful data collection and analysis.
- Cultural Safety/Inclusion - Indigenous people, African Nova Scotians, and people of African descent are over-represented in the traditional criminal justice system. The traditional justice system has not always been inclusive, responsive, or accessible to member of the LGBTQ2+ communities, refugees, and new Canadians. These factors must be recognized and addressed in the supports and programs delivered.
- Best Practice - It is important that all team members utilize current best practices. This may include, for example, the [Recovery Focused Approach](#), [Risk-Need-Responsivity Model](#), etc.

What are the guiding principles for a Wellness Court Program focusing on substance use/gambling disorders?

Wellness Court Programs that are established to address substance use health issues in a community should reflect the following nationally established guiding principles, contained in the [Policy Framework for the Drug Treatment Court Funding Program](#):

- Access to a continuum of substance and/or mental health related treatment and rehabilitative services that are integrated with justice system case processing.
- Abstinence or reduction in use of illicit drugs is monitored by frequent random substance-use testing.
- Ongoing case management provides social support necessary to achieve social reintegration for the participant.
- Forging partnerships among Courts, Corrections, treatment and rehabilitation programs, public agencies, and community-based organizations to enhance Program effectiveness.
- Using a non-adversarial approach, the Crown Attorney and Defence Counsel promote public safety while protecting participants' Charter rights.
- A coordinated strategy governs the Court's response to participants' compliance and non-compliance.
- Timely, certain, and consistent sanctions for non-compliance or rewards for compliance are developed.
- Ongoing Judicial interaction with each participant is essential.
- Appropriate flexibility in adjusting Program content, including incentives and sanctions, to better achieve Program results with particular groups such as women, Indigenous people, African Nova Scotians, and other minority/ethnic groups.

What are the guiding principles for a Wellness Court Program focusing on domestic violence?

Domestic violence is deliberate and purposeful violence, abuse, and intimidation perpetrated by one person against another in an intimate relationship. It may be a single act or a series of acts forming a pattern of abuse.

The purpose of a Wellness Court Program focusing on domestic violence is to respond to the needs of people affected by domestic violence and offer meaningful interventions which lead to safer families and communities.

- The safety of those harmed by domestic violence is the priority.
- Programs should be responsive to the needs of survivors, families and accused people.

- Programs, services, and processes should respond to people’s cultural needs and lived experiences.
- Programs, services, and processes should be trauma-informed.

What is the role of victims within a Wellness Court Program?

Working with victims is a welcome part of a Wellness Court. Victims have rights and needs which are required to be met in a proactive and comprehensive manner. Victim Services involvement is crucial. They provide opportunities for victims to receive support and legal information about the criminal justice system. Ideally, a specific Victim Services staff member is assigned to a Wellness Court Program, providing consistency and experience to the Program.

Oftentimes, the victim is unhappy for the individual to go through a Wellness Court Program. It is frequently seen as a “soft option.” Victim Services and the Crown can help change this view by educating the victims and explaining what is involved in such a Wellness Court Program. This also assists with encouraging public confidence in the Court.

Hearing from victims early on is key. Unlike the regular Court system which receives Victim Impact Statements at sentencing, Wellness Court Programs must be more creative in hearing victims’ voices in the early stages of the process. One way this can be achieved is by using the [Victim Voice](#) form. This is like a Victim Impact Statement but is completed by the victim early in the process, thereby, allowing the victim input at the beginning. Elements of the wishes of the victim can then be incorporated into the participant’s Support Plan where appropriate.

Such participation may also involve creating an opportunity for the victim and participant to meet to foster greater understanding and accountability. This would be done only if it is determined to be safe for all involved. In domestic violence cases, the safety of the victim and the victim’s willingness to participate, must be determined before a meeting could be considered.

Victims are often family members, friends, neighbours, and caregivers, who provide support and supervision. Repairing harms and restoring relationships are often crucial to recovery and wellbeing of participants.

In some Wellness Court Programs, like the Domestic Violence Court Program (DVCP), additional community supports are in place to assist victims. Support workers from community agencies are members of the Program Team, providing resources and one-on-one support to victims. These support persons also work with victims to determine what they would like to see happen as part of the DVCP process and bring the victim’s recommendations forward to inform the participant’s Support Plan.

There are, no doubt, many other ways in which victims could be involved in the process. What is important is that they are involved in the process in a way that is meaningful.

Accessing a Wellness Court Program

How can individuals apply to a Wellness Court Program?

In advance of an [Application](#) being heard by the Wellness Court Program Team, the applicant will be required to meet with counsel (private or duty), to review the charges that the applicant faces to ensure that they are aware of their charges and that they are acknowledging having committed the alleged offences. Counsel will also explain the requirements that must be met to qualify for the Program. This review will include the treatment and legal requirements applicable to the Program. Counsel will also ensure that the applicant is aware of what the expectations of the Program are (e.g. frequent attendances, monitoring, testing, etc.).

Once counsel is satisfied that the applicant is fully informed, counsel will review with the applicant any paperwork that requires signatures (releases, consents, etc.). Counsel will also continue to meet with applicants through the application phase to ensure they remain informed and continue to consent to the process.

Wellness Court Program Eligibility

Who is eligible to apply?

Consistent with the [Terms of Reference](#), eligibility criteria must include both applicant and offence characteristics and be responsive to the needs of the community.

The following criteria must be established to promote successful completion of a Wellness Court Program:

- Have access to legal counsel and understand the Program requirements before agreeing to participate.
- Voluntarily agree to participate in the Program.
- Be willing to engage in an individualized Support Plan.
- Be subject to the age requirements of the treatment program.
- Reside in the service area (specific to each Program) and be charged with an offence(s) committed in and/or waived in by consent in the Judicial area.
- For Wellness Court Programs that address mental health and substance-use/gambling, participants have:
 - A moderate to severe substance-use/gambling disorder and/or a significant and persistent mental illness(es).

- The substance-use and/or mental health disorder (as set out in the eligibility criteria) must be connected to the offence(s) (often called the nexus).
- The issue that brings the applicant to Court must fit with Program resource capacity.
- Must be able to have their risk managed in the community.

For Domestic Violence Court Programs, applicants:

- Are adults in an intimate partner relationship. Many charges may be related to domestic violence. It is the relationship between the accused and the complainant that defines whether a case is identified as suitable for a Domestic Violence Court Program.
- Reside within the area of the Court.
- Accept responsibility, usually through a guilty plea to the act or omission that forms the basis of the offence(s).
- Agree to participate in risk/needs assessments and information sharing to determine the recommended program(s) and/or intervention(s).
- Engage in the recommended program(s) and/or intervention(s) and report back to the Court.
- Must be able to have their risk managed in the community.

Factors to consider:

- Nature of the current offence
- Past offence history
- The mental health, substance-use/gambling disorder, domestic violence and/or other social issues related to the offense
- Individual participant functioning
- Treatment history
- Residency
- History of violence
- Whether treatment resources are reasonably available to serve the individual's needs, prognostic risk, and criminogenic needs

NOTE: The Crown Attorney (Federal or Provincial) has the discretion to withhold consent for an application.

Persons Charged with Drug Offences

Persons charged with a drug offence under the *Controlled Drugs and Substances Act (CDSA)* who also have a substance-use disorder (addiction) may wish to apply to participate in a Wellness Court Drug Treatment Program. Applicants may be referred for screening if the Wellness Court Drug Treatment Program has been approved by the Attorney General of Canada (Section 10(4) (a) of the *CDSA*). However, if a federally-approved Wellness Court Drug Treatment Program does not exist in a jurisdiction, the Federal Crown Attorney can consent to individuals applying to attend a Court-supervised provincially-approved treatment program pursuant to Section 720 of the *Criminal Code* such as an addiction treatment program (Section 10(4)(b) of the *CDSA*).

If the person is accepted into an approved treatment program, the sentencing of the drug offence can lawfully be delayed for the purposes of completing the program. Furthermore, if the program is completed successfully, both Section 10(5) and subsection (4) allow a Court to avoid imposing any mandatory minimum punishments that may apply to the drug offence for which the person was convicted. (*See Appendix B.*)

A “federally-approved” Drug Treatment Court (DTC) program means that the Wellness Court Program has been assessed by the Attorney General of Canada and has been determined to comply with the following list of internationally recognized Drug Treatment Court principles. These principles have been adopted by the Canadian Association of Drug Treatment Court Professionals (<http://www.cadtc.org>):

- Integrated justice system case processing and addiction treatment services.
- A non-adversarial approach to case problem-solving by the Judge, Crown Attorney, and Defence Counsel.
- Eligible participants are identified early and placed in the Drug Treatment Court Program as promptly as possible.
- Drug Treatment Court Programs provide access to a broad continuum of treatment and rehabilitative services.
- Objective monitoring of participants’ compliance by frequent and random substance-abuse testing.
- Coordinated strategic response to Program compliance and non-compliance by all disciplines involved (including police, probation, Crown Attorney, treatment providers, social workers, and the Court).
- Swift, certain, and consistent sanctions or rewards for non-compliance or compliance.
- Ongoing direct Judicial interaction with participants.
- Monitoring and evaluation processes for the achievement of Program goals and to gauge effectiveness.
- Continuing interdisciplinary education of the entire DTC Team.

- Forge partnerships among Courts, treatment and rehabilitation programs, public agencies, and community-based organizations to increase Program effectiveness and generate local support for the Program.
- Ongoing case management including social re-integration support.
- Adjustable program content, including incentives and sanctions, for groups with special needs, e.g., women, Indigenous people, African Nova Scotians, and other minority/ethnic groups.

What should be considered when screening applicant eligibility?

When determining eligibility, the following steps are necessary to ensure the Wellness Court Program can meet the needs of the applicant while ensuring public safety and confidence in the justice system.

Crown Screening

Public safety is the primary focus of Crown screening. Section 720 of the *Criminal Code* requires Crown consent for an individual's participation in a Wellness Court Program. Here are some of the criteria a Crown Attorney may take into consideration when making an eligibility decision. This is not an exhaustive list as screening may include other relevant information and documentation:

- The application process
- The charges before the Court and the underlying allegations
- The applicant's criminal history (previous charges and convictions)
- Probation input
- Police input
- Any additional information the applicant chooses to submit

Mental Health and Substance Use Screening

The eligibility screen is conducted by a Mental Health and Addictions clinician with relevant competencies who has been assigned to the Wellness Court Program.

The comprehensive assessment should include:

- DSM-5 criteria for substance use and/or mental health disorders(s) specific to the eligibility criteria and criteria for establishing a connection between the applicant's substance use and/or mental health disorder(s) and the offence.
- The screening tools may also identify:
 - Readiness and motivation for change

- Perceived social supports and resources
- Physical wellness
- Goals
- Family history
- Relevant substance use/mental health history
- If the applicant presents in crisis or with immediate needs, the clinician should respond with appropriate intervention(s), e.g., referral to emergency hospital personnel.
- A signed [Consent to Share Health Information](#) by the applicant, giving informed consent for the screen to be released to the Wellness Court Program Team.

Recidivism Risk Level Screening

Following the *Risk Need Responsivity Model*, participants should meet a risk level of medium or high to reoffend as determined by a validated screening tool such as the [Level of Service/Case Management Inventory \(LSI/CMI\)](#). The level of supervision and intensity of service should be aligned with the identified recidivism risk level. The participant’s culture must also be considered when identifying the level of supervision and intensity of service (see [Cultural Competence: A Guide for Wellness Court Programs in Nova Scotia](#)). Additional risk assessment information may be required to determine if risk can be managed in the community.

Wellness Court Program Participation

How does the Wellness Court Program ensure effective monitoring?

Court Release Conditions

A participant may already be subject to release conditions of the Provincial Court. Orders subsequently varying the release conditions may be sought from the presiding Program Judge based on input from the Team during the monitoring process. The release conditions should be based on the circumstances of the participant and in keeping with public safety.

The release conditions should be individualized and are designed to assist the participant in meeting the goals of their Support Plan that may include, for example, participation in their wellness program and avoidance of high-risk places and people.

Each Wellness Court Program should develop its own set of [Release Conditions](#) to support program expectations and address the safety needs of the community including victims. Particularly, for matters that involve intimate partner violence, release conditions must consider protective orders from other Courts.

In the case of participant's breaches, the Program Team's response should be therapeutically informed, wherever possible, to encourage the participant's continued engagement with case planning, compliance with programming, and to reinforce their efforts.

Substance Use Screening

Harm reduction is the model applied to Wellness Court Programs in Nova Scotia. In Wellness Court Programs with a substance-use focus, substance-use screening is used as a tool for assessing overall progress and engagement with both the Program and the participant's individualized Support Plan.

The following processes are recommended for substance-use screening:

- Urine collection and/or breath testing for alcohol
- Urine collected randomly and on short notice to the participant
- Use of Nova Scotia Health Authority-approved substance-use testing that also identifies tampering
- Witnessed urine screening

If applicable, the Wellness Court Program must also adhere to the substance screening recommendations of the [Drug Treatment Court Funding Program](#).

Support Plans

The [Support Plan](#) is a key tool in ensuring effective monitoring and support. It should be flexible to meet the needs of both the participant and the community. The Support Plan should include anticipated timelines and psycho/social planning. It needs to be reviewed regularly. A Support Plan is recovery-oriented and prepared in accordance with best practices. As such, the participant should be consulted and participate in the development of their Support Plan that recognizes clinical and criminogenic needs, probable outcomes, the participant's functional and adaptable abilities, and is in keeping with the guiding principles. Information gathered from the screening process can also inform the development of the Support Plan.

The plan may include information on:

- Severity and nature of the individual's mental health and/or substance use disorder, domestic violence, and/or other social issues.
- A safe living environment.
- The individual's social support system.
- Clinical and psycho/social needs.

- Cultural relevancy. See [Request for Services for Mi'kmaq and Aboriginal People](#).
- Functional impairments that might require rehabilitation services, such as brain injuries or physical abilities.
- Limitations in basic adaptive abilities that might require assistance with improving literacy, job skills, language skills where appropriate, and life skills.
- Consideration of barriers to participation in services such as telecommunications, transportation, and immediate needs (e.g., food security).
- Strategies to support participants in setting realistic expectations for the Support Plan.

Support planning must include specific consideration of criminogenic needs that directly influence the individual's risk of criminal behaviour -- this includes substance use, but also includes:

- Association with individuals who continue to be involved in criminal activity and/or the absence of individuals who promote positive social connections.
- Presence of pro-criminal thinking styles that support poor decision-making and problem-solving and use of criminal behaviour as justified.
- Poor behavioural controls/impulsivity/emotional reactivity associated with poor choices
- Limited/lack of use of structured pro-social leisure/recreation activities, family dysfunction/intimate partner relationship conflict.
- Education and employment issues.

Meaningful personal goals, which build on protective factors and personal strengths, should be embedded in Support Plans to maximize the participant's likelihood of success.

Judicial Oversight/Court Appearances

A participant in a Wellness Court Program must attend Court on a regular basis. This participation in Court allows for the Wellness Court Program Team to frequently review the participant's progress ([Progress Review Tracking Form](#)) as it relates to their Support Plan, determine incentives/sanctions, and discuss the participant's status (i.e., successful Program completion). Frequency of Court sittings should be determined by Court time availability and community needs.

Incentives and Sanctions

Wellness Court Programs permit the criminal justice system to offer a substantially richer and more effective range of incentives and sanctions than is ordinarily available in the traditional Court setting. Therapeutically-informed incentives and sanctions, applied according to a sliding scale in response to a participant's behaviour, can effectively encourage engagement with case planning and compliance with programming. They can also reinforce participant efforts. The development of a wide and creative range of incentives and sanctions that are in keeping with the goals, mandate, and underlying principles set out in the [Terms of Reference](#) is a must for effective Wellness Court Programming. See for example [The Drug Court Judicial Benchbook](#) by the National Drug Court Institute.

Wellness Court Program Completion/Graduation

How does a participant complete a Wellness Court Program?

Successful Completion

Each Program should establish standardized criteria for successful completion of the Program. Participants need to know what is required of them. Successful completion will be based on the participant's Support Plan which has incorporated both their strengths and areas of concern.

For treatment programs approved under Section 720 of the *Criminal Code*, criteria for successful completion may differ from Federal Drug Treatment Programs approved under Section 10(4) of the *Controlled Drugs and Substances Act*. Guidelines for successful completion of Federally Approved Drug Treatment Programs include:

- Proven abstinence for a minimum of three months that is confirmed by an approved drug test for methamphetamine, cocaine, heroin, or other opiates.
- Substantial participation as directed by the Program, which includes, at a minimum:
 - Compliance with treatment components
 - No new findings of guilt or outstanding *Criminal Code* or *Controlled Drugs and Substances Act* charges
 - Evidence of pro-social activity such as employment, education, volunteer work, and stable housing, all of which contribute to reducing the likelihood of reoffending
- Successful completion criteria should also take into consideration individual participant functioning.

Concluding Participants' Matters before the Court

While acceptance of responsibility is necessary, a guilty plea may not always be required. It is important to note that a restorative approach is taken which includes accountability, reparation of harm, and, where appropriate, restoring relationships. Sentencing must consider statutory requirements and, where appropriate, *Gladue* reports, cultural impact assessments, and victim impact/victim voice statements. The [Policy Framework for the Drug Treatment Court Funding Program](#) outlines legislation to support alternative sentencing options.

Recognition of Successful Program Completion/Graduation

Because we want to promote progress and encourage continued success, we make a distinction between “completing” and “graduating” from the Program. There may be situations where a participant is making progress, but for some reason is not quite able to meet all the criteria required for “graduation.” In these cases, at the Program Team’s discretion, the participant can be recognized as having “completed” the Program. A graduation may occur when a participant has done well in the Program and deserves recognition for that work.

Recognition activities may vary across Programs because, to be effective, they must be meaningful and relevant to the participants involved. Here are some possibilities that might work for your Program:

- Well wishes from Counsel
- Card from the Program Team or Judge
- Certificate
- Medal
- Celebration with food/refreshments that includes participation by supporters
- Mark the occasion in a reflective manner such as with an artwork, piece of music, a poem, or spoken word

After Wellness Court Program Completion/Graduation

Post Program Support Plan

Completion is the first step in the participant's path to wellness, and a very important component of completion is post-program support -- the After-care Plan. The Wellness Court Program should provide a set of tools/skills to assist the participant in developing post-program resources and a circle of supports that will continue to guide them on their ongoing path of wellness.

The [Post Program Support Plan](#) may include:

- A written list of possible resources
- Relapse prevention
- Personal family support
- Culturally relevant supports
- Peer supports
- Recidivism prevention
- Housing stability
- Income stability
- Community supports
- Mental health supports and counselling
- Maintaining physical health
- Education
- Employment
- Volunteering
- And others as required

Exit Interview

Participants who have successfully completed the Wellness Court Program should also be invited to complete a [Client Experience Survey](#), the purpose of which is to support further Program developments.

Final Word

The diversity of Nova Scotia communities, participants, and available services means there cannot be one set approach to the creation and development of a Wellness Court Program. There is no “one size fits all.” The creation of Wellness Court Programs will come through the dedicated work of justice system participants, community members, and service providers collaborating to create Programs that are flexible, diverse, and culturally relevant. Although the work may seem daunting at times, there are many people and resources available to assist communities wishing to create a Wellness Court Program. This document, along with the attached Appendices, links to the [Terms of Reference](#), [Cultural Competence: A Guide for Wellness Court Programs in Nova Scotia](#), and other supporting documentation, are intended to provide guidance, assistance, and best practices from which to draw upon. Please contact the Chief Judge’s Office at (902) 424-8750 for further information and to obtain the Wellness Court Program document templates.

Appendix A
Sample Invitation to Potential Stakeholders

Re: Wellness Court Program in [location]

You may be interested to know that the Provincial Court of Nova Scotia is considering a Wellness Court Program at the Court House in [location].

What is a Wellness Court Program?

Wellness Court Programs are specialty or therapeutic Courts where a team of professionals helps treat the issues contributing to the individual coming into conflict with the law, such as mental illness, substance abuse, or gambling. Another area in which specialty Courts have been established is domestic violence.

Collaboration and creative problem-solving are central to these programs. Unlike the traditional adversarial approach of the regular criminal Courts, Wellness Court Programs develop and administer a Support Plan that is unique to the needs of each individual participant.

The Court Team, including a Judge, Crown and Defence attorneys, clinicians, and other professionals, monitors the individual's progress while still holding them accountable for their crime and continually assessing their potential risk to the public.

Do Wellness Court Programs really make a difference?

Yes. Wellness Court Programs work because they connect people with the services and supports they need, which they were often unable to access leading up to the offence. Studies show that individuals who complete their personalized treatment have positive community interactions and are less likely to reoffend, compared to the rate of recidivism for people who go through the traditional Courts. Wellness Court Programs may also provide opportunity for victim (or community) participation and involvement.

Why am I receiving this invitation?

No matter the type of Wellness Court Program, the common thread among all these Courts is that the participant is a member of the community, the services are found in the community, and most importantly, the community benefits as much as the participant who successfully completes the Program.

We have identified you, or your program/organization, as one whose work reflects an interest in the well-being of the community. As such, you may be interested in this Program or even have services or resources that may be beneficial to Program participants.

We would like to invite you to attend a meeting of stakeholders who may wish to be involved in any new Wellness Court Programs in the community.

The meeting will be held at _____ commencing at _____ on ____ day the ____ of _____, 2019.

If you or a representative on your behalf can attend, kindly confirm by email or telephone to _____ at either (902) _____ xxxxx@courts.ns.ca.

For those who want to learn more about examples of Wellness Court Programs in Nova Scotia and across Canada, links to resource materials are listed below:

<https://www.courtinnovation.org/>

<http://www.provincialcourt.bc.ca/about-the-court/specialized-courts>

<https://nij.gov/topics/courts/pages/specialized-courts.aspx>

<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/drgtrtmnt-vncvr/drgtrtmnt-vncvr-eng.pdf>

<http://courts.ns.ca/Provincial Court/NSPC documents/Evaluation Report NS MHC 15 04 16 .pdf>

<https://ndcrc.org/resource/process-and-outcome-evaluations-of-the-hualapai-wellness-court/>

<https://nij.gov/topics/courts/drug-courts/Pages/work.aspx>

Yours very truly,

[Judge's name]

Appendix B
Sample Attorney General Approval of Drug Treatment Court Program

ATTORNEY GENERAL'S APPROVAL

Section 10 of the *Controlled Drugs and Substances Act* provides, in part, as follows:

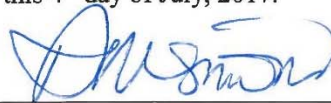
10(4) A court sentencing a person who is convicted of an offence under this Part may delay sentencing to enable the offender:

- (a) to participate in a drug treatment court program approved by the Attorney General;
- (b) to attend a treatment program under subsection 720(2) of the *Criminal Code*.

10(5) If the offender successfully completes a program under subsection (4), the court is not required to impose the minimum punishment for the offence for which the person was convicted.

I, Ann Marie Simmons, on behalf of the Attorney General of Canada, pursuant to s.10(4)(a) of the *Controlled Drugs and Substances Act* do hereby approve of the Dartmouth drug treatment court program, referred to as the "Court Monitored Drug Treatment Program", which operates in a manner consistent with the policy criteria contained in the Drug Treatment Court Guideline No. 6.1 issued by the Director of Public Prosecutions pursuant to s. 3(3)(g) of the *Director of Public Prosecutions Act*, S.C. 2006, c. 9, s. 121.

Dated at the City of Halifax, Nova Scotia, this 4th day of July, 2017.



Ann Marie Simmons,

Chief Federal Prosecutor for the Atlantic Region

ATTORNEY GENERAL'S APPROVAL

Section 10 of the *Controlled Drugs and Substances Act* provides, in part, as follows:

10(4) A court sentencing a person who is convicted of an offence under this Part may delay sentencing to enable the offender:

- (a) to participate in a drug treatment court program approved by the Attorney General;
- (b) to attend a treatment program under subsection 720(2) of the *Criminal Code*.

10(5) If the offender successfully completes a program under subsection (4), the court is not required to impose the minimum punishment for the offence for which the person was convicted.

I, Barry Nordin, Chief Federal Prosecutor, Atlantic, on behalf of the Attorney General of Canada, pursuant to subparagraph 10(4)(a) of the *Controlled Drugs and Substances Act*, do hereby approve of the Kings County, Court Monitored Drug Treatment Program, which operates in a manner consistent with the policy criteria contained in the Drug Treatment Court Guideline No. 2012-11, issued by the Director of Public Prosecutions pursuant to s.3(3)(g) of the *Director of Public Prosecutions Act*, S.C. 2006, c. 9, s.121.

Dated at the City of Halifax, Nova Scotia on this 17 day of July, 2014.


Chief Federal Prosecutor – Atlantic Region

Barry Nordin