

**SUPREME COURT OF ILLINOIS**



**Administrative Office of the Illinois Courts**

**PROBLEM-SOLVING COURTS  
CERTIFICATION PROCESS AND APPLICATION**

November 2015

**Michael J. Tardy, Director**

## ACKNOWLEDGEMENT

In March 2013, at the direction of the Illinois Supreme Court, the Administrative Office of the Illinois Courts and the Special Supreme Court Advisory Committee for Justice and Mental Health Planning initiated development of uniform standards and a framework for an application and certification process for all Illinois problem-solving courts. The committee created a “Working Group” to facilitate the drafting process. Gratitude and appreciation is extended to the members of the Advisory Committee for their commitment and contribution to this project.

The Standards, certification process and Application for Illinois problem-solving courts was developed in part from the following research and publications:

- *Adult Drug Court Best Practice Standards; Volume I* (2013); *Volume II* (2015). National Association of Drug Court Professionals.
- *Adult Drug Court Recommended Practices*. (April 2007). Florida Supreme Court Task Force on Treatment-Based Drug Courts.
- *Adult Drug Treatment Court Standards*. (Revised October 2007). Supreme Court of Virginia.
- *Colorado Problem Solving Courts; Principles and Guidelines*. (October 2010). Problem Solving Court Advisory Committee. Supreme Court of Colorado.
- *Defining Drug Courts: The Key Components*. (October 2014). National Association of Drug Court Professionals. U.S. Department of Justice.
- *A Guide to Preparing the Specialized Docket Program Description*. (December 2012). The Supreme Court of Ohio and The Ohio Judicial System.
- *Idaho Adult Drug Court Standards & Guidelines for Effectiveness and Evaluation*. (December 2011). Idaho Supreme Court Drug Court and Mental Health Court Coordinating Committee. State of Idaho Judicial Branch.
- Illinois Center of Excellence for Behavioral Health and Justice
- *Improving Responses to People with Mental Illnesses, The Essential Elements of a Mental Health Court*. A report prepared by the Council of State Governments Justice Center, New York (2007).
- *Maryland’s Guidelines For Planning And Implementing Drug Treatment Court Programs*. (2007). Office of Problem-Solving Courts. Administrative Office of the Courts.
- *Problem-Solving and Drug Courts*. Nebraska Supreme Court Rules § 6-1201 *et seq.* (Effective March 1, 2007).
- *Problem-Solving Court Rules*. (November 2011). Indiana Judicial Center. Staff Agency for the Judicial Conference of Indiana.
- *The Recommended Practices for New York State Criminal Drug Treatment Courts*. The Office of Court Drug Treatment Programs. The New York State Unified Court System.
- *Standards for Accountability Courts*. (October 2013). Judicial Council of Georgia. Administrative Office of the Courts.
- *Standards for the Development of Problem Solving Court Projects*. Utah Judicial Council. Utah State Supreme Court.
- *Wisconsin Treatment Court Standards*. (April 2014). Wisconsin Association of Treatment Court Professionals.

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HON. CHARLES P. WEECH\*

ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS

MARGIE GROOT\*

KELLY GALLIVAN-ILARRAZA\*

\*Members of the Problem-Solving Court Working Group

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## **I. INTRODUCTION**

The Administrative Office of the Illinois Courts (AOIC) and the Special Supreme Court Advisory Committee for Justice and Mental Health Planning (Advisory Committee) developed, and the Illinois Supreme Court adopted, statewide *Problem-Solving Court Standards* for ensuring consistent and uniform evidence-based practices in Illinois Problem-Solving Courts (PSC). The Standards are available from the AOIC and can be found on the Illinois Supreme Court's website, <http://www.Illinoiscourts.gov>. Implementation of and compliance with the Standards will be evaluated through the PSC certification process.

In order for a court to secure PSC certification, the court shall demonstrate compliance with the PSC Standards and a commitment to adopting evidence-based practices. Each new and existing adult PSC shall complete and submit an application for certification through the AOIC. The PSC certification process entails a review of the application detailing the court's policies, procedures, operations and on-site review.

It is recognized that achieving total compliance with the Standards will depend on availability of local resources and will require a reasonable period of time. For this reason, a PSC already in operation at the time of the adoption of the Standards will be granted up to one year to come into compliance and become certified. For good cause shown, a court may thereafter be granted an additional six months to come into compliance and become certified.

Courts unable or unwilling to substantially comply with the Standards after the applicable period would be subject to a preliminary notice of termination. Such notice would require that no new admissions be accepted into the PSC and that a plan for completion of existing participants be submitted to the AOIC Problem-Solving Court Coordinator (AOIC PSC Coordinator).

A PSC receiving a preliminary notice of termination would be allowed an opportunity to present a request for continuance of operations. This request shall include a plan of improvement or other proposals that would allow continued operation for a specified period of time.

## **II. INSTRUCTIONS AND CERTIFICATION PROCESS**

The Chief Judge of the Circuit shall submit a completed Application with the required documentation to the AOIC for initial review. A separate Application shall be completed for each PSC. Upon examination of the Application, the AOIC may request additional information. Once the Application is determined to be complete, a site visit will be scheduled by the AOIC Problem-Solving Court Coordinator. For existing PSC, team staffings and court sessions will be observed to determine compliance with the Standards. AOIC staff will meet with the multidisciplinary stakeholders group and/or the PSC team of a new PSC. AOIC staff will prepare a site visit report.

If the Application and observed processes during the site visit comport with the Standards, the AOIC will forward its findings and the documentation to a Subcommittee of the Special Supreme Court Advisory Committee. The Subcommittee will then give its recommendation to the AOIC. If at any point in this process, the PSC does not meet the Standards, suggestions will be made and technical assistance will be offered to bring the PSC into compliance, and an

opportunity for another review will be afforded. If a PSC is unable or unwilling to comply with the Standards, then the PSC would be so advised, but could then request time to develop a plan of improvement to allow it to continue operations. The Committee and AOIC, via the Director of the AOIC, will submit consensus recommendations for certification to the Supreme Court.

A completed Application and all attachments, requests for technical assistance or questions should be directed to:

Administrative Office of Illinois Courts  
Problem-Solving Court Coordinator  
Probation Services Division  
222 N. LaSalle Street  
Chicago, IL 60601  
(312)793-3050  
[Problemsolvingcourts@Illinoiscourts.gov](mailto:Problemsolvingcourts@Illinoiscourts.gov)

A PSC that has received certification shall give written notice to the AOIC of any change in the PSC judge, local PSC coordinator, PSC name, type of program, location or policy. Notice of program or operational changes shall be submitted to the AOIC in writing no later than thirty days after the change takes effect. The AOIC may require a new application for certification or site visit based on the change.

All PSC shall be subject to recertification every three years, pursuant to a process developed by the AOIC and the Advisory Committee. The purpose of recertification will be to ensure ongoing compliance with the Standards and to ensure implementation of any amendments to the Standards. An application for recertification will be available from the AOIC.

### **III. ATTACHMENTS**

The following items must be submitted with the Application:

- Attachment 1: PSC Signatories page
- Attachment 2: Copies of MOU(s) among the PSC team members' offices or organizations, which have been signed
- Attachment 3: PSC Written Policies and Procedures
- Attachment 4: PSC Team Members (Complete Attached Form)
- Attachment 5: PSC Participant Handbook
- Attachment 6: Copies of any forms signed by participants or individuals being considered for participation in the PSC
- Attachment 7: PSC budget
- Attachment 8: If applicable, reports of internal or external reviews of PSC

# **PSC CERTIFICATION APPLICATION**

## PROBLEM-SOLVING COURT CERTIFICATION APPLICATION SIGNATORIES

**Instructions: Complete this form and submit it with the Application.**

By completing and submitting this Application with the required PSC documents, the Chief Judge certifies that the PSC incorporates the *Problem-Solving Court Standards* in practices, procedures and operations and that the required written materials are attached.

### CHIEF CIRCUIT JUDGE

As Chief Judge of the\_\_\_\_ Judicial Circuit, I hereby approve the Application for Problem-Solving Courts Certification submitted by the\_\_\_\_ Judicial Circuit and/or Probation/Court Services Department serving\_\_\_\_\_ County/Judicial Circuit.

\_\_\_\_\_  
Chief Circuit Judge

Date: \_\_\_\_\_

### PROBATION/COURT SERVICES

As Director of Court Service/Chief Probation Officer of the \_\_\_\_\_  
Judicial Circuit, serving\_\_\_\_\_ County/Countries, I have reviewed  
the Application for Problem-Solving Courts Certification and confirm that the information is true  
and correct and that the Application is complete.

\_\_\_\_\_  
Director/Chief

Date: \_\_\_\_\_

### LOCAL PROBLEM-SOLVING COURT COORDINATOR

As the designated Local Problem-Solving Court Coordinator of the \_\_\_\_\_  
\_\_\_\_\_ Court in \_\_\_\_\_ County  
located in the\_\_\_\_ Judicial Circuit, I have reviewed the Application for ProblemSolving Courts  
Certification and confirm that the information is true and correct and that the Application is  
complete.

\_\_\_\_\_  
Local Problem-Solving Court Coordinator

Date: \_\_\_\_\_



## **PROBLEM-SOLVING COURT CERTIFICATION APPLICATION**

**Instructions:** Complete all required information, check boxes and submit documentation in support. If additional space is needed, please attach additional pages.

Name of Problem-Solving Court:	
Judicial Circuit:	Appellate District:
Location of Court Hearings:	
County(ies):	
Date of Submission:	

Name of PSC Judge:
Address:
Phone:
Email:

Name of Local PSC Coordinator:
Address:
Phone:
Email:

Name and Title of Primary Contact (if other than Coordinator):
Address:
Phone:
Email:

Type of Problem-Solving Court:

- Adult Mental Health Court
- Adult Drug Court
- DUI Court
- Veterans Court
- Other \_\_\_\_\_

Legal Status of Participants:

- Pre-Adjudication
- Post-Adjudication
- Pre- and post-Adjudication

Status of Problem-Solving Court:

- New
- Existing (start date: \_\_\_\_\_)
- Recertification

**Planning and Administration**

1.  **PSC Standard 4.1(a):** A multidisciplinary stakeholders group has been established that includes representatives from the judiciary, the prosecutor’s office, the public defender’s office, licensed treatment providers, probation/court services, law enforcement agencies, local government and other relevant agencies/entities (e.g., United States Department of Veterans Affairs).

2.  **PSC Standard 4.1(b):** During the initial planning process, the multidisciplinary stakeholders group completed the following:

- Reviewed statistical data and information to identify a target population;
- Established program goals and objectives;
- Developed eligibility and exclusionary criteria;
- Determined capacity and type of PSC;
- Identified resources for staffing and treatment;

List treatment providers: \_\_\_\_\_  
\_\_\_\_\_

- Created a timeline for implementation;

Describe timeline: \_\_\_\_\_  
\_\_\_\_\_

- Observed other PSC;

List name of court, location, and date(s) of visit(s): \_\_\_\_\_  
\_\_\_\_\_

- Reviewed the Sequential Intercept Model and the Sequential Intercept Model Illinois;
- Completed and executed MOU(s) among the team members’ offices or organizations;
- Designated a local PSC coordinator.

3.  **PSC Standard 4.2(a) and (b):** Written policies and procedures have been drafted that comply with the Standards, applicable state and federal laws, applicable Supreme Court policies and procedures, and the policies and procedures of the circuit court in which the PSC operates and contain:

- PSC mission statement;
- Program goals and objectives;

- Capacity and type of PSC, including designation of the PSC as a Pre-Adjudicatory PSC, a Post-Adjudicatory PSC, or a Pre- and Post-Adjudicatory (Combined) PSC;
- Eligibility and exclusionary criteria for participants, including policies and procedures to prevent discrimination;
- Assessment and enrollment processes, including processes for referral to the PSC, for prompt assessments to determine participant eligibility, and for entry into the PSC, including the signing of a Consent to Participate on the record in open court, and the signing of a release of information form;
- Responsibilities of each PSC team member consistent with the roles and responsibilities set forth in the applicable MOUs;
- Policies and procedures for case management and supervision, including the following:
  - The use of regular team staffings and status review hearings to monitor each participant's performance and progress;
  - Participant responsibilities, including attendance at status review hearings and compliance with the Case Management Plan;
  - A description of the program phases and the requirements for progressing through the phases;
  - The use and administration of incentives, sanctions, and therapeutic adjustments; and
  - Drug and alcohol testing protocol and procedures;
- Program outcomes, including the requirements and procedures for obtaining successful or neutral discharge from the PSC and for voluntarily withdrawing from the PSC, as well as criteria and procedures for unsuccessfully discharging a participant from the PSC;
- Policies and procedures for ensuring compliance with state and federal confidentiality statutes and regulations; and
- Plan for post program aftercare (discharge plan).

4.  **PSC Standard 4.3(a) and (b):** A written PSC participant handbook has been drafted that is consistent with the written policies and procedures and contains the following:

- General information about the PSC, including the purpose of the PSC, the goals of participation in the PSC, and the eligibility criteria for participation in the PSC;
- The PSC team members and their roles, including the non-adversarial nature of the PSC;
- The assessment and enrollment process, including the Consent to Participate, the assessment of a participant's needs, and the development of a Case Management Plan;
- The participant's responsibilities while enrolled in the PSC, including attendance at status review hearings and compliance with the Case Management Plan;
- The program phases and the requirements for progressing through the phases;
- The use and administration of incentives, sanctions, and therapeutic adjustments, including examples of each and examples of conduct that may trigger each;
- The drug and alcohol testing procedures and requirements;
- The possible program outcomes and the requirements for successful completion; the procedures for neutral discharge, voluntary withdrawal and unsuccessful discharge

from the PSC; and the participant's rights at a hearing on a petition to terminate from the PSC or to revoke probation.

5.  **PSC Standard 4.4(a):** The target population includes individuals who are moderate-high to high criminogenic risk and have high behavioral health treatment needs as identified using validated risk assessment tool(s) and clinical assessment tool(s).

If target population differs, identify risk level and describe modifications to PSC program to meet the needs of the participants in the separate, defined track : \_\_\_\_\_

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6.  **PSC Standard 4.4(b):** Legal and clinical eligibility and exclusionary criteria are in writing and have been developed collaboratively and agreed upon by the multidisciplinary stakeholders group.

7.  **PSC Standard 4.4(c):** Eligibility and exclusionary criteria are defined objectively and communicated to potential referral sources, including judges, law enforcement, defense attorneys, prosecutors, treatment professionals, and probation officers.

8.  **PSC Standard 4.5:** List key evidenced-based practices utilized in the PSC: \_\_\_\_\_
- 
- 

9.  **PSC Standard 4.6(a):** PSC has established a formal plan for data collection and program evaluation in compliance with AOIC requirements.

Describe: \_\_\_\_\_

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10.  **PSC Standard 4.6(c):** PSC has established a plan to conduct program operational reviews of the PSC.

Describe: \_\_\_\_\_

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Where applicable, attach copies of the results of any review conducted in the last 3 years, including evaluations of treatment providers.

11.  **PSC Standard 4.7:** PSC has developed a plan for long-term sustainability, including identifying resources for staffing and treatment and developing a budget.

Describe and include whether grant and/or Probation and Court Services funds are/will be utilized: \_\_\_\_\_

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### **PSC Judge**

12.  **PSC Standard 5.1:** The assigned PSC judge has experience and/or training in the areas of (1) criminal law; (2) behavioral health; (3) confidentiality; (4) ethics; (5) evidence-based practices; (6) substance use and abuse; (7) mental illness; and (8) co-occurring disorders.
13.  **PSC Standard 5.2:** The PSC judge is assigned to preside over the PSC for a minimum of two years.
14.  **PSC Standard 5.2:** The PSC judge attends PSC team staffings and considers input from team members before making final decisions.
15.  **PSC Standard 5.2:** The PSC judge presides over status hearings in open court on a regular basis and spends sufficient time to review each participant's progress in the PSC program.
16.  **PSC Standard 5.2:** The PSC judge offers supportive comments and/or incentives to reinforce the importance of a participant's commitment to treatment and the participant's ability to improve his or her own health or behavior.
17.  **PSC Standard 5.2:** The PSC judge imposes sanctions and therapeutic adjustments when appropriate.
18.  **PSC Standards 5.2, 5.3 and 6.3(a):** The PSC judge participates in planning and attending interdisciplinary training events with the PSC team focused on topics including, but not limited to, evidence-based screening, assessment and treatment practices, target population, substance use disorder, mental illness, disability, co-occurring disorders, trauma, confidentiality, criminogenic risks and needs, incentives and sanctions, court processes, limited English proficiency and team dynamics.

### **PSC Team**

19.  **PSC Standard 6.1:** The PSC team includes the judge, a prosecutor, a public defender, probation officer(s), licensed treatment provider(s), the local PSC coordinator, and, where applicable, private counsel of record.

PSC Team Members information is required, See Attachment 4.

20.  **PSC Standard 6.2(a):** The roles and responsibilities of each PSC team member are clearly described in the MOU(s) and the PSC's written policies and procedures.

- 21.  **PSC Standard 6.2(c):** All PSC team members commit to serving on the team for a minimum of one year.
- 22.  **PSC Standard 6.2(d):** All PSC team members regularly attend and participate in team staffings.
- 23.  **PSC Standards 6.2(d) and (e):** At team staffings, PSC team members collaboratively share timely and accurate information and discuss participants' progress in treatment and compliance with program requirements, as well as whether participants should be rewarded, sanctioned or terminated.
- 24.  **PSC Standards 6.3(a) and 7.4(e):** PSC team regularly participates in interdisciplinary trainings, webinars, events, and other educational opportunities on topics that are essential to the effective planning, implementation and operation of the PSC and to ensuring that the PSC maintains fidelity to the PSC model, including training on applicable federal and state confidentiality statutes and regulations.

List trainings planned for the next 12 months and, if applicable, trainings attended during past 12 months: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Referral, Entry and Participant Rights**

- 25.  **PSC Standard 7.1(a):** Individuals referred to the PSC are promptly assessed for eligibility using validated risk-assessment tool(s) and clinical tool(s) administered and scored by a trained and/or licensed professional.

Describe procedure for making eligibility decisions, including how decisions are made and by whom: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of validated risk assessment tool(s): \_\_\_\_\_

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Name of clinical assessment tool(s): \_\_\_\_\_

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26.  **PSC Standard 7.2(g):** Eligibility decisions are made objectively and personal impressions or subjective views are not used to determine an individual's eligibility for the PSC.
27.  **PSC Standard 7.1(c):** Potential participants are required to sign a release of information form that provides for communication of confidential information, participation and progress in treatment and compliance with program requirements.
28.  **PSC Standards 7.2 (a) and (d):** An individual's formal entry into a PSC is voluntary and done on the record and in open court with the individual and his or her counsel present.
29.  **PSC Standard 7.2(e):** As part of the individual's formal entry into the PSC, the judge explains the Consent to Participate and the program requirements and gives the individual the opportunity to confer with counsel prior to signing the Consent.
30.  **PSC Standards 7.2(e) and 7.3:** As part of the individual's formal entry into the PSC, the PSC participant handbook is delivered to the individual, and the individual acknowledges in writing receipt of the handbook at the time of its delivery.
31.  **PSC Standard 7.2(f):** PSC does not require as a condition of entry the waiver of appellate rights or of any rights with respect to a petition seeking unsuccessful discharge of the participant from the PSC or revocation of probation, as set forth in Standard 9.3.
32.  **PSC Standard 7.2(g):** PSC has policies and procedures to prevent discrimination that would keep any individual from being unfairly excluded from the PSC based upon gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation.
33.  **PSC Standard 7.4(b), (c) and (d):** PSC complies with federal and state confidentiality laws and regulations to prevent the unauthorized disclosure or redisclosure of information regarding participants.
34.  **PSC Standard 7.4(d):** Case management plans, clinical treatment plans, reports, drug test results and other information disseminated to the PSC team are not placed in any part of a court file that is open to examination by members of the public.

### **Case Management and Supervision**

35.  **PSC Standard 8.1(a):** An individualized Case Management Plan is developed and presented to each participant enrolled in the PSC and is updated regularly in consideration of the participant's progress.

36.  **PSC Standard 8.1(b):** Team staffings and court status review hearings are used to monitor each participant's performance and progress.

Frequency of team staffings, including time and day of the week: \_\_\_\_\_

\_\_\_\_\_

Frequency of court status review hearings, including time and day of the week: \_\_\_\_\_

\_\_\_\_\_

37.  **PSC Standard 8.1(c):** A participant's program phase progression is determined by the achievement of skills and completion of program goals.
38.  **PSC Standards 8.1(d) and 8.2(b):** Incentives, sanctions and therapeutic adjustments are discussed by the PSC team and utilized by the PSC judge in monitoring a participant's progress and compliance with program requirements.
39.  **PSC Standard 8.2(a):** Incentives, sanctions and therapeutic adjustments utilized by the PSC are predictable, fair, consistent and without regard to gender, race, nationality, ethnicity, limited English proficiency, disability, socio-economic status or sexual orientation.
40.  **PSC Standard 8.2(b):** Incentives, sanctions, and therapeutic adjustments are administered to motivate a person to comply with the PSC program requirements and to successfully complete the PSC program.
41.  **PSC Standard 8.2(c):** Prior to the administration of any sanction, incentive or therapeutic adjustment, the judge advises the participant in open court of the sanction, incentive or therapeutic adjustment and the reason for the administration, and gives the participant the opportunity to address the court.
42.  **PSC Standard 8.1(e):** Drug and alcohol testing protocol are utilized in case management and supervision of PSC participants.
43.  **PSC Standard 8.1(f):** PSC team develops and provides participants with a discharge plan prior to being successfully or neutrally discharged from the program.

### **Program Outcomes**

44.  **PSC Standard 9.1:** The PSC program outcomes include those listed in Standard 9.1.
45.  **PSC Standard 9.2:** Successful and neutral discharge decisions are made collaboratively by the PSC team.
46.  **PSC Standard 9.3(a):** Prior to unsuccessful discharge from a PSC, a participant is served with a petition to terminate the participant from the PSC or to revoke the participant's



probation, which sets forth the claimed violations of PSC program requirements or probation, together with the relief sought.

47.  **PSC Standard 9.3(a):** When a participant becomes subject to a proceeding that could result in unsuccessful discharge from a PSC, the PSC judge advises the participant in open court of the rights set forth in Supreme Court Rule 402A, including but not limited to the right to counsel and a hearing.
48.  **PSC Standard 9.4(b):** Prior to allowing the participant to withdraw from the PSC, the PSC judge ensures that the participant has the right to consult with counsel; admonishes the participant in open court as to the consequences of such withdrawal; and determines in open court that the withdrawal is made voluntarily and knowingly.

### **Access to Justice**

49.  **PSC Section 1.6:** For limited English proficiency participants and/or participants with disabilities, the PSC is aware of available interpreter and/or other resources and attempts to provide reasonable accommodations to those individuals when referred to the PSC.

The following items must be submitted with the Completed Application:

- Attachment 1: PSC Signatories page
- Attachment 2: Copies of MOU(s) among the PSC team members' offices or organizations, which have been signed
- Attachment 3: PSC Written Policies and Procedures
- Attachment 4: PSC Team Members (Complete Attached Form)
- Attachment 5: PSC Participant Handbook
- Attachment 6: Copies of any forms signed by participants or individuals being considered for participation in the PSC
- Attachment 7: PSC budget
- Attachment 8: If applicable, reports of internal or external reviews of PSC

The completed Application, Attachments and Signatories page can be mailed through the United States Postal Services directed to:

Administrative Office of Illinois Courts  
Problem-Solving Court Coordinator  
Probation Services Division  
222 N. LaSalle Street  
Chicago, IL 60601  
(312)793-3050

The completed Application, Attachments and Signatories page may be submitted electronically through the email address: [Problemsolvingcourts@Illinoiscourts.gov](mailto:Problemsolvingcourts@Illinoiscourts.gov)

## PSC TEAM MEMBERS

Copy form to provide information about each team member

**Name and Title:**

**Role/Function on Team:**

**Agency/Office:**

**Address:**

**Phone:**

**Email:**

**Name and Title:**

**Role/Function on Team:**

**Agency/Office:**

**Address:**

**Phone:**

**Email:**

**Name and Title:**

**Role/Function on Team:**

**Agency/Office:**

**Address:**

**Phone:**

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**Role/Function on Team:**

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**Role/Function on Team:**

**Agency/Office:**

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**Phone:**

**Email:**

# **FREQUENTLY ASKED QUESTIONS**

## **FREQUENTLY ASKED QUESTIONS**

### **Problem-Solving Court Certification**

#### **1. What is a problem-solving court (PSC)?**

A specially designated court, court calendar or docket facilitating intensive therapeutic treatment to monitor and assist participants in making positive lifestyle changes and reducing the rate of recidivism. PSC are non-adversarial in nature. Common features of a PSC include, but are not limited to, a designated judge and staff; specialized intake and screening procedures; intense and coordinated treatment procedures administered by a trained multidisciplinary professional team; close evaluation of court participants, including continued assessments and modification of the court requirements and/or use of sanctions, incentives and therapeutic adjustments to address behavior; frequent judicial interaction with participants; less formal court process and procedures; voluntary participation; a low treatment staff-to-client ratio; and additional goals of cost savings and an increase in public safety.

#### **2. When must a court become certified?**

Each adult PSC must apply for certification. PSC already in operation at the time of the adoption of the Standards will be granted up to one year to come into compliance and become certified. For good cause shown, a court may be granted an additional six months to come into compliance and become certified.

#### **3. How does a PSC become certified?**

The PSC must demonstrate compliance with the *Problem-Solving Court Standards*. The PSC shall complete the Application for certification which will be reviewed for completeness and a site visit will be scheduled by the AOIC PSC Coordinator.

#### **4. How does a PSC apply for court certification?**

Each PSC is to submit an Application for certification and a copy of the program description, a copy of the Consent to Participate, a copy of the written participant handbook and copies of Memorandum of Understanding in addition to any other requested documentation.

#### **5. Do all specialized drug, mental health, DUI and veterans court programs need to be certified?**

Yes, each court offering a therapeutically oriented judicial approach to providing PSC supervision must comply with the PSC Standards and become certified.

#### **6. If there are multiple PSC within the same county or circuit, does each PSC have to apply for certification?**

Yes. Each PSC is to be certified, even if the same judge presides over the courts or dockets. Each PSC Application will be considered individually. A separate Application for certification shall be completed for each PSC.

#### **7. Who submits the application for certification?**

Chief Judge of the Circuit.

### **8. What happens if the PSC certification Application is incomplete?**

Upon receipt of the Application, the Application will be reviewed to make certain that all materials have been submitted and that the Application has the required signatures. If materials are missing or the Application is deficient, the applicant will be notified and the proper documentation will be requested and must be submitted no later than 60 days after notification.

### **9. What is the certification process?**

An Application must be completed and submitted by all PSC in existence and being established. Once an Application is completed, it must be signed by the Chief Judge of the Circuit in which the PSC is to operate, and sent to the AOIC, where it will be reviewed and analyzed. Once it is reviewed and noted as complete, a site visit will be scheduled by the AOIC to observe team staffing and court sessions and/or to meet with stakeholders. If the Application and observed processes during the site visit comport with the Standards, the AOIC will forward its findings and the documentation to a Subcommittee of the Special Supreme Court Advisory Committee. The Subcommittee will then give its recommendation to the AOIC. If at any point in this process, the PSC does not meet the Standards, suggestions will be made and technical assistance will be offered to bring the PSC into compliance, and an opportunity for another review will be afforded. If a PSC is unable or unwilling to comply with the Standards, then the PSC would be so advised, but could then request time to develop a plan of improvement to allow it to continue operations. The Committee and AOIC, via the Director of the AOIC, will submit consensus recommendations for certification to the Supreme Court.

### **10. What happens when a PSC does not meet the Standards?**

A PSC failing to comply with these Standards will receive a written report detailing deficiencies, with recommendations including technical assistance and resources to come into compliance. AOIC staff is available to provide guidance and technical assistance in the certification process. For good cause shown, the PSC may thereafter be granted six months to come into compliance and become certified.

### **11. Who makes the determination if a PSC should become certified?**

The Supreme Court makes the final determination as to certification of all PSC.

### **12. What if the Committee decides not to certify the PSC?**

The AOIC Problem-Solving Court Coordinator will make recommendations for the PSC to follow to become certified. Technical assistance and training will be available for PSC programs that are found deficient. The PSC may then re-apply for certification at any time.

### **13. What happens if the PSC is not in compliance?**

PSC unable or unwilling to comply with the Standards would be subject to a preliminary notice of termination. Such a notice would require that no new individuals be accepted into the court and that a plan for completion for existing participants be submitted to the AOIC PSC Coordinator. A PSC receiving a preliminary notice of termination would be allowed an opportunity to present a request for continuance of operations. This request could include a new plan of improvement or other proposals that would allow continued operation for a

specified period of time.

**14. When does a PSC have to be recertified?**

PSC are required to apply for recertification three years from the initial certification date.

**15. Are there any requirements after PSC certification?**

A PSC that has received certification shall give written notice to the AOIC of any change in PSC judge, local PSC coordinator, PSC name, type of program, location or policy. Notice of program or operational changes shall be submitted to the AOIC no later than thirty days after the change takes effect. The AOIC may require a new application for certification or site visit based on the change.