



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

The Minimum Standards for the North Carolina Drug Treatment Courts

**2010 Revision
Effective January 1, 2011**



**Part One
General**

Article I – Scope, Description, Goals

Article II – General Definitions

Article III –Target Population

Article IV – State Drug Treatment Court Funding

**Part Two
State Drug Treatment Courts**

Article V – State Staff

Article VI - State Drug Treatment Court Advisory Committee

Article VII – Liability Insurance

**Part Three
Recognition as a Local Drug Treatment Court**

Article VIII – Requirements for Recognition as a Local Drug Treatment Court

Article IX – Operating a Local Drug Treatment Court

Article X - Benefits for Local Drug Treatment Courts

**Appendix A
Model Local Drug Treatment Court Memorandum of Understanding**

**PART ONE
GENERAL**

Article I – Scope, Description, Goals

§1.1. Scope

These guidelines pursuant to G. S. 7A-795 are herein after referred to as Minimum Standards.

These Minimum Standards are established for local drug treatment courts recognized and/or funded under the North Carolina Drug Treatment Court Act.

- (1) Drug treatment courts receiving funding or recognized under the North Carolina Drug Treatment Court Act shall be operated consistently with these Minimum Standards.
- (2) Failure to comply with these Minimum Standards shall be grounds for the N.C. Administrative Office of the Courts to suspend or terminate funding of the drug treatment court.

Statutory Authority: G. S. 7A-793, G.S. 7A-797, G.S. 7A-798

§1.2. N. C. Drug Treatment Courts

The North Carolina Administrative Office of the Courts (NCAOC) administers designated DTC funds and all local drug treatment courts that are recognized under these Minimum Standards. The Director of the NCAOC appoints a State DTC Advisory Committee and state staff are responsible for assisting districts to plan, organize and operate drug treatment courts.

Statutory Authority: G. S. 7A-793, G.S. 7A-795

§1.3. Description and Goals

Drug Treatment Court is a special session of a district or superior court. The purpose of North Carolina's Drug Treatment Courts is to provide intensive judicial supervision to monitor progress in substance abuse treatment and compliance with court conditions for individuals under the jurisdiction of the court. The goals of the Courts are:

- (1) To reduce alcoholism and other drug dependencies among adult and juvenile offenders and among respondents in juvenile petitions for abuse, neglect, or both;
- (2) To reduce criminal and delinquent recidivism and the incidence of child abuse and neglect;
- (3) To reduce the alcohol-related and other drug-related court workload;
- (4) To increase the personal, familial, and societal accountability of adult and juvenile offenders and respondents in juvenile petitions for abuse, neglect, or both; and

- (5) To promote effective interaction and efficient use of resources among criminal and juvenile justice personnel, child protective services personnel, and community agencies.

Statutory Authority G.S. 7A-791, G.S. 7A-792

Article II -General Definitions

§2.1. Applicability

This section contains definitions that apply to all of the Minimum Standards.

Statutory Authority: G.S. 7A-795

§2.2. Definitions

- (1) A local drug treatment court means a special session of a district or superior court which provides intensive judicial supervision to monitor progress in drug abuse treatment and compliance with court conditions for individuals under the jurisdiction of a court which is recognized by the NCAOC.
- (2) AOC Director means the Director of the North Carolina Administrative Office of the Courts
- (3) State Advisory Committee means the State Drug Treatment Court Advisory Committee provided for in the North Carolina Drug Treatment Court Act.
- (4) State DTC Office means staff members of the NC AOC funded to provide assistance to local drug treatment courts.
- (5) Local Management Committee means a local drug treatment court management committee established pursuant to these Minimum Standards.
- (6) State Fund means the State Drug Treatment Court appropriation provided by the North Carolina General Assembly.

Statutory Authority: G.S. 7A-795

Article III – Target Population

§3.1. Adult Drug Treatment Court

To be eligible for admission to an adult drug treatment court recognized by the State Drug Treatment Court Advisory Committee and/or funded by the Drug Treatment Court appropriation, an offender must be high-risk and high-need based on the NC Division of Community Corrections Risk and Needs assessment including:

- (1) Be diagnosed as chemically dependent; and
- (2a) Be sentenced to intermediate punishment; or
- (2b) Be sentenced to a community punishment and be at risk for revocation. This is a probationer who has a new alcohol or drug-related charge; documented evidence of continued drug use with significant negative impact on stability (e.g.

employment, family responsibilities, compliance with conditions of probation) or is eligible for a Division of Community Corrections' non-compliance response.

An Adult Drug Treatment Court is an intermediate punishment under the Structured Sentencing Act. This punishment requires offenders to comply with special conditions of probation, and to report on a regular basis for a specified time to participate in court supervision, drug screening or testing, and drug or alcohol treatment programs.

Local adult drug treatment courts may use funds other than the State Drug Treatment Court appropriation to serve other specialized populations according to Local Management Committee Standard Operating Policies and Procedures.

Statutory Authority: G.S. 15A-1340.11, Session Law Part XI Section 14.21, G.S 7A-796

§3.2. Juvenile Drug Treatment Court

To be eligible for admission to a juvenile drug treatment court recognized and/or funded by the State Drug Treatment Court appropriation, a juvenile must be high-risk and high-need including:

- (1) Have a significant substance abuse problem that contributes to problems in the home, school or community, and
- (2) Be adjudicated delinquent and on supervised probation or post-release supervision for a minimum of one year.
- (3) Be ordered to a Level I or II disposition or on post-release supervision.

Statutory Authority G.S 7A-797

§3.3. Family Drug Treatment Court

To be eligible for admission to a family drug treatment court, recognized and/or funded by the State Drug Treatment Court Appropriation, a parent respondent must be high-risk and high-need including:

- (1) Be diagnosed as chemically dependent; and
- (2) Be under the jurisdiction of the district court pursuant to Chapter 7B of the General Statutes.

Statutory Authority G.S 7A-797

Article IV – State Drug Treatment Court Funding

§4.1. Funding

Funding for drug treatment courts is administered by the Director of the N.C. Administrative Office of the Courts in consultation with the State Drug Treatment Court Advisory Committee. Funding of local drug treatment courts shall be based upon the following:

- (1) availability of State funds appropriated to the NC AOC; and

- (2) recognition as a local Drug Treatment Court by meeting the requirements of the Minimum Standards.

Statutory Authority: G.S. 7A-794

§4.2. Use of Funds for Drug Treatment Courts

- (1) Funds appropriated to adult Drug Treatment Courts for the North Carolina Drug Treatment Court Act shall be used to provide case coordination to chemically dependent offenders sentenced to intermediate punishment and to offenders sentenced to community punishment who are at risk of revocation. Funding should be based on a staff to participant ratio of one coordinator to thirty (1:30) participants, and any other factors that contribute to the workload.
- (2) Funds appropriated to juvenile Drug Treatment Courts for the North Carolina Drug Treatment Court Act shall be used to provide case coordination to delinquent youth with significant substance-abuse needs. Funding should be based on a staff to participant ratio of one coordinator to twenty (1:20) participants, and any other factors that contribute to the workload.
- (3) Funds appropriated to Family Drug Treatment Courts for the North Carolina Drug Treatment Court Act shall be used to provide case coordination to chemically dependent parent respondents in juvenile abuse/neglect/dependency proceedings. Funding should be based on a staff to participant ratio of one coordinator to twenty (1:20) participants.
- (4) The State Drug Treatment Court Office shall provide technical assistance to assist Drug Treatment Courts to achieve and maintain these standards, and when they are not consistently met, to develop action plans to increase caseloads. State DTC staff shall report the status of Drug Treatment Court caseloads to the Drug Treatment Court Advisory Committee and the AOC Director on a regular basis. Based on an assessment of caseloads over time, the AOC Director shall review funds allocated to increase/create case coordinator hours in courts that regularly exceed caseload standards, and to reduce/eliminate case coordinator hours in courts that do not regularly meet caseload standards. In addition, the Director of the AOC shall annually assess the need to request funding from the General Assembly to establish new courts, expand existing courts and continue courts which have been initiated on federal funds or other funds, and subsequently meet the standards for recognition as an NC Drug Treatment Court.

Statutory Authority: G.S. 7A-794, Session Law 2005 Part XIV Section 14.22

§4.3. Request for Initial Funding

- (1) Upon receipt of a request for funding under this Article, the State staff shall submit the request for funding for review by the State Drug Treatment Court Advisory Committee.
- (2) Based on this review, the Administrator for Court Programs shall recommend appropriate action to the NC AOC Director.

Statutory Authority: G.S. 7A-796, G.S. 7A-798

§4.4. Approval of Request for Initial Funding

- (1) If the State DTC Advisory Committee determines that the local drug treatment court is in substantial compliance with all requirements to be recognized as a local drug treatment court set forth in the Minimum Standards, it shall recommend that the AOC Director approve funding for the court, based on funds available.
- (2) The request for initial funding shall be approved unless the AOC Director finds that either:
 - (a) One or more of the requirements set forth in the Minimum Standards has not been met;
 - (b) It is not in the overall best interest of the state's Drug Treatment Courts to recognize the local court as a local drug treatment court.
- (3) Upon approving a request for funding, the AOC Director may authorize resources from the State DTC appropriation. .

Statutory Authority: G.S. 7A-794, G. S. 7A-795, G. S. 7A-798

§4.5. Denial of Request for Initial Funding

- (1) If the State DTC Advisory Committee does not recommend funding for a local drug treatment court, it shall recommend that the AOC Director deny the request for funding and state in writing the reasons for its recommendation. Denial may be recommended:
 - (a) With leave to submit within a reasonable time a revised request for funding for the same initial time period; or
 - (b) With leave to submit a new request for funding at a future time.
- (2) The AOC Director shall deny the request for funding unless the AOC Director finds that all of the requirements set forth in the Minimum Standards have been met and it is in the overall best interest of the state's Drug Treatment Courts to fund the local court.
- (3) Upon denying a request for funding, the AOC director shall send a formal notice of disapproval of funding to the local court.

Statutory Authority: G.S. 7A-794, G.S. 7a-295, G.S. 7A-798

§4.6. Eligibility for Local Drug Treatment Courts Continuation Funding

- (1) The Local Drug Treatment Court Management Committee of a recognized local DTC, shall provide to the State Drug Treatment Court Office and State Drug Treatment Court Advisory Committee the following documents on an annual basis as determined by State DTC Staff:
 - a. The name of the Local Drug Treatment Court by District and Type (Adult, Juvenile, or Family);
 - b. The staffing pattern for the local court;

- c. A brief and clear statement of the mission of the local drug treatment court;
- d. A brief description of the target population;
- e. The court's annual Strengths/Challenges/Opportunities/Threats (SCOT) Analysis and Action Plan to include a set of measurable performance goals including objectives for the number and rate of admissions, graduation, and treatment retention.
- f. The names of all members of the local management team;
- g. A signed local memorandum of understanding substantially like the Model Local Memorandum of Understanding included in Appendix A of the State Minimum Standards;
- h. A copy of the court's current Policies and Procedures and Participant Handbook.

Statutory Authority: G.S. 7A-798

§4.7. Action of AOC Director Final

The actions of the AOC Director shall be final in:

- a. approving or denying recognition of a local drug treatment court
- b. denying a request for funding
- c. authorizing a funding level.

Statutory Authority: G.S. 7A-793, G.S. 7A-794, G.S. 7A-798

PART TWO
State Drug Treatment Court Office

Article V – State Staff

§5.1. AOC Director to Employ Staff

- (1) The AOC Director shall employ one or more persons to staff the Statewide Drug Treatment Court Office and to perform, among them, the duties specified in §5.2.
- (2) The State staff shall be State employees and shall serve at the pleasure of the AOC Director, and shall be supervised in the performance of duties by the AOC Director or the AOC Director's designees.
- (3) The salary and benefits of all staff members shall be determined by the AOC Director, and shall be paid from any State or non-State funds available for the purpose.

G.S. 7A-793

§5.2. Staff Duties

- (1) The duties of the State staff are to:
 - (a) Provide administrative support for the State DTC Advisory Committee, its subcommittees, and the State DTC Office;
 - (b) Assume primary responsibility for assisting new local courts to meet the State DTC Minimum Standards;
 - (c) Assist all local courts to work toward successful implementation and operation;
 - (d) Coordinate long range strategic planning for statewide Drug Treatment Court operations;
 - (e) Facilitate constructive problem solving in relation to local court difficulties, accomplishments and opportunities;
 - (f) Communicate regularly with the AOC Director, the Chair and members of the State DTC Advisory Committee concerning all aspects of Drug Treatment Court operations;
 - (g) Prepare and submit all reports required by the AOC Director, the General Assembly, and non-State funding sources;
 - (h) Coordinate research or evaluation projects, as requested;
 - (i) Serve as an administrative liaison for support and cooperation among, DTC administrators, DTC directors, DTC case coordinators, and core court team members;
 - (j) Conduct annual reviews of each local DTC and reporting the results to the local presiding judge and State DTC Advisory Committee;
 - (k) Perform any other duties specified in these Minimum Standards or assigned by the AOC Director.
 - (l) Maintain a statewide automated Management Information System (MIS) and assuring that local DTC courts have the equipment, software and training to enter data in the MIS.

- (2) In performing their duties the State staff should give priority to serving existing local drug treatment courts.

§5.3. Administrative Services

- (1) For local drug courts funded by the NC State Drug Treatment Court appropriation, the State DTC staff shall provide the following administrative services, in cooperation with the local management committee, and with the assistance of the AOC Fiscal Services Division and others as needed:
 - (a) Allocating all funds and other resources to the local DTC from the State DTC appropriation for the operation of the local DTC;
 - (b) Reviewing and approving all federal, state, or local grant applications for other funds for the operation of the local DTC;
 - (c) Receiving and disbursing other funds granted to, or otherwise provided for, the operation of the local DTC;
 - (d) Monitoring and auditing local DTC operations and effectiveness;
 - (e) Providing any other administrative services that the local management committee and the State staff consider appropriate and feasible.

Statutory Authority: G.S. 7A-795, G.S. 7A-797

Article VI - State Drug Treatment Court Advisory Committee

§6.1. Members

The State Drug Treatment Court Advisory Committee shall consist of no fewer than nine members. The membership shall include the following:

- (1) A superior court judge;
- (2) A district court judge;
- (3) A district attorney or assistant district attorney;
- (4) A public defender, assistant public defender or other attorney specializing in criminal defense;
- (5) A treatment provider;
- (6) The Chief of the Community Policy Management Section of the Division of Mental Health, Developmental Disabilities and Substance Abuse Services Section of the North Carolina Department of Health and Human Services, or the Chief's voting designee;
- (7) The Chief of the Child Welfare Services Section of the Division of Social Services of the North Carolina Department of Health and Human Services, or the Chief's voting designee;
- (8) The Director of the Division of Community Corrections of the North Carolina Department of Correction, or the Director's voting designee;
- (9) The Secretary of the North Carolina Department of Juvenile Justice and Delinquency Prevention, or the Secretary's voting designee;
- (10) A representative of local law enforcement agencies;
- (11) Any other members the AOC Director considers appropriate.

Statutory Authority: G.S. 7A-795

§6.2. Terms

- (1) The AOC Director shall divide into two classes of equal numbers the members of the State DTC Advisory Committee. The terms of the members of one class shall expire on the July 1st of one year and the terms of the members of the other class shall expire on the next July 1st. Each term shall be two years.
- (2) Upon the expiration of the term of each member, the AOC Director shall appoint a replacement or request that the individual continue serving within his/her official capacity.
- (3) All current and future members shall continue serving until the AOC Director appoints a successor.
- (4) In case of vacancy, the AOC Director shall appoint a new member from the same category to serve the unexpired term.

Statutory Authority: G.S. 7A-793

§6.3. Chair Person

The Chair Person of the State DTC Advisory Committee shall be the AOC Director or the Director's designee.

Statutory Authority: G.S. 7A-795

§6.4. Meetings

The State DTC Advisory Committee shall meet at least two times per year, pursuant to a schedule of regular meetings established by the Committee. The Chair may call and conduct special meetings.

Statutory Authority: G.S. 7A-793

§6.5. Duties of State DTC Advisory Committee

The duties of the State DTC Advisory Committee are to:

- (1) Provide overall direction and guidance for the North Carolina Drug Treatment Courts;
- (2) Make recommendations concerning the recognition, implementation, expansion and operation of local DTCs;
- (3) Make recommendations concerning the direction and emphasis of training and education;
- (4) Receive evaluation reports of local drug treatment courts and recommend appropriate changes;
- (5) Receive and act on reports from its subcommittees;
- (6) Develop proposed Minimum Standards to the AOC Director for the operation of North Carolina's Drug Treatment Courts.

Statutory Authority: G.S. 7A-793, G.S. 7A-795

§6.6. Subcommittees

- (1) The State DTC Advisory Committee shall create subcommittees as it considers appropriate to assist it in carrying out its duties.
- (3) The Chair shall appoint the members and the chair of each subcommittee.

Statutory Authority: G.S. 7A-793

Article VII – Liability

- (1) All individuals who are not otherwise employees of the State of North Carolina, and who are members of the State DTC Advisory Committee, a local planning team, a local management committee, or a local core court team, shall be considered officers or agents of the State of North Carolina while serving as members, and are entitled to the representation and other benefits available to officers, employees and agents of the State.
- (2) All acts done and omissions made by any such individuals in their capacity as members of such a committee or team shall be considered acts done and omissions made in the scope and course of the performance of their duties as officers or agents of the State.

Statutory Authority: G.S. 143-31A

PART THREE
RECOGNITION AS A LOCAL DRUG TREATMENT COURT

Article VIII – Requirements for Recognition as a Local Drug Treatment Court

§8.1. Definition

The Director of the NC AOC, based on a recommendation by the State DTC Advisory Committee, confers the status of a “recognized local drug treatment court”. A recognized local DTC includes local team members and staff. A recognized local DTC meets the requirements set forth in the Minimum Standards. Meeting these Minimum Standards makes local DTCs eligible for benefits described in Article X, and eligible to request funding from the N. C. Drug Treatment Court appropriation.

§8.2. Recognition Process for New Drug Treatment Courts and DTCs Already Recognized as a North Carolina Drug Treatment Court

- (1) In a district in which there is no recognized local drug treatment court, the Chief District Court Judge (district court) and Resident Superior Court Judge (superior court) may request recognition from the State Drug Treatment Advisory Committee as a local drug treatment court by written documentation of compliance with Minimum Standards for the North Carolina Drug Treatment Courts.
- (2) The State DTC Advisory Committee recommends designation of a local drug treatment court as a recognized DTC to the Director of the NC AOC.
- (3) Once the Director of the NC AOC has recognized a local drug treatment court, the local DTC shall maintain that status, and be eligible to request state funding, for so long as it remains in compliance with the requirements in Article VIII.

§8.3. Planning Process Required Prior to DTC Implementation

- (1) Before implementing a local drug treatment court, expanding the capacity, or adding a different type of DTC, local court officials shall undergo a focused and comprehensive planning process. The local DTC may submit a written request for planning assistance from the State Office.
- (2) The process of planning a new local drug treatment court in a specific district or county where there is no recognized local drug treatment court shall comprise the following steps:
 - (a) Establishing a local management committee that complies with statutory requirements as to membership and operation, and that meets regularly and frequently enough to provide effective policy guidance for the court.
 - (b) Obtaining the commitment of all necessary local court, corrections and LME officials and treatment agencies to participate in, staff and otherwise support a local DTC through a Local Memorandum of Understanding substantially like the Model Local Memorandum of Understanding in Appendix A;
 - (c) Training the local planning team and other persons involved in the proposed local DTC through formal training approved by the State DTC

- Office that is designed for local officials planning new drug treatment courts;
- (d) Establishing the target population for the local DTC as defined in Article III.
 - (e) Adopting proposed standard operating policies and procedures for the local DTC; and
 - (f) Adopting measurable performance objectives for the proposed local DTC.

Statutory Authority G. S. 7A-793, G.S. 7A 796, G.S. 7A-797, G.S. 7A-798

§8.4. Statutory Goals for Local Drug Treatment Courts

The local court shall adopt the statutory goals for drug treatment courts.

G.S. 7A-792

Article IX – Operating a Local Drug Treatment Court

§9.1. Ten Key Components for Local Drug Treatment Courts

The local court shall adhere to the Ten Key Components of a Drug Treatment Court, as adopted by the U.S. Department of Justice:

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

§9.2. Best Practices for NC Drug Treatment Courts

The local court shall adhere to any best practices for drug treatment courts as promulgated by the NCAOC.

§9.3. Local Drug Treatment Court Management Committee

1. Members

The local management committee shall be appointed by the Senior Resident Superior Court Judge or the Chief District Court Judge for the district in which the local DTC court operates, with the concurrence of the District Attorney., The Committee may be the same entity as the local Criminal Justice Partnership Program Board or the Juvenile Crime Prevention Counsel, or another appropriate local board/committee, so long as the requirements in this Article are met. Until the local management committee selects another chair, the chair of the local management committee shall be:

- (a) a Resident Superior Court Judge, for a court that has at least one superior court session, or
- (b) a Chief District Court Judge, for any other court.

The membership of the local management committee shall be comprised to assure representation appropriate to the type or types of sessions to be conducted by the local DTC, chosen from the following list, with the letters “AS” standing for Adult Superior Court, the letters “AD” standing for Adult District Court, the letter “J” standing for Juvenile and the letter “F” standing for Family Drug Treatment Court, to indicate the type of session for which each member is required:

- (1) A judge of the superior court (AS);
- (2) A judge of the district court (AD, J, F);
- (3) A district attorney or assistant district attorney (AS, AD, J),
- (4) A public defender or assistant public defender in judicial districts served by a public defender (AS, AD, J);
- (5) An attorney representing the county department of social services within the district (F);
- (6) A representative of the guardian ad litem program (F);
- (7) A member of the private criminal defense bar (AS, AD, J);
- (8) A member of the private bar who represents respondents in department of social services juvenile matters (F);
- (9) A clerk of superior court (AS, AD, J, F);
- (10) The trial court administrator or Family Court Administrator as appropriate (AS, AD, J, F);
- (11) The director or member of the child welfare services division of a county department of social services within the district (F);
- (12) The chief juvenile court counselor for the district (J);
- (13) A representative from the Division of Community Corrections(AS, AD);
- (14) A local law enforcement officer (AS, AD, J);
- (15) A representative of the local school administrative unit (J, F);
- (16) A representative of the local community college (AS, AD, F);
- (17) A representative of the treatment providers

- (18) A representative of the local management entity for mental health/developmental disabilities and substance abuse services (AS, AD, F, J);
- (19) The local DTC director (AS, AD, J, F); and
- (20) Any other persons selected by the local management Committee.

Statutory Authority: G.S. 7A-796

(2) Meetings

The local management committee shall meet at least two times per year, pursuant to a regular schedule established by the committee. The committee should also establish a written procedure for calling and conducting special meetings.

(3) Duties

The local management committee shall provide oversight and guidance for the effective operation and successful performance of the local DTC and all its sessions. The local management committee shall:

- (a) Annually review and update the court's mission statement;
- (b) Annually review and update the court's operational and outcome goals, and assure achievement of those goals;
- (c) Adopt and annually review a comprehensive and detailed set of local standard operating procedures;
- (d) Assure that the local DTC is accessing essential services;
- (e) Assist in policy-related problem solving;
- (f) Explore possible funding sources to supplement funding from the State DTC appropriation, cooperate with State staff in applying for such funding when appropriate, and assure the proper expenditure of all such funds;
- (g) Enter into one or more memoranda of understanding with local agencies involved in the local DTC, substantially like the Model Memorandum of Understanding attached to the Minimum Standards in the Appendix;
- (h) Review the results of the SCOT self evaluation conducted by the core court team and DTC director, or any other evaluation conducted on the DTC, develop an action plan to respond to evaluations and submit the plan in a report to the State DTC Office and State DTC Advisory Committee, and ensure that the action plan is carried out, and;
- (i) Take any and all other measures necessary or appropriate for the effective oversight, direction and review of the local DTC.

§9.4. Local Standard Operating Procedures

The local management committee shall develop local standard operating procedures, not inconsistent with the Minimum Standards, which are necessary for the operation and evaluation of the local drug treatment court. The local drug treatment court standard operating procedures shall address the following subjects:

DTC Minimum Standards – 2010 Revision

- (1) As to the sessions of the local DTC:
 - (a) The type of court sessions (ie. adult, family or juvenile);
 - (b) A description of the target population;
 - (c) The stage of proceedings at which participants enter;
 - (d) The total number of participants targeted to be served during the fiscal year; and
 - (e) Any other aspects that the local management committee considers relevant.
- (2) As to participation in the local DTC:
 - (a) Procedures for targeting, referring, screening, and admitting candidates for participation;
 - (b) Requirements for full participation, including requirements as to:
 - (1) Orientation;
 - (2) Compliance with conditions of probation as appropriate;
 - (3) Compliance with DSS case plan as appropriate;
 - (4) Participation in group and individual treatment;
 - (5) Submission to drug testing;
 - (6) Attendance and participation in court sessions;
 - (7) Employment or school attendance;
 - (8) Community service as appropriate;
 - (9) Other requirements considered appropriate to achieve the objectives of the court;
 - (c) Provisions for case coordination of all participants;
 - (d) A description of, and criteria for applying, all incentives and sanctions (particularly incarceration) available in connection with participation;
 - (e) The minimum and maximum time allowable for an individual to complete the DTC successfully;
 - (f) All requirements for successful completion;
 - (g) The nature and timing of graduation ceremonies;
 - (h) The criteria for termination; and
 - (i) Any other aspects of participation that the local management committee considers relevant.
- (3) As to the phases of the drug treatment court:
 - (a) The number of phases through which participants will progress in fully completing the DTC including;
 - (b) Frequency of court appearances and other distinctive features of the phase;
 - (c) The length of each phase and the criteria for progressing from phase to phase; and
 - (d) Any other aspects of participant progress that the local management committee considers relevant.
- (4) As to treatment:
 - (a) Referral procedures for assessment and referral to treatment;
 - (b) The frequency and screening level of drug testing;
 - (c) Relapse prevention methods and other recovery supports;
 - (d) Any other aspects of treatment that the local management committee considers relevant.

- (5) As to drug treatment court status hearings:
 - (a) The frequency of hearing dates;
 - (b) The business to be conducted on each hearing date;
 - (c) Minimum and maximum number of cases to be heard on each hearing date;
 - (d) The protocol for pre-court staffings;
 - (e) The role of each drug treatment court team member;
 - (f) The court minutes/records to be kept by a deputy clerk during the hearings;
 - (g) Response to a participant's failure to appear,
 - (h) Decorum and attire;
 - (i) An overall description of a typical DTC session; and
 - (j) Any other aspects of the hearing procedure that the local management committee considers relevant;
- (6) As to the local management committee:
 - (a) The terms of the members;
 - (b) The selection of successors to the initial members and to the initial chair;
 - (c) The number and frequency of regular meetings;
 - (d) The business that must and may be conducted at regular meetings;
 - (e) Calling special meetings;
 - (f) How meetings are conducted, including quorum requirements;
 - (g) Staffing for the local management committee; and
 - (h) Any other aspects of the organization and business of the local management committee that it considers relevant.
- (7) Maintaining compliance with all local inter-agency memoranda of understanding;
- (8) As to the core court team members, all in-court and out-of-court roles and duties in any applicable local inter-agency memoranda of understanding; and any other consistent duties that the local management committee considers appropriate.
- (9) As to recordkeeping, criteria and procedures for:
 - (a) Attaining and maintaining compliance with all requirements for entering data in the statewide DTC Management Information System;
 - (b) Local case documentation;
 - (c) Local record keeping; and
 - (d) Ensuring that all local, state and federal confidentiality standards are maintained.
- (10) As to conflicts of interest, policies that assure the avoidance of conflicts and the appearance of conflicts in all the operations of the local DTC;
- (11) Any other subjects that the local management committee considers relevant.

Statutory Authority: G.S. 7A-796

§9.5. Core Court Team

- (1) The core court team for each session of a local DTC consists of a team of specially trained professionals selected for their experience and expertise. This shall include a consistent presiding judge and a case coordinator, plus all of the following that are appropriate to that session, with the letter "A" standing for

Adult, “J” for juvenile and “F” for family, to indicate the type of drug treatment court session for which the specified core team member is appropriate:

Prosecutor (A, J),
A DSS attorney (F),
Defense attorney (A, J)
Respondent’s attorney (F),
Probation officer (A),
Juvenile court counselor (J),
Guardian ad litem (F),
TASC coordinator (A), and
Treatment professional(s), as needed (A,J, F).

- (2) The primary responsibility of the core court team is to assure the effective functioning of the in-court process of each local DTC session, so as to attain the long-range rehabilitative and public safety goals of the local DTC. All core court team members should attend regular and frequent pre-court planning and staffing meetings, and engage in an ongoing collaborative process that includes, where appropriate, treatment providers and others involved in providing services for the local DTC.

Statutory Authority: G.S. 7A-795, G.S. 7A-797

§9.6. Personnel Requirements

- (1) All of the duties and services rendered or performed in the activity of the local Drug Treatment Court, which are funded by the N. C. Drug Treatment Court Act, shall be under the oversight of the NC Administrative Office of the Courts, and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under federal, state, and local law to perform such services. Salary and other compensation for personnel engaged in the work shall be based on established AOC policies covering qualifications, position descriptions, and salaries for existing comparable positions.
- (2) The local hiring authority (Chief District Court Judge or Resident Superior Court Judge) shall:
 - (a) maintain the following personnel documents: a position description for all staff; annual performance appraisals, and training documentation.
 - (b) Follow AOC Human Resources Minimum Standards in the process of posting position, reviewing applications and selecting persons to fill each position;
- (3) **Duties of the DTC Coordinator**
Program coordinator positions are not required in order to operate a local DTC. In DTCs where there is no coordinator, these duties are the responsibility of the case coordinator. In DTCs where there is a coordinator, the coordinator shall be a local DTC employee, who shall be selected and supervised by the Senior Resident Superior Court Judge or designee if any court sessions are conducted in Superior court, otherwise by the Chief District Court Judge or designee. The duties of DTC coordinator are to:
 - (a) Oversee or supervise all aspects of the day-to-day functions of the local DTC;

- (b) Oversee case coordinators and assure that all case coordination services are provided;
- (c) Employ strategic planning and management processes to attain the objectives of the court and provide timely reports;
- (d) Develop proposed local policies and procedures, present them to the local management committee for adoption and periodically review them and propose updates;
- (e) Install and maintain a quality control process at all DTC management and service levels, and identify critical or conflict issues on a timely basis for appropriate resolution consistent with the objectives and values of the local DTC;
- (f) Serve as an accurate and timely central repository and distributor for all information and communication about the local DTC (within the local DTC, to and from the State DTC Office staff and for the public);
- (g) Establish and maintain administrative and operational linkages between and among all persons and agencies involved in and affected by the local DTC;
- (h) Manage manual and computer management information systems, including outcome and process information systems, administer the systems in accordance with all applicable Minimum Standards, and obtain all information necessary to do so directly from all persons and entities that have the information;
- (i) Provide staff support to the local management committee and facilitate its meetings and its decision-making process;
- (j) Lead the core court team in conducting the annual self-evaluation and in developing a proposed action plan, present the results of the self evaluation and the proposed action plan to the local management committee for approval and lead the core court team in carrying out the action plan,
- (k) Provide management support to judges presiding at sessions of drug treatment court and others involved in the court,
- (l) Provide timely and accurate progress reports to all concerned persons;
- (m) In cooperation with the State staff, maintain administrative oversight of all research, data collection, and DTC evaluation initiatives involving the local DTC and keep the local management committee and other appropriate parties apprised of the substance, status and potential impact of same;
- (n) Provide opportunities for public education concerning the operation of the local DTC and concerning substance abuse and recovery in the public and private sector and train and cross train people in the criminal justice system, in the treatment system, and in business or education or the community at large;
- (o) Maintain contact and communication with the State DTC Office staff for the purposes of fulfilling the goals of the local DTC;
- (p) At the direction of the local management committee, and in cooperation with State staff, identify and apply for funding to supplement the funding provided from the State DTC appropriation; and
- (q) Perform any other duties assigned by the local management committee.

(4) Duties of the Case Coordinator

The case coordinator is hired by the local hiring authority, either a Resident Superior Court Judge or a Chief District Court Judge. The duties of the case coordinator are to:

- (a) Identify target population offenders for the DTC and work with the core team to recommend DTC as a sanction/disposition;
- (b) Facilitate the referral process for the local DTC;
- (c) Conduct screening for DTC referrals and share results with appropriate team members;
- (d) Conduct intake interview and share appropriate releases/information with core team members;
- (e) Make referrals for assessment for treatment;
- (f) Schedule core team case staffings and calendar cases for court review;
- (g) Monitor a caseload of active and inactive DTC participants;
- (h) Maintain up-to-date, accurate, verified and fully documented case files case plans, and all other required records relating to all client related activities,
- (i) Cooperate in the supervision and collection of samples for drug screening,
- (j) Coordinate collection and compilation of a status report from all team members to use at team meetings and court reviews;
- (k) Maintain records and enter all required data accurately in the DTC management information system;
- (l) Coordinate meetings of the Local Management Committee; and
- (m) Any other consistent duties that the local management committee considers appropriate that are not the duty of other team members.

Statutory Authority: G.S. 7A-795, G.S. 7A-797

§9.7. Treatment Services

- (1) The chair of the local DTC Management Committee shall consult with the director of the Local Management Entity regarding the treatment needs of the local DTC.
- (2) During their involvement in the 52-week Drug Treatment Court, participants shall have access to an array of treatment and continuing care services that meet the participant's level of need, including residential care to meet higher levels of need and step-down services that support continued recovery, therefore a continuum of evidence based services appropriate to the high-risk, high-need DTC population, including medication assisted therapies and treatment for co-occurring substance use and mental health disorders, is necessary.
- (3) All treatment should be individualized, but a common plan of care for the typical high-risk, high-need drug court participant will generally include:
 - Primary Care -12 weeks of Intensive Outpatient Treatment (3 hours, 3 times a week = 108 hours)
 - Continuing Care - 8-40 weeks of care (1.5 hours, 1-2 times a week) depending on the on-going needs of the individualTotal of approximately 180 hours of treatment over 52 weeks.
- (4) In consultation with the Local Management Entity, a single treatment provider may be chosen for non-Medicaid-eligible participants only. A single provider may

- be chosen who can work with all of the non-Medicaid-eligible drug treatment court participants in a single group.
- (5) All treatment services shall comply with applicable Federal and State rules, regulations and laws, and shall be provided by properly licensed facilities.
 - (6) Local drug treatment courts shall not enter into contractual agreements obligating state funds.

Statutory Authority: G.S. SECTION 10.49.(e2)

§9.8. Budget Information

- (1) The salaries and benefits of state-funded local DTC employees are paid by AOC to the employees.
- (2) No program fees shall be charged by Drug Treatment Courts to participants.
- (3) All invoices for authorized expenditures are submitted by the local DTC director to State staff for approval. Upon approval by State staff, AOC pays all such invoices from the appropriate funds.
- (4) All facilities for the local DTC court are provided by the county.
- (5) Fee-based alcohol electronic monitoring devices are not appropriate for use in a drug treatment court.

§9.9. Supplemental Funding and Contributions

- (1) No member of the core court team or employee of the local DTC shall accept cash donations to support the Drug Treatment Court.
- (2) DTC core team members or employees may make informational presentations to civic groups or non-profit organizations. If the civic group or non-profit organization desires to make a donation to the DTC, the donation shall be in the form of a check to the N. C. Administrative Office of the Courts and shall indicate the name of the receiving DTC.
- (3) A local DTC may receive supplemental funding from one or more independent funding agencies, including entities created specifically for the purpose, subject to the following limits:
 - (a) There shall be no conflict of interest between the independent funding agency, its directors, officer or employees and the local management committee, the core court team or the employees of the local DTC. No member of the core court team or the employees of the local DTC shall serve as an officer of an independent entity created to provide supplemental funding to the Drug Treatment Court.
 - (b) Supplemental funding may be provided to a local DTC for which no funding is reasonably available from another source, including:
 - (1) Transportation to enable participants to attend court sessions, receive treatment or maintain employment;
 - (2) Assistance with housing;
 - (3) Participant rewards provided for in the local DTC Minimum Standards and procedures;
 - (4) Other enhancements reasonably related to the long-range rehabilitative goals of the local DTC.

- (c) Supplemental funds shall not be given directly to a participant.
 - (d) Local DTC staff shall maintain an accurate record of all contributions and disbursements made in support of the local DTC operations. These records shall be made available upon request for auditing purposes.
- (4) An independent funding agency shall disburse all funds for enhancements to a specific service provider; no funds shall be given directly to a participant and no funds shall be received or disbursed by any employee of the local DTC.

Statutory Authority: G.S. 7A-795, G.S. 7A-797, G.S. A-302

§9.10. Reporting and Evaluation

- 1) Local DTC staff shall maintain data in the DTC MIS as required by the State DTC Office and/or the State DTC Advisory Committee.
- (2) The local management committee and the DTC director shall conduct an annual self assessment, as directed by the State Office. The assessment shall include analysis of how the DTC met its proposed performance objectives for the number of admissions, rate of graduation, and rate of treatment retention.

§9.11. Suspension of Recognition or State Funds of a Local Drug Treatment Court

- (1) If the State DTC Advisory Committee determines that a recognized local drug treatment court is not in substantial compliance with the requirements set forth in the Minimum Standards, the State DTC Committee shall recommend to the AOC Director to suspend its recognition as a local drug treatment court.
- (2) If the State DTC Advisory Committee determines that a state funded local drug treatment court is not in substantial compliance with the requirements set forth in the Minimum Standards, the State DTC Committee shall recommend to the AOC Director to suspend its funding.
- (3) The AOC Director shall notify the local DTC in writing of the areas of non-compliance and shall allow 30 days for a response.
 - (a) If an agreement is reached concerning a remedy, then the AOC Director shall allow 30 days following that agreement for the remedy to be implemented. If the deficiencies are not corrected within that period, the AOC Director may, upon written notice suspend the DTC's funds until the local DTC achieves compliance.
 - (b) If an agreement is not reached, the AOC Director may, upon written notice suspend the DTC's funds until the local DTC achieves compliance.

Article X – Benefits for Recognized Local Drug Treatment Courts

§10.1. Recognition

- (1) A local drug treatment court may request technical assistance from the State DTC Office in order to become recognized by the North Carolina Drug Treatment Advisory Committee.

- (2) A local court that documents compliance with the Minimum Standards in Article VIII shall be eligible to request recognition as part of the North Carolina Drug Treatment Court Act, and once recognized shall be entitled to the benefits described in this section, for so long as it remains in compliance.

§10.2. Benefits

For local courts that request assistance to be recognized by the State Drug Treatment Office, or for local courts that are recognized as local drug treatment courts, the following benefits are available upon request:

- (1) Assistance and guidance with the process of planning for a new drug treatment court;
- (2) Facilitation of access to federally funded training for drug courts;
- (3) Assistance to the local management team in identifying funding sources, and in completing applications for funding;
- (4) Assistance in connection with any aspect of the operation of the local drug treatment court;
- (5) Access to and training in the use of the statewide management information system so that local DTCs can document their activities and performance;
- (6) Assistance in assessing DTC effectiveness;
- (7) Access to in-state drug treatment court education and training to staff of local DTCs.

APPENDIX A

ADMINISTRATIVE OFFICE OF THE COURTS MODEL LOCAL MEMORANDUM OF UNDERSTANDING FOR DRUG TREATMENT COURT (09/01/10)

Drug Treatment Court (DTC) Local Memorandum of Understanding Between:

Drug Treatment Court, Judicial District XX (DTC)
Division of Community Corrections, Judicial District XX, (DCC)
Treatment Accountability for Safer Communities of Blank County, (TASC)
Treatment Provider Agency; (Agency)
XX Local Management Entity (LME)
XX County Criminal Justice Partnership Program, (CJPP)
District Attorney's Office, Judicial District XX
Public Defender's Office or Defense Attorney, Judicial District XX
Law Enforcement Agency, City/County XX
Drug Treatment Court Judge, Judicial District

This memorandum, entered into on this the _____ day of _____, 2005 is an agreement in principle concerning the anticipated roles, responsibilities, and expectations of the parties noted above;

- I. All signatories agree to the following:
 - a. Adhere to the NC Drug Treatment Act and the NC Drug Treatment Court Minimum Standards promulgated by the Administrative Office of the Courts.
 - b. Adhere to all federal and state confidentiality laws including 42 CFR, Health Insurance Portability and Accountability Act (HIPAA) (when applicable), and other appropriate laws.
 - c. Contribute, as requested, to the development of the offender's common case plan within 30 days of admission to DTC, and support implementation and revisions to the plan.
 - d. Attend staffings with all partner agencies to determine treatment progress, update individual offender case plans, and make joint decisions concerning compliance and subsequent incentives or sanctions.
 - e. Attend case review hearings as requested.
 - f. Whenever possible attend DTC conferences and training seminars if funding is available.

- II. AOC DTC agrees to the following:
 - a. Identify target population offenders for DTC and work with the district attorney's office, defense counsel, and/or the Division of Community Corrections to recommend DTC as a sanction.

DTC Minimum Standards – 2010 Revision

- b. Facilitate the referral process for DTC.
- c. Conduct screening for DTC referrals and share results with appropriate team members.
- d. Conduct intake interview and share appropriate releases/information with team members.
- e. Make referrals to TASC for assessment for treatment as soon as possible but no later than 48 hours after the court sanctions the offender to DTC.
- f. Schedule team case staffings and calendar cases for court review.
- g. Coordinate collection and compilation of a status report from all team members to use at team meetings and court reviews.
- h. Maintain records and enter data in the DTC Management Information System.
- i. Coordinate meetings of the Local Management Committee.

III. DCC Agrees to the following:

- a. Serve as the lead agency responsible for the offender in the community and the related case management.
- b. Recommend to DTC staff and judges that appropriate intermediate sanction probationers and community sanction offenders at risk of revocation be ordered to participate in the Drug Treatment Court
- c. Provide copies of all court judgments and orders, violation reports, and crime reports to DTC team members.
- c. Provide community corrections case management at the appropriate level to monitor and address offender behavior and compliance. Case management includes offender contact within the community, residence, and at collateral agencies; addressing specific offender needs, behaviors, and criminogenic risk factors identified through assessments, case plans, and by observation through direct assistance or referrals to appropriate service agencies; and taking appropriate action concerning compliance issues that provide for public safety, including victim safety.
- e. Make every reasonable effort to encourage and enforce offender compliance with assessment, treatment, and other agency requirements.
- f. Conduct drug screens on all offenders in coordination with team members. Share all drug screen results with partner agencies.
- g. Submit information to the DTC Coordinator 24 hours in advance of a team case staffing meeting so that a written report can be completed for the team staffing and the court review.
- h. Discuss and consider partner agency recommendations prior to the initiation of the formal violation process.
- i. Protect the rights of victims of offenders in the DTC.

IV: The LME agrees to the following:

- a. Consult with the local DTC Management Committee regarding the treatment needs of the local DTC.

- b. Ensure an array of treatment and continuing care services is available, including residential care to meet higher levels of need and step-down services that support continued recovery.
- c. Consult with the local DTC Management Committee regarding the potential need for a single treatment provider for non-Medicaid-eligible participants only
- d. All treatment services shall comply with applicable Federal and State rules, regulations and laws, and shall be provided by properly licensed facilities.

V. TASC agrees to the following:

- a. Recommend to DTC staff and judges that appropriate intermediate sanction probationers and community sanction offenders at risk of revocation be ordered to participate in the Drug Treatment Court.
- b. Within 10 working days of referral, provide a timely assessment of probationers referred to the DTC to determine treatment and other support services needs.
- c. Provide appropriate care management services; care management includes, obtaining Local Management Entity (LME) authorization for treatment services; making treatment and support services referrals to appropriate providers and supporting client choice in treatment; coordinating and monitoring offender progress; adjusting plans; and providing progress reports.
- d. Conduct and/or assist Community Corrections with urinalysis test. Share all test results with partner agencies.
- e. Submit information to the DTC Coordinator 24 hours in advance of a team case staffing meeting so that a written report can be completed for the team staffing and the court review
- f. Provide updates to the treatment and case plan. Provide recommendations concerning treatment plan adjustments.

VI Treatment Provider/CJPP agrees to the following:

- a. Provide authorized services to offenders referred to the DTC in accordance with standards established by relevant state Minimum Standards.
- b. Conduct drug screens on offenders in coordination with team members. Share all drug screen results with partner agencies.
- c. Submit information to the TASC Coordinator 24 hours in advance of a team case staffing so that a written report can be completed for the team staffing and the court review.

VII. District Attorney's Office agrees to the following:

- a. Screen offenders for participation in Drug Treatment Court.
- b. Ensure that special conditions of probation (#13, 14,15 & 18) are included in the court judgment.
- c. Hold DTC offenders accountable for their actions in accordance with the law.

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- d. Protect the rights of victims of offenders involved in the DTC.

VIII. Public Defender/Defense Attorney

- a. Advocate for the rights and best outcomes of the offender.
- b. Aid in the achievement of the offenders' long-range rehabilitative goals.

IX. Law Enforcement Officer

- a. Accompany probation officers in conducting warrantless searches, as requested.
- b. Observe and report on offenders' behavior in the community.

X. (Optional) Designated Superior or District Drug Treatment Court Judge agrees to the following:

- a. Preside over DTC court sessions at least twice per month.
- b. During court sessions, motivate offenders towards success while holding them accountable for their actions.
- c. Ensure that all cases are staffed prior to court sessions.
- d. Monitor the offender's progress in relation to his/her case plan and address compliance by delivering incentives or sanctions.
- e. Promote non-adversarial and power-sharing relationships between team members.
- f. Serve as the final arbiter when the team is unable to reach consensus.

This the _____ day of _____, 2005

Drug Treatment Court Coordinator

Judicial District Manager, DCC

Manager, TASC

Program Director, CJPP

Director, Treatment Agency

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Assistant District Attorney

Director, Local Management Entity

Defense Attorney

Law Enforcement Officer

Drug Treatment Court Judge

CC: All Parties to MOU