

**State Court Administrative Office  
Trial Court Services  
Problem-Solving Courts**



# **Policy and Procedure Manual for Certification of Problem-Solving Courts**

**March 2019**



## Table of Contents

I.	Defining Certification.....	3
II.	Problem-Solving Court Certification under Statute .....	3
III.	Provisional Certification.....	3
IV.	Tribal Healing-to-Wellness Courts .....	4
V.	Applying for Certification Annually .....	4
VI.	Cycles.....	4
VII.	Program Types that Do and Do Not have an Upcoming Certification Site Visit .....	5
VIII.	Certification Site Visit Process.....	5
IX.	Most Common Certification Requirements to Improve .....	7
X.	Training, Technical Assistance, and Resources .....	8
	Appendix A.....	9
	Appendix B.....	10

## **I. Defining Certification**

A problem-solving court that is certified by the State Court Administrative Office (SCAO) is complying with all of the standards and required best practices from the [\*Standards, Best Practices, and Promising Practices\*](#) manual for that program type.

## **II. Problem-Solving Court Certification under Statute**

Michigan statute requires drug courts, mental health courts, and veterans treatment courts to be certified programs.

- Drug court certification is required under [MCL 600.1062\(5\)](#). This includes adult and juvenile drug courts, sobriety courts, hybrid drug/sobriety courts, and family dependency treatment courts.
- Sobriety court certification is required under [MCL 600.1084\(3\)](#) and refers back to 1062(5).
- Adult mental health court certification is required under [MCL 600.1091\(4\)](#).
- Juvenile mental health court certification is required under [MCL 600.1099c\(4\)](#).
- Veterans treatment court certification is required under [MCL 600.1201\(5\)](#).

The statutes say that every problem-solving court in Michigan “must be certified by the state court administrative office” and that “[t]he state court administrative office shall establish the procedure for certification.” The statutes also say that “[t]he state court administrative office shall include a [problem-solving court] certified under this subsection on the statewide official list of [problem-solving courts].” Finally, the statutes indicate that “a [problem-solving court] that is not certified under this subsection shall not perform any of the functions of a [problem-solving court], including, but not limited to, any of the following functions.”

- Charging a fee under the problem-solving courts statute for that program type
- Discharging and dismissing a case under the problem-solving courts statute for that program type
- Receiving funding under the problem-solving courts statute for that program type
- Certifying to the Secretary of State that an individual is eligible to receive a restricted license under MCL 600.1084 and MCL 257.304. (This section is not included as part of the certification section of the mental health court statute.)

## **III. Provisional Certification**

All problem-solving courts that have an approved local administrative order (LAO) on file with the State Court Administrative Office are “provisionally certified” by SCAO until their certification site visit. A program that is not provisionally certified can become provisionally certified upon the approval of an LAO.

A program’s status of “provisional certification” ensures the following under the certification statute: (1) that a court can adopt or continue to operate the program, (2) that the program can perform the functions of a problem-solving court of that program type, and (3) that the State Court Administrative Office recognizes the program on the statewide official list of problem-solving courts.

#### **IV. Tribal Healing-to-Wellness Courts**

Tribal Healing-to-Wellness courts are exempt from the certification requirement under statute. But if a Healing-to-Wellness court wants to offer ignition interlock under MCL 600.1084, the program must become provisionally certified and subsequently added to the statewide official list of problem-solving courts.

A Healing-to-Wellness court that is interested in offering ignition interlock to its participants can request provisional certification from the State Court Administrative Office, and they will provisionally certify the program to ensure compliance with the certification aspect of the ignition interlock statute. A Healing-to-Wellness court that is provisionally certified will remain provisionally certified until they request a certification site visit, and they are not required to request a certification site visit.

A Healing-to-Wellness court that is interested in becoming provisionally certified can contact [TrialCourtServices@courts.mi.gov](mailto:TrialCourtServices@courts.mi.gov).

#### **V. Applying for Certification Annually**

A problem-solving court that wants to become or remain certified must apply annually for certification in WebGrants. A program that has previously applied for certification in WebGrants can use the system's "copy existing application" feature. Certification applications differ from grant applications, so programs that want to become or remain certified and want grant funding will submit at least two separate applications.

#### **VI. Cycles**

All problem-solving courts in Michigan are divided into four certification cycles, and the cycle that a program is on drives the timeline for that program's certification site visit.

- Programs on cycle A have a certification site visit in FY 2018, FY 2022, FY 2026, etc.
- Programs on cycle B have a certification site visit in FY 2019, FY 2023, FY 2027, etc.
- Programs on cycle C have a certification site visit in FY 2020, FY 2024, FY 2028, etc.
- Programs on cycle D have a certification site visit in FY 2021, FY 2025, FY 2029, etc.

Once a program achieves full certification following a site visit, the certification is effective for four years and is subject to review if the program changes in a way that affects standards or required best practices.

## **VII. Program Types that Do and Do Not have an Upcoming Certification Site Visit**

The following program types will have a certification site visit by fiscal-year 2021.

- Adult drug courts
- DWI courts
- Hybrid drug/DWI courts
- Family dependency treatment courts
- Adult mental health courts
- Veterans treatment courts

The following program types will not have a certification site visit before fiscal-year 2021.

- Juvenile drug courts
- Juvenile mental health courts
- Swift and Sure Sanctions Probation Programs

While juvenile drug and juvenile mental health courts are included under the certification statute, they will not have a certification site visit until after the National Center for State Court's comprehensive evaluation regarding juvenile programs is completed. In the meantime, these programs have been provisionally certified. Certification does not apply to Swift and Sure Programs because certification is not included in the Swift and Sure statute. Additionally, programs in the planning stage will not have a certification site visit until they have an approved local administrative order, are provisionally certified, and have started taking participants.

## **VIII. Certification Site Visit Process**

A problem-solving court program becomes fully certified following a certification site visit.

### **a. Before the Certification Site Visit**

After all programs have applied for certification in WebGrants, the following three steps occur before the site visit.

First, by September of each year, the State Court Administrative Office will send a letter to the programs that have a certification site visit in the upcoming fiscal year. The letter includes an attached blank calendar and requests that each program sends back a completed calendar with the days of the program's status review hearings and team meetings from January to August of the upcoming fiscal year.

Second, by November, the State Court Administrative Office sends a letter to each program that has an upcoming certification site visit with the date of the site visit.

The letter requests that the program complete three items in WebGrants no later than 30 days before the site visit.

- The program completes a self-assessment, which self-identifies the standards and required best practices (if any) that the program is having difficulty fully implementing
- The program fills out the schedule for the day of the site visit
- The program uploads its certification documents

Third, the program's team members complete an anonymous survey regarding program operations.

Additionally, all programs have access to the site visit interview questions and model documents to assist programs with achieving certification. The interview questions and Word versions of the model documents are available in each program's "Certification Site Visit" section in WebGrants. The model documents are also available on the [problem-solving courts resources webpage](#) and in the appendix section of the [Standards, Best Practices, and Promising Practices manual](#) for each program type.

## **b. During the Certification Site Visit**

Two team members from the State Court Administrative Office attend the certification site visit. The site visit includes the following components.

- Observation of the program's status review hearing
- Observation of the program's staffing meeting
- Interviews with the program judge(s), coordinator/case manager/probation officer, treatment representative(s), veterans justice outreach liaison (for veterans treatment courts only), prosecutor representative, and defense attorney representative(s)
- Meeting with the team members who enter data on the DCCMIS and/or use DCAS to analyze the program's data
- Review a random sample of the program's case files
- Tour of the program's office functions regarding where files are stored

Site visits are generally completed in one day, but if the review hearing or staffing meeting are held on different days, the site visit might extend to two days. The site visit for a regional program that has multiple locations might occur over the course of multiple days.

## **c. After the Certification Site Visit**

If the program met all certification requirements, a "certified" report and a certificate are sent to the program's team.

If there are any standards or required best practices that are not met, the analysts will prepare a report<sup>1</sup> and Certification Correction Form (CCF).<sup>2</sup> The report and CCF will

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<sup>1</sup> See Appendix A

<sup>2</sup> See Appendix B

identify the standards and required best practices that are not met, and it will indicate the program's next steps and a due date to meet the requirements. If the CCF is not submitted by the due date, it will result in the program not meeting certification.

If the initial CCF has been submitted, and there are still standards or required best practices that have not been met, the analysts will prepare another CCF. The updated CCF will identify the remaining standards and required best practices that are not met, and it will indicate the program's next steps to meet the requirements and a due date to complete them.

The analysts will continue to assist the program, and this same process might occur multiple times until all standards and required best practices have been met. Once all standards and required best practices have been met, a "certified" report and a certificate are sent to the program's team, and the certification is effective for four years.<sup>3</sup>

If the final determination is to not certify the program, the team members will receive a letter that the program is not certified. The letter will identify the standards and required best practices that have not been met and the reasons for reaching that conclusion. The letter will also give the program the opportunity to appeal the determination to not certify the program. If the program appeals, an appeal panel will review all relevant information and determine the program's final certification status. If the appeal panel affirms the determination to not certify the program, the program will have 30 days from the date of the appeal panel's decision to discontinue the program, including doing the following under the statute.

- Rescinding the program's local administrative order
- Returning grant funds or submitting a final claim in WebGrants for expenditures made while the program was still in operation
- Discharging participants from the program or transferring participants to a certified program
- Sending form MC 393 to the Secretary of State regarding program discharge and the potential removal of ignition interlock devices from participants' vehicles

If the appeal panel overturns the determination to not certify the program, the appeal panel will notify the program and the analysts about the program's certification status.

## **IX. Most Common Certification Requirements to Improve**

The most common areas that have prevented a program from achieving certification immediately after the site visit include not inputting every minimum standard data requirement into the program's data system and not including required information in the program's documents.

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<sup>3</sup> When a program achieves certification, it is based on program operations as reported and observed during the certification review process. The certification is effective for four years and is subject to review if the program changes in a way that affects standards or required best practices.

If a program does not have every minimum standard data requirement input into its data system, the analysts on the site visit will identify each data field that needs to be updated and offer assistance to ensure that the minimum standard data is entered.

Additionally, the problem-solving courts team created model documents to assist programs with meeting the document requirements for certification. To ensure that the document requirements are met, a program can use the model documents to update or replace their current documents. The model documents are available on the [problem-solving courts resources webpage](#) and in the appendix section of the [Standards, Best Practices, and Promising Practices manual](#) for your program type. Word versions of the model documents are available in the program's "Certification Site Visit" section of WebGrants.

## **X. Training, Technical Assistance, and Resources**

The goal of the State Court Administrative Office is that every problem-solving court achieves certification, and SCAO's staff is committed to assisting programs toward that goal. There are several resources and training opportunities to assist a program in achieving certification.

- There are separate [Standards, Best Practices, and Promising Practices](#) manuals for adult drug courts, adult mental health courts, and veterans treatment courts. The manuals include all standards and required best practices that a program is required to follow in order to achieve certification. The manuals also include model documents that a program can use to ensure that they meet the document requirements for certification.
- Each of the three main program types also has a [required best practices document](#). This document is shorter than the manual, and it includes only the best practices that a program is required to follow in order to achieve certification.
- The State Court Administrative Office created model documents to assist programs with meeting the document requirements for certification. The model documents are available on the [problem-solving courts resources webpage](#) and in the appendix section of the [Standards, Best Practices, and Promising Practices manual](#) for each program type. Versions of the model documents are also available in Microsoft Word format in each program's "Certification Site Visit" section in WebGrants.
- Similar to the model documents, programs can access all site visit interview questions in the program's "Certification Site Visit" section in WebGrants.
- The State Court Administrative Office offers various problem-solving court trainings throughout the year. The [training calendar](#) is available on the problem-solving courts webpage.
- The State Court Administrative Office has partnered with the Michigan Association of Treatment Court Professionals to offer training and technical assistance for programs that request it. A program that is interested in training or technical assistance can contact their SCAO Regional Administrator.

## Appendix A

Program: 99th Circuit Court Adult Drug Court  
 Analysts: Analyst 1 and Analyst 2  
 Date of certification site visit: February 1, 2019

**Corrective action is needed by April 1, 2019, to achieve certification. Areas that do not meet certification are highlighted and have instructions on what the program must do in order to become compliant. Please use the attached Certification Correction Form (CCF) for each standard or required best practice that was not met, and submit the form to Analyst 1 and Analyst 2 at Analyst1@courts.mi.gov and Analyst2@courts.mi.gov by the due date indicated above.**

SCAO recommends that you submit the CCF before the due date in case there are additional revisions or corrections that need to be made before that date. If the CCF is not submitted by the due date, it will result in the program not meeting certification.

		Status
<b>CHAPTER 1: JUDGE'S ROLE</b>		
<p>A drug treatment court shall comply with the 10 key components promulgated by the national association of drug court professionals, which include all of the following essential characteristics:</p> <ul style="list-style-type: none"> <li>• Ongoing close judicial interaction with each participant and supervision of progress for each participant; (MCL 600.1060(c)(vii))</li> <li>• Continued interdisciplinary education in order to promote effective drug court planning, implementation, and operation. (MCL 600.1060(c)(ix))</li> </ul>		Does Not Meet
Requirements for certification:	Verify in the CCF that participants appear before the judge for status review hearings at least once every two weeks during the first phase of the program and at least once every four weeks until participants are in the last phase.	
<i>Participants ordinarily appear before the same judge throughout their enrollment in the drug court.</i>		Meets Fully
<i>The drug court judge attends current training events on legal and constitutional issues in drug courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. Attendance at annual training conferences and workshops ensures contemporary knowledge about advances in the drug court field.</i>		Meets Fully

## Appendix B

<i>Certification Requirement Not Met and Required Corrective Action</i>	<i>Description of Correction Made and Document Name Attached (if any)(include page numbers)</i>	<b>To be filled out by SCAO:</b> <i>Program Meets Standard or Required Best Practice (Y/N)</i>
<p>A drug treatment court shall comply with the 10 key components promulgated by the national association of drug court professionals, which include all of the following essential characteristics:</p> <ul style="list-style-type: none"> <li>• Ongoing close judicial interaction with each participant and supervision of progress for each participant; (MCL 600.1060(c)(vii))</li> <li>• Continued interdisciplinary education in order to promote effective drug court planning, implementation, and operation. (MCL 600.1060(c)(ix))</li> </ul>		
<p><i>Participants appear before the judge for status hearings at least once every two weeks during the first phase of the program. The frequency of status review hearings may be reduced gradually after participants have initiated abstinence from alcohol and illicit drugs and are regularly engaged in treatment. Status review hearings are scheduled at least once every four weeks until participants are in the last phase of the program.</i></p>		
<p>Verify in the CCF that participants appear before the judge for status review hearings at least once every two weeks during the first phase of the program and at least once every four weeks until participants are in the last phase.</p>		