

# Guide for Developing a New Problem-Solving Court

## *Instructions:*

This document is meant to serve as a general guideline for any court that is in the development stage of implementing a problem-solving court. While sections of this document are in a checklist format, you are not required to submit the document to the State Court Administrative Office (SCAO). For technical assistance, please contact SCAO at [trialcourtservices@courts.mi.gov](mailto:trialcourtservices@courts.mi.gov).

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## Section 1: Resources

When establishing a new problem-solving court, it is important to conduct a thorough planning phase. Planning involves bringing together relevant stakeholders, assessing community needs and resources, and identifying a target population. These resources will be helpful as you begin:

- [Developing and Implementing a Drug Court in Michigan](#)
- [Developing and Implementing a Regional DWI Court in Michigan](#)
- [Developing and Implementing a Mental Health Court in Michigan](#)
- [Veterans Treatment Courts in Michigan: A Manual for Judges](#)

Several websites provide helpful information for problem-solving courts. These websites provide resources, research updates, news, education, and training opportunities.

- [National Association of Drug Court Professionals](#)
- [National Drug Court Institute](#)
- [National Center for DWI Courts](#)
- [National Drug Court Resource Center](#)
- [Justice for Vets](#)

Becoming a recognized problem-solving court makes you eligible for various grant opportunities. State- and federally-funded grants are available through SCAO. To review and apply for SCAO grants, you must set up an account on WebGrants, SCAO's web-based grant management system, at <http://micourts.dullestech.net/>.

The federal government also offers grants to problem-solving courts. The Bureau of Justice Assistance offers several different grant programs. More information is available on the [BJA website](#). The Substance Abuse and Mental Health Services Administration (SAMHSA) also provides supplemental problem-solving court grants. More information is available at the [SAMHSA website](#).

Problem-solving courts use various forms to guide the participant through the initial entry process and ongoing case management. Some examples include: a participant contract, consent to release information forms, and confidentiality documents. A sample library is available on the SCAO [resources and training webpage](#) and on the [SCAO extranet page](#).<sup>1</sup> The National Drug Court Resource Center (see link above) also has some sample forms.

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<sup>1</sup> To apply for Extranet access, e-mail [trialcourtservices@courts.mi.gov](mailto:trialcourtservices@courts.mi.gov) and request an application form for access to the Extranet for Problem-Solving Courts.

Effective January 1, 2018, all problem-solving courts must be certified by SCAO. Manuals with certification requirements are available at:

- [Adult Drug Court Standards, Best Practices, and Promising Practices](#)
- [Adult Mental Health Court Standards, Best Practices, and Promising Practices](#)
- [Veterans Treatment Court Standards, Best Practices, and Promising Practices](#)

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## Section 2: General Information Checklist

### What is the Program Type?

- |  |                    |
|--|--------------------|
| <input type="checkbox"/> Adult Drug Court (accepts only non-OWI offenses)      | complete Section 3 |
| <input type="checkbox"/> Sobriety Court (accepts only OWI offenses)            | complete Section 3 |
| <input type="checkbox"/> Hybrid Court (accepts both OWI and non-OWI offenses)  | complete Section 3 |
| <input type="checkbox"/> Juvenile Drug Court (Delinquency)                     | complete Section 3 |
| <input type="checkbox"/> Family Dependency Treatment Court (Neglect and Abuse) | complete Section 3 |
| <input type="checkbox"/> Mental Health Court                                   | complete Section 4 |
| <input type="checkbox"/> Juvenile Mental Health Court (Delinquency)            | complete Section 4 |
| <input type="checkbox"/> Veterans Treatment Court                              | complete Section 5 |

### Projected Start Date

What is the projected start date for the program?

### Local Administrative Order (LAO)<sup>2</sup>

Has the program drafted an LAO?

- Yes  No

If yes, based on the program type, which model LAO was used?

- |  |   |
|--|---|
| <input type="checkbox"/> Drug Treatment Court            | <input type="checkbox"/> Drug Treatment Court-Regional            |
| <input type="checkbox"/> DWI Court                       | <input type="checkbox"/> DWI court-Regional                       |
| <input type="checkbox"/> Hybrid DWI/Drug Treatment Court | <input type="checkbox"/> Hybrid DWI/Drug Treatment Court-Regional |
| <input type="checkbox"/> Family Dependency Court         |   |
| <input type="checkbox"/> Juvenile Drug Treatment Court   |   |
| <input type="checkbox"/> Mental Health Court             | <input type="checkbox"/> Mental Health Court-Regional             |
| <input type="checkbox"/> Veterans Treatment Court        |   |

Was the completed LAO submitted to the regional administrator for approval?

- Yes  No

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<sup>2</sup> Model LAOs are located at <http://courts.mi.gov/administration/admin/op/problem-solving-courts/pages/training-and-resources.aspx>.

## Section 3: Adult and Juvenile Drug Court, Sobriety Court, Hybrid Drug/Sobriety Court, Family Dependency Treatment Court (DTC) Checklist

Courts should refer to [MCL 600.1060 through MCL 600.1084](#) when establishing their programs to ensure that the drug or DWI court program is designed in compliance with statutory requirements.

**What type of charges will be admitted into the program?** (Mark all that apply.)

- Misdemeanor
- Felony
- Neglect/Abuse

**What are the clinical eligibility parameters for admission into the program?** (Mark all that apply.)

- Abuse or dependent upon alcohol or drugs per [MCL 600.1060\(c\)](#) and [MCL 600.1066\(a\)](#)
- Other (explain):

### Memorandum of Understanding (MOU)<sup>3</sup>

- Participants will be eligible for (mark all that apply), and the terms and conditions of each are included in the MOU per [MCL 600.1068\(2\)](#), and [MCL 600.1076\(4\)](#):
  - Dismissal
  - Delayed sentence
  - Deviation from the sentencing guidelines
  - Not applicable
- The MOU has an expiration date of
- The MOU describes each party's role [per MCL 600.1062\(1\)](#)
- The MOU includes in each party's role the conditions/parameters for how the team member is to share information about participants, and that all team members and their agencies/organizations will comply with 42 CFR and HIPAA
  - Yes
  - Not applicable because there is a separate confidentiality specific MOU with this information
- The MOU includes information about the program fee under [MCL 600.1070\(4\)](#)
  - Yes
  - Not applicable
- The following team members signed the MOU per [MCL 600.1062\(1\) and \(2\)](#): (Mark all that apply.)
  - Program judge
  - Chief judge
  - All active team members (specify if not identified on another line):
  - The agency or organization of all active team members
  - Community-based treatment provider (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)

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<sup>3</sup> A model MOU that includes information about who must sign the MOU and any information that must be included in the MOU is available at <http://courts.mi.gov/Administration/admin/op/problem-solving-courts/Documents/DTC-ProgramMOU.pdf>.

- Participating prosecuting attorney in the circuit and/or district court (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)
- Representative of the criminal defense bar (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)

### **Assignment Order**

If it is a district court program accepting felony offenders, or a program accepting offenders from courts other than the judge’s “home” court, is there an approved assignment order or concurrent jurisdiction plan in place?

- Yes
- No
- Not applicable

### **Program Planning Contacts**

Who was contacted to discuss and plan the new problem-solving court program? (Mark all that apply.)

- SCAO-Trial Court Services
- SCAO-Regional Office
- Existing drug court judge or staff (specify which court):
- Michigan Association of Treatment Court Professionals
- Treatment agencies (please list):
- Other (explain):

### **Drug Treatment Courts Recognized by SCAO**

The court has completed the following requirements to be recognized by SCAO as being in the planning stage:

- Notified SCAO that the program applied for one of the following required trainings:
  - Adult Drug Court Planning Initiative (ADCPI) training through NDCI<sup>4</sup>, or
  - Fundamentals of Problem–Solving Courts training through SCAO<sup>5</sup>
- Notified SCAO that the program is drafting an LAO and MOU
- Has an approved LAO and signed MOU on file prior to accepting any program participants

The court has completed the following requirements to be recognized by SCAO as an operational DTC:

- Has an approved LAO and signed MOU on file
- The program is provisionally certified
- Is in compliance with all SCAO data reporting requirements through one of the following methods:
  - [DCCMIS](#)
  - SCAO data-reporting Excel document (the link is located on the [SCAO training and resources](#) page under DCCMIS Resources)

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<sup>4</sup> More information about the training is available at <https://www.ndci.org/resources/training/treatment-court-design/>.

<sup>5</sup> More information about the training is available at <http://courts.mi.gov/Administration/admin/op/problem-solving-courts/Documents/PSC-PublicTrainingCalendar.pdf>.

## Certification

Effective January 1, 2018, per [MCL 600.1062\(5\)](#) all drug treatment courts must be certified by SCAO. Any DTC that is not certified shall not perform any of the functions of a DTC, including, but not limited to, the following:

1. Charging a fee under section 1070
2. Discharging and dismissing a case as provided in section 1076
3. Receiving funding under section 1080
4. Certifying to the Secretary of State that an individual is eligible to receive a restricted license under section 1084 of this act and section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304

## Qualifications to Apply for Grant Funding

Operational DTCs must be certified (or provisionally certified) by SCAO to qualify for grant funding. Courts that are in the planning stage of establishing a DTC program are not required to have an approved LAO or MOU in order to apply for grant funding, but they must have both documents and any required training before becoming operational.

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## Section 4: Adult and Juvenile Mental Health Court (MHC) Checklist

Courts should refer to [MCL 600.1090 through MCL 600.1099a](#) and the [Mental Health Code Act 258 of 1974](#) when establishing their program to ensure that the mental health court program is designed in compliance with statutory requirements.

**What type of charges will be admitted into the program?** (Mark all that apply.)

- Misdemeanor
- Felony

**What are the clinical eligibility parameters for admission into the program?** (Mark all that apply.)

- Serious Mental Illness (SMI) as defined by MCL 330.1100d, or
- Serious Emotional Disturbance (SED) as defined by MCL 330.1100d, or
- Developmental Disability (DD) as defined by MCL 330.1100a, or
- Co-occurring disorder (SUD along with SMI, or SED, or DD) per MCL 600.1090(e)(i).
- Other (explain):

## Memorandum of Understanding (MOU)<sup>6</sup>

- Participants will be eligible for (mark all that apply), and the terms and conditions of each are included in the MOU, per [MCL 600.1098\(3\)](#):
  - Dismissal
  - Delayed sentence
  - Deviation from the sentencing guidelines
  - Not applicable
- The MOU has an expiration date of Click or tap to enter a date.
- The MOU describes each party's role per MCL 600.1091(1)

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<sup>6</sup> A model MOU that includes information about who must sign the MOU and any information that must be included in the MOU is available at <http://courts.mi.gov/Administration/admin/op/problem-solving-courts/Documents/MHC-ProgramMOU.pdf>.

- The MOU includes in each party's role the conditions/parameters for how the team member is to share information about participants, and that all team members and their agencies/organizations will comply with 42 CFR and HIPAA
  - Yes
  - Not applicable because there is a separate confidentiality specific MOU with this information
- The MOU includes information about the program fee under [MCL 600.1095\(3\)](#)
  - Yes
  - Not applicable
- The following team members signed the MOU per [MCL 600.1091](#): (Mark all that apply.)
  - Program judge
  - Chief judge
  - All active team members (specify, if not identified on another line):
  - The agency or organization of all active team members
  - Community-based treatment provider (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)
  - Participating prosecuting attorney in the circuit and/or district court (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)
  - Representative of the criminal defense bar (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)
  - Representative of Community Mental Health

### Assignment Order

If it is a district court program accepting felony offenders, or a program accepting offenders from courts other than the judge's "home" court, is there an approved assignment order or concurrent- jurisdiction plan in place?

- Yes
- No
- Not applicable

### Program Planning Contacts

Who was contacted to discuss and plan the new problem-solving court program? (Mark all that apply.)

- SCAO-Trial Court Services
- SCAO-Regional Office
- Existing mental health court judge or staff (specify which court):
- Michigan Association of Treatment Court Professionals
- Treatment agencies (please list):
- Stakeholders (please list)<sup>7</sup>:
- Other (explain):

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<sup>7</sup> A person, group, or organization representing the criminal justice system, mental health system, substance abuse treatment system, any related systems, and the community that has interest or concern in an organization.

## Mental Health Courts Recognized by SCAO

The court has completed the following requirements to be recognized by SCAO as being in the planning stage:

- Notified SCAO that the program has applied to attend the Fundamentals of Problem-Solving Courts training through SCAO.<sup>8</sup>
- Notified SCAO that the program is drafting an LAO and MOU.
- Has an approved LAO and signed MOU<sup>9</sup> on file prior to accepting any program participants.

The court has completed the following requirements to be recognized by SCAO as being an operational MHC:

- Has an approved LAO and signed MOU on file
- Is provisionally certified
- Is in compliance with all SCAO data reporting requirements through one of the following methods:
  - [DCCMIS](#)
  - SCAO data reporting excel document (the link is located on the [SCAO training and resources](#) page under DCCMIS Resources)

## Certification

Effective January 1, 2018, per [MCL 600.1091\(4\)](#) all mental health courts must be certified by SCAO. Any MHC that is not certified shall not perform any of the functions of an MHC, including, but not limited to, the following:

1. Charging a fee under section 1095
2. Discharging and dismissing a case as provided in section 1098
3. Receiving funding under section 1099a

## Qualifications to Apply for Grant Funding

Operational MHCs must be certified (or provisionally certified) by SCAO to qualify for grant funding. Courts that are in the planning stage of establishing an MHC program are not required to have an approved LAO or MOU in order to apply for grant funding, but they must have both documents and any required training before becoming operational.

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## Section 5: Veterans Treatment Court (VTC) Checklist

Courts should refer to [MCL 600.1200 through MCL 600.1212](#) when establishing their program to ensure that the veterans treatment court program is designed in compliance with statutory requirements.

**What type of charges will be admitted into the program?** (Mark all that apply.)

- Misdemeanor
- Felony

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<sup>8</sup> More information about the training is available at <http://courts.mi.gov/Administration/admin/op/problem-solving-courts/Documents/PSC-PublicTrainingCalendar.pdf>.

**What are the clinical eligibility parameters for admission into the program?** (Mark all that apply.)

- The individual is dependent upon or abusing drugs or alcohol, or
- The individual suffers from a mental illness<sup>10</sup> per [MCL 600.1204\(b\)](#)
- Other (explain):

### **Memorandum of Understanding (MOU)<sup>11</sup>**

- Participants will be eligible for (mark all that apply), and the terms and conditions of each are included in the MOU per [MCL 600.1205\(2\)](#), and [MCL 600.1209\(4\)](#):
  - Dismissal
  - Delayed Sentence
  - Deviation from the Sentencing Guidelines
  - Not Applicable
- The MOU has an expiration date of
- The MOU describes the conditions for which the MOU must be renewed and amended per [MCL 600.1201\(2\)](#)
- The MOU describes each party's role per [MCL 600.1201\(2\)](#)
- The MOU includes in each party's role the conditions/parameters for how the team member is to share information about participants, and that all team members and their agencies/organizations will comply with 42 CFR and HIPAA.
  - Yes
  - Not Applicable because there is a separate confidentiality specific MOU with this information
- The MOU includes information about the program fee under [MCL 600.1206\(4\)](#)
  - Yes
  - Not Applicable
- The following team members signed the MOU per [MCL 600.1201\(2\)](#): (Mark all that apply.)
  - Program judge
  - Chief judge
  - Representative of the US Department of Veterans Affairs
  - Representative of veterans service organizations in the circuit or district court jurisdictional area
  - All active team members (specify if not identified on another line):
  - The agency or organization of all active team members
  - Community-based treatment provider (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)
  - Participating prosecuting attorney in the circuit and/or district court (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)
  - Representative of the criminal defense bar (required if offering discharge and dismissal of an offense, delayed sentence, or deviation from sentencing guidelines)

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<sup>10</sup> Per MCL 600.1200(d), "Mental illness" is defined as a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life, including, but not limited to, post-traumatic stress disorder and psychiatric symptoms associated with traumatic brain injury.

<sup>11</sup> A model MOU that includes information about who must sign the MOU and any information that must be included in the MOU is available at <http://courts.mi.gov/Administration/admin/op/problem-solving-courts/Documents/VTC-ProgramMOU.pdf>

## Assignment Order

If it is a district court program accepting felony offenders, or a program accepting offenders from courts other than the judge's "home" court, is there an approved assignment order or concurrent jurisdiction plan in place?

- Yes
- No
- Not applicable

## Program Planning Contacts

Who was contacted to discuss and plan the new problem-solving court program? (Mark all that apply.)

- SCAO-Trial Court Services
- SCAO-Regional Office
- Existing veterans treatment court judge or staff (specify which court):
- Michigan Association of Treatment Court Professionals
- US Department of Veterans Affairs
- Veterans service organizations
- Treatment agencies (please list):
- Other (explain):

## Veterans Treatment Courts Recognized by SCAO

The court has completed the following requirements to be recognized by SCAO as being in the planning stage:

- Notified SCAO that the program applied for one of the following required trainings:
  - Veterans Treatment Court Implementation Training (VTCIT) through NDCI/Justice for Vets<sup>12</sup>, or
  - Fundamentals of Problem-Solving Courts training through SCAO.<sup>13</sup>
- Notified SCAO that the program is drafting an LAO and MOU.
- Has an approved LAO and signed MOU on file prior to accepting any program participants.

The court has completed the following requirements to be recognized by SCAO as being operational:

- Has an approved LAO and signed MOU on file
- Is provisionally certified
- Is in compliance with all SCAO data reporting requirements through one of the following methods:
  - [DCCMIS](#)
  - SCAO data reporting Excel document (the link is located on the [SCAO training and resources](#) page under DCCMIS Resources)

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<sup>12</sup> More information about the training is available at <https://www.ndci.org/resources/training/treatment-court-design/>

<sup>13</sup> More information about the training is available at <http://courts.mi.gov/Administration/admin/op/problem-solving-courts/Documents/PSC-PublicTrainingCalendar.pdf>.

## **Certification**

Effective January 1, 2018, per [MCL 600.1201\(5\)](#) all veterans treatment courts must be certified by SCAO. Any VTC that is not certified shall not perform any of the functions of a VTC, including, but not limited to, the following:

1. Charging a fee under section 1206
2. Discharging and dismissing a case as provided in section 1209
3. Receiving funding under section 1211
4. Certifying to the Secretary of State that an individual is eligible to receive a restricted license under section 1084 of this act and section 304 of the Michigan vehicle code, 1949 PA 300, MCL 257.304

## **Qualifications to Apply for Grant Funding**

Operational VTCs must be certified (or provisionally certified) by SCAO to qualify for grant funding. Courts that are in the planning stage of establishing a VTC program are not required to have an approved LAO or MOU in order to apply for grant funding, but they must have both documents and any required training before becoming operational.