



## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

Memo No. 3

TO: MEMBERS OF THE STUDY COMMITTEE ON PROBLEM-SOLVING COURTS,  
ALTERNATIVES, AND DIVERSIONS

FROM: Melissa Schmidt, Senior Staff Attorney

RE: Examples of a State-Administered Certification Process for Treatment Courts and a  
State Level Clearinghouse for Evidence-Based Treatment Court Practices

DATE: September 10, 2014

At the August 20, 2014 meeting of the Study Committee on Problem-Solving Courts, Alternatives, and Diversions, the committee discussed Memo No. 2, *Options for Committee Discussion*. The Memo listed various options for substantive changes to current law that were within the study committee's charge. This Memo is prepared in response to Chair Bies's request for additional information on the following two options described on pages 3-4 of the Memo proposing the following:

- The creation of a state-administered certification process whereby problem-solving courts can be certified as adhering to recognized evidence based standards.
- The establishment of a state level clearinghouse, or multiple clearinghouses at the judicial district level, for counties to access information on evidence-based practices.

### **Example of a State-Administered Certification Process of Treatment Courts**

One example of how a state-administered certification process of treatment courts may be structured is in the State of Indiana. Indiana prohibits an alcohol and drug services treatment court program from being established in the county unless the court has a written statement from the Indiana Judicial Center (hereinafter, "IJC") approving the court program's establishment and plans for operation. The treatment court program must have this written statement of certification before it may request funding. [See Ind. Code s. 12-23-14-8.] Funding is required to be paid out of city or county general funds and may be supplemented by user fee payments. [See Ind. Code s. 12-23-14-14.]

With respect to the drug and alcohol treatment court program certification process, the Indiana statutes provide that IJC may do any the following:

- Revoke the authorization of a program upon a determination that the program does not comply with rules adopted regarding certification and applicable federal regulations.
- Directly, or by contract, approve and certify drug and alcohol treatment court programs.
- Require, as a condition of operation, that each program created or funded under the Indiana law be certified according to rules established by IJC.
- Adopt rules to implement established alcohol and drug services treatment court program.
- Adopt rules concerning educational and occupational qualifications needed to be employed by or to provide services to a court alcohol and drug services program. If the IJC adopts such qualifications, it must establish both of the following:
  - An effective date after which any person employed by a court alcohol and drug services program must meet the minimum qualifications adopted.
  - A provision that the minimum employment qualifications do not apply to a person who is employed by a certified court alcohol and drug program before the effective date or to administrative personnel.

[See Ind. Code s. 12-23-14-13.]

In addition, the Indiana statutes require IJC to adopt rules concerning standards, requirements, and procedures for initial certification, recertification, and decertification of alcohol and drug services programs. [Ind. Code s. 12-23-14-13 (e).] These rules may be found in *Rules for Court-Administered Alcohol & Drug Programs* (last amended March 22, 2013), available at: <http://www.in.gov/judiciary/cadp/files/cadp-rules.pdf>.

### **Example of a State Level Clearinghouse for Evidence-Based Treatment Court Practices**

One example of a state level clearinghouse for evidence-based treatment court practice is the State of Idaho. Idaho statutes require its state supreme court to establish a drug court and mental health court coordinating committee which, among other things, must “design an automated drug court and mental health court management system, which promotes information sharing with other entities. [Idaho Code s. 19-5606.] As a result, the Idaho Judicial Branch maintains a problem-solving courts website containing peer reviewed materials, which is available at: [http://www.isc.idaho.gov/solve-court/peer\\_review](http://www.isc.idaho.gov/solve-court/peer_review).

MS:ty