

JUDICIAL COUNCIL MEETING

AGENDA

**January 28, 2019
Matheson Courthouse
Council Room
450 S. State Street
Salt Lake City, Utah 84111**

Chief Justice Matthew B. Durrant Presiding

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 9:05 a.m. Chair’s Report Chief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator’s Report Judge Mary T. Noonan
(Tab 2)
4. 9:20 a.m. Judicial Council Selection of Study Item..... Judge Mary T. Noonan
(Action)
5. 9:30 a.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Liaison Committee.....Justice Thomas Lee
Policy & Planning Committee Judge Derek Pullan
Bar Commission..... Rob Rice, esq.
(Tab 3 – Information)
6. 9:40 a.m. WINGS Committee Report.....Judge James Brady
(Tab 4 – Information) Karolina Abuzyarova
7. 9:50 a.m. Legislative ReportCathy Dupont
(Information) Michael Drechsel
8. 10:10 a.m. Rules 4-409, Adult Drug Court Certification Checklist, 1-205, 2-208, 3-
103, 3-104, 3-111, 3-106, 3-107, 3-413, 3-501, 4-202.09, 4-403, 4-405,
and 4-508 for Final Approval Michael Drechsel
(Tab 5 – Action)
9. 10:20 a.m. Human Resources Policy 500.11.2 Intern Work Conflicts for Final
Approval Michael Drechsel
(Tab 6 – Action)
- 10:30 a.m. Break

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| 10. | 10:40 a.m. | Judicial Performance Evaluation Commission Report Dr. Jennifer Yim
(Information) |
| 11. | 10:55 a.m. | Self-Represented Parties Committee Report Judge Barry Lawrence
(Tab 7 – Information) Nancy Sylvester |
| 12. | 11:05 a.m. | Lawyer and Judge Well-Being Committee Report Justice Paige Petersen
(Tab 8 – Information) Kim Free |
| 13. | 11:15 a.m. | Justice Court Recertifications Jim Peters
(Tab 9 – Action) |
| 14. | 11:25 a.m. | Problem Solving Courts Recertification Sr. Judge Dennis Fuchs
(Tab 10 – Action) |
| 15. | 11:45 a.m. | Jury Service Video and Criminal Rights Video..... Geoff Fattah
(Information) |
| 16. | 12:00 p.m. | Outreach Committee Report Judge Elizabeth Hruby-Mills
(Information) Geoff Fattah |
| 17. | 12:10 p.m. | Criminal Jury Instructions Committee Report..... Judge James Blanch
(Tab 11 – Information) Michael Drechsel |
| 18. | 12:20 p.m. | Executive Session |
| 19. | 12:30 p.m. | Adjourn |

State of the Judiciary

Please Note: Chief Justice Durrant will deliver his State of the Judiciary Address to the House of Representatives beginning at 2:15 p.m. and to the Senate at 2:30 p.m.

Transportation to the Capitol will be provided for Council members who are able to attend following the Judicial Council meeting.

Consent Calendar

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

1. Forms for Final Approval
(Tab 12) Brent Johnson
2. Committee Appointments MUJI – Criminal Committee – Michael Drechsel
(Tab 13) Self-Represented Parties Committee – Nancy Sylvester
3. Probation Policy 2.10
(Tab 14) Neira Siaperas
4. Rule 7-302 for Public Comment
(Tab 15) Michael Drechsel

Tab 1

JUDICIAL COUNCIL MEETING

Minutes
December 17, 2018
Matheson Courthouse
Council Room
450 S. State St.
Salt Lake City, Utah 84111
9:00 a.m. – 12:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Attendees:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Appleby, Vice Chair
Hon. Kevin Allen
Hon. Augustus Chin
Hon. Ryan Evershed
Hon. Paul Farr
Justice Thomas Lee
Hon. David Marx
Hon. Mark May
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Todd Shaughnessy
Hon. John Walton
Rob Rice, esq.

Staff:

Richard Schwermer
Ray Wahl
Hon. Mary T. Noonan
Heidi Anderson
Brody Arishita
Shane Bahr
Michael Drechsel
Cathy Dupont
Jim Peters
Nini Rich
Neira Siaperas
Nancy Sylvester
Jeni Wood

Excused:

Guests:

Hon. Royal Hansen
Hon. Jim Michie
Justice John Pearce
Hon. Andrew Stone

1. **WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**
Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

Motion: Judge Kate Appleby moved to approve the Judicial Council minutes from the November 19, 2018 meeting, as presented. Judge Augustus Chin seconded the motion, and it passed unanimously.

2. **CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant presented Richard Schwermer with a Judicial Council plate and thanked Mr. Schwermer for his role in helping create an extraordinary court system. Chief Justice Durrant said Mr. Schwermer has been a key player in the courts long-standing record of creating innovative programs and processes. Chief Justice Durrant thanked Senior Judge Mary T. Noonan for her willingness to return to the courts as an Interim State Court Administrator.

3. **ADMINISTRATOR'S REPORT: (Richard Schwermer and Judge Mary T. Noonan)**

Richard Schwermer thanked Chief Justice Durrant. Mr. Schwermer reviewed two forms from the Forms Committee that were removed from the consent calendar. Mr. Schwermer stated Neira Siaperas was appointed as the new Juvenile Court Administrator. The Provo Courthouse dedication is scheduled for February 4.

Mr. Schwermer said the Family Justice Initiative is an effort to determine best practices for domestic relations cases. The National Center for State Courts is staffing the project, and they are interested in piloting the best practices in Utah. Fifth District is their first choice. Judge Todd Shaughnessy recommended to defer a decision on whether the Fifth District Court would be willing to participate to the District Bench for discussion.

Mr. Schwermer presented the National Center for State Courts "2018 The State of State Courts Poll." The Poll was a nationwide survey of more than 1,000 registered voters.

Key Findings from the survey:

- Confidence in state courts is the highest since the start of the State of the State Courts series (7 years) — though there is still plenty of room for improvement.
- Views on cash bail are fluid, but after hearing messages for reforming the system, the public strongly believes that judges should base pretrial release decisions on factors other than ability to pay.
- A majority say they are unprepared to represent themselves in court— yet alternatives to hiring a lawyer are only modestly popular.
- Certain case types lend themselves to Online Dispute Resolution (ODR) while others may not, and the public sees pros and cons to ODR generally.

Judge Mary T. Noonan reviewed dates approved by the Management Committee for the recruitment and selection of the State Court Administrator position, per Utah Code § 78A-2-105 and Code of Judicial Administration Rule 3-301.

Timetable:

Conduct a national search	12/14/2018 - 02/11/2019
Announce position through traditional recruitment channels by	12/14/2018
Issue Request for Proposal (RFP): recruitment services by	12/14/2018
RFP closes	12/28/2018
Score RFP and negotiate contract by	01/11/2019
Applications due	02/11/2019
Applications advanced to Management Committee	02/13/2019
Management Committee screens applicants and selects candidates for interviews	02/19/2019
Management Committee interviews and advances finalists	02/25/2019 - 02/26/2019
Finalists interviewed by the Supreme Court by	03/06/2019
Chief Justice consults with the Judicial Council	03/08/2019
Chief Justice appoints new State Court Administrator	03/15/2019
Start date	04/15/2019

Judge Noonan noted Mr. Schwermer will retire on January 16, but will remain in a consulting position with the courts to assist with the legislative session, and new court administrator transition. Mr. Schwermer's retirement ceremony will be January 15 from 2:00 p.m. to 4:00 p.m. An invitation will be sent.

4. JUDICIAL COUNCIL SELECTION OF STUDY ITEM: (Richard Schwermer)

Mr. Schwermer presented possible items for study. The Board of District Court Judges will meet this Friday to discuss the possible study items.

- Justice For All – fines and fees that the court assesses (see Arizona study).
- Mental health issues – improving how the courts deal with individuals who have mental health issues. This will be a topic at the midyear Conference of Chief Justices and State Court Administrators in May 2019.
- Court security – variety of court security structures used in Utah and other states.
- Justice court reform – procedural issues; this hasn't been reviewed for 11 years.

The Council will address the study topic after the Board of District Court Judges has reviewed the possible study items.

5. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee said the committee is preparing for the legislative session.

Policy and Planning Committee Report:

Judge Derek Pullan said the work of this committee is reflected in the minutes.

Bar Commission Report:

Rob Rice noted the Bar is monitoring the Governor's interest in adding sales tax to professional services. There is also a case in the Eighth Circuit Court that questions a previous U.S. Supreme Court ruling that permits mandatory membership to state bar associations.

6. TECHNOLOGY COMMITTEE REPORT: (Justice John Pearce and Heidi Anderson)

Chief Justice Durrant welcomed Justice John Pearce. Ms. Anderson reviewed improvements made in the IT Department, including Agile, security upgrades, better transparency, team communication, and training within the department. Ms. Anderson noted several goals for the Technology committee include remote FTR computers, encryption at rest, and testing processes.

Chief Justice Durrant thanked Justice Pearce and Ms. Anderson for their report.

7. BOARD OF JUVENILE COURT JUDGES REPORT: (Judge Jim Michie and Neira Siaperas)

Chief Justice Durrant welcomed Judge Jim Michie. Judge Michie said the Board is pleased with Ms. Siaperas' appointment. Juvenile courts have seen a 22% increase in felony referrals and a 3% increase in misdemeanor referrals. Infraction referrals have declined 31% and status referrals have declined 53% due to the juvenile justice reform. Seventy-two percent of open cases in the juvenile courts are delinquency cases, ye, sixty-three percent of judicial time is spent on child-welfare cases. Judge Michie noted the courts are collaborating with the Department of Human Services in delivering and sharing of the courts service network.

Chief Justice Durrant thanked Judge Michie for his report.

8. JUSTICE COURT RECERTIFICATIONS: (Jim Peters)

Jim Peters noted pursuant to Code of Judicial Administration Rule 9-108(1)(B) the Board of Justice Court Judges reviewed applications from county justice courts for recertification. Mr. Peters noted there are 29 county justice courts in Utah. The Board recommended all county justice courts be recertified with the exception of the following. The remaining courts will be addressed with the Council in January.

- Juab County Justice Court – Judge Sharla Williams. Recertification on hold until the court remains open for one hour longer on Fridays or receives a waiver from the Judicial Council.
- Kane County Justice Court – Judge Gary Johnson. Recertification on hold pending issues with judge's compensation.
- Morgan County Justice Court – Judge Brian Brower. Recertification on hold pending a back-up plan for clerical coverage because the Court currently has one half-time clerk.
- Uintah County Justice Court – Judge Jody Petry. Recertification on hold pending a revised opinion addressing the feasibility of maintaining a justice court.
- Wayne County Justice Court – Judge Roy Brown. Recertification on hold pending a completed affidavit and must rectify issues with their hours of operation.

Motion: Judge Marx moved to approve all county justice court recertifications with the exception of the Juab County Justice Court, Kane County Justice Court, Morgan County Justice Court, Uintah County Justice Court, and Wayne County Justice Court, as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

9. LEGISLATIVE UPDATE: (Cathy Dupont)

Cathy Dupont said the courts' first weekly legislative meetings begin Friday, January 11. Michael Drechsel will assist with the session on criminal issues. Judge Noonan, Rick Schwermer, Ray Wahl and John Bell will assist with budget issues. Legislative staff Patricia Owen will be replaced by Jacqueline Carlton.

Ms. Dupont provided the Council members with the following dates the districts will meet with their local legislators. Ms. Dupont encouraged the Council members to attend the meetings.

- First District – January 3, 2019
- Second District – January 4, 2019
- Third District – January 22, 2019
- Fourth District – January 18, 2019
- Fifth District – January 17, 2019
- Sixth District – January 14, 2019
- Seventh District – January 25, 2019
- Eighth District – January 23, 2019

On behalf of the Supreme Court, Ms. Dupont proposed a revision of Utah Code § 78A-3-101(6), deleting the limitation on the number of successive terms the associate chief justice may serve, and requested it be added to the housekeeping bill. Ms. Dupont noted if the Council approved the proposal, it would then be presented to Senator Lyle Hillyard for approval, as the sponsor.

Motion: Judge John Walton moved to approve adding the proposed revision to Utah Code § 78A-3-101 to the housekeeping bill, as presented. Justice Lee seconded the motion, and it passed, with Judge Pullan voting no.

10. RULES FOR FINAL APPROVAL: (Michael Drechsel)

Michael Drechsel presented amendments to Code of Judicial Administration rules 1-205 Standing and Ad Hoc Committees, 4-202.02 Records Classification, 4-508 – Guidelines for Ruling on a Motion to Waive Fees, and Appendix I – Summary of Classification of Court Records. Mr. Drechsel noted these rules were published for public comment from September 28 to November 12. Only one comment was received. Mr. Drechsel is seeking approval with an effective date of January 1, 2019.

Motion: Judge Shaughnessy moved to approve Code of Judicial Administration rule 1-205 Standing and Ad Hoc Committees, as presented with an effective date of January 1, 2019. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Shaughnessy moved to approve Code of Judicial Administration rule 4-202.02 Records Classification, as presented with an effective date of January 1, 2019. Judge Appleby seconded the motion, and it passed unanimously.

Motion: Judge Appleby moved to approve Code of Judicial Administration rule 4-508 – Guidelines for Ruling on a Motion to Waive Fees, as presented with an effective date of January 1, 2019. Rob Rice seconded the motion, and it passed unanimously.

Motion: Judge Kara Pettit Appendix I – Summary of Classification of Court Records, as presented with an effective date of January 1, 2019. Judge Walton seconded the motion, and it passed unanimously.

11. ADR COMMITTEE REPORT: (Judge Royal Hansen and Nini Rich)

Chief Justice Durrant welcomed Judge Royal Hansen. Judge Hansen stated the Utah State Legislature enacted the Utah Alternative Dispute Resolution Act in 1994. The ADR program is partially funded by court filing fees, the Federal Child Access and Visitation Grant, and the General Fund. Annually, more than 1,800 cases were referred to the child-welfare mediation program, 5,000 cases were mediated by private providers, 900 pro bono mediations were provided, 350 pro bono mediations were arranged by ADR staff, and 808 pro bono mediations were provided by members of the Utah Court Roster. There are 6 ADR staff mediators and 232 mediators on the court roster.

ADR programs include:

- Child welfare mediation
- Co-parenting mediation
- Divorce mediation
- General civil referrals
- Restorative justice
- Law and motion calendar mediation
- Small claims mediation

Judge Hansen thanked Nini Rich and Rick Schwermer for their efforts with the ADR program over many years. Judge Ryan Evershed noted he took the mediation course offered in the courts and felt it was very worthwhile. Chief Justice Durrant thanked Judge Hansen for his report.

12. CIVIL JURY INSTRUCTIONS COMMITTEE REPORT: (Judge Andrew Stone and Nancy Sylvester)

Chief Justice Durrant welcomed Judge Andrew Stone. Judge Stone reported that the Committee published instructions on injurious falsehood, economic interference, and part of the civil rights instructions.

Chief Justice Durrant thanked Judge Stone for his report.

13. EXECUTIVE SESSION

Motion: Judge Appleby moved to go into an executive session to discuss the character, competence, and physical and mental health of an individual. Judge Walton seconded the motion, and it passed unanimously.

14. CONSENT CALENDAR ITEMS

a) Committee Appointments.

- Ethics Advisory Committee reappointment of Judge Wallace Lee. Approved without comment.
- Facility Planning Committee appointment of Mark Urry and reappointment of Judge Jon Carpenter. Approved without comment.
- Outreach Committee appointment of Nicholas Shellabarger. Approved without comment.
- Pretrial Release and Supervision Committee appointment of Judge Brook Sessions and the reappointments of Judge George Harmond, Judge Brendan McCullagh, Brent Johnson, and Pat Kimball, and the removal of Adam Trupp. Approved without comment.
- Self-Represented Parties Committee appointment of Peter Strand. Approved without comment.
- Standing Committee on Children and Family Law appointments of Commissioner Russ Minas and Judge Kent Holmberg and the appointment of Judge Elizabeth Hruby-Mills as co-chair. Approved without comment.
- Technology Committee appointment of Chris Palmer. Approved without comment.
- Uniform Fine and Bail Committee appointment of Judge Linda Jones and the reappointment of Judge David Hamilton. Approved without comment.

b) Forms Committee Forms. Forms Order on Motion for Genetic Testing, Motion for Genetic Testing, and Stipulation of Dismissal. Approved without comment.

c) Rules for Public Comment. Rule 1-303 Internal procedures and organization. Rule 501 The Board of Appellate Court Judges. Approved without comment.

d) Commissioner Evaluations. Certified for reappointment: Commissioner Catherine Conklin, Commissioner T.R. Morgan, and Commissioner Christina Wilson. For information only.

e) Probation Policies. Revisions to Policies 2.9 and 4.10. Approved without comment.

15. ADJOURN

The meeting adjourned.

Tab 2



Administrative Office of the Courts


Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

January 4, 2019

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Management Committee/Judicial Council

FROM: Judge Mary T. Noonan 

RE: National Center for State Courts, Utah Organizational Assessment

BACKGROUND

The National Center for State Courts conducts organizational assessments for member court systems. Organizational assessments are used to provide insight and to improve court system performance. With change in leadership at the AOC, the time is right to seek an outside assessment. The assessment should include a review of the organizational structure, responsibilities, mission, and programs of the AOC to systematically document strengths, consider areas of improvement and guide future decision making consistent with best practices and national standards.

SCOPE OF ASSESSMENT

High-level review - This is a 2-3 day visit by two consultants. It is planned in coordination with AOC and judicial leadership. The cost is covered by the National Center for State Courts, as part of its Technical Assistance services. We are asked to pay travel expenses, approximately \$2,500. The review includes an on-site opening meeting and a de-briefing at the conclusion of the visit.

In-depth review - Another option is to have a more in-depth study. The National Center would provide a written proposal describing the timeline, the consultants, the areas to be reviewed, the issues to be addressed and a description of the deliverables. The review, including an opening meeting with the consultants and a de-briefing at the end, is guided closely by a team of our choosing. We could expect a one-week site visit, with a detailed report at the conclusion of the review. The cost is approximately \$25,000 - \$30,000, depending on some of the task detail.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

State Justice Institute Grant - This third option entails the AOC applying for a State Justice Institute Grant. The National Center for State Courts can assist Utah in this effort. An SJI grant is up to \$50,000 and requires a 10% cash match of the amount requested (maximum of \$5,000.) This option is designed to assist a new State Court Administrator with implementing changes, providing mentoring and tracking implementation.

RECOMMENDATION

I recommend a two-step process. We should begin with the 2-3 day high level review, which will result in certain observations, insights and recommendations. We should build upon that feedback to develop a plan for the in-depth review to better identify strengths and document weaknesses. Certainly interviews with judicial leaders and court administrators, including AOC senior managers, will be key. Input from folks outside of the AOC is also critical. Focus groups or guided discussions with members of the Council, Boards of Judges, Trial Court Executives, and Clerks of Court will provide a more global view of the AOC.

The high-level review can possibly begin before the end of January. I am coordinating with Laura Klaversma, at the National Center for State Courts, to identify specific dates. The timing of the in-depth review depends in part on the results from the 2-3 day assessment. Likely, the in-depth review will not need to begin until a permanent State Court Administrator begins.

Tab 3

JUDICIAL COUNCIL MANAGEMENT COMMITTEE

Minutes
January 8, 2019
Council Room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members Present:

Chief Justice Matthew B. Durrant, Chair
 Hon. Kate Appleby, Vice Chair
 Hon. David Marx – by phone
 Hon. Todd Shaughnessy

Excused:

Staff Present:

Richard Schwermer
 Hon. Mary T. Noonan
 Ray Wahl
 Shane Bahr
 Michael Drechsel
 Cathy Dupont
 Jim Peters
 Neira Siaperas
 Nancy Sylvester
 Jeni Wood

Guests:

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Matthew Durrant welcomed everyone to the meeting.

After reviewing the minutes, the following motion was made:

Motion: Judge Kate Appleby moved to approve the December 11, 2018 Management Committee meeting minutes as presented. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

2. ADMINISTRATOR’S REPORT: (Richard Schwermer and Judge Mary T. Noonan)

Richard Schwermer noted the IT Department will create a mechanism to ensure court-issued laptops for justice court judges are regularly updated for virus protection.

Judge Mary Noonan said the First District and Second District legislator meetings held last week were informative and interactive. Employees in the Second District had an opportunity

to meet with Chief Justice Durrant. Judge Noonan has received positive feedback from the meetings.

Judge Noonan explained that the National Center for State Courts conducts organizational assessments for member court systems. There are three levels of review: high-level reviews which consist of a 2-3 days visit with the AOC and judicial leadership and is expected to cost approximately \$2,500; in-depth reviews would consist of a week-long visit, a more detailed review, and is expected to cost approximately \$25,000 - \$30,000; the third option would involve a State Justice Institute Grant, and is designed to assist a new State Court Administrator, and is expected to cost \$50,000 (if received, the grant would cover all but \$5,000.) Judge Noonan noted the courts can guide the areas included in an assessment. Judge Noonan recommended the high-level review. Chief Justice Durrant stated the members of the Supreme Court approved of the high-level review. The committee agreed to a high-level assessment.

The National Center for State Courts was selected using the RFP process, to conduct a specialized recruitment and to assist in seeking out possible applicants for the State Court Administrator position closed.

The new Provo Courthouse will receive a second award, the Associated General Contractors Most Outstanding Public Building award. The award ceremony will be held this month.

Cathy Dupont noted Senator Todd Weiler will sponsor the request for four new Third District Court judges. Senator Weiler is expected to speak with President Adams soon about this request. Ms. Dupont will inform the committee of information received from Senator Weiler.

3. COMMITTEE APPOINTMENTS: (Michael Drechsel and Nancy Sylvester) **MUJI – Criminal Committee**

Michael Drechsel addressed the three vacancies on the Committee. The committee recommended the appointment of Jessica Jacobs and Elise Lockwood to fill the two criminal defense attorney positions and Melinda Bowen to fill the criminal law professor position.

Motion: Judge Appleby moved to approve the appointment of Jessica Jacobs, Elise Lockwood, and Melinda Bowen to the MUJI – Criminal Committee, and to place this item on the Judicial Council consent calendar. Judge David Marx seconded the motion, and it passed unanimously.

Self-Represented Parties Committee

Nancy Sylvester addressed the appellate clerk of court vacancy on the Committee. The committee recommended the appointment of Nicole Gray to fill the position.

Motion: Judge Appleby moved to approve the appointment of Nicole Gray to the Self-Represented Parties Committee, and to place this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

4. PROBATION POLICY 2.10: (Neira Siaperas)

Neira Siaperas reviewed the proposed policy revisions. Ms. Siaperas noted policy 2.10 was recently updated. The Board of Juvenile Court Judges determined that the policy required further revision to clarify a probation officers ability to provide specific recommendations for fines and service hours.

Motion: Judge Appleby moved to approve revisions to probation policy 2.10, and put this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

5. JUSTICE COURT RECERTIFICATIONS: (Jim Peters)

Jim Peters reviewed the five remaining justice courts that are seeking recertification. Mr. Peters noted the Board of Justice Court Judges has reviewed the results of compliance issues with each of these courts and has agreed they are now in compliance.

- Juab County Justice Court – Judge Sharla Williams. The Court increased the hours of operation on Fridays, as requested. The Court requested a waiver to remain with 1.5 clerks rather than the 2 required clerks.
- Kane County Justice Court – Judge Gary Johnson. Kane County Justice Court provided proof showing the judges salary is in compliance.
- Morgan County Justice Court – Judge Brian Brower. The Court only has one part-time clerk. Morgan County has agreed to provide additional clerical resources when needed.
- Uintah County Justice Court – Judge Jody Petry. Uintah County Justice Court is in compliance.
- Wayne County Justice Court – Judge Roy Brown. The Court corrected their hours of operations and corrected their website.

Motion: Judge Appleby moved to approve recertifications of Juab County Justice Court with a waiver, Kane County Justice Court, Morgan County Justice Court, Uintah County Justice Court, and Wayne County Justice Court, as presented, and put it on the Judicial Council agenda. Judge Shaughnessy seconded the motion, and it passed unanimously.

6. STUDY ITEM: (Richard Schwermer)

Shane Bahr noted the Board of District Court Judges selected mental health as a potential study item. Mr. Schwermer stated the Board of Juvenile Court Judges and the Board of Justice Court Judges also chose mental health for a study item. Mr. Schwermer noted the Council can select a full topic or a portion of a topic. In the past, once a study item is selected, the charge to the study item committee and proposed membership is put in writing and reviewed with the Management Committee.

Judge Shaughnessy thought the courts tend to be more reactive rather than proactive on competency issues, therefore focusing on this may be a more manageable study. Mr. Schwermer said the courts meet every other month with various entities to discuss the state mental health hospital. Judge Noonan reminded the Committee that the next several months will be very busy with the hiring of a new State Court Administrator and the National Center for State Court

assessment. Chief Justice Durrant recommended deferring this topic until the fall. The Committee agreed.

7. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Durrant)

Chief Justice Durrant addressed the proposed agenda for the January 28, 2019 Judicial Council meeting. Mr. Schwermer noted Rules for Final Approval and Human Resources Policy for Final Approval will be added to the Council agenda and Rules for Public Comment will be added to the Councils consent calendar.

Motion: Judge Shaughnessy moved to approve the Judicial Council agenda, as amended. Judge Appleby seconded the motion, and it passed unanimously.

8. EXECUTIVE SESSION

An executive session was not held.

9. ADJOURN

The meeting adjourned.

**UTAH JUDICIAL COUNCIL
POLICY AND PLANNING COMMITTEE
MEETING MINUTES**

Judicial Council Room (N301), Matheson Courthouse
450 South State Street, Salt Lake City, Utah 84114
January 4, 2019 – 12:00 p.m. to 2:00 p.m.

DRAFT

MEMBERS:

PRESENT EXCUSED

Judge Derek Pullan, <i>Chair</i>	•	
Judge Kevin Allen <i>* via phone starting at 12:45 p.m. until end of meeting</i>	•	
Judge Augustus Chin	•	
Judge Ryan Evershed <i>* via phone for entire meeting</i>	•	
Judge John Walton	•	
Mr. Rob Rice	•	

GUESTS:

Justice Himonas
Rick Schwermer
Nancy Sylvester
Rob Parkes
Brent Johnson

STAFF:

Michael Drechsel
Minhvan Brimhall

(1) WELCOME AND APPROVAL OF MINUTES:

Judge Pullan welcomed the members to the meeting. Judge Allen and Judge Evershed participated via telephone conferencing. The committee considered the minutes from the December 7, 2018 meeting. The committee identified one area of correction directing that the words “If such equipment is” be removed from the draft. With no additional changes, Mr. Rice motioned to approve the amended draft minutes. Judge Walton seconded the motion. The committee voted and the motion was passed unanimously.

(2) HR 590 (500.11.2) – INTERNS AND WORK CONFLICTS:

The committee continued its consideration of a proposed new HR policy dealing with work conflicts and interns. This matter had previously been discussed by the committee at its December 7, 2018 meeting.

Justice Himonas was present at the meeting and presented his view of the proposal for this new HR policy regarding court interns and work conflicts. He reported that the Supreme Court has had a number of interns over the last few years who have had simultaneous employment with law firms. The court is exploring ways to avoid putting the interns into the position of having to choose between getting a job and getting educational experience through the court internship. Justice Himonas and the committee reviewed the draft HR policy included in the committee materials packet, which included some revisions proposed by the committee as a result of the December 2018 committee meeting discussion. Judge Pullan asked if there had been a lack of interns applying because of this problem. Justice Himonas stated that it hasn’t been a problem because the policy hasn’t been observed. Justice Himonas noted that the Supreme Court isn’t concerned about this creating an appearance of conflict if the intern is recused from matters.

Judge Pullan directed the conversation toward line 16 of the proposed policy, regarding drafting the policy to address conflict at both the “case” level and the “issue” level (where an issue may be raised in a non-conflict case that is similar to an issue raised in a conflict case . . . should the intern be recused on both). Justice

Himonas questioned such a prohibition for an intern, when law clerks don't have that same limitation. He explained that a law clerk might be hired after spending a year or two at a firm prior to coming to the court. During that time, the clerk might have been working on a particular issue, yet when they come to the court as a law clerk, they may end up working on that same type of issue, but not on any case that involves the firm. This is true even if they have an intent to go back to that same firm after clerking. Justice Himonas pointed out that the same is true for judges. Judge Pullan raised the hypothetical of two firms raising identical issues in the court, where an intern works at one of the two firms. The intern could work on that issue on a case unrelated to the intern's firm work, and then go to the intern's firm and report to the firm that a Justice feels a particular way about that issue relevant to the firm's case. Justice Himonas stated that an intern would not be able to do that. The intern would be recused on the separate case. And they couldn't do that regardless because any communication would be strictly off limits. The court makes it clear to interns that they take that information "to the grave" and if they violate that it would cost them their license. Justice Himonas reiterated that it would be odd to say a law clerk or a judge could do it, but an intern couldn't. Judge Pullan asked whether the "or issue" language should even remain in the proposed policy. Justice Himonas believed a heightened standard for an intern, that we don't have for anyone else, would be odd. Judge Walton noted that there isn't a policy for law clerks because they would be governed by the Rules of Professional Conduct. Judge Pullan noted that interns aren't. Justice Himonas pointed out that there would still be nothing to prevent the law clerk from working on a similar issue that they may have worked on as an attorney. Justice Himonas noted the language appears to be a solution in search of a problem and that this hasn't been something the court has ever had issue with. Justice Himonas thanked the committee and excused himself from the meeting.

The committee then continued its deliberations of the proposed rule. Judge Walton noted that he appreciates the committee's concerns, but also understands Justice Himonas' point about not have a rule that goes broader than it does with the law clerks. Mr. Rice wondered if "the issue" might be limited to one that would implicate a violation of the Rules of Professional Conduct. In other words, if an intern were working on an issue that wouldn't be a conflict for the lawyers at the firm, then it would be okay. The committee discussed the scope of the rule. Judge Pullan noted that he is worried about the perception of a policy like this because it creates an exception to the general prohibition against conflicts or the appearance of conflicts. The committee discussed the valid benefits to being an intern or law clerk, getting the internal experience of working at the courts, and that gaining that experience is one purpose for both working at the courts AND being hired to a firm afterward.

The committee further discussed whether it was a concern that the Rules of Professional Conduct do not apply to interns. What prohibits them from disclosing confidential information? Rob Parkes noted that the way this policy is presently drafted, it would apply to any interns who work at the courts (by implication noting that many of those will never be subject to the Rules of Professional Conduct or any restriction other than what is explicitly stated in the HR policies). Mr. Rice wondered if there were a way to make interns subject to the Rules of Professional Conduct via this HR policy. The committee discussed what the consequence would be for a violation (lose their internship?). Any remedy would only be able to be applied by the court.

The conversation turned to whether this is about actual conflicts or the appearance of conflict. The standard for the court is not only actual conflict, but even the appearance of conflict. Rob Parkes suggested that perhaps the policy could be narrowed to only address judicial interns. Judge Walton proposed the language "interns working under the supervision of a judge." Nancy Sylvester proposed the language "interns working in the same capacity as a law clerk." The committee agreed that the policy ought to be one that, after implementation, will actually be followed.

The committee invited General Counsel Brent Johnson to join the meeting. Judge Pullan presented the topic of discussion, explained the draft, summarized the various positions that had been presented, and sought Mr. Johnson's input on the "the issue" issue. Mr. Johnson noted that it is difficult even to know what "an issue" is. Mr. Johnson noted that it is the judge's obligation to ensure that the ethical standards are observed (including by interns working for the judge). The committee discussed what rules would guide the analysis of the policy

(Rules of Professional Conduct, Code of Judicial Conduct, etc.). Mr. Johnson noted that those rules weren't drafted with "the issue" issue in mind (they operate at "the case" level).

Judge Pullan circled back around to the idea of the perception of the conflict of interest, even where there is no actual conflict. Rick Schwermer noted that this policy only addresses the courts' obligations. What might be necessary is for the Rules of Professional Conduct to make clear that it is unethical for a lawyer or law firm to not screen an intern in the same way that a lawyer would be screen under similar circumstances. Judge Allen then joined the meeting via telephone. The committee continued to discuss the need to more clearly spell out the onus on the law firms involved with these interns. Mr. Rice noted that it may not solve the perception issue for the courts, but it does help address underlying issues. Some members of the committee continued to be concerned about potential ethical issues. Judge Walton suggested that the Judicial Council might be able to weigh in on the discussion, but it was determined by the group that taking an actual proposal to the Judicial Council would be the better course of action. The committee discussed whether a court policy should be formulated with hopes that the Rules of Professional Conduct might also be amended. The group agreed that any policy adopted by the courts should be sufficient on its own as a solid policy, without that sufficiency being dependent on action by some other body external to the courts.

The committee then turned to working on the actual language of the draft. The group agreed to include "the issue" issue, with an understanding that the concerns would be explained to the Judicial Council. Judge Walton proposed that "the issue" might be refined by including "a substantial issue" or "a materially related issue." Mr. Johnson suggested "an issue material to a case." Mr. Rice proposed "an issue material to the outcome of a case a firm is handling." These, and several other suggestions, were discussed by the committee. Mr. Johnson then left the meeting. Ultimately, after significant discussion, the committee settled on "material issue" as the language for the policy. The committee also added "immediately upon discovering the conflict" to clarify that notification is required when the intern knows there is a conflict.

The committee then discussed whether the draft should not include that the policy is an exception to when there is an actual conflict. The committee agreed that if there is an actual conflict, then there is no exception; the intern will be screened. So this policy really only speaks to an exception for circumstances where there is an "appearance" of conflict. The committee looked to the other policies cited in the draft rule ("500.8" and "500.11"). The committee reviewed the secondary employment policy (500.11) and the conflict of interest policy (500.7) located in HR500. In making that review, the committee determined that this policy fit more naturally within secondary employment (HR500.11) as opposed to being a stand-alone policy numbered HR590, as the working drafts have been, or being tied to the conflict of interest policy (500.7).

Mr. Rice then suggested that the matter was ready for motion, with recommendation that the appropriate body consider a similar amendment to the Rules of Professional Conduct (as discussed earlier in the meeting). With those proposals, Judge Walton made a motion that the proposed policy, as amended in the meeting, be advanced to the Judicial Council for further consideration. Mr. Rice seconded the motion. The motion passed unanimously.

(3) RULE 7-302 – SOCIAL STUDIES:

Having spent so much time on the previous matter, the committee then took items from the agenda out of order so that priorities could be addressed.

Mr. Drechsel presented to the committee that Rule 7-302 was brought to this committee for review by Assistant Juvenile Court Administrator, Dennis Moxon. The proposed revisions modernize the rule, bringing the terminology and requirements up-to-date with current practice.

The most significant change to CJA Rule 7-302 is replacing the term “social study” with “court report.” In addition, the proposed revisions outline additional subjects that should be addressed in each court report, including victim impact information, substance use history, risk level (as determined by a validated assessment), risk-level-specific recommendations, and sentencing (disposition) guidelines. Finally, the revision clarifies that court reports are stored electronically in the minor’s file. These revisions have all been approved by the Board of Juvenile Court Judges.

Judge Evershed noted that these changes (as outlined in the revised rule) have been in practice for some time and agrees that the amended changes are appropriate and necessary. After the committee was provided an opportunity to discuss the matter, Judge Evershed motioned to approve and accept the changes as proposed. Judge Chin seconded the motion. The motion was unanimously approved.

(4) RULES BACK FROM PUBLIC COMMENT:

Mr. Drechsel noted that there were a number of rules back from public comment, as enumerated in the agenda. Of the rules that had been published for comment, one only had received any comments (the certification checklist that had been published with CJA 4-409).

- Certification checklist published with CJA 4-409 – Council Approval of Problem Solving Court:
One comment was received related to the checklist. That comment addressed three concerns with three items in the checklist.

First, concern was expressed in how the rule is written regarding the chain of custody in “Required Rule #28.” The committee considered this comment and then elected to not recommend any change to the checklist.

Second, the comment encouraged the court to avoid pejorative language in “Required Rule #31” using the word “clean” to indicate that a drug test result shows that the tested sample was negative for any forbidden substance (in other words, that the test result showed that the person was compliant with the drug-testing requirements). The committee agreed with this feedback and instructed Mr. Drechsel to amend the language to use non-pejorative language.

Finally, the comment expressed a concern over the size / number of participants on a drug court calendar (related to “Presumed Rule #36”). The committee discussed this comment and the reasons why the comment was made. Ultimately, the committee determined that no modification would be recommended to the Judicial Council.

With those changes, Judge Walton motioned to recommend that CJA 4-409 and the certification checklist as published (with the single change to “Required Rule #31”) be recommended to the Judicial Council for final approval. Judge Chin seconded the motion. The motion passed unanimously.

The committee then reviewed the remaining rules that were back from public comment.

- CJA 1-205 – Standing and Ad Hoc Committees.
No comments received.
- CJA 2-208 – Publication and Distribution
No comments received.
- CJA 3-103 – Administrative Role of Judges
CJA 3-104 – Presiding Judges

CJA 3-111 – Performance Evaluation of Senior Judges and Court Commissioners

No comments received.

- CJA 3-106 – Legislative Activities

CJA 3-107 – Executive Branch Policy Initiatives

No comments received.

- CJA 3-413 – Judicial Library Resources

No comments received.

- CJA 3-501 – Insurance Benefits Upon Retirement

No comments received.

- CJA 4-202.09 – Miscellaneous

No comments received.

- CJA 4-403 – Electronic Signature and Signature Stamp Use

No comments received. Mr. Drechsel informed the committee that the proposed amendment in this rule related to “domestic relations injunctions may not be ready for adoption at this time because it ties to URCP 109 which may not yet have been adopted. The committee instructed Mr. Drechsel to hold that specific amendment until URCP 109 is officially adopted.

- CJA 4-405 – Juror and Witness Fees and Expenses

No comments received.

- CJA 4-508 – Guidelines for Ruling on a Motion to Waive Fees

No comments received.

With no further discussions, Judge Walton motioned to move all rules, with the exception of that one portion of CJA 4-403, to the Judicial Council for final approval. Judge Chin seconded the motion. The motion was approved unanimously.

(5) HR 480 – EMPLOYEE EXERCISE POLICY:

HR 480 is a proposed court employee exercise policy that has been presented by the TCEs. The policy would allow approved employees the opportunity to break from their work day schedule for a 30-minute workout, up to three days a week. The policy has been reviewed and discussed several times as to the merits and context of the policy. Rob Parkes reported that the TCEs and others who had reviewed the proposed policy wanted to keep the exercise time tied to the lunch hour, whenever that lunch hour happens for a particular employee.

Due to time constraint of this meeting, this item was tabled and will be discussed at the February meeting.

(6) COURT COMMISSIONER CONDUCT COMMITTEE:

Due to time constraint of this meeting, this item was tabled and will be discussed at the February meeting.

(7) ADJOURN

With no further items for discussion, Judge Chin motioned to adjourn the meeting. Mr. Rice seconded the motion. The motion was approved unanimously. The meeting adjourned at 1:57 PM. The next meeting is scheduled for February 1, 2019, in the 2nd Floor Board Room (N231) at 12:00 noon.

Tab 4

Utah WINGS Update

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS), <http://www.utcourts.gov/utc/wings>, is a multi-disciplinary problem solving body that relies on court-community partnerships to:

- Oversee guardianship practice;
- Address key policy issues;
- Improve the current system of guardianship and less restrictive alternatives;
- Engage in outreach, education;
- Enhance the quality of care and quality of life of vulnerable adults.

WINGS Executive Committee:

1. Andrew Riggle, Policy Analyst, Disability Law Center
2. James Brady, Presiding Judge, Fourth District Court, WINGS Chair
3. Karolina Abuzyarova, WINGS and Court Visitor Program Coordinator
4. Kent Alderman, Elder law attorney, Elder Law Section of the Utah State Bar
5. Michael Drechsel, Associate General Counsel, Administrative Office of the Courts
6. Nan Mendenhall, Director, Adult Protective Services
7. Nels Holmgren, Director, Division of Adult and Aging Services

Steering Committee:

1. Cora Gant, Probate Clerk, Second District Court
2. Daniel Musto, Director, Long-term Care Ombudsman
3. David Connors, Presiding Judge, Second District Court
4. Dustin Hammers, Assistant Professor of Neurology, Neuropsychologist, Center for Alzheimer's Care, Imaging and Research, University of Utah Health Care
5. James Toledo, Program Manager, Utah Division of Indian Affairs
6. Joanne Bueno Sayre, Probate Clerk, Third District Court
7. Kaye Lynn Wootton, Deputy Director, Medicaid Fraud Control Unit, Attorney General
8. Michelle Wilkes, Court Visitor Volunteer Coordinator
9. Robert Denton, Private Elder Law Attorney
10. TantaLisa Clayton, Attorney, Utah Legal Services
11. Wendy Fayles, Criminal Justice Mentor, National Alliance on Mental Illness
12. Xia Erickson, Director, Office of Public Guardian

Utah WINGS activities and accomplishments are:

1. With financial support of the Elder Justice Innovation grant "WINGS Focus on Court Oversight" (\$30,000) from the Commission on Law and Aging of the American Bar Association and National Center for State Courts (funds from the Administration on Community Living) conducted the following:

Report for the Utah Judicial Council

Date: January 16, 2019

- a. Developed materials for judges on adult guardianship (bench card, bench book, flowchart on referral of cases to other agencies and checklist on guardianship process) that are now posted on Intranet under the resources for District Court Judges: <https://www.utcourts.gov/intranet/dist/distjudge.htm>.
 - b. Presented on alternatives to guardianship and guardianship procedures on:
 - February 14, 2018, Third District Court, Salt Lake City
 - April 4, 2018, Second District Court, Farmington
 - April 11, 2018, Seventh District Court, Price
 - April 12, 2018, Fourth District Court, Provo
 - May 10, 2018, Fifth District Court, St. George
 - June 15, 2018, Second District Court, Ogden
 - June 29, 2018, Eighth District Court, Vernal
 - c. Produced report to the ABA Commission on Law and Aging that reviews guardianship procedures in Utah and challenges to be addressed: http://www.utcourts.gov/utc/wings/wp-content/uploads/sites/33/2018/10/2018-09-Program-Report_Utah-WINGS-Phase-II.pdf
2. Provided life planning and guardianship advice to families with children with disabilities on SSI with support from the ASPIRE grant (\$40,000). ASPIRE stands for Achieving Success by Promoting Readiness for Education and Employment and is operating within the Utah State Office of Rehabilitation of the Department of Workforce Services.
 3. Translated into Spanish the third segment of the online training program “Serving as a Guardian and Conservator” at <https://www.utcourts.gov/howto/family/gc/training.html>.
 4. Continued providing support to the Guardianship Signature Program that helps provide representation to indigent respondents in guardianship proceedings. Conducted free CLE for attorneys on guardianship in St. George in June 2018.
 5. In October 2018 WINGS formed Subcommittee on Collaboration with Native American Tribes to address abuse and neglect of vulnerable adults on tribal land.
 6. Court Visitor Program or GRAMP (Guardianship Reporting and Monitoring Program) received legislative funding and from a pilot program since 2011 became a state funded program starting July 1, 2018. Volunteer case management is directed as a priority. Tasks including WINGS policy work, addressing system gaps and fundraising are not identified as priorities. Planned WINGS activities were directed not to be pursued:
 - Follow up on the action steps of the roundtable “Crossroads of Guardianship, Involuntary Commitment and Essential Treatment”.
 - Provide training to the court clerks working on probate matters with the most updated information on Court guardianship resources available to the public.

Tab 5



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Richard H. Schwermer
State Court Administrator

Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council
FROM: Michael C. Drechsel, Associate General Counsel – AOC
DATE: Monday, January 14, 2019
RE: Policy & Planning – CJA Rules for Final Approval

In October 2018 and November 2018, the Judicial Council approved a number of rules to be published for public comment. All of the following rules have now been published for public comment. Policy & Planning recommends that the Judicial Council review these rules for final approval.

The October 2018 Rule for Public Comment

On October 22, 2018, the Judicial Council approved the following rule and checklist¹ to be published for public comment.

- Rule 4-409 – Council Approval of Problem Solving Courts
- Adult Drug Court Certification Checklist

During the comment period (from October 29, 2018, until December 13, 2018), one public comment was received in relation to the proposed checklist, as follows:

RICHARD NANCE (December 3, 2018 at 9:55 pm):

RE: Adult Drug Court Certification Checklist:

Required Rules #28 re Chain of Custody – should read “establishes a chain of custody consistent with industry standards for each specimen” Drug court drug testing laboratories should not be required to

¹ Normally, a checklist would not be published for public comment. However, in this instance, the checklist was so intertwined with the proposed amendments to the underlying rule (CJA 4-409) that the decision was made to publish the checklist. Many of the provisions that were originally located in the proposed rule have been moved to the proposed checklist.

adopt multiple chain of custody forms and procedures for different courts in the same jurisdiction.
Required Rules #31 – we need to avoid pejorative language. “clean” should be “negative.”
Presumed Rules #36 – “more than 15 but less than 125 active participants” This rule should be enforced for all drug court calendars.

On January 4, 2019, Policy & Planning discussed this public comment. During that discussion, the committee saw the value of the comment as it related to “Required Rules #31.” As a result, the committee has made a proposed revision to that section of the checklist (see attached – revision highlighted). The comments regarding “Required Rules #28” and “Presumed Rules #36” were carefully discussed by the committee, but no other changes were made to the proposed rule or checklist as a result of this public feedback.

When Rule 4-409 and the checklist were approved to be published for public comment, the Judicial Council wanted specific feedback on “Required Rules #13 and #14” of the certification checklist (regarding the frequency of status hearings in rural areas). The public comment notice stated:

The Judicial Council specifically seeks feedback on the continuing need for the “in rural areas” exception language marked with an asterisk in “Required Criteria” number 13 and 14.

Even though specifically solicited, no public comments were received in connection with those portions of the certification checklist. The Judicial Council should determine whether the “in rural areas” exception language should continue to be included in the certification checklist.

Having made a review of the public comments, Policy & Planning recommends that the Judicial Council adopt the proposed revisions.

The November 2018 Rules for Public Comment

On November 19, 2018, the Judicial Council approved the following rules to be published for public comment:

- Rule 1-205 – Standing and Ad Hoc Committees
- Rule 2-208 – Publication and Distribution
- Rule 3-103 – Administrative Role of Judges
- Rule 3-104 – Presiding Judges
- Rule 3-111 – Performance Evaluations of Senior Judges and Court Commissioners
- Rule 3-106 – Legislative Activities
- Rule 3-107 – Executive Branch Policy Initiatives
- Rule 3-413 – Judicial Library Resources
- Rule 3-501 – Insurance Benefits upon Retirement
- Rule 4-202.09 – Miscellaneous
- Rule 4-403 – Electronic Signatures and Signature Stamp Use

Rule 4-405 – Juror and Witness Fees and Expenses

Rule 4-508 – Guidelines on Ruling on a Motion to Waive Fees

These rules were published for public comment from November 20, 2018, until January 4, 2019. The proposed amendments to these rules were explained in a memo to the Judicial Council dated November 8, 2018 (part of the meeting materials for the November 19, 2018 Judicial Council meeting). No public comments were received in connection with any of the proposed revisions to any of these rules.

Policy & Planning made a final review of the matter and now recommends to the Judicial Council that the proposed revisions be adopted.

Rule 4-409. Council Approval of Problem Solving Courts.**Intent:**

To establish criteria for the creation and operation of problem solving courts, and to create a process for ongoing reporting from and evaluation of problem solving courts.

Applicability:

This rule applies to all trial courts.

Statement of the Rule:**(1) Definitions.**

(1)(A) Applicant. As used in this rule, an applicant is the problem solving court judge, court executive, or other representative of the problem solving court as designated by the problem solving court judge.

(1)(B) Problem solving court. As used in ~~these~~ this rules, a problem solving court is a targeted calendar of similar type cases that uses a collaborative approach involving the court, treatment providers, case management, frequent testing or monitoring and ongoing judicial supervision. Examples include drug courts, mental health courts and domestic violence courts.

(2) **Initial application.** Prior to beginning operations, each proposed problem solving court must be approved by the Judicial Council and must agree to comply with ~~any published standards~~ the requirements of this rule. An application packet, approved by the Judicial Council, shall be made available by the Administrative Office of the Courts. This packet must be submitted to the Council for approval by the applicant at least 90 days in advance of the proposed operation of a new court.

(3) **Annual Report.** Existing problem solving courts must annually submit a completed annual report on a form provided by the Administrative Office of the Courts.

(3)(A) Each problem solving court shall annually report at least the following:

(3)(A)(i) The number of participants admitted in the most recent year;

(3)(A)(ii) The number of participants removed in the most recent year;

(3)(A)(iii) The number of participants that graduated or completed the program in the most recent year; and

(3)(A)(iv) Recidivism and relapse statistics for as long a period of time as is available, but at least for one year. If the court has been in existence

for less than one year, then for the amount of time the court has been in existence.

- (4) **Grants.** In addition to complying with the requirements of CJA Rule 3-411, an applicant shall notify the Judicial Council of any application for funds to operate a problem solving court, whether or not the court would be the direct recipient of the grant. This notification should be made before any application for funding is initiated.

~~(5) Requirements to Operate a Problem Solving Court. Operation of the problem solving court.~~ All problem solving courts ~~must~~ shall be required to adhere to the following requirements, ~~unless specifically waived by the Judicial Council:~~

(5)(A) Each problem solving court must adhere to the "Required Certification Criteria" outlined in the respective Certification Checklist applicable to that problem solving court, as promulgated and amended and approved by the Judicial Council.

(5)(B) Each problem solving court must adhere to the "Presumed Certification Criteria" outlined in the respective Certification Checklist applicable to that problem solving court, as promulgated and amended and approved by the Judicial Council, unless:

(5)(B)(i) the program can show sufficient compensating measures; or

(5)(B)(ii) the Judicial Council specifically waives that requirement.

~~(4)(A)(5)(C)~~ To commence participation in a problem solving court:

~~(4)(A)(i)(5)(C)(i)~~ In a criminal proceeding, a plea must be entered before a person may participate in the court. Testing and orientation processes may be initiated prior to the plea, but no sanctions may be imposed until the plea is entered other than those which may be imposed in a criminal proceeding in which a person is released before trial. Prior to the acceptance of the plea, each participant must sign an agreement that outlines the expectations of the court and the responsibilities of the participant.

~~(4)(A)(ii)(5)(C)(ii)~~ In juvenile dependency drug court, sanctions may not be imposed until the parent has signed an agreement that outlines the expectations of the court and the responsibilities of the participant.

~~(4)(B) Eligibility criteria must be written, and must include an assessment process that measures levels of addiction, criminality, and/or other appropriate criteria as a part of determining eligibility.~~

- ~~(4)(C) — The frequency of participation in judicial reviews will be based on the findings of the assessments. In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable. Otherwise, judicial reviews should be conducted by the same judge each time.~~
- ~~(4)(D) — Compliance testing must be conducted pursuant to a written testing protocol that ensures reliability of the test results.~~
- ~~(4)(E) — Treatment must be provided by appropriately licensed or certified providers, as required by the Department of Human Services or other relevant licensure or certification entity.~~
- ~~(4)(F) — Each problem solving court must have written policies and procedures that ensure confidentiality and security of participant information. These policies and procedures must conform to applicable state and federal laws, including the Government Records and Access Management Act, HIPAA, and 42 CFR 2.~~
- ~~(4)(G) — Any fees assessed by the court must be pursuant to a fee schedule, must be disclosed to each participant and must be reasonably related to the costs of testing or other services.~~
- ~~(4)(H) — Courts must conduct a staffing before each court session. At a minimum, the judge, a representative from treatment, prosecutor, defense attorney, and in dependency drug court a guardian ad litem, must be present at each court staffing.~~
- ~~(4)(I) — At a minimum, the judge, a representative from treatment, prosecutor, defense attorney, and in dependency drug court a guardian ad litem, must be present at each court session.~~
- ~~(4)(J) — Each court must be certified by the Judicial Council every two years. Certification requires all courts to meet the minimum requirements stated in this rule.~~
- (6) **Certification.** Each problem solving court must be considered for certification by the Judicial Council every two years. Each problem solving court shall cooperate with the Judicial Council's certification review process.
- (6)(A) Upon review, the Judicial Council may:
- (6)(A)(i) certify a problem solving court that adheres to all requirements as outlined in subsection (5) of this rule;
- (6)(A)(ii) de-certify a problem solving court that fails to adhere to one or more requirements as outlined in subsection (5) of this rule; or

- 99 (6)(A)(iii) conditionally certify a problem solving court that fails to adhere to one
100 or more requirements as outlined in subsection (5) of this rule;.
- 101 (6)(B) To de-certify or conditionally certify a problem solving court, the Judicial Council
102 shall:
- 103 (6)(B)(i) inform the problem solving court of the requirement(s) that are not
104 being adequately met; and
- 105 (6)(B)(ii) provide to the problem solving court an opportunity to respond
106 regarding the requirement(s) that are not being adequately met.
- 107 (6)(C) In the event that the Judicial Council determines that the problem solving court
108 should be conditionally certified, the Judicial Council shall:
- 109 (6)(C)(i) outline specific conditions necessary for the problem solving court to
110 meet in order to be certified; and
- 111 (6)(C)(ii) provide the problem solving court with a specific period of time in
112 which to remedy any such deficiency.
- 113 (6)(D) In the event that a conditionally certified problem solving court fails to meet the
114 conditions outlined by the Judicial Council within the time allotted, the Judicial
115 Council:
- 116 (6)(D)(i) shall de-certify the problem solving court; or
117 (6)(D)(ii) may extend the period of time to remedy any deficiency, for good
118 cause shown.
- 119 ~~(5) — Evaluation and Reporting Requirements. Each problem solving court shall annually report~~
120 ~~at least the following:~~
- 121 ~~(5)(A) — The number of participants admitted in the most recent year;~~
- 122 ~~(5)(B) — The number of participants removed in the most recent year;~~
- 123 ~~(5)(C) — The number of participants that graduated or completed the program in the most~~
124 ~~recent year; and~~
- 125 ~~(5)(D) — Recidivism and relapse statistics for as long a period of time as is available, but~~
126 ~~at least for one year. If the court has been in existence for less than one year,~~
127 ~~then for the amount of time the court has been in existence.~~
- 128 ~~(6)(7)~~ **DUI Courts.** The following courts are approved as DUI Courts: Riverdale Justice Court
129 and other courts as may be approved by the Judicial Council in the future.
- 130 ~~(7)(8)~~ **Communications.** A judge may initiate, permit, or consider communications, including ex
131 parte communications, made as part of a case assigned to the judge in a problem-solving
132 court, consistent with the signed agreement.

133 *Effective May/November 1, 20____*

UTAH JUDICIAL COUNCIL
UTAH ADULT DRUG COURT CERTIFICATION CHECKLIST
REVISED AND ADOPTED [MONTH DAY, YEAR]

Many of these ~~standards~~ criteria enumerated in this certification checklist are ~~direct~~ restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, published by the National Association of Drug Court Professionals (NADCP). Those are indicated by a citation in the BPS column following the standard, ~~and the citation to the section of the NADCP document in which the standard is found~~. An asterisk indicates a modification of the NADCP standard.

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	Eligibility and exclusion criteria are defined and applied objectively.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	2	Eligibility and exclusion criteria are specified in writing.	I.A.
<input type="checkbox"/>	<input type="checkbox"/>	3	The program admits only participants who are high-risk high-need as measured by the RANT or some other approved and validated assessment tool.	I.B.*
<input type="checkbox"/>	<input type="checkbox"/>	4	Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	5	Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	6	Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results.	I.C.
<input type="checkbox"/>	<input type="checkbox"/>	7	Current or prior offenses may not disqualify candidates from participation in the Drug Court unless empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	8	Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.	I.D.
<input type="checkbox"/>	<input type="checkbox"/>	9	If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.	I. ED .
<input type="checkbox"/>	<input type="checkbox"/>	10	The program has a written policy addressing medically assisted treatment.	
<input type="checkbox"/>	<input type="checkbox"/>	11	Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court.	III.C.
<input type="checkbox"/>	<input type="checkbox"/>	12	The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team.	III.D.
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. <i>* In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.</i>	III.E.
<input type="checkbox"/>	<input type="checkbox"/>	14	Status hearings are scheduled no less frequently than every four weeks until participants graduate. <i>* In rural areas, some allowance may be made for other appearances or administrative reviews when the judge is unavailable.</i>	III.E.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	15	The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments.	III.G.
<input type="checkbox"/>	<input type="checkbox"/>	16	If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations.	IV.B.
<input type="checkbox"/>	<input type="checkbox"/>	17	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	18	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.	III.H. VIII.D.
<input type="checkbox"/>	<input type="checkbox"/>	19	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.	III.H.
<input type="checkbox"/>	<input type="checkbox"/>	20	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	21	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination.	IV.A.
<input type="checkbox"/>	<input type="checkbox"/>	22	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.	IV.EA.
<input type="checkbox"/>	<input type="checkbox"/>	23	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.	IV.EA.
<input type="checkbox"/>	<input type="checkbox"/>	24	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including but not limited to alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance.	IV.F.
<input type="checkbox"/>	<input type="checkbox"/>	25	Drug testing is performed at least twice per week.	VII.A.*
<input type="checkbox"/>	<input type="checkbox"/>	26	Drug testing is random, and is available on weekends and holidays.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	27	Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration.	VII.E* VII.F.*
<input type="checkbox"/>	<input type="checkbox"/>	28	Drug testing utilized by the Drug Court uses scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	29	Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field.	VII.G.*

YES	NO	#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	30	Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing.	VII.I.
<input type="checkbox"/>	<input type="checkbox"/>	31	The program requires <u>a period of</u> at least 90 <u>consecutive</u> days <u>clean drug-free</u> to graduate.	
<input type="checkbox"/>	<input type="checkbox"/>	32	The minimum length of the program is twelve months.	
<input type="checkbox"/>	<input type="checkbox"/>	33	Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	34	Jail sanctions are definite in duration and typically last no more than three to five days.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	35	Participants are given access to counsel and a fair hearing if a jail sanction might be imposed.	IV.J.
<input type="checkbox"/>	<input type="checkbox"/>	36	Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	37	If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program.	IV.K.
<input type="checkbox"/>	<input type="checkbox"/>	38	Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters.	V.B.
<input type="checkbox"/>	<input type="checkbox"/>	39	Treatment providers are licensed or certified to deliver substance abuse treatment, <u>as required by the Department of Human Services or other relevant licensure or certification entity.</u>	V.H.*
<input type="checkbox"/>	<input type="checkbox"/>	40	Participants regularly attend self-help or peer support groups in addition to professional counseling.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	41	The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	42	There is a secular alternative to 12-step peer support groups.	
<input type="checkbox"/>	<input type="checkbox"/>	43	Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	44	Participants are not excluded from participation in Drug Court because they lack a stable place of residence.	VI.D.
<input type="checkbox"/>	<input type="checkbox"/>	45	Participants diagnosed with mental illness receive appropriate mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program.	VI.E.*
<input type="checkbox"/>	<input type="checkbox"/>	46	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court.	VI.I.*
<input type="checkbox"/>	<input type="checkbox"/>	47	At a minimum, the prosecutor <u>/assistant attorney general</u> , defense counsel, treatment representative, law enforcement, <u>a guardian ad litem (in dependency courts)</u> , and the judge attend each staffing meeting.	VIII.B.*

YES NO

#	REQUIRED CERTIFICATION CRITERIA <i>Adherence to these standards is required for certification.</i>	BPS
<input type="checkbox"/> <input type="checkbox"/> 48	At a minimum, the prosecutor / <u>assistant attorney general</u> , defense counsel, treatment representative, law enforcement, <u>a guardian ad litem (in dependency courts)</u> , and the judge attend each Drug Court session.	VIII.A.*
<input type="checkbox"/> <input type="checkbox"/> 49	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.	VIII.B.
<input type="checkbox"/> <input type="checkbox"/> 50	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	VIII.C.
<input type="checkbox"/> <input type="checkbox"/> 51	Court fees <u>are disclosed to each participant</u> , are reasonable, and <u>are</u> based on each participant's ability to pay. <u>Any fees assessed by the Drug Court must be reasonably related to the costs of testing or other services. See CJA 4-409(5)(G)</u>	
<input type="checkbox"/> <input type="checkbox"/> 52	Treatment fees are based on a sliding fee schedule <u>and are disclosed to each participant</u> .	
<input type="checkbox"/> <input type="checkbox"/> 53	The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices.	X.D.*
<input type="checkbox"/> <input type="checkbox"/> 54	<u>The Drug Court has written policies and procedures that ensure confidentiality and security of participant information, which conform to all applicable state and federal laws, including, but not limited to, Utah's Governmental Records Access and Management Act (GRAMA), the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and 42 C.F.R. 2 (Confidentiality of Substance Abuse Disorder Patient Records).</u>	<u>VIII.C.*</u>

YES NO

#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/> <input type="checkbox"/> 1	Eligibility and exclusion criteria are communicated to potential referral sources.	I.A.
<input type="checkbox"/> <input type="checkbox"/> 2	The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants.	II.B. X.E.
<input type="checkbox"/> <input type="checkbox"/> 3	The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants.	II.D.
<input type="checkbox"/> <input type="checkbox"/> 4	Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups.	II.F.
<input type="checkbox"/> <input type="checkbox"/> 5	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.	III.A.
<input type="checkbox"/> <input type="checkbox"/> 6	The judge presides over the Drug Court for no less than two consecutive years.	III.B.
<input type="checkbox"/> <input type="checkbox"/> 7	The Judge spends an average of at least three minutes with each participant.	III.F.*
<input type="checkbox"/> <input type="checkbox"/> 8	The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available.	IV.F.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	9	Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	10	Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use.	IV.I.
<input type="checkbox"/>	<input type="checkbox"/>	11	Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day.	VII.B.*
<input type="checkbox"/>	<input type="checkbox"/>	12	Drug test results are available within 48 hours.	VII.H.
<input type="checkbox"/>	<input type="checkbox"/>	13	Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.	VII.B.
<input type="checkbox"/>	<input type="checkbox"/>	14	Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population.	VII.D.
<input type="checkbox"/>	<input type="checkbox"/>	15	If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC/MS).	VII.G.
<input type="checkbox"/>	<input type="checkbox"/>	16	Standardized patient placement criteria govern the level of care that is provided.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	17	Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure.	V.A.
<input type="checkbox"/>	<input type="checkbox"/>	18	Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.	V.D.
<input type="checkbox"/>	<input type="checkbox"/>	19	Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	20	Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	21	Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system.	V.F. VI.G
<input type="checkbox"/>	<input type="checkbox"/>	22	Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.	V.F.
<input type="checkbox"/>	<input type="checkbox"/>	23	Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	24	Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.	V.I.
<input type="checkbox"/>	<input type="checkbox"/>	25	Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	26	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program.	VI.D.

YES	NO	#	PRESUMED CERTIFICATION CRITERIA <i>There is a presumption that these standards must be met. If your program can show sufficient compensating measures, compliance with the standard may be waived.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	27	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD).	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	28	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	29	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	30	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	VI.L.
<input type="checkbox"/>	<input type="checkbox"/>	31	Clients are placed in the program within 50 days of arrest.	
<input type="checkbox"/>	<input type="checkbox"/>	32	Team members are assigned to Drug Court for no less than two years.	
<input type="checkbox"/>	<input type="checkbox"/>	33	All team members use electronic communication to contemporaneously communicate about Drug Court issues.	
<input type="checkbox"/>	<input type="checkbox"/>	34	Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	35	New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	36	The Drug Court has more than 15 but less than 125 active participants.	IX.A.*
<input type="checkbox"/>	<input type="checkbox"/>	37	The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.	X.A.
<input type="checkbox"/>	<input type="checkbox"/>	38	New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court.	X.C.
<input type="checkbox"/>	<input type="checkbox"/>	39	A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years.	X.D.
<input type="checkbox"/>	<input type="checkbox"/>	40	Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events.	X.G.
<input type="checkbox"/>	<input type="checkbox"/>	41	The program conducts an exit interview for self-improvement.	

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	1	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.	V.A.

YES	NO	#	NON-CERTIFICATION-RELATED BEST PRACTICE STANDARDS <i>These are best practice standards that research has shown will produce better outcomes. Failure to meet these standards will not result in decertification.</i>	BPS
<input type="checkbox"/>	<input type="checkbox"/>	2	Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.	V.E.
<input type="checkbox"/>	<input type="checkbox"/>	3	Treatment providers have substantial experience working with criminal justice populations.	V.H.
<input type="checkbox"/>	<input type="checkbox"/>	4	For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated.	V.J.
<input type="checkbox"/>	<input type="checkbox"/>	5	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders.	VI.E.
<input type="checkbox"/>	<input type="checkbox"/>	6	Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	7	Female participants receive trauma-related services in gender-specific groups.	VI.F.
<input type="checkbox"/>	<input type="checkbox"/>	8	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court.	VI.I.
<input type="checkbox"/>	<input type="checkbox"/>	9	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	VI.J.
<input type="checkbox"/>	<input type="checkbox"/>	10	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	VIII.F.
<input type="checkbox"/>	<input type="checkbox"/>	11	Supervision caseloads do not exceed fifty active participants per supervision officer.	IX.B.
<input type="checkbox"/>	<input type="checkbox"/>	12	Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services.	IX.C.
<input type="checkbox"/>	<input type="checkbox"/>	13	The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.	X.B.*
<input type="checkbox"/>	<input type="checkbox"/>	14	Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes.	X.F.
<input type="checkbox"/>	<input type="checkbox"/>	15	Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program.	X.H.

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Technology Committee;

(1)(A)(ii) Uniform Fine Schedule Committee;

(1)(A)(iii) Ethics Advisory Committee;

(1)(A)(iv) Judicial Branch Education Committee;

(1)(A)(v) Court Facility Planning Committee;

(1)(A)(vi) Committee on Children and Family Law;

(1)(A)(vii) Committee on Judicial Outreach;

(1)(A)(viii) Committee on Resources for Self-represented Parties;

(1)(A)(ix) Language Access Committee;

(1)(A)(x) Guardian ad Litem Oversight Committee;

(1)(A)(xi) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xii) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xiii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiv) Committee on Court Forms.

(1)(B) Composition.

(1)(B)(i) The Technology Committee shall consist of:

(1)(B)(i)(a) one judge from each court of record;

(1)(B)(i)(b) one justice court judge;

- (1)(B)(i)(c) one lawyer recommended by the Board of Bar Commissioners;
- (1)(B)(i)(d) two court executives;
- (1)(B)(i)(e) two court clerks; and
- (1)(B)(i)(f) two staff members from the Administrative Office.
- (1)(B)(ii) The Uniform Fine/Bail Schedule Committee shall consist of:
- (1)(B)(ii)(a) one district court judge who has experience with a felony docket;
- (1)(B)(ii)(b) three district court judges who have experience with a misdemeanor docket;
- (1)(B)(ii)(c) one juvenile court judge; and
- (1)(B)(ii)(d) three justice court judges.
- (1)(B)(iii) The Ethics Advisory Committee shall consist of:
- (1)(B)(iii)(a) one judge from the Court of Appeals;
- (1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;
- (1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- (1)(B)(iii)(d) one juvenile court judge;
- (1)(B)(iii)(e) one justice court judge; and
- (1)(B)(iii)(f) an attorney from either the Bar or a college of law.
- (1)(B)(iv) The Judicial Branch Education Committee shall consist of:
- (1)(B)(iv)(a) one judge from an appellate court;
- (1)(B)(iv)(b) one district court judge from Judicial Districts 2, 3, or 4;
- (1)(B)(iv)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
- (1)(B)(iv)(d) one juvenile court judge;
- (1)(B)(iv)(e) the education liaison of the Board of Justice Court Judges;
- (1)(B)(iv)(f) one state level administrator;
- (1)(B)(iv)(g) the Human Resource Management Director;
- (1)(B)(iv)(h) one court executive;
- (1)(B)(iv)(i) one juvenile court probation representative;
- (1)(B)(iv)(j) two court clerks from different levels of court and different judicial districts;

66 (1)(B)(iv)(k) one data processing manager; and
67 (1)(B)(iv)(l) one adult educator from higher education.
68 (1)(B)(iv)(m) The Human Resource Management Director and the
69 adult educator shall serve as non-voting members. The
70 state level administrator and the Human Resource
71 Management Director shall serve as permanent
72 Committee members.

73 (1)(B)(v) The Court Facility Planning Committee shall consist of:

- 74 (1)(B)(v)(a) one judge from each level of trial court;
75 (1)(B)(v)(b) one appellate court judge;
76 (1)(B)(v)(c) the state court administrator;
77 (1)(B)(v)(d) a trial court executive; ~~and~~
78 (1)(B)(v)(e) two business people with experience in the
79 construction or financing of facilities; ~~and-~~
80 (1)(B)(v)(f) the court security director.

81 (1)(B)(vi) The Committee on Children and Family Law shall consist of:

- 82 (1)(B)(vi)(a) one Senator appointed by the President of the Senate;
83 (1)(B)(vi)(b) one Representative appointed by the Speaker of the
84 House;
85 (1)(B)(vi)(c) the Director of the Department of Human Services or
86 designee;
87 (1)(B)(vi)(d) one attorney of the Executive Committee of the Family
88 Law Section of the Utah State Bar;
89 (1)(B)(vi)(e) one attorney with experience in abuse, neglect and
90 dependency cases;
91 (1)(B)(vi)(f) one attorney with experience representing parents in
92 abuse, neglect and dependency cases;
93 (1)(B)(vi)(g) one representative of a child advocacy organization;
94 (1)(B)(vi)(h) one mediator;
95 (1)(B)(vi)(i) one professional in the area of child development;
96 (1)(B)(vi)(j) one representative of the community;
97 (1)(B)(vi)(k) the Director of the Office of Guardian ad Litem or
98 designee;
99 (1)(B)(vi)(l) one court commissioner;

- 100 (1)(B)(vi)(m) two district court judges; and
101 (1)(B)(vi)(n) two juvenile court judges.
102 (1)(B)(vi)(o) One of the district court judges and one of the juvenile
103 court judges shall serve as co-chairs to the committee.
104 In its discretion the committee may appoint non-
105 members to serve on its subcommittees.
- 106 (1)(B)(vii) The Committee on Judicial Outreach shall consist of:
107 (1)(B)(vii)(a) one appellate court judge;
108 (1)(B)(vii)(b) one district court judge;
109 (1)(B)(vii)(c) one juvenile court judge;
110 (1)(B)(vii)(d) one justice court judge; one state level administrator;
111 (1)(B)(vii)(e) a state level judicial education representative;
112 (1)(B)(vii)(f) one court executive;
113 (1)(B)(vii)(g) one Utah State Bar representative;
114 (1)(B)(vii)(h) one communication representative;
115 (1)(B)(vii)(i) one law library representative;
116 (1)(B)(vii)(j) one civic community representative; and
117 (1)(B)(vii)(k) one state education representative.
118 (1)(B)(vii)(l) Chairs of the Judicial Outreach Committee's
119 subcommittees shall also serve as members of the
120 committee.
- 121 (1)(B)(viii) The Committee on Resources for Self-represented Parties shall
122 consist of:
123 (1)(B)(viii)(a) two district court judges;
124 (1)(B)(viii)(b) one juvenile court judge;
125 (1)(B)(viii)(c) two justice court judges;
126 (1)(B)(viii)(d) three clerks of court – one from an appellate court, one
127 from an urban district and one from a rural district;
128 (1)(B)(viii)(e) one member of the Online Court Assistance
129 Committee;
130 (1)(B)(viii)(f) one representative from the Self-Help Center;
131 (1)(B)(viii)(g) one representative from the Utah State Bar;
132 (1)(B)(viii)(h) two representatives from legal service organizations
133 that serve low-income clients;

- 134 (1)(B)(viii)(i) one private attorney experienced in providing services
135 to self-represented parties;
136 (1)(B)(viii)(j) two law school representatives;
137 (1)(B)(viii)(k) the state law librarian; and
138 (1)(B)(viii)(l) two community representatives.
- 139 (1)(B)(ix) The Language Access Committee shall consist of:
140 (1)(B)(ix)(a) one district court judge;
141 (1)(B)(ix)(b) one juvenile court judge;
142 (1)(B)(ix)(c) one justice court judge;
143 (1)(B)(ix)(d) one trial court executive;
144 (1)(B)(ix)(e) one court clerk;
145 (1)(B)(ix)(f) one interpreter coordinator;
146 (1)(B)(ix)(g) one probation officer;
147 (1)(B)(ix)(h) one prosecuting attorney;
148 (1)(B)(ix)(i) one defense attorney;
149 (1)(B)(ix)(j) two certified interpreters;
150 (1)(B)(ix)(k) one approved interpreter;
151 (1)(B)(ix)(l) one expert in the field of linguistics; and
152 (1)(B)(ix)(m) one American Sign Language representative.
- 153 (1)(B)(x) The Guardian ad Litem Oversight Committee shall consist of:
154 (1)(B)(x)(a) seven members with experience in the administration
155 of law and public services selected from public, private
156 and non-profit organizations.
- 157 (1)(B)(xi) The Committee on Model Utah Civil Jury Instructions shall consist of:
158 (1)(B)(xi)(a) two district court judges;
159 (1)(B)(xi)(b) four lawyers who primarily represent plaintiffs;
160 (1)(B)(xi)(c) four lawyers who primarily represent defendants; and
161 (1)(B)(xi)(d) one person skilled in linguistics or communication.
- 162 (1)(B)(xii) The Committee on Model Utah Criminal Jury Instructions shall consist
163 of:
164 (1)(B)(xii)(a) two district court judges;
165 (1)(B)(xii)(b) one justice court judge;
166 (1)(B)(xii)(c) four prosecutors;
167 (1)(B)(xii)(d) four defense counsel;

- 168 (1)(B)(xii)(e) one professor of criminal law; and
169 (1)(B)(xii)(f) one person skilled in linguistics or communication.
- 170 (1)(B)(xiii) The Committee on Pretrial Release and Supervision shall consist of:
- 171 (1)(B)(xiii)(a) two district court judges;
172 (1)(B)(xiii)(b) one juvenile court judge;
173 (1)(B)(xiii)(c) two justice court judges;
174 (1)(B)(xiii)(d) one prosecutor;
175 (1)(B)(xiii)(e) one defense attorney;
176 (1)(B)(xiii)(f) one county sheriff;
177 (1)(B)(xiii)(g) one representative of counties;
178 (1)(B)(xiii)(h) one representative of a county pretrial services agency;
179 (1)(B)(xiii)(i) one representative of the Utah Insurance Department;
180 (1)(B)(xiii)(j) one representative of the Utah Commission on
181 Criminal and Juvenile Justice;
182 (1)(B)(xiii)(k) one commercial surety agent;
183 (1)(B)(xiii)(l) one state senator;
184 (1)(B)(xiii)(m) one state representative;
185 (1)(B)(xiii)(n) the Director of the Indigent Defense Commission or
186 designee; and
187 (1)(B)(xiii)(o) the court's general counsel or designee.
- 188 (1)(B)(xiv) The Committee on Court Forms shall consist of:
- 189 (1)(B)(xiv)(a) one district court judge;
190 (1)(B)(xiv)(b) one court commissioner;
191 (1)(B)(xiv)(c) one juvenile court judge;
192 (1)(B)(xiv)(d) one justice court judge;
193 (1)(B)(xiv)(e) one court clerk;
194 (1)(B)(xiv)(f) one appellate court staff attorney;
195 (1)(B)(xiv)(g) one representative from the Self-Help Center;
196 (1)(B)(xiv)(h) the State Law Librarian;
197 (1)(B)(xiv)(i) the Court Services Director;
198 (1)(B)(xiv)(j) one member selected by the Online Court Assistance
199 Committee;
200 (1)(B)(xiv)(k) one representative from a legal service organization
201 that serves low-income clients;

- (1)(B)(xiv)(l) one paralegal;
(1)(B)(xiv)(m) one educator from a paralegal program or law school;
(1)(B)(xiv)(n) one person skilled in linguistics or communication; and
(1)(B)(xiv)(o) one representative from the Utah State Bar.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

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269 (3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's
270 committees.

271 *Effective May/November 1, 20____*

Rule 2-208. Publication and Distribution.**Intent:**

To establish this Code as the official publication of all rules governing the administration of the judiciary.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) All rules of the Council, the Boards, and the local courts, as amended, shall be published in this Code.

(2) The administrative office and all court executives shall, upon request:

(2)(A) direct any individual to the online publication of this Code on the court website;
and

~~(1)(A)(2)(B) provide access to this Code during business hours maintain a copy of this~~
~~Code and make it available for public inspection during business hours.~~

Effective May/November 1, 20__

Rule 3-103. Administrative Role of Judges.**Intent:**

To establish the administrative duties and responsibilities of individual judges.

Applicability:

This rule shall apply to all judges of courts of record and not of record.

Statement of the Rule:

(1) It is the duty and responsibility of individual judges to cooperate with judges from all levels of courts, their presiding judges, their respective Boards, and the Council in the development and implementation of court policy, goals, and rules of administration.

(2) In courts of record, it is the duty and responsibility of individual judges to consult with the presiding judge and to encourage court employees to consult with court executives on matters of judicial administration. In courts not of record, it is the responsibility of individual judges to consult with the presiding judge and to encourage court employees to consult with the justice court administrator on matters of judicial administration.

(3) It is the duty and responsibility of individual judges to manage their court responsibilities consistently with the administrative goals of the Council and the fair and efficient administration of justice.

(4) It is the duty and responsibility of individual judges to give prior notice of their absence from the court for vacation or education purposes to the presiding judge, to determine when additional administrative or judicial assistance is necessary, and to convey that need in a timely manner to the presiding judge.

(5) In multi-judge jurisdictions, individual judges shall provide recommendations and directives to the court executive and the Administrative Office through the presiding judge.

Effective May/November 1, 20____

Rule 3-104. Presiding Judges.**Intent:**

To establish the procedure for election, term of office, role, responsibilities and authority of presiding judges and associate presiding judges.

Applicability:

This rule shall apply to presiding judges and associate presiding judges in the District and Juvenile Courts.

Statement of the Rule:**(1) Election and term of office.**

(1)(A) **Presiding judge.** The presiding judge in multi-judge courts shall be elected by a majority vote of the judges of the court. The presiding judge's term of office shall be at least two years. A district, by majority vote of the judges of the court, may re-elect a judge to serve successive terms of office as presiding judge. In the event that a majority vote cannot be obtained, the presiding judge shall be appointed by the presiding officer of the Council to serve for two years.

(1)(B) Associate presiding judge.

(1)(B)(i) In a court having more than two judges, the judges may elect one judge of the court to the office of associate presiding judge. An associate presiding judge shall be elected in the same manner and serve the same term as the presiding judge in paragraph (1)(A).

(1)(B)(ii) When the presiding judge is unavailable, the associate presiding judge shall assume the responsibilities of the presiding judge. The associate presiding judge shall perform other duties assigned by the presiding judge or by the court.

(1)(C) **Removal.** A presiding judge or associate presiding judge may be removed as the presiding judge or associate presiding judge by a two-thirds vote of all judges in the district. A successor presiding judge or associate presiding judge shall then be selected as provided in this rule.

(2) Court organization.**(2)(A) Court en banc.**

- 31 (2)(A)(i) Multi-judge courts shall have regular court en banc meetings,
32 including all judges of the court and the court executive, to discuss
33 and decide court business. The presiding judge has the discretion to
34 excuse the attendance of the court executive from court en banc
35 meetings called for the purpose of discussing the performance of the
36 court executive. In single-judge courts, the judge shall meet with the
37 court executive to discuss and decide court business.
- 38 (2)(A)(ii) The presiding judge shall call and preside over court meetings. If
39 neither the presiding judge nor associate presiding judge, if any, is
40 present, the presiding judge's designee shall preside.
- 41 (2)(A)(iii) Each court shall have a minimum of four meetings each year.
- 42 (2)(A)(iv) An agenda shall be circulated among the judges in advance of the
43 meeting with a known method on how matters may be placed on the
44 agenda.
- 45 (2)(A)(v) In addition to regular court en banc meetings, the presiding judge or a
46 majority of the judges may call additional meetings as necessary.
- 47 (2)(A)(vi) Minutes of each meeting shall be taken and preserved.
- 48 (2)(A)(vii) Other than judges and court executives, those attending the meeting
49 shall be by court invitation only.
- 50 (2)(A)(viii) The issues on which judges should vote shall be left to the sound
51 discretion and judgment of each court and the applicable sections of
52 the Utah Constitution, statutes, and this Code.
- 53 (2)(B) Absence of presiding judge. When the presiding judge and the associate
54 presiding judge, if any, are absent from the court, an acting presiding judge shall
55 be appointed. The method of designating an acting presiding judge shall be at
56 the discretion of the presiding judge. All parties that must necessarily be informed
57 shall be notified of the judge acting as presiding judge.
- 58 (3) **Administrative responsibilities and authority of presiding judge.**
- 59 (3)(A) **Generally.**
- 60 (3)(A)(i) The presiding judge is charged with the responsibility for the effective
61 operation of the court. He or she is responsible for the implementation
62 and enforcement of statutes, rules, policies and directives of the
63 Council as they pertain to the administration of the courts, orders of
64 the court en banc, and supplementary rules. The presiding judge has

the authority to delegate the performance of non-judicial duties to the court executive. When the presiding judge acts within the scope of these responsibilities, the presiding judge is acting within the judge's judicial office.

- (3)(A)(ii) Caseload. Unless the presiding judge determines it to be impractical, there is a presumption that the judicial caseload of the presiding judge shall be adjusted to provide the presiding judge sufficient time to devote to the management and administrative duties of the office. The extent of the caseload reduction shall be determined by each district.
- (3)(A)(iii) Appeals. Any judge of the judicial district may ask the Chief Justice or Judicial Council to review any administrative decision made by the presiding judge of that district.

(3)(B) **Coordination of judicial schedules.**

- (3)(B)(i) The presiding judge shall be aware of the vacation and education schedules of judges and be responsible for an orderly plan of judicial absences from court duties.
- (3)(B)(ii) Each judge shall give reasonable advance notice of his or her absence to the presiding judge consistent with Rule 3-103(4).

(3)(C) **Authority to appoint senior judges.**

- (3)(C)(i) The presiding judge is authorized to use senior judge coverage for up to 14 judicial days if a judicial position is vacant or if a judge is absent due to illness, accident, or disability. Before assigning a senior judge, the presiding judge will consider the priorities for requesting judicial assistance established in Rule 3-108. The presiding judge may not assign a senior judge beyond the limits established in Rule 11-201(6).
- (3)(C)(ii) The presiding judge will notify the State Court Administrator when a senior judge assignment has been made.
- (3)(C)(iii) If more than 14 judicial days of coverage will be required, the presiding judge will promptly present to the State Court Administrator a plan for meeting the needs of the court for the anticipated duration of the vacancy or absence and a budget to implement that plan. The plan should describe the calendars to be covered by judges of the district, judges of other districts, and senior judges. The budget should

estimate the funds needed for travel by judges and for time and travel by senior judges.

(3)(C)(iv) If any part of the proposed plan is contested by the State Court Administrator, the plan will be reviewed by the Management Committee of the Judicial Council for final determination.

(3)(D) **Court committees.** The presiding judge shall, where appropriate, make use of court committees composed of other judges and court personnel to investigate problem areas, handle court business and report to the presiding judge and/or the court en banc.

(3)(E) **Outside agencies and the media.**

(3)(E)(i) The presiding judge or court executive shall be available to meet with outside agencies, such as the prosecuting attorney, the city attorney, public defender, sheriff, police chief, bar association leaders, probation and parole officers, county governmental officials, civic organizations and other state agencies. The presiding judge shall be the primary representative of the court.

(3)(E)(ii) Generally, the presiding judge or, at the discretion of the presiding judge, the court executive shall represent the court and make statements to the media on matters pertaining to the ~~total~~ court and provide general information about the court and the law, and about court procedures, practices and rulings where ethics permit.

(3)(F) **Docket management and case and judge assignments.**

(3)(F)(i) The presiding judge shall monitor the status of the dockets in the court and implement improved methods and systems of managing dockets.

(3)(F)(ii) The presiding judge shall assign cases and judges in accordance with supplemental court rules to provide for an equitable distribution of the workload and the prompt disposition of cases.

(3)(F)(iii) Individual judges of the court shall convey needs for assistance to the presiding judge. The presiding judge shall, through the State Court Administrator, request assistance of visiting judges or other appropriate resources when needed to handle the workload of the court.

(3)(F)(iv) The presiding judge shall discuss problems of delay with other judges and offer necessary assistance to expedite the disposition of cases.

(3)(G) **Court executives.**

(3)(G)(i) The presiding judge shall review the proposed appointment of the court executive made by the State Court Administrator and must concur in the appointment before it will be effective. The presiding judge shall obtain the approval of a majority of the judges in that jurisdiction prior to concurring in the appointment of a court executive.

(3)(G)(ii) The presiding judge for the respective court level and the state level administrator shall jointly develop an annual performance plan for the court executive.

(3)(G)(iii) Annually, the state level administrator shall consult with the presiding judge in the preparation of an evaluation of the court executive's performance for the previous year, also taking into account input from all judges in the district.

(3)(G)(iv) The presiding judge shall be aware of the day-to-day activities of the court executive, including coordination of annual leave.

(3)(G)(v) Pursuant to Council policy and the direction of the state level administrator, the court executive has the responsibility for the day-to-day supervision of the non-judicial support staff and the non-judicial administration of the court. The presiding judge, in consultation with the judges of the jurisdiction, shall coordinate with the court executive on matters concerning the support staff and the general administration of the court including budget, facility planning, long-range planning, administrative projects, intergovernmental relations and other administrative responsibilities as determined by the presiding judge and the state level administrator.

(3)(H) **Courtrooms and facilities.** The presiding judge shall direct the assignment of courtrooms and facilities.

(3)(I) **Recordkeeping.** Consistently with Council policies, the court executive, in consultation with the presiding judge, shall:

(3)(I)(i) coordinate the compilation of management and statistical information necessary for the administration of the court;

(3)(I)(ii) establish policies and procedures and ensure that court personnel are advised and aware of these policies;

(3)(I)(iii) approve proposals for automation within the court in compliance with administrative rules.

(3)(J) **Budgets.** The court executive, in consultation with the presiding judge, shall oversee the development of the budget for the court. In contract sites, the court executive shall supervise the preparation and management of the county budget for the court on an annual basis and in accordance with the Utah Code.

(3)(K) **Judicial officers.** In the event that another judge or commissioner of the court fails to comply with a reasonable administrative directive of the presiding judge, interferes with the effective operation of the court, abuses his or her judicial position, exhibits signs of impairment or violates the Code of Judicial Conduct, the presiding judge may:

(3)(K)(i) Meet with and explain to the judge or commissioner the reasons for the directive given or the position taken and consult with the judge or commissioner.

(3)(K)(ii) Discuss the position with other judges and reevaluate the position.

(3)(K)(iii) Present the problem to the court en banc or a committee of judges for input.

(3)(K)(iv) Require the judge or commissioner to participate in appropriate counseling, therapy, education or treatment.

(3)(K)(v) Reassign the judge or commissioner to a different location within the district or to a different case assignment.

(3)(K)(vi) Refer the problem to the Judicial Council or to the Chief Justice.

(3)(K)(vii) In the event that the options listed above in subsections (i) through (vi) do not resolve the problem and where the refusal or conduct is willful, continual, and the presiding judge believes the conduct constitutes a violation of the Code of Judicial Conduct, the presiding judge shall refer the problem to the Council or the Judicial Conduct Commission.

(3)(L) **Cases under advisement.**

(3)(L)(i) A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the judge for final determination. The final determination occurs when the judge resolves the pending issue by announcing the decision on the record or by issuing a written decision, regardless of whether the parties are

required to subsequently submit for the judge's signature a final order memorializing the decision.

(3)(L)(ii) Once a month each judge shall submit a statement on a form to be provided by the State Court Administrator notifying the presiding judge of any cases or issues held under advisement for more than two months and the reason why the case or issue continues to be held under advisement.

(3)(L)(iii) Once a month, the presiding judge shall submit a list of the cases or issues held under advisement for more than two months to the appropriate state level administrator and indicate the reasons why the case or issue continues to be held under advisement.

(3)(L)(iv) If a case or issue is held under advisement for an additional 30 days, the state level administrator shall report that fact to the Council.

(3)(M) **Board of judges.** The presiding judge shall serve as a liaison between the court and the Board for the respective court level.

(3)(N) **Supervision and evaluation of court commissioners.** The presiding judge is responsible for the development of a performance plan for the Court Commissioner serving in that court and shall prepare an evaluation of the Commissioner's performance on an annual basis. A copy of the performance plan and evaluation shall be maintained in the official personnel file in the Administrative Office.

(3)(O) **Magistrate availability.** The presiding judge in a district court shall consult with the presiding judge in the justice court of that judicial district and the justice court administrator to develop a rotation of magistrates that ensures regular availability of magistrates within the district. The rotation shall take into account each magistrate's caseload, location, and willingness to serve.

Rule 3-111. Performance Evaluation of Active Senior Judges and Court Commissioners.**Intent:**

To establish a performance evaluation, including the criteria upon which active senior judges and court commissioners will be evaluated, the standards against which performance will be measured and the methods for fairly, accurately and reliably measuring performance.

To generate and to provide to active senior judges and court commissioners information about their performance.

To establish the procedures by which the Judicial Council will evaluate and certify senior judges and court commissioners for reappointment.

Applicability:

This rule shall apply to presiding judges, the Board of Justice Court Judges, and the Judicial Council, and to the active senior judges and court commissioners of the Court of Appeals, courts of record, and courts not of record.

Statement of the Rule:**(1) Performance evaluations.****(1)(A) Court commissioners.**

(1)(A)(i) On forms provided by the administrative office, the presiding judge of a district or court level a court commissioner serves shall complete an evaluation of the court commissioner's performance by June 1 of each year. If a commissioner serves multiple districts or court levels, the presiding judge of each district or court level shall complete an evaluation.

(1)(A)(ii) The presiding judge shall survey judges and court personnel seeking feedback for the evaluation. During the evaluation period, the presiding judge shall review at least five of the commissioner's active cases. The review shall include courtroom observation.

(1)(A)(iii) The presiding judge shall provide a copy of each commissioner evaluation to the Judicial Council. Copies of plans under paragraph (3)(G) and all evaluations shall also be maintained in the commissioner's personnel file in the administrative office.

- 31 (1)(B) **Active senior judges.** An active senior judge's performance shall be evaluated
32 by attorneys as provided in paragraph (3)(A) and by presiding judges and court
33 staff as provided in paragraph (3)(B).
- 34 (2) **Evaluation and certification criteria.** Active senior judges and court commissioners shall
35 be evaluated and certified upon the following criteria:
- 36 (2)(A) demonstration of understanding of the substantive law and any relevant rules of
37 procedure and evidence;
- 38 (2)(B) attentiveness to factual and legal issues before the court;
- 39 (2)(C) adherence to precedent and ability to clearly explain departures from precedent;
- 40 (2)(D) grasp of the practical impact on the parties of the commissioner's or senior
41 judge's rulings, including the effect of delay and increased litigation expense;
- 42 (2)(E) ability to write clear judicial opinions;
- 43 (2)(F) ability to clearly explain the legal basis for judicial opinions;
- 44 (2)(G) demonstration of courtesy toward attorneys, court staff, and others in the
45 commissioner's or senior judge's court;
- 46 (2)(H) maintenance of decorum in the courtroom;
- 47 (2)(I) demonstration of judicial demeanor and personal attributes that promote public
48 trust and confidence in the judicial system;
- 49 (2)(J) preparation for hearings or oral argument;
- 50 (2)(K) avoidance of impropriety or the appearance of impropriety;
- 51 (2)(L) display of fairness and impartiality toward all parties;
- 52 (2)(M) ability to clearly communicate, including the ability to explain the basis for written
53 rulings, court procedures, and decisions;
- 54 (2)(N) management of workload;
- 55 (2)(O) willingness to share proportionally the workload within the court or district, or
56 regularly accepting assignments;
- 57 (2)(P) issuance of opinions and orders without unnecessary delay; and
- 58 (2)(Q) ability and willingness to use the court's case management systems in all cases.
- 59 (3) **Standards of performance.**
- 60 (3)(A) **Survey of attorneys.**
- 61 (3)(A)(i) The Council shall measure satisfactory performance by a sample
62 survey of the attorneys appearing before the active senior judge or
63 court commissioner during the period for which the active senior judge
64 or court commissioner is being evaluated. The Council shall measure

satisfactory performance based on the results of the final survey conducted during a court commissioner's term of office, subject to the discretion of a court commissioner serving an abbreviated initial term not to participate in a second survey under Section (3)(A)(vi) of this rule.

(3)(A)(ii) **Survey scoring.** The survey shall be scored as follows.

(3)(A)(ii)(a) Each question of the attorney survey will have six possible responses: Excellent, More Than Adequate, Adequate, Less Than Adequate, Inadequate, or No Personal Knowledge. A favorable response is Excellent, More Than Adequate, or Adequate.

(3)(A)(ii)(b) Each question shall be scored by dividing the total number of favorable responses by the total number of all responses, excluding the "No Personal Knowledge" responses. A satisfactory score for a question is achieved when the ratio of favorable responses is 70% or greater.

(3)(A)(ii)(c) A court commissioner's performance is satisfactory if: at least 75% of the questions have a satisfactory score; and the favorable responses when divided by the total number of all responses, excluding "No Personal Knowledge" responses, is 70% or greater.

(3)(A)(ii)(d) The Judicial Council shall determine whether the senior judge's survey scores are satisfactory.

(3)(A)(iii) **Survey respondents.** The Administrative Office of the Courts shall identify as potential respondents all lawyers who have appeared before the court commissioner during the period for which the commissioner is being evaluated.

(3)(A)(iv) **Exclusion from survey respondents.**

(3)(A)(iv)(a) A lawyer who has been appointed as a judge or court commissioner shall not be a respondent in the survey. A lawyer who is suspended or disbarred or who has resigned under discipline shall not be a respondent in the survey.

(3)(A)(iv)(b) With the approval of the Management Committee, a court commissioner may exclude an attorney from the list of respondents if the court commissioner believes the attorney will not respond objectively to the survey.

(3)(A)(v) **Number of survey respondents.** The Surveyor shall identify 180 respondents or all attorneys appearing before the court commissioner, whichever is less. All attorneys who have appeared before the active senior judge shall be sent a survey questionnaire as soon as possible after the hearing.

(3)(A)(vi) **Administration of the survey.** Court commissioners shall be the subject of a survey approximately six months prior to the expiration of their term of office. Court commissioners shall be the subject of a survey during the second year of each term of office. Newly appointed court commissioners shall be the subject of a survey during the second year of their term of office and, at their option, approximately six months prior to the expiration of their term of office.

(3)(A)(vii) **Survey report.** The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the number and percentage of respondents for each of the possible responses on each survey question and all comments, retyped and edited as necessary to redact the respondent's identity.

(3)(B) **Non-attorney surveys.**

(3)(B)(i) **Surveys of presiding judges and court staff regarding non-appellate senior judges.** The Council shall measure performance of active senior judges by a survey of all presiding judges and trial court executives, or in the justice courts, all presiding justice court judges and the justice court administrator~~Justice Court Administrator~~, of districts in which the senior judge has been assigned. The presiding judge and trial court executive will gather information for the survey from anonymous questionnaires completed by court staff on the calendars to which the senior judge is assigned and by jurors on jury trials to which the senior judge is assigned. The Administrative Office of the Courts shall distribute survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be

based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(3)(B)(ii) **Surveys of Court of Appeals presiding judge and clerk of court.**

The Council shall measure performance of active appellate senior judges by a survey of the presiding judge and clerk of court of the Court of Appeals. The presiding judge and clerk of court will gather information for the survey from anonymous questionnaires completed by the other judges on each panel to which the appellate senior judge is assigned and by the appellate law clerks with whom the appellate senior judge works. The Administrative Office of the Courts shall distribute the survey forms with instructions to return completed surveys to the Surveyor. The survey questions will be based on the non-legal ability evaluation criteria in paragraph (2). The Surveyor shall provide to the subject of the survey, the subject's presiding judge, and the Judicial Council the responses on each survey question. The Judicial Council shall determine whether the qualitative assessment of the senior judge indicates satisfactory performance.

(3)(C) **Case under advisement standard.** A case is considered to be under advisement when the entire case or any issue in the case has been submitted to the senior judge or court commissioner for final determination. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the court.

(3)(C)(i) A senior judge or court commissioner in a trial court demonstrates satisfactory performance by holding:

- (3)(C)(i)(a) no more than three cases per calendar year under advisement more than 60 days after submission; and
- (3)(C)(i)(b) no case under advisement more than 180 days after submission.

(3)(C)(ii) A senior judge in the court of appeals demonstrates satisfactory performance by:

- (3)(C)(ii)(a) circulating no more than an average of three principal opinions per calendar year more than six months after submission with no more than half of the maximum exceptional cases in any one calendar year; and
- (3)(C)(ii)(b) achieving a final average time to circulation of a principal opinion of no more than 120 days after submission.

(3)(D) **Compliance with education standards.** Satisfactory performance is established if the senior judge or court commissioner annually complies with the judicial education standards of this Code, subject to the availability of in-state education programs. The Council shall measure satisfactory performance by the self-declaration of the senior judge or court commissioner or by reviewing the records of the state court administrator.

(3)(E) **Substantial compliance with Code of Judicial Conduct.** Satisfactory performance is established if ~~the response of~~ the senior judge or court commissioner demonstrates substantial compliance with the Code of Judicial Conduct, if the Council finds the responsive information to be complete and correct and if the Council's review of formal and informal sanctions lead the Council to conclude the court commissioner is in substantial compliance with the Code of Judicial Conduct. Under Rule 11-201 and Rule 11-203, any sanction of a senior judge disqualifies the senior judge from reappointment.

(3)(F) **Physical and mental competence.** Satisfactory performance is established if ~~the response of~~ the senior judge or court commissioner demonstrates physical and mental competence to serve in office and if the Council finds the responsive information to be complete and correct. The Council may request a statement by an examining physician.

(3)(G) **Performance and corrective action plans for court commissioners.**

- (3)(G)(i) The presiding judge of the district a court commissioner serves shall prepare a performance plan for a new court commissioner within 30 days of the court commissioner's appointment. If a court commissioner serves multiple districts or court levels, the presiding judge of each district and court level shall prepare a performance plan. The performance plan shall communicate the expectations set forth in paragraph (2) of this rule.

(3)(G)(ii) If a presiding judge issues an overall “Needs Improvement” rating on a court commissioner’s annual performance evaluation as provided in paragraph (1), that presiding judge shall prepare a corrective action plan setting forth specific ways in which the court commissioner can improve in deficient areas.

(4) **Judicial Council certification process.**

(4)(A) **July Council meeting.** At its meeting in July, the Council shall begin the process of determining whether the senior judges and court commissioners whose terms of office expire that year meet the standards of performance provided for in this rule. The Administrative Office of the Courts shall assemble all evaluation information, including:

(4)(A)(i) survey scores;

(4)(A)(ii) judicial education records;

(4)(A)(iii) self-declaration forms;

(4)(A)(iv) records of formal and informal sanctions;

(4)(A)(v) performance evaluations, if the commissioner or senior judge received an overall rating of Needs Improvement; and

(4)(A)(vi) any information requested by the Council.

(4)(B) **Records delivery.** Prior to the meeting the Administrative Office of the Courts shall deliver the records to the Council and to the senior judges and court commissioners being evaluated.

(4)(C) **July Council meeting closed session.** In a session closed in compliance with Rule 2-103, the Council shall consider the evaluation information and make a preliminary finding of whether a senior judge or court commissioner has met the performance standards.

(4)(D) **Certification presumptions.** If the Council finds the senior judge or court commissioner has met the performance standards, it is presumed the Council will certify the senior judge or court commissioner for reappointment. If the Council finds the senior judge or court commissioner did not meet the performance standards, it is presumed the Council will not certify the senior judge or court commissioner for reappointment. The Council may certify the senior judge or court commissioner or withhold decision until after meeting with the senior judge or court commissioner.

(4)(E) **Overcoming presumptions.** A presumption against certification may be overcome by a showing of good cause to the contrary. A presumption in favor of certification may be overcome by:

(4)(E)(i) reliable information showing non-compliance with a performance standard; or

(4)(E)(ii) formal or informal sanctions of sufficient gravity or number or both to demonstrate lack of substantial compliance with the Code of Judicial Conduct.

(4)(F) **August Council meeting.** At the request of the Council the senior judge or court commissioner challenging a non-certification decision shall meet with the Council in August. At the request of the Council the presiding judge shall report to the Council any meetings held with the senior judge or court commissioner, the steps toward self-improvement identified as a result of those meetings, and the efforts to complete those steps. Not later than 5 days after the July meeting, the Administrative Office of the Courts shall deliver to the senior judge or court commissioner being evaluated notice of the Council's action and any records not already delivered to the senior judge or court commissioner. The notice shall contain an adequate description of the reasons the Council has withheld its decision and the date by which the senior judge or court commissioner is to deliver written materials. The Administrative Office of the Courts shall deliver copies of all materials to the Council and to the senior judge or court commissioner prior to the August meeting.

(4)(G) **August Council meeting closed session.** At its August meeting in a session closed in accordance with Rule 2-103, the Council shall provide to the senior judge or court commissioner adequate time to present evidence and arguments in favor of certification. Any member of the Council may present evidence and arguments of which the senior judge or court commissioner has had notice opposed to certification. The burden is on the person arguing against the presumed certification. The Council may determine the order of presentation.

(4)(H) **Final certification decision.** At its August meeting in open session, the Council shall approve its final findings and certification regarding all senior judges and court commissioners whose terms of office expire that year.

(4)(I) **Communication of certification decision.** The Judicial Council shall communicate its certification decision to the senior judge or court commissioner.

268 The Judicial Council shall communicate its certification decision for senior judges
269 to the Supreme Court and for court commissioners to the presiding judge of the
270 district the commissioner serves.

271 *Effective May/November 1, 20____*

Rule 3-106. Legislative Activities.**Intent:**

To identify the Council as the principal authority for establishing and representing the position of the judiciary in legislative matters.

To identify the role of other offices and entities within the judicial branch in legislative matters.

To establish a procedure for considering legislative initiatives by the judiciary.

To establish a procedure for agencies, groups, and individuals to seek Council review of legislative initiatives.

Applicability:

This rule shall apply to the legislative activities of the judiciary.

Statement of the Rule:**(1) Authority and responsibility of the council.**

(1)(A) The Judicial Council or its Liaison Committee shall be the authority for establishing and representing the position of the judiciary in legislative matters.

(1)(B) The Council shall be the principal authority for coordinating judicial participation in legislative matters.

(1)(C) The Council shall schedule time prior to the legislative session to consider those legislative items proposed for Council action by the Liaison Committee and the Boards.

(1)(D) The Council may endorse, oppose, ~~amend~~ recommend amendments to, or take no position on proposed legislative initiatives. The Council shall limit its consideration of legislative matters to those which affect the Constitutional authority, the statutory authority, the jurisdiction, the organization, or the administration of the judiciary.

(2) Responsibility of presiding officer of council.

(2)(A) The presiding officer shall be responsible for representing the interest of the judiciary through the presentation of "The State of the Judiciary" speech during the regular session of the legislature.

(2)(B) The presiding officer shall be responsible for overseeing the day to day legislative activities of the Court Administrator.

(3) Authority and responsibility of liaison committee.

(3)(A) The Liaison Committee shall meet periodically throughout the year and regularly during the legislative session to consider proposed legislative initiatives which affect the judiciary. The Liaison Committee shall recommend positions to the Council and is authorized to take positions on behalf of the Council when the exigencies of the legislative process preclude full discussion of the issues by the Council.

(3)(B) Any individual, group or agency may request that the Council consider proposed legislative initiatives by transmitting a copy of the legislation with their request to the State Court Administrator. The State Court Administrator shall submit the request to the Liaison Committee. The Liaison Committee shall review the legislative initiative, recommend whether the matter should be placed on the Council agenda, recommend whether a guest should be invited to explain the issues involved, and recommend a position to the Council.

(4) Authority and responsibility of the boards.

(4)(A) Boards may direct the staff of the Administrative Office to prepare legislation and may recommend that legislation to the Council. The Boards may also review legislative issues and recommend positions to the Council, but may not take public positions independent of the Council.

(5) Authority and responsibility of the court administrator.

(5)(A) Consistent with this Code and the policies and priorities of the Council, the Court Administrator shall act as the official spokesperson for the judiciary and is authorized to negotiate, on behalf of the Council, positions related to budget and legislative matters.

(5)(B) Under the direction of the Council, the Court Administrator is responsible for coordinating all interaction between the judiciary and the legislative branch including the following:

(5)(B)(i) scheduling meetings between the Council and the legislative branch;

(5)(B)(ii) meeting with legislators and other representatives of the legislative branch to convey the position of the judiciary; and

(5)(B)(iii) calling on individual judges to participate in legislative activities.

Effective May/November 1, 20__

Rule 3-107. Executive Branch Policy Initiatives.**Intent:**

To identify the Council or its designee as the sole authority for establishing and representing the position of the judiciary to the executive branch on policy initiatives.

To identify the role of other judicial offices and entities in executive branch policy making.

To establish a procedure for judicial consideration of executive branch policy initiatives.

To establish a procedure for agencies, groups, and individuals to seek Council review of executive branch policy initiatives.

Applicability:

This rule shall apply to the judiciary's involvement in executive branch policy making.

Statement of the Rule:**(1) Authority and responsibility of the council and its liaison committee.**

(1)(A) The Council shall establish and represent the position of the judiciary to the executive branch on executive branch policy initiatives.

(1)(B) The Council may endorse, oppose, recommend amendments to, or take no position on proposed executive policy initiatives. The Council shall limit its consideration of executive action to that which affects the Constitutional authority, the statutory authority, the jurisdiction, the organization, or the administration of the judiciary.

(2) Authority and responsibility of the boards.

(2)(A) Boards may review proposed executive policy initiatives and recommend positions to the Council, but may not take public positions independent of the Council.

(3) Authority and responsibility of the court administrator.

(3)(A) Consistent with this Code and the policies and priorities of the Council, the Court Administrator shall act as the official spokesperson for the judiciary and is authorized to negotiate, on behalf of the Council, positions related to budget and other executive matters.

(3)(B) Under the direction of the Council, the Court Administrator is responsible for coordinating all interaction between the judiciary and the executive branch including the following:

- (3)(B)(i) scheduling meetings between the Council and the executive branch;
- (3)(B)(ii) meeting with representatives of the executive branch to convey the position of the judiciary;
- (3)(B)(iii) calling on individual judges to participate in executive branch activities; and
- (3)(B)(iv) receiving requests for Council consideration of executive initiatives from interested individuals, groups, or agencies.

(4) **Authority of individual judicial officers and employees.**

- (4)(A) Nothing in this rule shall be construed to prohibit individual judges, court administrators, or court executives from meeting with representatives of the executive branch on an individual basis to resolve local management or administrative issues consistently with Council policy and the provisions of this Code.

Effective May/November 1, 20__

Rule 3-413. Judicial Library Resources.**Intent:**

To establish minimum standards for legal reference materials to be provided to judicial and quasi-judicial officers and court employees.

To establish acquisition, distribution and budgetary responsibilities for the legal reference materials identified in this rule for the state law librarian.

To realize financial advantages through the use of high volume purchases of regularly used legal reference materials

Applicability:

This rule shall apply to the state law library, all judges and commissioners of courts of record and not of record, and all court employees.

Statement of the Rule:**(1) State Law Library.**

(1)(A) The State Law Library shall be supervised and administered by the state law librarian under the general supervision of the Appellate Court Administrator.

(1)(B) The state law librarian shall facilitate the purchase of the electronic research resources and print publications authorized by this rule and arrange to have them distributed in accordance with this rule.

(2) Responsibility for providing judicial library resources.**(2)(A) Electronic research resources.**

(2)(A)(i) The state court administrator shall provide access to approved electronic research resources, including commercial legal databases.

(2)(A)(ii) All judges of courts of record, judges of courts not of record, court commissioners, and staff attorneys shall have access to these electronic research resources. Other employees may receive access to these resources based upon a demonstrated need and supervisor authorization.

(2)(B) Authorized Print publications. The following officials or locations are authorized to receive ~~the print~~ publications, which shall be provided by the state court administrator, unless specifically noted below, as indicated follows:

(2)(B)(i) Judges of courts of record:

(2)(B)(i)(a) one set of the Utah Code Annotated, one set of the Utah Code Unannotated, and one set of the Utah Court Rules Annotated; or

(2)(B)(i)(b) two sets of the Utah Code Unannotated and one set of the Utah Court Rules Annotated.

(2)(B)(ii) **Court commissioners:** two sets of the Utah Code Unannotated and one set of Utah Court Rules Annotated.

(2)(B)(iii) **Active senior judges:** one set of the Utah Code Unannotated, paid for by the Administrative Office of the Courts.

(2)(B)(iv) **Staff attorneys:** one set of the Utah Code Unannotated and one set of Utah Court Rules Annotated.

~~(1)(A)(i)~~(2)(B)(v) **Courts without a permanently-sitting judge:** two sets of the Utah Code Unannotated and one set of Utah Court Rules Annotated.

~~(1)(A)(ii)~~ a current set of the softbound Utah Code Unannotated for each justice, judge, and commissioner of the courts of record for use in the justice's, judge's, or commissioner's principal courtroom or hearing room and additional sets as needed for actively-used courtrooms and hearing rooms, the administrative office library, the Supreme Court and Court of Appeals chambers libraries, senior judges on active status, staff of the administrative office and other senior managers as determined by the state court administrator, and central staff attorneys;

~~(1)(A)(iii)~~ one set of Utah Code Annotated 1953 with annual supplements, indexes, rules, and replacement volumes to justices, judges, and commissioners of the courts of record, staff of the administrative office and other senior managers as determined by the state court administrator, central staff attorneys, appellate court law clerks at a ratio of one set for two clerks, the administrative office library, and the Supreme Court and Court of Appeals chambers libraries;

~~(1)(A)(iv)~~ one copy of the Utah Court Rules Annotated for senior judges on active status, staff of the administrative office and other senior managers as determined by the state court administrator, the

~~administrative office library, and the Supreme Court and Court of Appeals chambers libraries; and~~

~~(1)(A)(v) — one set of the Utah Reporter to justices, judges, and central staff attorneys of the Supreme Court and Court of Appeals and a sufficient number for the research needs of the trial courts of record.~~

~~(1)(B) — The office of legislative printing. The current policy of the Office of Legislative Printing is to provide the set of Utah Code Annotated 1953 with annual supplements, indexes, rules, and replacement volumes to all justices and judges of courts of record referred to in paragraph (1)(A)(iv) of this rule. The state law librarian shall coordinate the distribution of these materials with the judges and the Office of Legislative Printing.~~

~~(1)(G)(2)(C)~~ **Publisher's complimentary copies.** The ~~current policy of the~~ publisher of the Pacific Reporter ~~is to provide~~ currently provides complimentary volumes to appellate judges as of the date of the judge's appointment to the appellate court. The state law librarian shall coordinate the distribution of these materials with the judges and the publisher.

~~(1)(D) — State law library. Except for copies furnished as indicated in paragraphs (1)(B) and (C) of this rule and the purchasing authority described in paragraphs (1)(E), (F), and (G), the state law librarian shall purchase the publications authorized by this rule and distribute them in accordance with this rule.~~

~~(1)(E)(2)(D)~~ **Counties.** Each county shall provide a current copy of either the Utah Code Annotated with annual updates or the softbound Utah Code Unannotated to each county justice court judge serving within that county. Each county operating a court of record under contract with the administrative office of the courts shall provide the judge with access to the local law library pursuant to Section 78A-5-111.

~~(1)(F)~~ **Municipalities.** Each municipality shall provide a current copy of either the Utah Code Annotated with annual updates or the softbound Utah Code Unannotated to each municipal justice court judge serving within that municipality. Each municipality operating a court of record under contract with the administrative office of the courts shall provide the judge with access to the local law library pursuant to Section 78A-5-111.

~~(1)(G)(2)(E) _____ Counties and municipalities contracting with justice court judges. Each county and municipality which contracts with a justice court judge pursuant to Utah Code Ann. Section 78A-7-202 shall provide, at the location used by the judge within the county or municipality, either the Utah Code Annotated with annual updates or the softbound Utah Code Unannotated.~~

~~(1)(H) _____~~

~~(1)(I)(2)(F) _____~~ Administrative office of the courts. The administrative office of the courts shall provide a Justice Court Manual, updated biannually, to each judge of a court not of record. ~~Law libraries.~~

~~(1)(J) _____~~ The State Law Library shall be supervised and administered by the state law librarian under the general supervision of the Appellate Court Administrator.

~~(1)(K) _____~~ The Appellate Courts' Chambers Library shall be maintained by the State Law Library, and the Appellate Courts shall pay for the materials in that collection.

~~(1)(L) _____~~ The Council may authorize the establishment of chambers law libraries for trial courts of record, provide update services consistent with funding limitations and adopt minimum standards for those libraries.

~~(1)(M) _____~~ For purposes of this rule, "chambers libraries" means those law libraries which are established and maintained for the exclusive use of judicial officers and employees and are not available for use by members of the public.

~~(2)(3) Budget Procedures.~~

(3)(A) _____ The state law librarian shall separately account for:

(3)(A)(i) _____ the operating budget for the state law library;

(3)(A)(ii) _____ the costs associated with access to electronic research resources in subsection (2)(A); and

(3)(A)(iii) _____ the costs associated with the purchase of print publications in subsection (2)(B), trial court operations, appellate court operations, and administrative operations.

~~(2)(A)(3)(B) _____~~ Funds appropriated or allocated for purchasing in accordance with subsections (2)(A) and (2)(B) to the appellate court, trial court, or administrative operations shall not be used to supplement the appropriation to the state law library.

~~(2)(B)(3)(C) _____~~ The purchase of electronic research resources and print publications to fully implement the provisions of this rule shall be limited by the availability of funds.

~~(2)(G)(3)(D)~~ Any publication purchased with public funds shall be the property of the court and not the property of any official. Publications provided to an official without charge to the state shall be the personal property of the official.

~~(2)(D) Upon request of a justice, judge, commissioner or court employee, the state law librarian shall make available legal reference publications or photocopies or facsimile copies thereof for the use of the requesting party. The state law librarian shall develop procedures for the control of publications removed from the library.~~

~~(2)(E) The state court administrator shall notify the state law librarian whenever there is a change to the list of senior judges on active status. The court executive shall notify the state law librarian whenever there is a change in the personnel authorized by this rule to receive publications.~~

~~(3) Electronic data base legal research. The state court administrator shall, as funds permit, develop access to legal reference materials stored on electronic data bases. As such access is developed subscriptions to duplicative hard copy publications shall be discontinued.~~

Effective May/November 1, 20__

Rule 3-501. Insurance Benefits Upon Retirement.**Intent:**

To establish uniform policies regarding sick leave for justices, judges, and court commissioners and conversion of sick leave to paid up medical, dental and life insurance at the time of retirement.

Applicability:

This rule shall apply to all justices, judges, and court commissioners of courts of record.

Statement of the Rule:**(1) Earned benefits.**

(1)(A) For each year of full-time employment that a justice, judge, or court commissioner uses less than four days of sick leave in a calendar year, the judge, justice, or court commissioner will be eligible for and accumulate eight months of paid up medical insurance, dental insurance, prescription drug insurance and life insurance benefits at the time of retirement. Upon retirement, the submission of an annual application and a showing that the judge, justice, or court commissioner is not otherwise covered by a comparable medical insurance policy, the judge, justice, or court commissioner shall be eligible for and receive the insurance benefits which have accrued.

(1)(B) Maternity leave and parental leave is considered sick leave for determining benefits under this rule.

(1)(C) Medical and dental insurance coverage provided will be the same as that carried by the justice, judge, or court commissioner at retirement, i.e., family, two party, single.

(2) **Automatic benefits.** Notwithstanding the provisions of paragraph (1), a justice, judge, or court commissioner who retires and who is eligible for retirement benefits at the time of retirement shall receive a maximum of five years medical insurance, dental insurance, prescription drug insurance and life insurance .

(3) Duration of benefits.

(3)(A) The duration of benefits shall be calculated from the effective date of the justice's, judge's or court commissioner's retirement. Earned benefits shall not

- 31 exceed seven years. Automatic benefits shall not exceed five years. Earned
32 benefits and automatic benefits shall not exceed seven years.
- 33 (3)(B) Earned benefits and automatic benefits shall terminate when the justice, judge,
34 or commissioner is eligible for Medicare, except that prescription drug insurance
35 and supplemental Medicare insurance shall continue for the balance of the term
36 of earned or automatic benefits.
- 37 (3)(C) If the spouse of the justice, judge, or court commissioner qualifies for medical
38 insurance, prescription drug insurance or dental insurance under subsection
39 (1)(C), such insurance shall continue for the period of earned or automatic
40 benefits or until the spouse becomes eligible for Medicare, whichever is earlier,
41 except that prescription drug insurance and supplemental Medicare insurance for
42 the spouse shall continue for the balance of the term of earned or automatic
43 benefits.
- 44 (3)(D) Benefits for dependents of the justice, judge, or court commissioner terminate
45 when the justice, judge, or court commissioner reaches age 65.
- 46 (4) As authorized by Utah Code Section 78A-2-107(9), the Court Administrator will develop
47 methods for recording sick leave use by justices, judges, and court commissioners and for
48 recording sick leave conversion to paid up medical, dental and life insurance benefits.
- 49 (5) **Active Senior Judge incentive benefit.**
- 50 (5)(A) The judiciary will pay 50% of the cost of medical and dental insurance premiums
51 for a qualifying senior judge and spouse until the qualifying senior judge is age
52 65. The judiciary will pay 50% of the cost of supplemental Medicare insurance
53 and prescription drugs for a qualifying senior judge and spouse if the senior
54 judge is age 65 or older.
- 55 (5)(B) To qualify for the incentive benefit the senior judge must:
- 56 (5)(B)(i) qualify as an active senior judge pursuant to Rule 11-201;
57 (5)(B)(ii) have exhausted the other benefits provided for by this rule;
58 (5)(B)(iii) submit to the state court administrator or designee on or before July 1
59 of each year a letter expressing an intent to participate in the incentive
60 benefit program;
61 (5)(B)(iv) perform case work, subject to being called, for at least 6 days per
62 fiscal year; and

63 (5)(B)(v) show good cause to the Judicial Council why he or she should not be
64 disqualified for the incentive benefit upon declining three times within
65 any fiscal year to accept case work.

66 (5)(C) The State Retirement Office shall deduct from the active senior judge's
67 retirement benefit the portion of the cost payable by the active senior judge.

68 (6) This policy will be implemented subject to availability of funds.

69 *Effective May/November 1, 20__*

Rule 4-202.09. Miscellaneous.**Intent:**

To set forth miscellaneous provisions for these rules.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) The judicial branch shall provide a person with a certified copy of a record if the requester has a right to inspect it, the requester identifies the record with reasonable specificity, and the requester pays the fees.

(2) Fulfilling a records request.

(2)(A) The judicial branch is not required to create a record in response to a request.

(2)(B) Upon request, the judicial branch shall provide a record in a particular format if:

(2)(B)(i) it is able to do so without unreasonably interfering with its duties and responsibilities; and

(2)(B)(ii) the requester agrees to pay the additional costs, if any, actually incurred in providing the record in the requested format.

(2)(C) The judicial branch need not fulfill a person's records request if the request unreasonably duplicates prior records requests from that person.

(3) If a person requests copies of more than 50 pages of records, and if the records are contained in files that do not contain records that are exempt from disclosure, the judicial branch may provide the requester with the facilities for copying the requested records and require that the requester make the copies, or allow the requester to provide his own copying facilities and personnel to make the copies at the judicial branch's offices and waive the fees for copying the records.

(4) The judicial branch may not use the form in which a record is stored to deny or unreasonably hinder the rights of persons to inspect and receive copies of a record.

(5) Subject to the Government Records Access Management Act (GRAMA) and Chapter 4, Article 2 of the Code of Judicial Administration, a request for email correspondence shall be sufficiently detailed to identify the email(s) sought with reasonable specificity. The request shall be narrowly tailored to yield a search that is not unduly burdensome. Requests shall include the subject matter of the email(s), the identity of individuals to

whom the email(s) were sent or received, if known, and the date, or approximate date(s) of email(s). Upon receipt of a request, the person handling the request will forward it to the Court Information Technology Department, a representative of which will develop the parameters of the search.

(6) Subpoenas and other methods of discovery under state or federal statutes or rules of procedure are not records requests under these rules. Compliance with discovery shall be governed by the applicable statutes and rules of procedure.

(7) If the judicial branch receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect, it shall allow access to the information in the record that the requester is entitled to inspect, and shall deny access to the information in the record the requester is not entitled to inspect.

(8) The Administrative Office shall create and adopt a schedule governing the retention and destruction of all court records.

(9) The courts will use their best efforts to ensure that access to court records is properly regulated, but assume no responsibility for accuracy or completeness or for use outside the court.

(10) Non-public information in a public record.

(10)(A) The person filing a public record shall omit or redact non-public information. ~~The person filing a private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social record shall identify the classification of the record at the top of the first page of a classified document or in a statement accompanying the record.~~

(10)(B) A party may move or a non-party interested in a record may petition to classify a record as private, protected, sealed, safeguarded, juvenile court legal, or juvenile court social or to redact non-public information from a public record.

(10)(C) If the following non-public information is required in a public record, only the designated information shall be included:

(10)(C)(i) social security number: last four digits;

(10)(C)(ii) financial or other account number: last four digits;

(10)(C)(iii) driver's license number: state of issuance and last four digits;

(10)(C)(iv) address of a non-party: city, state and zip code;

(10)(C)(v) email address or phone number of a non-party: omit; and

(10)(C)(vi) minor's name: initials.

- (10)(D) If it is necessary to provide the court with private personal identifying information, it must be provided on a cover sheet or other severable document, which is classified as private.
- (11) Tax-related records.
- (11)(A) Notwithstanding Rule 4-202.02, except as otherwise ordered by the court and except as provided in subsections (10)(B) and (10)(C), if a case involves a tax on property or its use under Title 59, Chapter 2, Property Tax Act, Chapter 3, Tax Equivalent Property Act, or Chapter 4, Privilege Tax, all records shall be classified as public records under Rule 4-202.02.
- (11)(B) Except as provided in subsection (10)(C), all records in a case that involves a tax on property or its use under Title 59, Chapter 2, Property Tax Act, Chapter 3, Tax Equivalent Property Act, or Chapter 4, Privilege Tax, shall be protected if the case also involves commercial information as that term is defined by Utah Code § 59-1-404.
- (11)(C) For a case described in subsection (10)(B):
- (11)(C)(i) if a request for a specific record, or access to all records in a case, is made to the court and notice is given to the taxpayer, such record or records shall be released within 14 days after notice is given to the taxpayer, except for specific records ordered by the court to be classified as sealed, private, protected, or safeguarded pursuant to a motion made under Rule 4-202.04(3);
- (11)(C)(ii) thirty days after the issuance of a non-appealable final order by the court, all records shall be public unless the court orders specific records to be classified as sealed, private, protected, or safeguarded pursuant to a motion made under Rule 4-202.04(3).
- (11)(C)(iii) The public shall have access to the case history, notwithstanding the limitations in this rule applicable to the underlying records.

Effective May/November 1, 20__

Rule 4-403. Electronic signature and signature stamp use.**Intent:**

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule shall apply to all trial courts of record and not of record.

Statement of the Rule:

- (1) A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following:
- (1)(A) bail bonds from approved bondsmen;
 - (1)(B) bench warrants;
 - (1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;
 - (1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4(b);
 - (1)(E) orders to show cause;
 - (1)(F) orders to take into custody;
 - (1)(G) summons;
 - (1)(H) supplemental procedure orders;
 - (1)(I) orders setting dates for hearing and for notice;
 - (1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion; ~~and~~
 - (1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum;
 - (1)(L) orders appointing a court visitor; and
 - (1)(M) domestic relations injunctions under URCP 109.
- (2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

32 (3) All other documents requiring the judge's or commissioner's signature shall be personally
33 signed by the judge or commissioner, unless the judge or commissioner, on a document
34 by document basis, authorizes the clerk to use the judge's or commissioner's electronic
35 signature or signature stamp in lieu of the judge's or commissioner's signature. On such
36 documents, the clerk shall indicate in writing that the electronic signature or signature
37 stamp was used at the direction of the judge or commissioner and shall sign his or her
38 name directly beneath the electronic signature or stamped imprint of the judge's or
39 commissioner's signature.

40 *Effective May/November 1, 20____*

Rule 4-405. Juror and Witness Fees and Expenses.**Intent:**

To develop a uniform procedure for payment of juror and witness expenses.

Applicability:

This rule shall apply to all trial courts of record.

Statement of the Rule:**(1) Fees.**

(1)(A) The courts shall pay the fee established by statute for all jurors of the courts of record. The courts shall pay the fee established by statute for witnesses subpoenaed by the prosecutor or by an indigent defendant in criminal cases in the courts of record and in actions in the juvenile court. The courts shall pay no fee to a witness appearing for a hearing that was canceled or postponed with at least 24 hours' notice to the parties, excluding Saturdays, Sundays, and holidays. The parties shall notify witnesses when a hearing is canceled or postponed. Upon request, a civil witness's necessary and reasonable parking expenses shall be reimbursed by the attorney who issued the subpoena.

(1)(B) A subsequent day of attendance shall be:

(1)(B)(i) for a witness, attendance on a subsequent day of the hearing regardless of whether the hearing is continued to a contiguous business day, but only if the hearing was actually called on the first day; and

(1)(B)(ii) for a juror, attendance on a subsequent day during the juror's term of availability, as defined in Rule 4-404(2)(B), regardless of whether attendance is for the same trial.

(1)(C) A witness requesting payment shall present a subpoena on which appears the certification of the attorney general, county attorney, district attorney or legal defender of the number of days the witness attended court, as defined in subsection (1)(B).

(2) **Mileage.** The courts shall reimburse the cost of travel at the rate established by statute for those jurors and witnesses to whom the court pays a fee. A witness in a criminal case or juvenile court case traveling from out of state to whom the court pays a witness fee shall

be reimbursed the cost of round trip airfare or round trip travel at \$.20 per mile, as determined by the court.

(3) **Meals and refreshments.**

(3)(A) Meals for jurors shall be provided if the case has been submitted to the jury and the jury is in the process of deliberating the verdict or if the jury is sequestered. A lunch meal may be provided to jurors impaneled to try a case if it is anticipated that the matter will not be concluded by 2:00 p.m. on the final day of trial and the trial judge finds that provision of a lunch meal will assist in expediting the conclusion of the trial.

(3)(B) A witness in a criminal case or a juvenile court case traveling from outside the county to whom the court pays a witness fee may be reimbursed for meals.

(3)(C) Payment for meals for jurors and eligible in-state witnesses shall not exceed the rates adopted by the Department of Administrative Services.

(3)(D) Refreshments may be provided to a jury during the course of trial, upon order of the judge. Payment for refreshments shall not exceed the State Department of Finance per diem rate ~~\$4.00~~ per person per day.

(4) **Lodging.** Lodging for jurors shall be paid if the judge orders the jury sequestered, if the juror must travel more than 100 miles one-way from the juror's residence to the courthouse and the judge orders that lodging be paid, or if the judge orders that lodging be paid due to inclement weather. A witness in a criminal case or juvenile court case to whom the court pays a witness fee traveling from outside the county shall be provided lodging only upon a determination by the court executive that returning to the point of origin on the date in question places a hardship upon the witness or that the reimbursement for travel for repeat appearances is greater than the cost of lodging. Unless unavailable, lodging costs shall not exceed the rates adopted by the Department of Administrative Services.

(5) **Method and record of payment.**

(5)(A) The payment of juror and witness fees and mileage shall be by check made payable to the individual, or the court may reimburse the county or municipal government for the payment of the fee or mileage allowance.

(5)(B) The court shall pay eligible expenses of jurors directly to the vendor. Jurors shall not be required to incur the expense and seek reimbursement. The court may pay the eligible expenses of witnesses directly to the vendor or may reimburse the witness or the county or municipal government for the expense.

- 66 (5)(C) **Jurors.** Jurors must present a summons for payment for the first day of service.
67 If a juror does not present a summons, the clerk may certify that the juror was
68 summoned. The clerk shall file the summons and shall record the attendance of
69 jurors for payment, including subsequent days of service.
- 70 (5)(D) **Witnesses in criminal cases and juvenile court cases.** Witnesses in criminal
71 cases and juvenile court cases must present a subpoena for payment. If the
72 subpoena is issued on behalf of an indigent defendant, it shall bear the certificate
73 of defense counsel that the witness has appeared on behalf of the defendant at
74 state expense, regardless of the number of days for which the witness is eligible
75 for payment. If the subpoena is issued on behalf of the prosecution, the
76 prosecutor shall certify the number of days and the number of miles for which the
77 witness is eligible for payment. The clerk shall file the subpoena and record of
78 attendance. If a witness does not present a subpoena, the clerk may record the
79 witness' attendance and mailing address that is certified by the prosecutor or
80 defense counsel.
- 81 (5)(E) The clerk of the court, or designee, shall enter the payment due the ~~juror or~~
82 witness in the State Accounting System (FINET) within 10 business calendar
83 days after receipt of certification. ~~The state will mail the payment to the juror or~~
84 ~~witness within 3 days. The clerk of court shall maintain both a list of undeliverable~~
85 ~~juror and witness checks and the checks. A payment is considered abandoned~~
86 ~~one year after it became payable and will be sent to the Division of Unclaimed~~
87 ~~Property pursuant to the Utah Code.~~
- 88 (5)(F) The clerk of the court, or designee, shall enter the payment due the juror into the
89 Jury Management System within 10 business days from the last court date
90 served.
- 91 (5)(G) The clerk of court shall maintain both a list of undeliverable juror and witness
92 checks and the checks. State Finance reports all stale dated checks to the
93 Unclaimed Property Division and the court destroys the checks. A payment is
94 considered abandoned one year after it became payable and will be sent to the
95 Division of Unclaimed Property pursuant to the Utah Code.
- 96 (6) **Audit of records.** ~~At least once per month, the clerk of the court or a designee shall~~
97 ~~compare the jurors summoned and the witnesses subpoenaed with the FINET log of~~
98 ~~payments. Any unauthorized payment or other irregularity shall be reported to the court~~
99 ~~executive and the audit department of the Administrative Office of the Courts. The~~

100 Administrative Office of the Courts audit program shall include ~~the~~an audit of juror and
101 witness payments within the scope of their regularly scheduled audits.

102 *Effective May/November 1, 20____*

Rule 4-508. Guidelines for Ruling on a Motion to Waive Fees.**Intent:**

To promote statewide consistency in deciding motions to waive fees in civil cases and in the expungement of criminal records in which the moving party is not a prisoner.

To promote statewide consistency in deciding motions to waive fees in juvenile court cases in which the moving party is not a prisoner.

Nothing in this rule should be interpreted as limiting the discretion of the judge to decide a motion to waive fees.

Applicability:

This rule applies to all civil and small claims cases and in the expungement of criminal records in which the moving party is not a prisoner.

This rule applies to all juvenile court cases in which the moving party is not a prisoner.

As used in this rule “fee waiver” and similar phrases include waiving the fee in full or in part, as may be ordered by the judge.

Statement of the Rule:

- (1) The moving party must complete a motion to waive fees and a financial affidavit approved by the Judicial Council’s Standing Committee on Court Forms. If requested by the court, ~~The the~~ moving party must provide supporting documentation of the claims made in the affidavit. In juvenile court, the minor or a minor’s parent, guardian or authorized representative may move to waive fees.
- (2) Upon the filing of a motion to waive fees and financial affidavit, the court, sheriff or any other provider of a service offered by or through a government entity shall do what is necessary and proper as promptly as if the fee had been fully paid.
- (3) A motion to waive fees may be decided without notice to the other parties, requires no response, request to submit for decision or hearing. The court will review the affidavit and make an independent determination whether the fee should be waived. The court should apply a common sense standard to the information and evaluate whether the information is complete, consistent and true. Section 78A-2-304 requires a party to pay a full or partial fee if the financial affidavit and any further questioning demonstrate the party is reasonably able to pay a fee.
- (4) In general, a party is reasonably able to pay a fee if:

- (4)(A) gross monthly income exceeds 100% of the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).
- (4)(B) the moving party has liquid assets that can be used to pay the fee without harming the party's financial position;
- (4)(C) the moving party has credit that can be used to pay the fee without harming the party's financial position;
- (4)(D) the moving party has assets that can be liquidated or borrowed against without harming the party's financial position;
- (4)(E) expenses are less than net income;
- (4)(F) Section 30-3-3 applies and the court orders another party to pay the fee of the moving party; or
- (4)(G) in the judge's discretion, the moving party is reasonably able to pay some part of the fee.
- (5) If the moving party is represented by private counsel, the motion to waive fees may be granted in proportion to the attorney's discount of the attorney fee. The moving party's attorney must provide an affidavit describing the fee agreement and what percentage of the attorney's normal, full fee is represented by the discounted fee.
- (6) A motion to waive fees should be ruled upon within ten days after being filed.
- (6)(A) If the fee is fully waived, the court, sheriff or any other provider of a service offered by or through a government entity shall do what is necessary and proper as promptly as if the fee had been fully paid.
- (6)(B) If the fee is not fully waived, the court, sheriff or any other provider of a service offered by or through a government entity may require payment of the fee before doing what is necessary and proper. If the service has already been performed, the court, sheriff or service provider may do what is necessary and proper to collect the fee, including dismissal of the case.
- (6)(C) If the fee is not fully waived, the court shall notify the party in writing of the fee amount, the procedure to challenge the fee; and the consequences of failing to pay the fee.
- (6)(D) If the motion is rejected because of a technical error, such as failure to complete a form correctly or to attach supporting documentation, the court shall notify the moving party, and the moving party may file a corrected motion and affidavit within 14 days after being notified of the decision.

66 (7) In addition to any statutory remedies, an order granting a fee waiver may be reviewed at
67 any time if the court has jurisdiction of the case. If the court determines, after waiving a
68 fee, that the moving party is reasonably able to pay the fee, including from the proceeds of
69 a judgment, the court may modify its previous order. The court may allocate the fee
70 among the parties under Utah Rule of Civil Procedure 54, Utah Code Section 30-3-3, or
71 as otherwise provided by law.

72 *Effective May/November 1, 20__*

Tab 6



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Hon. Mary T. Noonan
Interim State Court Administrator

Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council
FROM: Michael C. Drechsel, Associate General Counsel - AOC
DATE: Thursday, January 17, 2019
RE: HR 500.11.2 - Intern Work Conflicts

The Utah State Courts Personnel Policies and Procedures contains a “Code of Personal Conduct” (section 500), which applies to court employees, including interns and externs. One of the topics addressed by the Code of Personal Conduct is “Secondary Employment” (section 500.11). Currently, that section states that “[o]ther employment and volunteer activities must not conflict with the interests of the agency or the State of Utah”¹ (500.11.2) and “[a]n employee may engage in secondary employment or volunteer activity that does not conflict with the interests of the court or create the appearance of a conflict of interest . . .” (500.11.4).

Policy & Planning was presented with a proposed HR policy revision that would create a limited exception to these general principles for an intern or extern working under the supervision of a justice or a judge. The limited exception would not permit secondary employment that creates any actual conflict of interest, but would permit secondary employment that could create the *appearance* of a conflict of interest. In essence, some interns are put in the difficult situation of having to choose between interning for the court or working at a law firm. This proposed revision to the HR policies is an attempt to provide a way for interns to be able to both intern for the court and work for a law firm simultaneously.

The proposed policy continues to prohibit any actual conflicts of interest. If an intern has worked or is working on a case before the court as part of the intern’s secondary

¹ As part of the proposed revision to this policy, Policy & Planning is also recommending that the terms “the agency or the State of Utah” be changed to “the courts.” Policy & Planning was not able to determine how the existing language came to be included in the courts’ policies and procedures in the first place.

employment, the intern would be screened from the case. Similarly, if the intern has worked or is working for a firm appearing before the court, the intern would be screened from those matters. This is not new and has been the existing practice for intern conflicts.

As Policy & Planning reviewed this proposed policy, the committee was concerned that case-level screening may not be sufficient. The committee proposes that in addition to case-level screening, an intern also be subject to issue-level screening, where the issue is a material issue. In other words, screening of the intern would be required where a material issue is raised in a non-conflict case that is similar to a material issue raised in a conflict case. The committee believes this is an appropriate restriction due to the simultaneous nature of an intern's involvement with both a law firm and the court. This dual status places an intern in a unique position that creates an increased potential for the appearance of conflict of interest. Unlike attorneys (including law clerks working for the court), interns are not subject to the Rules of Professional Conduct. There is no existing mechanism in place to sanction violations of conflict rules. As a result, a stringent policy appears to be warranted. In an effort to create a policy that allows intern flexibility and honors the integrity of the court, Policy & Planning recommends that the policy include a requirement for screening at both the case level and the issue level.

In addition to this policy revision, Policy & Planning has requested that the Advisory Committee on the Rules of Professional Conduct to explore recommending a corollary rule requiring the lawyers working at the firms or entities employing an intern to screen the intern and not encourage or permit the intern to disclose confidential information obtained while interning for the court.

Whether or not a rule change is recommended by that advisory committee does not affect Policy & Planning's proposal to the Judicial Council regarding the revisions to HR 500.11. While the committee hopes that a corollary amendment can be made to the Rules of Professional Conduct, Policy & Planning believes that the courts should enact a policy to address the situation so that it is clear when it is permissible for interns to engage in secondary employment that could create the appearance of conflict of interest.

1 **Code of Personal Conduct 500 – Secondary Employment 500.11.2**

2
3 11.2 Other employment and volunteer activities must not conflict with the interests of the courts
4 the agency or the State of Utah or create the appearance of a conflict of interest.

5
6 11.2.1 As a limited exception to 11.2, an intern or extern working under the supervision
7 of a justice or a judge may engage in other employment and volunteer activities that
8 could create the appearance of a conflict of interest. This limited exception does not
9 apply to any actual conflict of interest, including but not limited to the following:

10
11 11.2.1.1 If an intern or extern has worked or is working on a case or material
12 issue currently before the court in the intern's or extern's other employment or
13 volunteer work, the intern or extern, immediately upon discovering the conflict,
14 shall notify the court and the court shall screen the intern or extern from the case
15 or material issue.

16
17 11.2.1.2 If an intern or extern has worked or volunteered for, or is currently
18 working or volunteering for, a law firm or entity that has appeared or is appearing
19 before the court, the intern or extern, immediately upon discovering the conflict,
20 shall notify the court, and the court shall screen the intern or extern from any
21 cases involving that law firm or entity.

Tab 7

Judiciary and Bar Committee Overlap Snapshot
Page 1

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Committee	Judicial Council's Standing Committee on Resources for Self-represented Parties	Pro Bono Commission	Access to Justice Committee
Reports to	Judicial Council	Bar Commission	Bar Commission
Rules or formation documents	CJA Rules 1-205 and 3-115	Resolution of the Utah Judicial Council	Charge to Standing Committee
Charge	<p>(1) The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council.</p> <p>(2) Duties of the committee. The committee shall:</p> <p>(2)(A) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;</p> <p>(2)(B) assess available services and forms for self-represented parties and gaps in those services and forms;</p> <p>(2)(C) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;</p> <p>(2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and</p> <p>(2)(E) develop an action plan for the management of cases involving self-represented parties.</p>	<p>WHEREAS, equal justice for all is fundamental to our system of government; and</p> <p>WHEREAS, the promise of equal justice under the law may not be realized for individuals and families who have no meaningful access to the justice system because they are unable to pay for legal services; and</p> <p>WHEREAS, this de facto denial of equal justice has an adverse impact on these individuals, families, and society as a whole, and works to erode public trust and confidence in our system of justice; and</p> <p>WHEREAS, the Utah State Bar seeks to increase pro bono legal services throughout the state of Utah by establishing the Utah Pro Bono Commission, a Utah State Bar program that includes District Pro Bono Committees in Utah's eight Judicial Districts that will assist in providing pro bono service at a local level;</p> <p>NOW THEREFORE BE IT RESOLVED, pursuant to Rule 2-201 of the Utah Rules of Judicial Administration, that the Utah Judicial Council endorses the Utah State Bar's creation of a Pro Bono Commission and urges law firms, corporate law departments, and governmental law offices</p>	<p>To provide leadership for Access to Justice programs and efforts throughout Utah To ensure greater communication and collaboration among various legal service providers to the under-served populations in the state. To coordinate the Bar's efforts with those of the Utah courts, legal non-profits and community groups and other bar organizations to address judicial, administrative, educational, and consumer-oriented issues and improve the overall level of access to justice in Utah. To assist in prioritizing needs and resources and work to eliminate barriers faced by low income and disadvantaged individuals in Utah, including those with disabilities, ethnic and racial minorities, rural residents and the elderly.</p>

Judiciary and Bar Committee Overlap Snapshot
Page 2

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Committee	Judicial Council's Standing Committee on Resources for Self-represented Parties	Pro Bono Commission	Access to Justice Committee
Committee membership	<p>2 district court judges, 1 juvenile court judge, 2 justice court judges, 3 clerks of court – 1 from an appellate court, 1 from an urban district and 1 from a rural district – 1 member of the Online Court Assistance Committee, 1 representative from the Self-Help Center, 1 representative from the Utah State Bar, 1 representatives from legal service organizations that serve low-income clients, 1 private attorney experienced in providing services to self-represented parties, 2 law school representatives, the state law librarian, and 2 community representatives.</p>	<p>Chairs - two judges, general membership is made up of government and private members of the bar, commissioners, and judges. No set standards for numbers of each.</p>	<p>Chairs of the Pro Bono Commission One of more representatives of the And Justice for All agencies Initially, a representative from the former Modest Means Committee Initially, a representative from the former Affordable Attorneys for All Task Force One or more representatives of church and community organizations and/or family foundations The Utah Bar Foundation Exectutive Director The Director of the Utah Court's Self Help Center Chair of the Court's Self - Represented Parties Committee A member of the Utah legislature Someone to represent the Licensed Paralegal Practitioner perspective.</p>

Committee	Judicial Council's Standing Committee on Resources for Self-represented Parties	Pro Bono Commission	Access to Justice Committee
Subcommittees	<p><u>Education</u>: Educate and interact with members of the Bar and bench, including law schools.</p> <p><u>Outreach</u>: Educate and interact with the community in furtherance of access to justice issues</p> <p><u>Rural Services</u>: Educate and interact with the community in furtherance of access to justice issues unique to rural communities.</p> <p><u>Self-Help Center/Non-lawyer Assistance/Court Updates</u>: Manage and provide updates on internal judicial and administrative issues such as self-help, forms, rules, etc.</p>	<p><u>Recruitment</u>: Mission to actively recruit attorneys to participate in pro bono work. This includes organizing commission members to connect with law firms, promote pro bono at the bar events, and develop strategies to encourage more attorneys to participate in pro bono service.</p> <p><u>Awards</u>: Mission to collect nominations for existing awards and to seek out new awards that members of our pro bono community could be nominated for.</p> <p><u>Non-Profit Integration</u>: Mission to work with legal and non legal non-profit organizations to expand knowledge of and access to pro bono legal services.</p> <p><u>Rules</u>: Mission to monitor any changes that may affect pro bono and report the status of those rules to the Commission</p> <p><u>Signature Projects</u>: Mission to work with our community partners to ensure the current signature projects are maintained and to create more projects to serve other needs in our state.</p> <p>*The Pro Bono Commission also oversees each of the eight Judicial District Pro Bono Committees.</p>	<p><u>Service Provider Support</u>: Manage the Annual Summit, and support fundraising in the form of legislative lobbying, increased CLE fees, and exploring grant opportunities.</p> <p><u>Education, Information, and Outreach</u>: Staff a dedicated liaison to the Self Represented Parties Committee, oversee updates to the State Bar's website, create public education initiatives, and explore potential resource guide opportunities.</p> <p><u>Initiatives</u>: Consider new ideas for clinic, pro bono education, and new programming.</p>

Committee	Judicial Council's Standing Committee on Resources for Self-represented Parties	Pro Bono Commission	Access to Justice Committee
Projects	<p>The Self-Help Center; Assisting the Bar in crafting and vetting licensedlawyer.org; Drafting and recommending court forms; Recommending rule changes, including redrafting the Law Student Practice Rule and exploring the repeal of the 10-day summons rule; Exploring programs such as court navigators, McKenzie friends, Lawyer of the Day, Courthouse Steps, and pro se e-filing; Assisting in the creation and sustainability of pro se court calendars; Educating the courts and community on the availability of remote access, particularly in rural areas, as well as other resources for self-represented parties; Presenting to law schools on pro bono service opportunities during pre- and post-graduation; Supporting the efforts of committee members and community partners to bring more legal services to rural areas and throughout the state; and Offering input to study committees, including the Domestic Case Process Improvements Subcommittee.</p>	<p>Signature Projects, Monitoring efforts of District Pro Bono Committees, statewide pro bono initiatives.</p>	<p>The Access to Justice Coordinating Committee is relatively new and has been focused on developing an understanding of the issues. The Committee has also been working to implement the first Access to Justice Summit which will take place October 23rd, 2018.</p>

Memorandum of Understanding between the Judicial Council’s Standing Committee on Resources for Self-represented Parties (SRP Committee), the Access to Justice Coordinating Committee (A2J Committee) of the Utah State Bar, and the Pro Bono Commission of the Utah State Bar (collectively, committees).

- (1) WHEREAS, under Code of Judicial Administration Rule 3-115, the SRP Committee is charged with studying the needs of self-represented parties within the Utah State Courts, and proposing policy recommendations concerning those needs to the Judicial Council.
- (2) WHEREAS, as part of that charge, the SRP Committee shall:
 - (a) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;
 - (b) assess available services and forms for self-represented parties and gaps in those services and forms;
 - (c) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;
 - (d) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and
 - (e) develop an action plan for the management of cases involving self-represented parties.
- (3) WHEREAS, the following positions make up the SRP Committee:
 - (a) two district court judges,
 - (b) one juvenile court judge,
 - (c) two justice court judges,
 - (d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district –
 - (e) one member of the Online Court Assistance Committee,
 - (f) one representative from the Self-Help Center,
 - (g) one representative from the Utah State Bar,
 - (h) two representatives from legal service organizations that serve low-income clients,
 - (i) one private attorney experienced in providing services to self-represented parties,
 - (j) two law school representatives,
 - (k) the state law librarian, and
 - (l) two community representatives.
- (4) WHEREAS, the SRP Committee has created four subcommittees to address the committees charge, which are:

- (a) Education: Educate and interact with members of the Bar and bench, including law schools.
 - (b) Outreach: Educate and interact with the community in furtherance of access to justice issues.
 - (c) Rural Service: Educate and interact with the community in furtherance of access to justice issues unique to rural communities.
 - (d) Self-Help Center/Non-lawyer Assistance/Court Updates: Manage and provide updates on internal judicial and administrative issues such as self-help, forms, rules, etc.
- (5) WHEREAS, the SRP Committee has engaged in the following projects:
- (a) Creating and supporting the Self-Help Center;
 - (b) Assisting the Bar in crafting and vetting licensedlawyer.org;
 - (c) Drafting and recommending court forms;
 - (d) Recommending rule changes, including redrafting the Law Student Practice Rule and exploring the repeal of the 10-day summons rule;
 - (e) Exploring programs such as court navigators, McKenzie friends, Lawyer of the Day, Courthouse Steps, and pro se e-filing;
 - (f) Assisting in the creation and sustainability of pro se court calendars;
 - (g) Educating the courts and community on the availability of remote access, particularly in rural areas, as well as other resources for self-represented parties;
 - (h) Presenting to law schools on pro bono service opportunities during pre- and post-graduation;
 - (i) Supporting the efforts of committee members and community partners to bring more legal services to rural areas and throughout the state; and
 - (j) Offering input to study committees, including the Domestic Case Process Improvements Subcommittee.
- (6) WHEREAS, as part of the A2J Committee's charge, the A2J Committee will provide leadership for Access to Justice programs and efforts throughout Utah.
- (7) WHEREAS, as part of that charge, the A2J Committee shall
- (a) Ensure greater communication and collaboration among various legal service providers to the under-served populations in the state.
 - (b) Coordinate the Bar's efforts with those of the Utah courts, legal non-profits and community groups and other bar organizations to address judicial, administrative, educations, and consumer-oriented issues and improve the overall level of access to justice in Utah.

- (c) Assist in prioritizing needs and resources and work to eliminate barriers faced by low income and disadvantaged individuals in Utah, including those with disabilities, ethnic and racial minorities, rural residents and the elderly.
- (8) WHEREAS, the following members make up the A2J Committee
- (a) Two co-chairs selected by the president and executive director of the Utah State Bar.
 - (b) A chair or representative of the pro bono commission
 - (c) One or more representatives of the And Justice For All agencies
 - (d) A representative from the Modest Means Committee
 - (e) A representative from the former Affordable Attorneys for All Task Force
 - (f) One or more representatives of church or community organizations and/or of family foundations
 - (g) The Utah Bar Foundation Executive Director
 - (h) The Utah State Bar's Access to Justice Director
 - (i) A member of the Utah Legislature
 - (j) A representative of the Licensed Paralegal Practitioner Perspective.
 - (k) Any additional member the chairs deem necessary.
- (9) WHEREAS, the A2J Committee has created three subcommittees to address the A2J Committee's charge, which are:
- (a) Service Provider Support: Manage the Annual Summit, and support fundraising in the form of legislative lobbying, increased CLE fees, and exploring grant opportunities.
 - (b) Education, Information, and Outreach: Staff a dedicated liaison to the Self Represented Parties Committee, oversee updates to the State Bar's website, create public education initiatives, and explore potential resource guide opportunities.
 - (c) Initiatives: Consider new ideas for clinic, pro bono education, and new programming
- (10) WHEREAS, The A2J Committee will focus projects on the coordination of all Access to Justice initiatives including those from the Pro Bono Commission and the Self-Represented Parties Committee. Additionally, the A2J Committee will continue to develop and annual Access to Justice Summit each October to further this goal.
- (11) WHEREAS, by a Resolution of the Utah Judicial Council the Pro Bono Commission recognizes that equal justice for all is fundamental to our system of government and the promise of equal justice under the law may not be realized for individuals and families who have no meaningful access to the justice system because they are unable to pay for legal services, and this de facto denial of equal justice has an adverse impact on these

individuals, families, and society as a whole, and works to erode public trust and confidence in our system of justice.

- (12) WHEREAS, as part of that charge, the Pro Bono Commission shall seek to increase pro bono legal services throughout the state of Utah by creating District Pro Bono Committees in Utah's eight Judicial Districts that will assist in providing pro bono service at a local level. The Pro Bono Commission shall urge law firms, corporate law departments, and governmental law offices to adopt pro bono policies and procedures to engage all lawyers in pro bono service that will increase access to equal justice, as well as monitor existing programs for efficacy and success.
- (13) WHEREAS, The following positions make up the Pro Bono Commission
- (a) The Commission shall be chaired by two Utah judges
 - (b) The Commission shall include the Utah State Bar's Access to Justice Director
 - (c) The Commission shall include the Utah State Court's Self-Help Center Director
 - (d) The Commission shall include various judges and commissioners
 - (e) The Commission shall include members of the private bar
 - (f) The Commission shall include members of non-profits
 - (g) The Commission shall include various attorneys not in private practice
- (14) WHEREAS, the Pro Bono Commission has created four subcommittees to address the committees charge, which are
- (a) Recruitment: Mission to actively recruit attorneys to participate in pro bono work. This includes organizing commission members to connect with law firms, promote pro bono at the bar events, and develop strategies to encourage more attorneys to participate in pro bono service.
 - (b) Awards: Mission to collect t nominations for existing awards and to seek out new awards that members of our pro bono community could be nominated for.
Non-Profit Integration: Mission to work with legal and non-legal non-profit organizations to expand knowledge of and access to pro bono legal services.
 - (c) Rules: Mission to monitor any changes that may affect pro bono and report the status of those rules to the Commission
 - (d) Signature Projects: Mission to work with our community partners to ensure the current signature projects are maintained and to create more projects to serve other needs in our state.
- (15) WHEREAS, The Pro Bono Commission serves as the governing body of pro bono efforts throughout Utah, the Commission will continue to monitor existing efforts while also creating new programs when necessary.

(16) WHEREAS, the SRP Committee, the A2J Committee, and the Pro Bono Commission desire to coordinate and not duplicate efforts.

(17) NOW THEREFORE BE IT RESOLVED that each committee through its chair or designee shall update the other committees monthly on its efforts and projects, or as often as the other committees meet.

Sign here ►

Date

SRP Committee Chair

Sign here ►

Date

A2J Committee Co-Chair

Date

A2J Committee Co-Chair

Sign here ►

Date

Pro Bono Commission Co-Chair

Date

Pro Bono Commission Co-Chair

Tab 8



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Hon. Mary T. Noonan
Interim State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

To: Judicial Council
From: Justice Paige Petersen
Date: January 17, 2019
Re: Lawyer Judge Well-Being Committee Update

Timeline:

2018

April 30 Meeting to discuss local stakeholders

May 22 LJWB Committee members confirmed. Inaugural meeting set

June 20 Inaugural LJWB Committee meeting with Chief Justice Durrant and University of Utah Chief Wellness Officer, Dr. Robin Marcus

August 1 Created work-groups* and tasked S.M.A.R.T Goals

September 5 Work-groups met (Jane's home)

October 3 Work-group leaders submitted recommendation drafts

November 7 Mission statement was discussed and action items were assigned to work-groups

December 12 Mission statement was adopted: *Creating a Movement to Improve Well-Being in the Utah Legal Profession*. Justice Petersen discussed all final work-group recommendations to prepare her final report for final meeting.

2019

January 16 Justice Petersen presented her final report. Committee reviewed final report DRAFT, met with survey team, and discussed LJWC 2.0 "next steps" and timeline#.

February LJWBC 2.0 "implementation team" meeting

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

LJWBC Update
January 17, 2019

***Committee members by work-groups**

Lawyers & Legal Employers

Robert Denny
Jamie Sorenson
Cara Tangaro
Andrew Morse

Regulators /Bar/Lawyer Asst./Liability

Cassie Madura
Andrew Morse
Dickson Burton
Elizabeth Wright
Chris Newbold
Brook Millard

Judges

Justice Petersen
Judge Hornak
Judge Hruby Mills
Cathy Dupont

Law Schools

Wendy Archibald
Barbara Dickey

Allies

Dr. Hale
Martha Knudsen
Brent Kelsey

#Future timeline

2019

Jan/Feb	Finalize Report & Present to SC
March	Communicate Report & Action Plan - Spring Bar Conference March 7 & 8 St. George
April/May	Communicate Report & Action Plan – Various Judges Conferences
June	Distribute survey to gather local baseline data
July	“Kick-off” Action Plan (new fiscal year-FY’20) Summer Bar Conference

2021

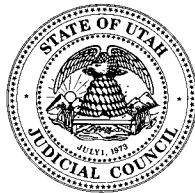
June	Distribute local survey to compare data
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2023

June	Distribute local survey to compare data/revisit work
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	A	B	C
1	Well-Being Committee	Chair:	Justice Peterson
2		Co-chair:	Dickson Burton
3		Bar Staff:	Elizabeth Wright
4		AOC Staff:	Dr. Kim Free
5			
6	Stakeholder Group	Member	Representation
7	OPC	Cassie Medura	Ethics & Discipline Committee
8	Bar Admissions	Andrew Morse	Bar Admissions' Character
9	Law Firm Mng Partner		& Fitness Committee-Co-Chair
10			Snow Christensen & Martineau
11	Small firm/solo	Cara Tangaro	Tangaro Law-Criminal Defense
12	practitioner	Jamie Sorenson	Utah Moniority Bar-Chair
13	Psychologist	Dr. Valerie Hale	Consultant/Private Practice-Law Specialty
14	Lawyer pro liability	Chris Newbold	Executive Vice President
15	provider		ALPS Lawyers' Malpractice Insurance
16	Law school	Wendy Archibald	Assistant Dean, Student & Internal
17			Relations-BYU Law School
18		Barbara Dickey	Dean of Students-Utah Law School
19	Appellate Courts	Cathy Dupont	Court Administrator
20	District Courts	Elizabeth Hruby-Mills	Judge
21	Juvenile Courts	Kim Hornak	Judge
22	DSAMH	Brent Kelsey	Utah Dept. of Substance Abuse
23			and Mental Health-Director
24	Young Lawyers	Robert Denny	Chair
25	Lawyers Helping Lawyers	Brook Millard	Chair
26	Positive Psychology	Martha Knudson	Consultant/Attorney
27	Advisory Team	John Baldwin	Utah State Bar
28		Rick Schwermer	AOC
29		Dr. Robin Marcus	U of U Wellness
30		Dr. Megan Call	U of U Wellness

Tab 9



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: James M. Peters
Justice Court Administrator

DATE: December 3, 2018

RE: 2019 Recertification of the County Justice Courts

Pursuant to Rule 9-108(1)(B) of the Code of Judicial Administration, the Board of Justice Court Judges met recently to review applications for recertification of the county justice courts. The Board recommends that all county justice courts be recertified, with the five exceptions noted below. I will report on efforts to address their deficiencies in January.

Juab County Justice Court – Judge Sharla Williams

The Juab County Justice Court employs fewer clerks than is required for its workload. In addition, the court should be open for one hour longer on Fridays. Judge Williams has requested a waiver of the requirement that the court have two full-time clerks, but she does not address the court's hours of operation. Before recertification can be recommended for Juab County, it will need to adjust its hours or revise its request that the Council waive certain requirements.

Kane County Justice Court – Judge Gary Johnson

The legal opinion provided by Kane County indicated that "the Kane County Justice Court is in compliance will [sic] all the above [requirements] except for numbers 11 (Judge Compensation). Regarding compensation, this issue has been raised in previous years and the office of the state court administrator (AOC) has provided guidance that ultimately this is not a prohibitive issue." Before recertification can be recommended for Kane County, it will need to rectify any issues with compensation and provide a revised opinion.

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efficient, and independent system for the advancement of justice under the law.

Morgan County Justice Court – Judge Brian Brower

The affidavit received from Judge Brower expressed concerns about the adequacy of clerical coverage. Morgan County currently provides one half-time clerk. Before recertification can be recommended for Morgan County, it will need to provide a plan for clerical coverage in the event that its primary clerk is sick or on vacation.

Uintah County Justice Court – Judge Jody Petry

The legal opinion provided by Uintah County declined to address the “feasibility of maintaining a Justice Court.” Before recertification can be recommended for Uintah County, it will need to provide a revised opinion.

Wayne County Justice Court – Judge Roy Brown

The affidavit received from Judge Brown is incomplete. Before recertification can be recommended for Wayne County, it will need to provide a revised affidavit and rectify any issues with its hours of operation.

Tab 10

Problem Solving Courts' Certification Recommendations

Adult drug court:

Third District	Park City	Judge Patrick Corum
Sixth District	Kanab	Judge Wallace Lee
Sixth District	Manti	Judge Brody Keisel
Seventh District	Castle Dale	Judge Douglas Thomas
Seventh District	Moab	Judge Mary Manley
Seventh District	Monticello	Judge Don Torgerson
Seventh District	Price	Judge George Harmond

Juvenile drug court:

Third Juvenile Court	Salt Lake City	Judge Steven Beck
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Adult mental health:

First District	Logan	Judge Kevin Allen
Third District	Salt Lake City	Judge Vernice Trease
Fourth District	Provo	Judge James Brady
Sixth District	Richfield	Judge Marvin Bagley

Juvenile mental health:

First Juvenile Court	Brigham City	Judge Kirk Morgan
First Juvenile Court	Logan	Judge Angela Fannesbeck

Courts with Issues

Dependency drug court:

Second District Court	Farmington	Judge Robert Neill	Drug testing issue
Third District Court	Salt Lake City	Judge Kimberly Hornak	Drug testing issue
Third District Court	Salt Lake City	Judge Mark May	Drug testing issue
Third District Court	Salt Lake City	Judge Julie Lund	Drug testing issue
Fourth District Court	Provo	Judge Brent Bartholomew	Drug testing issue
Seventh District Court	Moab	Judge Mary Manley	Drug testing issue

Juvenile mental health:

Third Juvenile Court	Salt Lake City	Judge Elizabeth Knight	Drug testing issue
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Justice court mental health:

Third District Court	Salt Lake County	Judge Clint Gilmore	Staff issue
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Court: FIRST DISTRICT JUVENILE, BRIGHAM CITY

Judge: MORGAN

Date: NOVEMBER, 2018

Utah Mental Health Court Certification Checklist 2018

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 4. The Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- | | | |
|-------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. R BPS* I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B, BPS X E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. P BPS III A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The judge presides over the Mental Health Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. R BPS III C |

YES NO

☒ ☐

15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**

☒ ☐

16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒ ☐

17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**

☒ ☐

18. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**

☒ ☐

19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒ ☐

20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

☒ ☐

21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**

☒ ☐

22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**

☒ ☐

23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

☒ ☐

24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**

☒ ☐

25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☐ ☐

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B* IF NEEDED**

☒ ☐

30. Drug test results are available within 48 hours. **P BPS VII H**

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31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

☒ ☐

32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

☒ ☐

33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

☒ ☐

34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

☒ ☐

35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**

☒ ☐

36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B***
- ☒ ☐ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☒ ☐ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☒ ☐ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☒ ☐ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

☒ ☐

61. Team members are assigned to Mental Health Court for no less than two years. **P**

☒ ☐

62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues. **P**

☒ ☐

63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**

☒ ☐

64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**

☒ ☐

65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts. **P BPS VIII F**

☒ ☐

66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**

☒ ☐

67. Court fees are reasonable and based on each participant's ability to pay. **R**

☒ ☐

68. Treatment fees are based on a sliding fee schedule. **R**

☒ ☐

69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**

☒ ☐

70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***

YES NO

- ☒ ☐ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☒ ☐ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 77. The program conducts an exit interview for self improvement. **P**

Court: EMERY COUNTY ADULT, CASTLE DALE

Judge: THOMAS

Date: NOVEMBER, 2018

Utah Adult Drug Court Certification Checklist

2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | | | |
|-------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. | R BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. | R BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources. | P BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. | R BPS I A |

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R** BPS* I B
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R** BPS I C
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R** BPS I C
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R** BPS I C
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R** BPS I D
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R** BPS I D
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R** BPS I D
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R** BPS II B, BPS X E
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R** BPS II D
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P** BPS II F

YES NO

- ☐ 16. 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. **P** BPS III A
- ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P** BPS III B
- ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R** BPS III C
- ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R** BPS III D
- ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R** BPS III E
- ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R** BPS* III E
- ☐ 22. The Judge spends an average of at least three minutes with each participant. **R** BPS* III F
- ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R** BPS III G
- ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R** BPS IV B
- ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
- ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
- ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R** BPS IV A
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R** BPS IV A
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R** BPS IV A
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R** BPS IV F
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P** BPS IV F
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P** BPS IV I
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P** BPS IV I
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R** BPS VII A*
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R** BPS VII B*
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P** BPS VII B

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. NOT ALWAYS **P** BPS VII H
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R** BPS VII B
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P** BPS VII D*
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R** BPS VII E*, F*
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R** BPS VII G
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P** BPS VII G
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R** BPS VII G*
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R** BPS VII I
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☒ ☐ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R** BPS IV J
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R** BPS IV J
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R** BPS IV J

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R** BPS IV K
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R** BPS IV K
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B** BPS V A
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P** BPS V A
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P** BPS V A
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R** BPS V B
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P** BPS V D
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P** BPS V E
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P** BPS V E
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B** BPS V E
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P** BPS V F, BPS VI G

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☒ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☒ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS V I D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS V I D**

YES NO

- ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I*
- ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A***
- ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B BPS IX B**
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☒ ☐ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P BPS X C**
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

Court: FOURTH DISTRICT, PROVO

Judge: BARTHOLOMEW

Date: NOVEMBER, 2018

Utah Dependency Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | | |
|--------------------------------------------------------------|----|-----------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 1. | Eligibility and exclusion criteria are defined objectively.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 2. | Eligibility and exclusion criteria are specified in writing.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 3. | Eligibility and exclusion criteria are communicated to potential referral sources. P BPS I A |

YES NO

- ☒ ☐ 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. **R BPS I A**
- ☐ ☒ 5. The program admits only participants who are high risk high need as measured by the RANT, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 9. Offenders with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 10. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 11. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 12. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 13. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**

YES NO

- ☐ ☒ 14. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 15. 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. **P BPS III A**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 19. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 22. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 23. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

YES	NO		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H, BPS VIII D	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H, BPS VIII D	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	27. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. R BPS IV A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. R BPS IV A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. R BPS IV A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	30. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. R BPS IV A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	31. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. R BPS IV F	

YES NO

- | | | | |
|-------------------------------------|-------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 32. | The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. P BPS IV F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 33. | Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. P BPS IV I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 34. | Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. P BPS IV I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 35. | Drug testing is performed at least twice per week. R BPS VII A* |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 36. | Drug testing is random, and is available on weekends and holidays. R BPS VII B* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 37. | Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. P BPS VII B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 38. | Drug test results are available within 48 hours. P BPS VII H |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 39. | Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 40. | Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. P BPS VII D* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 41. | Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E*, F* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 42. | The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G |

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	43. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	44. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	45. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I
<input checked="" type="checkbox"/>	<input type="checkbox"/>	46. The program requires at least 90 days clean to graduate. B
<input type="checkbox"/>	<input checked="" type="checkbox"/>	47. The minimum length of the program is twelve months. B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	48. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	49. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	50. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	51. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. R BPS IV K
<input checked="" type="checkbox"/>	<input type="checkbox"/>	52. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. P BPS IV K*

	YES	NO
53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
54. Standardized patient placement criteria govern the level of care that is provided. P BPS V A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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56. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B	<input checked="" type="checkbox"/>	<input type="checkbox"/>
57. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D	<input checked="" type="checkbox"/>	<input type="checkbox"/>
58. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E	<input checked="" type="checkbox"/>	<input type="checkbox"/>
61. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. B BPS V F, BPS VI G	<input checked="" type="checkbox"/>	<input type="checkbox"/>
62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F	<input checked="" type="checkbox"/>	<input type="checkbox"/>
63. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H	<input checked="" type="checkbox"/>	<input type="checkbox"/>

YES NO

- ☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
- ☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 69. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 71. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☐ ☒ 72. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**

	YES	NO	
74.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. P BPS VI D
75.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are not excluded from participation in Drug Court because they lack a stable place of residence. R BPS VI D
76.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. B BPS VI E
77.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. R BPS VI E
78.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). P BPS VI F
79.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Female participants receive trauma-related services in gender-specific groups. B BPS VI F
80.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. P BPS VI F
81.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. R BPS VI I*
82.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. P BPS VI I
83.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. B BPS VI I

- | YES | NO | |
|-------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 84. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. B BPS VI J |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 85. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. P BPS VI |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 86. Clients are placed in the program within 50 days of shelter hearing. R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 87. At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting. R BPS VIII B* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 88. At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session. R BPS VIII A* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 89. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. R BPS VIII B |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 90. Team members are assigned to Drug Court for no less than two years. P |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 91. All team members use electronic communication to contemporaneously communicate about Drug Court issues. P |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 92. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. R BPS VIII C |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 93. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. B BPS VIII F |

YES NO

- ☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**
- ☐ ☒ 98. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***
- ☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES **NO**



104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F



105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G



106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H



107. The program conducts an exit interview for self improvement.
P

Court: DAVIS COUNTY, FARMINGTON
DEPEPENDENCY

Judge: NEILL

Date: DECEMBER, 2018

Utah Dependency Drug Court Certification Checklist
2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential
referral sources. P BPS I A |

YES NO

- ☒ ☐ 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. **R BPS I A**
- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 9. Offenders with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 10. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 11. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 12. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 13. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**

YES NO

- ☒ ☐ 14. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 15. 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. **P BPS III A**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 19. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 22. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 23. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

YES	NO		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	24. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H, BPS VIII D	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	25. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H, BPS VIII D	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	26. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	27. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. R BPS IV A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. R BPS IV A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	29. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. R BPS IV A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	30. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. R BPS IV A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	31. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. R BPS IV F	

YES NO

- | | | |
|-------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. P BPS IV F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. P BPS IV I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. P BPS IV I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 35. Drug testing is performed at least twice per week. R BPS VII A* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 36. Drug testing is random, and is available on weekends and holidays. R BPS VII B* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. P BPS VII B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 38. Drug test results are available within 48 hours. P BPS VII H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. P BPS VII D* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E*, F* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G |

	YES	NO	
43. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
44. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
45. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
46. The program requires at least 90 days clean to graduate. B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
47. The minimum length of the program is twelve months. B	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
48. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. R BPS IV J	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
49. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
50. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
51. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. R BPS IV K	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
52. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. P BPS IV K*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54. Standardized patient placement criteria govern the level of care that is provided. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	55. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	56. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	57. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	58. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	59. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	61. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. B BPS V F, BPS VI G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H

YES NO

- ☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
- ☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 69. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 71. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 72. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. P BPS VI D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. R BPS VI D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. B BPS VI E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. R BPS VI E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). P BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	79. Female participants receive trauma-related services in gender-specific groups. B BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	80. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. P BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	81. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. R BPS VI I*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	82. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. P BPS VI I
<input checked="" type="checkbox"/>	<input type="checkbox"/>	83. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. B BPS VI I

NO	YES	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	84. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. B BPS VI J
<input type="checkbox"/>	<input checked="" type="checkbox"/>	85. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. P BPS VI
<input checked="" type="checkbox"/>	<input type="checkbox"/>	86. Clients are placed in the program within 50 days of shelter hearing. R
<input type="checkbox"/>	<input checked="" type="checkbox"/>	87. At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting. R BPS VIII B*
<input type="checkbox"/>	<input checked="" type="checkbox"/>	88. At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session. R BPS VIII A*
<input type="checkbox"/>	<input checked="" type="checkbox"/>	89. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. R BPS VIII B
<input type="checkbox"/>	<input checked="" type="checkbox"/>	90. Team members are assigned to Drug Court for no less than two years. P
<input type="checkbox"/>	<input checked="" type="checkbox"/>	91. All team members use electronic communication to contemporaneously communicate about Drug Court issues. P
<input type="checkbox"/>	<input checked="" type="checkbox"/>	92. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. R BPS VIII C
<input type="checkbox"/>	<input checked="" type="checkbox"/>	93. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. B BPS VIII F

YES NO

- ☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☐ ☒ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 98. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***
- ☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☒ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES NO

- | | |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. B BPS X F |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. P BPS X G |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H |
| <input type="checkbox"/> <input checked="" type="checkbox"/> | 107. The program conducts an exit interview for self improvement.
P |

Court: SIXTH DISTRICT, KANE COOUNTY ADULT,
KANAB

Judge: LEE

Date: NOVEMBER, 2018

Utah Adult Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

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YES NO

- | | | |
|-------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R** BPS* I B
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R** BPS I C
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R** BPS I C
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R** BPS I C
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R** BPS I D
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R** BPS I D
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R** BPS I D
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R** BPS II B, BPS X E
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R** BPS II D
- ☒ ☒ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P** BPS II F

YES NO

- ☒ ☐ 16. 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. **P** BPS III A
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P** BPS III B
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R** BPS III C
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R** BPS III D
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R** BPS III E
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R** BPS* III E
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R** BPS* III F
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R** BPS III G
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R** BPS IV B
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

- | YES | NO | |
|-------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 39. Drug test results are available within 48 hours. NOT ALWAYS P BPS VII H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. R BPS VII B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. P BPS VII D* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E*, F* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 47. The program requires at least 90 days clean to graduate. R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 48. The minimum length of the program is twelve months. R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. R BPS IV J |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 50. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J |

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☐ ☒ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

- YES NO**
- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☒ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☒ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VID**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VID**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B** BPS IX B
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B** BPS IX C
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B*
- ☒ ☐ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P** BPS X C
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☐ ☒ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

Court: FIRST DISTRICT ADULT, LOGAN

Judge: ALLEN

Date: NOVEMBER, 2018

Utah Mental Health Court Certification Checklist 2018

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 4. The Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- ☒ ☐ 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. **R BPS* I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. **R BPS I D**
- ☐ ☒ 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 13. The judge presides over the Mental Health Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. **R BPS III C**

YES NO

☒ ☐

15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**

☒ ☐

16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒ ☐

17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**

☒ ☐

18. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**

☒ ☐

19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒ ☐

20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

☒ ☐

21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**

☒ ☐

22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**

☒ ☐

23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

☒ ☐

24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**

☒ ☐

25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☒ ☐

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***

☒

30. Drug test results are available within 48 hours. **P BPS VII H**

☒ ☐

31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

☒ ☐

32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

☒ ☐

33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

☒ ☐

34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

☒ ☐

35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**

☒ ☐

36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B***
- ☒ ☐ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☒ ☐ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☐ ☒ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☒ ☐ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☐ ☒ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

- ☒ ☐ 61. Team members are assigned to Mental Health Court for no less than two years. **P**
- ☒ ☐ 62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues. **P**
- ☒ ☐ 63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts. **P BPS VIII F**
- ☒ ☐ 66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 67. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 68. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☐ ☒ 70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***

YES NO

- ☐ ☒ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☐ ☒ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☐ ☒ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☐ ☒ 77. The program conducts an exit interview for self improvement. **P**

Court: FIRST DISTRICT JUVENILE, LOGAN

Judge: FONNESBECK

Date: SEPTEMBER, 2018

Utah Mental Health Court Certification Checklist 2018

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 4. The Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- | | | |
|-------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. R BPS* I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B, BPS X E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. P BPS III A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The judge presides over the Mental Health Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. R BPS III C |

YES NO

- ☒ ☐ 15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**
- ☒ ☐ 16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 18. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**
- ☒ ☐ 24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**
- ☒ ☐ 25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☒ ☐

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***

☒ ☐

30. Drug test results are available within 48 hours. **P BPS VII H**

☒ ☐

31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

☒ ☐

32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

☒ ☐

33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

☒ ☐

34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

☒ ☐

35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**

☒ ☐

36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B***
- ☒ ☐ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☒ ☐ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☐ ☒ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☐ ☒ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☐ ☐ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

☒ ☐

61. Team members are assigned to Mental Health Court for no less than two years.
P

☒ ☐

62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues. **P**

☒ ☐

63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**

☒ ☐

64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**

☒ ☐

65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts. **P BPS VIII F**

☒ ☐

66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**

☒ ☐

67. Court fees are reasonable and based on each participant's ability to pay. **R**

☒ ☐

68. Treatment fees are based on a sliding fee schedule. **R**

☒ ☐

69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**

☒ ☐

70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***

YES NO

- ☐ ☒ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☒ ☐ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 77. The program conducts an exit interview for self improvement. **P**

Court: SANPETE COUNTY ADULT, MANTI

Judge: KEISEL

Date: AUGUST, 2018

Utah Adult Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R** BPS* I B
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R** BPS I C
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R** BPS I C
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R** BPS I C
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R** BPS I D
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R** BPS I D
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R** BPS I D
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R** BPS II B, BPS X E
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R** BPS II D
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P** BPS II F

YES NO

- ☐ 16. 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. **P** BPS III A
- ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P** BPS III B
- ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R** BPS III C
- ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R** BPS III D
- ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R** BPS III E
- ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R** BPS* III E
- ☐ 22. The Judge spends an average of at least three minutes with each participant. **R** BPS* III F
- ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R** BPS III G
- ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R** BPS IV B
- ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
- ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
- ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R** BPS IV A
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R** BPS IV A
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R** BPS IV A
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R** BPS IV F
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P** BPS IV F
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P** BPS IV I
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P** BPS IV I
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R** BPS VII A*
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R** BPS VII B*
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P** BPS VII B

YES NO

- ☐ ☒ 39. Drug test results are available within 48 hours. NOT ALWAYS **P** BPS VII H
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R** BPS VII B
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P** BPS VII D*
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R** BPS VII E*, F*
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R** BPS VII G
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P** BPS VII G
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R** BPS VII G*
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R** BPS VII I
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☒ ☐ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R** BPS IV J
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R** BPS IV J
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R** BPS IV J

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☐ ☒ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☐ ☒ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☒ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS V I D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS V I D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☒ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☒ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☒ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A***
- ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B BPS IX B**
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☐ ☒ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P BPS X C**
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**
- ☐ ☒ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☐ ☒ 110. The program conducts an exit interview for self-improvement. **P**

Court: SEVENTH DISTRICT ADULT, MOAB

Judge: MANLEY

Date: SEPTEMBER, 2018

Utah Adult Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a **BPS** following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

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| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
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<div style="text-align: center; margin-left: 100px;">P BPS I A</div> |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☐ ☒ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. 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. **P BPS III A**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☐ ☒ 39. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☒ ☐ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☐ ☒ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☐ ☒ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☒ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☐ ☒ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☐ ☒ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☐ ☒ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☐ ☒ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☐ ☒ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☐ ☒ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B** BPS IX B
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B** BPS IX C
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A
- ☐ ☒ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B*
- ☐ ☒ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P** BPS X C
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☐ ☒ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☐ ☒ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☐ ☒ 110. The program conducts an exit interview for self-improvement. **P**

Court: SEVENTH DISTRICT DEPENDENCY, MOAB

Judge: MANLEY

Date: SEPTEMBER, 2018

Utah Dependency Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

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R BPS I A |
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YES NO

- ☒ ☐ 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. **R BPS I A**
- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 9. Offenders with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 10. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 11. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 12. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 13. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**

YES NO

- | | | | |
|-------------------------------------|-------------------------------------|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 14. | Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 15. | 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. P BPS III A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. | The judge presides over the Drug Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. | Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. R BPS III C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 18. | The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. R BPS III D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 19. | Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. R BPS III E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. | Status hearings are scheduled no less frequently than every four weeks until participants graduate. R BPS* III E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. | The Judge spends an average of at least three minutes with each participant. R BPS* III F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 22. | The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. R BPS III G |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 23. | If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. R BPS IV B |

YES NO

24. ☐ ☒ The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
25. ☐ ☒ The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
26. ☐ ☒ The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H
27. ☐ ☒ Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R** BPS IV A
28. ☐ ☒ The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R** BPS IV A
29. ☐ ☒ The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A
30. ☐ ☒ For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R** BPS IV A
31. ☐ ☒ Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R** BPS IV F

YES NO

- ☒ ☐ 32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 35. Drug testing is performed at least twice per week. **R BPS VII A***
- ☐ ☒ 36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☐ ☒ 38. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
- ☒ ☐ 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

YES NO

43. ☐ ☒ If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
44. ☐ ☒ Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***
45. ☐ ☒ Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
46. ☐ ☒ The program requires at least 90 days clean to graduate. **B**
47. ☐ ☒ The minimum length of the program is twelve months. **B**
48. ☐ ☒ Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
49. ☐ ☒ Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
50. ☐ ☒ Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
51. ☐ ☒ Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
52. ☐ ☒ If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. **P BPS IV K***

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54. Standardized patient placement criteria govern the level of care that is provided. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	55. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	56. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	57. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	58. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	59. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. P BPS V E
<input type="checkbox"/>	<input checked="" type="checkbox"/>	60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	61. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. B BPS V F, BPS VI G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H

- ☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
- ☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☒ 69. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 71. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 72. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**

YES NO

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. P BPS VI D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. R BPS VI D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. B BPS VI E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. R BPS VI E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). P BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	79. Female participants receive trauma-related services in gender-specific groups. B BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	80. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. P BPS VI F
<input type="checkbox"/>	<input checked="" type="checkbox"/>	81. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. R BPS VI *
<input checked="" type="checkbox"/>	<input type="checkbox"/>	82. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. P BPS VI I
<input checked="" type="checkbox"/>	<input type="checkbox"/>	83. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. B BPS VI I

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	84. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. B BPS VI J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	85. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. P BPS VI
<input type="checkbox"/>	<input checked="" type="checkbox"/>	86. Clients are placed in the program within 50 days of shelter hearing. R
<input checked="" type="checkbox"/>	<input type="checkbox"/>	87. At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting. R BPS VIII B*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	88. At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session. R BPS VIII A*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	89. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. R BPS VIII B
<input type="checkbox"/>	<input checked="" type="checkbox"/>	90. Team members are assigned to Drug Court for no less than two years. P
<input checked="" type="checkbox"/>	<input type="checkbox"/>	91. All team members use electronic communication to contemporaneously communicate about Drug Court issues. P
<input checked="" type="checkbox"/>	<input type="checkbox"/>	92. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. R BPS VIII C
<input checked="" type="checkbox"/>	<input type="checkbox"/>	93. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. B BPS VIII F

- ☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**
- ☐ ☒ 98. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***
- ☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES NO

- | | | |
|--------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. B BPS X F |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. P BPS X G |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 107. The program conducts an exit interview for self improvement.
P |

Court: FOURTH DISTRICT MENTAL HEALTH,
PROVO

Judge: BRADY

Date: APRIL, 2018

Utah Mental Health Court Certification Checklist 2018

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 4. The Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- ☒ ☐ 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. **R BPS* I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. **R BPS I D**
- ☐ ☒ 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 13. The judge presides over the Mental Health Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. **R BPS III C**

YES NO

☒ ☐

15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**

☒ ☐

16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒ ☐

17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**

☒ ☐

18. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**

☒ ☐

19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒ ☐

20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

☒ ☐

21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**

☒ ☐

22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**

☒ ☐

23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

☒ ☐

24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**

☒ ☐

25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☒ ☐

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B*** **AS NEEDED**

☒ ☐

30. Drug test results are available within 48 hours. **P BPS VII H**

☒ ☐

31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

☒ ☐

32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

☒ ☐

33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

☒ ☐

34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

☒ ☐

35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**

☒ ☐

36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B***
- ☒ ☐ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☒ ☐ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☐ ☒ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☐ ☒ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☐ ☒ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☐ ☒ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B* NO LAW ENFORCEMENT**
- ☐ ☒ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A* NO LAW ENFORCEMENT**

- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

- ☒ ☐ 61. Team members are assigned to Mental Health Court for no less than two years. **P**
- ☒ ☐ 62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues. **P**
- ☒ ☐ 63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts. **P BPS VIII F**
- ☒ ☐ 66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 67. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☐ ☒ 68. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***

YES NO

- ☐ ☒ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☐ ☒ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☐ ☒ 77. The program conducts an exit interview for self improvement. **P**

Court: SIXTH DISTRICT MENTAL HEALTH,
RICHFIELD

Judge: BAGLEY

Date: SEPTEMBER, 2018

Utah Mental Health Court Certification Checklist 2018

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 4. The Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- | | | |
|-------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. R BPS* I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B, BPS X E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. P BPS III A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The judge presides over the Mental Health Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. R BPS III C |

YES NO

☒ ☐

15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**

☒ ☐

16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒ ☐

17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**

☒ ☐

18. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**

☒ ☐

19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒ ☐

20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

☒ ☐

21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**

☒ ☐

22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**

☒ ☐

23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

☒ ☐

24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**

☒ ☐

25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☒ ☐

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***

☒ ☐

30. Drug test results are available within 48 hours. **P BPS VII H**

☒ ☐

31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

☒ ☐

32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

☒ ☐

33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

☒ ☐

34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

☒ ☐

35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**

☒ ☐

36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B***
- ☒ ☐ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☒ ☐ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☒ ☐ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☒ ☐ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

☒ ☐

61. Team members are assigned to Mental Health Court for no less than two years.
P

☒ ☐

62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues. **P**

☒ ☐

63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**

☒ ☐

64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**

☒ ☐

65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts. **P BPS VIII F**

☒ ☐

66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**

☒ ☐

67. Court fees are reasonable and based on each participant's ability to pay. **R**

☒ ☐

68. Treatment fees are based on a sliding fee schedule. **R**

☒ ☐

69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**

☒ ☐

70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***

YES NO

- ☒ ☐ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☒ ☐ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 77. The program conducts an exit interview for self improvement. **P**

Court: Salt Lake Adult

Judge: Trease

Date: December, 2018

Utah Mental Health Court Certification Checklist 2018

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
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P BPS I A |
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YES NO

- | | | |
|-------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. R BPS* I C |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B, BPS X E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. P BPS III A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The judge presides over the Mental Health Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. R BPS III C |

YES NO

☒ ☐

15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**

☒ ☐

16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒ ☐

17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**

☒ ☐

18. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**

☒ ☐

19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒ ☐

20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

☒ ☐

21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**

☒ ☐

22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**

☒ ☐

23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

☒ ☐

24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**

☒ ☐

25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

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28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☒ ☐

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***

☒ ☐

30. Drug test results are available within 48 hours. **P BPS VII H**

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31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

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32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

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33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

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34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

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35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**

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36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B***
- ☒ ☐ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☒ ☐ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☒ ☐ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☐ ☒ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

- ☒ ☐ 61. Team members are assigned to Mental Health Court for no less than two years. **P**
- ☒ ☐ 62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues. **P**
- ☒ ☐ 63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts. **P BPS VIII F**
- ☐ ☒ 66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 67. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 68. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***

YES NO

- ☒ ☐ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☒ ☐ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☐ ☒ 77. The program conducts an exit interview for self improvement. **P**

Court: SALT LAKE COUNTY DEPENDENCY, SLC

Judge: LUND

Date: DECEMBER, 2018

Utah Dependency Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------------------------------------------------------------------------------------------|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. | Eligibility and exclusion criteria are defined objectively.
R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. | Eligibility and exclusion criteria are specified in writing.
R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 3. | Eligibility and exclusion criteria are communicated to potential referral sources. P BPS I A |

YES NO

- ☒ ☐ 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. **R BPS I A**
- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 9. Offenders with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 10. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 11. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 12. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 13. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**

YES NO

- ☐ ☒ 14. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F THERE OWN AGENCIES TRAIN**
- ☒ ☐ 15. 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. **P BPS III A**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 19. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 22. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☐ 23. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

YES		NO	
24.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H, BPS VIII D
25.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H, BPS VIII D
26.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H
27.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. R BPS IV A
28.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. R BPS IV A
29.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. R BPS IV A
30.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. R BPS IV A
31.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. R BPS IV F

YES NO

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|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. P BPS IV F</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. P BPS IV I</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. P BPS IV I</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>35. Drug testing is performed at least twice per week. R BPS VII A*</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>36. Drug testing is random, and is available on weekends and holidays. R BPS VII B*</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. P BPS VII B</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>38. Drug test results are available within 48 hours. P BPS VII H</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. P BPS VII D*</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E*, F*</p> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G</p> |

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	43. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	44. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	45. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I
<input checked="" type="checkbox"/>	<input type="checkbox"/>	46. The program requires at least 90 days clean to graduate. B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	47. The minimum length of the program is twelve months. B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	48. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	49. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	50. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	51. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. R BPS IV K
<input checked="" type="checkbox"/>	<input type="checkbox"/>	52. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. P BPS IV K*

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54. Standardized patient placement criteria govern the level of care that is provided. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	55. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	56. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	57. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	58. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	59. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	61. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. B BPS V F, BPS VI G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H

YES NO

- ☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
- ☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 69. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 71. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☐ ☒ 72. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**

	YES	NO	
74.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. P BPS VI D
75.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are not excluded from participation in Drug Court because they lack a stable place of residence. R BPS VI D
76.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. B BPS VI E
77.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. R BPS VI E
78.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). P BPS VI F
79.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Female participants receive trauma-related services in gender-specific groups. B BPS VI F
80.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. P BPS VI F
81.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. R BPS VI I*
82.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. P BPS VI I
83.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. B BPS VI I

	YES	NO
84. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B BPS VI J		
85. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P BPS VI		
86. Clients are placed in the program within 50 days of shelter hearing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R		
87. At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R BPS VIII B*		
88. At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R BPS VIII A*		
89. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R BPS VIII B		
90. Team members are assigned to Drug Court for no less than two years.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P		
91. All team members use electronic communication to contemporaneously communicate about Drug Court issues.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P		
92. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
R BPS VIII C		
93. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B BPS VIII F		

YES NO

- ☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 98. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***
- ☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES NO

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|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. B BPS X F |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. P BPS X G |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 107. The program conducts an exit interview for self improvement.
P |

Court: SALT LAKE COUNTY, DEPENDENCY, SLC

Judge: MAY

Date: December, 2018

Utah Dependency Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources. P BPS I A |

YES NO

- | | | | |
|-------------------------------------|--------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. | The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program.
R BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. | The program admits only participants who are high risk high need as measured by the RANT, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. R BPS* I B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. | Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.
R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. | Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. | Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. | Offenders with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10 | If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.
R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. | The program has a written policy addressing medically assisted treatment. R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. | The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B, BPS X E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. | The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D |

YES NO

- ☒ ☐ 14. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 15. 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. **P BPS III A**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 19. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 22. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 23. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

YES NO

24. ☐ ☒ The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
25. ☐ ☒ The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
26. ☐ ☒ The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H
27. ☐ ☒ Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R** BPS IV A
28. ☐ ☒ The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R** BPS IV A
29. ☐ ☒ The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A
30. ☐ ☒ For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R** BPS IV A
31. ☐ ☒ Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R** BPS IV F

YES NO

- ☒ ☐ 32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 35. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☒ ☐ 38. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
- ☒ ☐ 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

YES NO

43. ☐ ☒ If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
44. ☐ ☒ Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***
45. ☐ ☒ Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
46. ☐ ☒ The program requires at least 90 days clean to graduate. **B**
47. ☐ ☒ The minimum length of the program is twelve months. **B**
48. ☐ ☒ Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
49. ☐ ☒ Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
50. ☐ ☒ Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
51. ☐ ☒ Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
52. ☐ ☒ If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. **P BPS IV K***

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54. Standardized patient placement criteria govern the level of care that is provided. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	55. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	56. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	57. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	58. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	59. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	61. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. B BPS V F, BPS VI G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H

- ☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
- ☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 69. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 71. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☐ ☒ 72. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. P BPS VI D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. R BPS VI D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. B BPS VI E
<input type="checkbox"/>	<input checked="" type="checkbox"/>	77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. R BPS VI E
<input type="checkbox"/>	<input checked="" type="checkbox"/>	78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). P BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	79. Female participants receive trauma-related services in gender-specific groups. B BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	80. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. P BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	81. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. R BPS VI I*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	82. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. P BPS VI I
<input checked="" type="checkbox"/>	<input type="checkbox"/>	83. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. B BPS VI I

YES NO																						
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YES NO

- ☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 98. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***
- ☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES NO

- | | |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. B BPS X F |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. P BPS X G |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H |
| <input type="checkbox"/> <input checked="" type="checkbox"/> | 107. The program conducts an exit interview for self improvement.
P |

Court: Salt Lake County, Juvenile

Judge: Knight

Date: December. 2018

Utah Mental Health Court Certification Checklist 2018

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 4. The Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- | | | |
|-------------------------------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. R BPS* I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B, BPS X E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. P BPS III A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The judge presides over the Mental Health Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. R BPS III C |

YES NO

☒ ☐

15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**

☒ ☐

16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒ ☐

17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**

☒ ☐

18. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**

☒ ☐

19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒ ☐

20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

☒ ☐

21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**

☒ ☐

22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**

☒ ☐

23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

☒ ☐

24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**

☒ ☐

25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☐ ☒

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***

☐ ☒

30. Drug test results are available within 48 hours. **P BPS VII H**

☐ ☒

31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

☐ ☒

32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

☐ ☒

33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

☐ ☒

34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

☐ ☒

35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**

☐ ☒

36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☐ ☒ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B***
- ☒ ☐ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☒ ☐ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☐ ☒ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☐ ☒ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☐ ☒ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

- ☐ ☒ 61. Team members are assigned to Mental Health Court for no less than two years. **P**
- ☒ ☐ 62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues. **P**
- ☒ ☐ 63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☐ ☒ 64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☐ ☒ 65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts. **P BPS VIII F**
- ☒ ☐ 66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 67. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 68. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***

YES NO

- ☐ ☒ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☐ ☒ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☐ ☒ 77. The program conducts an exit interview for self improvement. **P**

Court: SEVENTH DISTRICT ADULT, PRICE

Judge: HARMOND

Date: DECEMBER,2018

Utah Adult Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a **BPS** following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
<div style="text-align: center; margin-top: 5px;">P BPS I A</div> |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☐ ☒ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. 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. **P BPS III A**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☒ ☐ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☐ ☒ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☐ ☒ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☒ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☐ ☒ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B** BPS IX B
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B** BPS IX C
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B*
- ☐ ☒ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P** BPS X C
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

Court: THIRD DISTRICT, PARK CITY

Judge: CORUM

Date: DECEMBER, 2018

Utah Adult Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

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YES NO

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
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<div style="text-align: center; margin-top: 5px;">P BPS I A</div> |
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YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. 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. **P BPS III A**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☒ ☐ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B** BPS IX B
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B** BPS IX C
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B*
- ☒ ☐ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P** BPS X C
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

Court: SALT LAKE COUNTY, WEST VALLEY
JUSTICE COURT

Judge: GILMORE

Date: DECEMBER, 2018

Utah Mental Health Court Certification Checklist 2018

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

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YES NO

- ☒ ☐ 5. Candidates for the Mental Health Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. **R BPS* I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. **R BPS I D**
- ☐ ☒ 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 11. Each member of the Mental Health Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 13. The judge presides over the Mental Health Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. **R BPS III C**

YES NO

☒ ☐

15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**

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16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒ ☐

17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**

☒ ☐

18. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**

☒ ☐

19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒ ☐

20. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

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21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**

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22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**

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23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

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24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**

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25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

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29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***

☐ ☒

30. Drug test results are available within 48 hours. **P BPS VII H**

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31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

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32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

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33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

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34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

☒ ☐

35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**

☒ ☐

36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***

YES NO

- ☒ ☐ 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. **R BPS V B***
- ☐ ☒ 46. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B BPS V E**
- ☐ ☒ 47. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and psychiatric symptoms. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**

YES NO

- ☒ ☐ 49. For at least the first ninety days after discharge from the Mental Health Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☐ ☒ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☐ ☒ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☐ ☒ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☐ ☒ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☐ ☒ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☐ ☒ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☐ ☒ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

☐☒

61. Team members are assigned to Mental Health Court for no less than two years.

P☒☐

62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues.

P☒☐

63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.

R BPS VIII C☐☒

64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.

B BPS VIII F☒☐

65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts.

P BPS VIII F☒☐

66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.

P BPS VIII F☒☐

67. Court fees are reasonable and based on each participant's ability to pay.

R☒☐

68. Treatment fees are based on a sliding fee schedule.

R☒☐

69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.

P BPS X A☒☐

70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.

B BPS X B*

YES NO

- ☐ ☒ 71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**
BPS X C
- ☒ ☐ 72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☐ ☒ 75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☐ ☒ 76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 77. The program conducts an exit interview for self improvement. **P**

Court: THIRD DISTRICT JUVENILE, SALT LAKE
CITY

Judge: BECK

Date: DECEMBER, 2018

Utah Juvenile Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources. P BPS I A |

YES NO

- ☒ ☐ 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. **R BPS I A**
- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by a validated risk and need assessment tool. **P BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**

YES **NO**

- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R** BPS II D
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P** BPS II F
- ☒ ☐ 16. 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. **P** BPS III A
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P** BPS III B
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R** BPS III C
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R** BPS III D
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R** BPS III E
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R** BPS* III E
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R** BPS* III F
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R** BPS III G
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R** BPS IV B

YES NO

- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty.
R BPS III H, BPS VIII D
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative.
R BPS III H, BPS VIII D
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions.
R BPS III H
- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program.
R BPS IV A
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions.
R BPS IV A
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**

YES NO

- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A ***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B* NOT SUNDAY**
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☒ ☐ 39. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

YES NO

- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☐ ☒ 47. The program requires at least 90 days clean to graduate. **R**
- ☐ ☒ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. Unless a participant poses an immediate risk to public safety, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS* IV J**
- ☒ ☐ 50. Detention sanctions are definite in duration and typically last no more than three to five days. **R BPS* IV J**
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a detention sanction might be imposed. **R BPS* IV J**
- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. **R BPS* IV K**
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, day treatment, intensive outpatient and outpatient services. **B BPS* V A**

YES NO

- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P** BPS V A
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P** BPS V A
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services.
R BPS* V B
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P** BPS V D
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **B** BPS V E
- ☐ ☒ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P** BPS V E
- ☐ ☒ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B** BPS V E
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the juvenile justice system. **B** BPS* V F
- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P** BPS V F
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R** BPS V H
- ☒ ☐ 65. Treatment providers have substantial experience working with juvenile justice populations. **B** BPS V H

YES NO

- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☐ ☒ 67. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B BPS VIE**
- ☒ ☐ 68. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **P BPS VI**
- ☒ ☐ 69. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VIF**
- ☐ ☒ 70. Female participants receive trauma-related services in gender-specific groups. **B BPS VIF**
- ☐ ☒ 71. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VIF**
- ☒ ☐ 72. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☐ ☒ 73. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P BPS VII**
- ☒ ☐ 74. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group, as appropriate, after their discharge from the Drug Court. **B BPS* V J**
- ☐ ☒ 75. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**

- | YES | NO | |
|-------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 76. Clients are placed in the program within 50 days of arrest. R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 77. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each staffing meeting. R BPS VIII B* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 78. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each Drug Court session. R BPS VIII A* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 79. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. R BPS VIII B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 80. Team members are assigned to Drug Court for no less than two years. P |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 81. All team members use electronic communication to contemporaneously communicate about Drug Court issues. P |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 82. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. R BPS VIII C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 83. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. B BPS VIII F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 84. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. P BPS VIII F |

YES NO

- ☒ ☐ 85. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 86. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 87. Treatment fees are based on a sliding fee schedule. **R**
- ☐ ☒ 88. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***
- ☒ ☐ 89. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**
- ☒ ☐ 90. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 91. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☒ ☐ 92. New referrals, new arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P BPS X C**
- ☒ ☐ 93. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 94. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES NO

- ☒ ☐ 95. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 96. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 97. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☒ ☐ 98. The program conducts an exit interview for self improvement. **P**

Court: SALT LAKE COUNTY DEPENDENCY, SALT
LAKE

Judge: HORNAK

Date: NOVEMBER, 2018

Utah Dependency Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO

- | | |
|--------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing.
R BPS I A |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential
referral sources. P BPS I A |

YES NO

- ☒ ☐ 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. **R BPS I A**
- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 9. Offenders with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 10. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 11. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 12. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 13. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**

YES NO

- ☒ ☐ 14. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 15. 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. **P BPS III A**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 19. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 22. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 23. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

		YES	NO
24.	The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H, BPS VIII D	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25.	The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H, BPS VIII D	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26.	The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H	<input checked="" type="checkbox"/>	<input type="checkbox"/>
27.	Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. R BPS IV A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28.	The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. R BPS IV A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
29.	The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. R BPS IV A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
30.	For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. R BPS IV A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
31.	Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. R BPS IV F	<input checked="" type="checkbox"/>	<input type="checkbox"/>

YES NO

- ☒ ☐ 32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 35. Drug testing is performed at least twice per week. **R BPS VII A***
- ☐ ☒ 36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☒ ☐ 38. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
- ☒ ☐ 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	43. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	44. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	45. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I
<input checked="" type="checkbox"/>	<input type="checkbox"/>	46. The program requires at least 90 days clean to graduate. B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	47. The minimum length of the program is twelve months. B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	48. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	49. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	50. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	51. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. R BPS IV K
<input checked="" type="checkbox"/>	<input type="checkbox"/>	52. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. P BPS IV K*

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	54. Standardized patient placement criteria govern the level of care that is provided. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	55. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. P BPS V A
<input checked="" type="checkbox"/>	<input type="checkbox"/>	56. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	57. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D
<input checked="" type="checkbox"/>	<input type="checkbox"/>	58. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	59. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. P BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E
<input checked="" type="checkbox"/>	<input type="checkbox"/>	61. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. B BPS V F, BPS VI G
<input checked="" type="checkbox"/>	<input type="checkbox"/>	62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	63. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H

YES NO

- ☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
- ☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 69. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 71. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☐ ☒ 72. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**

	YES	NO	
74.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. P BPS VI D
75.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are not excluded from participation in Drug Court because they lack a stable place of residence. R BPS VI D
76.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. B BPS VI E
77.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. R BPS VI E
78.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). P BPS VI F
79.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Female participants receive trauma-related services in gender-specific groups. B BPS VI F
80.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. P BPS VI F
81.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. R BPS VI I*
82.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. P BPS VI I
83.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. B BPS VI I

YES	NO		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	84.	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. B BPS VI J
<input checked="" type="checkbox"/>	<input type="checkbox"/>	85.	Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. P BPS VI
<input checked="" type="checkbox"/>	<input type="checkbox"/>	86.	Clients are placed in the program within 50 days of shelter hearing. R
<input checked="" type="checkbox"/>	<input type="checkbox"/>	87.	At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting. R BPS VIII B*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	88.	At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session. R BPS VIII A*
<input checked="" type="checkbox"/>	<input type="checkbox"/>	89.	Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. R BPS VIII B
<input checked="" type="checkbox"/>	<input type="checkbox"/>	90.	Team members are assigned to Drug Court for no less than two years. P
<input checked="" type="checkbox"/>	<input type="checkbox"/>	91.	All team members use electronic communication to contemporaneously communicate about Drug Court issues. P
<input checked="" type="checkbox"/>	<input type="checkbox"/>	92.	Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. R BPS VIII C
<input checked="" type="checkbox"/>	<input type="checkbox"/>	93.	Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. B BPS VIII F

YES NO

- ☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 98. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***
- ☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B***
- ☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES NO

- | | | |
|-------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. B BPS X F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. P BPS X G |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. B BPS X H |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 107. The program conducts an exit interview for self improvement.
P |

Court: SAN JUAN COUNTY, MONTICELLO

Judge: TORGERSON

Date: DECEMBER, 2018

Utah Adult Drug Court Certification Checklist 2018

*Standards followed by an **R** are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a **P** indicates a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a **B** are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, National Association of Drug Court Professionals. Those are indicated by a **BPS** following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
<div style="text-align: center; margin-top: 5px;">P BPS I A</div> |
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. 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. **P BPS III A**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G***
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☒ ☐ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☐ ☒ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☐ ☒ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☐ ☒ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☐ ☒ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☐ ☒ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☐ ☒ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B** BPS IX B
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B** BPS IX C
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B*
- ☒ ☐ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P** BPS X C
- ☐ ☒ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☐ ☒ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☐ ☒ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☐ ☒ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

Tab 11

**STANDING COMMITTEE ON
MODEL UTAH CRIMINAL JURY INSTRUCTIONS
2018 REPORT TO UTAH JUDICIAL COUNCIL**

Hon. James Blanch	District Court Judge [Chair]
Hon. Michael Westfall	District Court Judge
Hon. Brendan McCullagh	Justice Court Judge
Hon. Linda Jones	District Court Judge [Emeritus]
Mark Field	Prosecutor
Sandi Johnson	Prosecutor
Karen Klucznik	Prosecutor
Stephen Nelson	Prosecutor
Nathan Phelps	Defense Attorney
Scott Young	Defense Attorney
Jessica Jacobs *	Defense Attorney
Elise Lockwood *	Defense Attorney
Melinda Bowen *	Criminal Law Professor
Jennifer Andrus	Linguist / Communications
Remington "Jiro" Johnson	Minutes
Michael C. Drechsel	Staff

* Pending official appointment by the Judicial Council on January 28, 2019.

New Instructions

During 2018, the committee met nine times. The committee completed work on the following new instructions:

- CR403A Party Liability - Elements
- CR403B Party Liability - Definitions
- CR506 Defense of Habitation - Definition
- CR507 Defense of Habitation
- CR508 Defense of Habitation - Presumption
- CR509 Defense of Habitation - Prosecution's Burden
- CR510 Defense of Self or Other
- CR511 Defense of Habitation - Reasonableness
- CR512 Defense of Self or Other - Imminence
- CR513 Defense of Self or Others - Prosecution's Burden
- CR514 Defense of Self or Others - No Duty to Retreat
- CR515 Defense of Property
- CR___ Assault
- CR___ Assault – Substantial Bodily Injury

CR___ Assault – Pregnant Person
 CR___ Aggravated Assault
 CR___ Domestic Violence - Special Verdict Definitions
 CR___ Domestic Violence - Special Verdict Instructions
 CR___ Domestic Violence - Special Verdict Form

Because the assault and domestic violence / cohabitant instructions are only partially completed, those instructions have not yet been officially numbered or published.

Revised Instructions

In addition to those new instructions, the committee also revised the following existing instructions or added committee notes to assist practitioners:

CR109B Further admonition about electronic devices
 CR216 Jury Deliberations
 CR1607 Object Rape

An Opportunity to Reassess Unintended Instruction Impact

During the fall of 2018, the committee also spent time working through an issue that arose related to the U.S. Department of Justice Board of Immigration Appeals citing to a recently published Model Utah Criminal Jury Instruction (CR1204 – Possession with Intent to Distribute). The committee considered whether the drafting of the model instruction had caused any unintended consequence in a federal immigration proceeding, and whether the model instruction should be further revised to avoid future issues. Ultimately, the committee concluded that the model instruction was an accurate statement of Utah law and should not be amended.

Upcoming Projects

The committee is currently finishing its work on assault-related instructions. Once completed, the committee plans to proceed with crafting instructions for the following areas of law:

Burglary & Robbery Offenses
 DUI & Traffic Offenses
 Homicide Offenses
 Use of Force & Prisoner Offenses
 Wildlife Offenses

Tab 12

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #: _____)

☐ Plaintiff's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff

v.

Defendant

**Ex Parte Motion for Order of
Restitution**

(Utah Code 78B-6-811 and 812)

Case Number

Judge

1. I filed an eviction case about the property located at (address):

2. The defendant was served with the Summons and Complaint, and proof of service has been filed with the court.
3. The defendant has not filed an answer within the time allowed, and they have not moved out of the property.
4. The Clerk of Court has issued a default certificate.
5. I ask for an Order of Restitution to remove the defendant from the property.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner ☐ Respondent ☐ Intervenor

☐ Petitioner's Attorney ☐ Respondent's Attorney ☐ Intervenor's Attorney

(Utah Bar #: _____)

☐ Petitioner's Licensed Paralegal Practitioner ☐ Respondent's Licensed Paralegal Practitioner

☐ Intervenor's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

Motion for Temporary Order Due to Deployment

(Utah Code 78B-20-301 through 311)

☐ **Expedited Hearing Requested**

Case Number

Judge

Commissioner

1. I am (Choose one.):

☐ petitioner

☐ respondent

☐ intervenor

2. I ask for a temporary order due to deployment because the following people have received notice of deployment: (Choose all that apply.):
- ☐ petitioner
- ☐ respondent
3. ☐ I ask for an expedited hearing because one or both parents have not yet been deployed. (Utah Code 78B-20-303).
4. ☐ I ask for a temporary order consistent with the attached Military Parenting Plan.
5. ☐ Only one party is a servicemember. While they are deployed, caretaking authority of the parties' children is given to (Choose all that apply.):
- ☐ the parent who is not deployed.
- ☐ the deployed parent will keep some caretaking authority.
- ☐ _____ (Name.)
- ☐ Both parties are servicemembers.
- If petitioner is deployed, caretaking authority of the parties' children is given to (Choose all that apply.):
- ☐ the parent who is not deployed.
- ☐ the deployed parent will keep some caretaking authority.
- ☐ _____ (Name.)
- If respondent is deployed, caretaking authority of the parties' children is given to (Choose all that apply.):
- ☐ the parent who is not deployed.
- ☐ the deployed parent will keep some caretaking authority.
- ☐ _____ (Name.)
- If both parties are deployed, caretaking authority of the parties' children is given to (Choose all that apply.):
- ☐ _____ (Name.)
- ☐ _____ (Name.)
6. The people given caretaking authority above will have decision-making authority to:

- Make day-to-day decisions for the children during the time they are caring for the children.
- Make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other people who have caretaking authority as soon as reasonably possible.

(Choose one.)

☐ **Joint decision-making.**

The people given caretaking authority above will share responsibility for making major decisions about the children. If there is a disagreement, the people given caretaking authority will resolve the dispute as provided in the resolving disputes section below.

Other details about joint decision-making:

☐ **Specified decision-making.**

The following people given caretaking authority will make decisions about:

Education

☐ _____ (Name.)

☐ _____ (Name.)

Health care

☐ _____ (Name.)

☐ _____ (Name.)

Religious upbringing

☐ _____ (Name.)

☐ _____ (Name.)

Extracurricular activities

☐ _____ (Name.)

☐ _____ (Name.)

Travel

☐ _____ (Name.)

☐ _____ (Name.)

Other:

7. Visitation for nonparents

The nonparents listed below will have visitation with the children as follows:

Full name of person	Schedule

8. Resolving disputes

If the people given caretaking authority need to resolve a dispute about the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for the children.

If the people given caretaking authority are unable to agree, they will participate in the following before bringing the issue to the court (Choose all that apply.):

☐ mediation

☐ arbitration

☐ counseling

☐ Other agreements about resolving disputes:

9. Contact with the deployed parent

There will be contact with the children and the deployed parent.

_____ (Name)
will arrange for the contact. Contact will be as follows:

Frequency (For example, daily, weekly)	
Duration (For example, 20 minutes, 1 hour)	
Method (For example, email, Skype)	

10. Contact when deployed parent is on leave or is otherwise available

When the deployed parent is on leave or is otherwise available, contact with the children will be as follows:

11. Child support modification

I ask the court to modify the existing child support order based on the parties' incomes or estimate of income based on ability or work history.

(Note: Both parties are required to submit income verification to the court prior to the hearing.)

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

☐ The court should consider petitioner's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

This income is from these sources:

☐ The court should consider respondent's income to be
\$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

c. Order ☐ petitioner ☐ respondent to pay \$_____ per month
for child support to _____ (name). The following child
support worksheet is filed or attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah
Code 78B-12-2).

☐ This amount is **not** based on the Uniform Child Support Guidelines
and I am asking for a different amount because (Choose one.):

☐ the guidelines are unjust.

☐ the guidelines are inappropriate.

☐ the guidelines amount is not in the best interest of the children.

(Utah Code 78B-12-202 and 210.)

Explain your choice:

d. Effective date (Choose one.):

☐ The child support is effective upon entry of this order.

OR

☐ The child support is effective on: _____ (date).

e. Child support will be paid as follows (Choose one.):

- ☐ Mandatory income withholding by the Office of Recovery Services.
Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

- ☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

I ask for direct payment because (Utah Code 62A-11-404):

- f. I ask that child support payments be made (Choose one.):

☐ One-half by the 5th day of each month, and one-half by the 20th day of each month.

OR

☐ Other payment arrangement:

- g. Child support not paid by the due date is past due on the day after the due date.

- h. Past-due child support may be decided by future court or administrative action. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to past-due child support.

12. ☐ I have attached the following documents in support of this motion:

13. Any order entered under this motion terminates:

- ☐ immediately upon return of the deployed parent
- ☐ 30 days after the deployed parent gives notice of the return from deployment
- ☐ other: _____

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:

www.utcourts.gov/howto/filing/motions

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

www.utcourts.gov/howto/filing/motions

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal

(www.utcourts.gov/howto/legalassist/) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.

Certificate of Service

I certify that I filed with the court and served a copy of this Motion for Temporary Order Due to Deployment on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

 In the District Court of Utah

 _____ Judicial District _____ County

 Court Address _____

 Petitioner

 v.

 Respondent

**Order on Motion for Temporary
Order Due to Deployment**

(Utah Code 78B-20-301 through 311)

 Case Number

 Judge

 Commissioner

The matter before the court is a Motion for Temporary Order Due to Deployment. This matter is being resolved by: (Choose all that apply.)

☐ The default of ☐ petitioner ☐ respondent ☐ intervenor.

☐ The stipulation of the parties.

☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Intervenor

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

The court finds:

1. A Military Parenting Plan (Choose one.):

☐ was agreed to by the parties and will be enforced.

☐ was agreed to by the parties but is contrary to the best interest of the children.

☐ was not agreed to by the parties.

The court orders:

2. The Motion for Temporary Order Due to Deployment is ☐ granted ☐ denied.

3. ☐ _____ (name) is deployed.

Caretaking authority of the parties' children is given to (Choose all that apply.):

☐ the parent who is not deployed.

☐ the deployed parent will keep some caretaking authority.

☐ _____ (Name.)

☐ Both parties are deployed. Caretaking authority of the parties' children is given to (Choose all that apply.):

☐ _____ (Name.)

☐ _____ (Name.)

4. ☐ The people given caretaking authority above will have decision-making authority to:

- Make day-to-day decisions for the children during the time they are caring for the children.
- Make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other people who have caretaking authority as soon as reasonably possible.

(Choose one.)

☐ **Joint decision-making.**

The people given caretaking authority above will share responsibility for making major decisions about the children. If there is a disagreement, the people given caretaking authority will resolve the dispute as provided in the resolving disputes section below.

Other details about joint decision-making:

☐ **Specified decision-making.**

The following people given caretaking authority will make decisions about:

Education

☐ _____ (Name.)

☐ _____ (Name.)

Health care

☐ _____ (Name.)

☐ _____ (Name.)

Religious upbringing

☐ _____ (Name.)

☐ _____ (Name.)

Extracurricular activities

☐ _____ (Name.)

☐ _____ (Name.)

Travel

☐ _____ (Name.)

☐ _____ (Name.)

Other:

5. ☐ **Visitation for nonparents**

The nonparents listed below will have visitation with the children as follows:

Full name of person	Schedule

6. ☐ **Resolving disputes**

If the people given caretaking authority need to resolve a dispute about the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for the children.

If the people given caretaking authority are unable to agree, they will participate in the following before bringing the issue to the court (Choose all that apply.):

☐ mediation

☐ arbitration

☐ counseling

☐ Other agreements about resolving disputes:

7. ☐ **Contact with the deployed parent**

There will be contact with the children and the deployed parent.

_____ (Name.)
will arrange for the contact. Contact will be as follows:

Frequency (For example, daily, weekly)	
Duration (For example, 20 minutes, 1 hour)	
Method (For example, email, Skype)	

8. ☐ **Contact when deployed parent is on leave or is otherwise available**

When the deployed parent is on leave or is otherwise available, contact with the children will be as follows:

9. ☐ **Child support modification**

The existing child support order is modified based on the parties' incomes or estimate of income based on ability or work history.

- a. Petitioner's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

☐ The court should consider petitioner's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Petitioner does receive or has received public assistance.

- b. Respondent's total countable gross monthly income for child support purposes is \$_____ (Utah Code 78B-12-203).

☐ The court should consider respondent's income to be \$_____ based on (Choose one.):

☐ minimum wage.

☐ historical earnings.

☐ Respondent does receive or has received public assistance.

- c. ☐ Petitioner ☐ Respondent must pay \$_____ per month for child support to _____(name).

The following child support worksheet is filed or attached (Choose one.):

☐ sole physical custody worksheet

☐ joint physical custody worksheet

☐ split custody worksheet

(Choose one.)

☐ This amount is based on the Uniform Child Support Guidelines (Utah Code 78B-12-2).

☐ This amount deviates from the Uniform Child Support Guidelines. The court finds that a deviated child support amount is in the best interests of the minor children based on:

☐ the standard of living and situation of the parties.

☐ the relative wealth and income of the parties.

☐ the ability of the obligor to earn.

☐ the ability of the obligee to earn.

☐ the ability of an incapacitated adult child to earn, or other benefits received by the adult child or on the adult child's behalf including Supplemental Security Income.

☐ the needs of the obligee, the obligor, and the child.

☐ the ages of the parties.

☐ the responsibilities of the obligor and the obligee for the support of others.

☐ other. (Describe.):

The reason for the deviated child support amount is:

_____.

- d. Effective date (Choose one.):

☐ The child support is effective upon entry of this order.

OR

☐ The child support is effective on: _____ (date).

e. Child support will be paid as follows (Choose one.):

☐ Mandatory income withholding by the Office of Recovery Services. Unless the Office of Recovery Services gives notice that payments will be sent elsewhere, all child support payments must be made to: Office of Recovery Services, PO Box 45011, Salt Lake City, UT 84145

OR

☐ Direct payments to the parent receiving child support by:

☐ Check

☐ Deposit in bank account

☐ Cashier's check or money order

☐ Other: _____

f. Child support payments must be made (Choose one.):

☐ One-half by the 5th day of each month, and one-half by the 20th day of each month.

OR

☐ Other payment arrangement:

g. Child support not paid by the due date is past due on the day after the due date.

h. Past-due child support will be decided by future court or administrative action. Any federal or state tax refund or rebate due to the non-custodial parent will be intercepted by the state of Utah and applied to past-due child support.

10. ☐ Other orders :

11. ☐ This order terminates:

☐ immediately upon return of the deployed parent.

☐ 30 days after the deployed parent gives notice of the return from deployment.

☐ other: _____

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Commissioner _____

Date

Signature ► _____
Judge _____

Approved as to form.

Date

Signature ► _____
Plaintiff/Petitioner, Attorney or Licensed
Paralegal Practitioner _____

Date

Signature ► _____
Defendant/Respondent, Attorney or Licensed
Paralegal Practitioner _____

Certificate of Service

I certify that I filed with the court and served a copy of this Order on Motion for Temporary Order Due to Deployment on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>_____</p> <p>V.</p> <p>_____</p> <p>Respondent</p>	<p>Parenting Plan (Utah Code 30-3-10.7 through 30-3-10.10)</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
--------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------

Utah law requires the following:

- A joint physical custody arrangement may result in denial of cash assistance under the Employment Support Act, Title 35A, Chapter 3, of the Utah Code.
- The objectives of a parenting plan are to:
 - provide for the children's physical care and emotional stability;
 - provide for the children's changing needs in a way that minimizes the need to change the parenting plan;
 - minimize the children's exposure to conflict between the parents;
 - state the authority and responsibilities of each parent to the children;
 - encourage the parents to meet their responsibilities to their children through agreement rather than judicial decision; and
 - protect the best interests of the children.
- Each parent must follow the parenting plan even if the other does not. If a parent does not follow the

parenting plan, the court may find that parent in contempt of court.

- For further guidance, see Utah Code 30-3-33

This parenting plan is: (Choose all that apply.)

☐ agreed to by petitioner and respondent.

☐ proposed by ☐ petitioner ☐ respondent.

1. Family information

Petitioner

Name	
Street Address	
City, State, Zip	
Phone	
Email	

Respondent

Name	
Street Address	
City, State, Zip	
Phone	
Email	

Minor Children

Child's name (first, middle and last)	Child's gender	Month and year of birth

2. **Parent-time** (Choose one.)

☐ The parents will follow the parent-time schedule in the statute(s).

The children will live with ☐ petitioner ☐ respondent and will have parent-time with the other parent according to the statutory parent-time schedule. That parent will be the “custodial” parent:

(You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

☐ Children under 5 (Utah Code 30-3-35.5)

☐ Children 5-18 (Utah Code 30-3-35)

☐ Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

For children 5-18 the parents choose the following.

Weekday parent-time will be on this day: (Choose one.)

☐ Monday

☐ Thursday

☐ Tuesday

☐ Friday

☐ Wednesday

If not specified, the weekday is Wednesday.

On school days parent-time starts: (Choose one.)

☐ at the standard time (5:30 p.m. on weekdays; 6:00 p.m. on weekends).

☐ when school is out.

On days when school is not in session parent-time starts: (Choose one.)

☐ at the standard time (5:30 p.m. on weekdays; 6 p.m. on weekends).

☐ at the morning time listed in the statute (depending on custodial parent’s work schedule) if the noncustodial parent is able to be with the child:

- 9:00 a.m. (30-3-35).
- 8:00 a.m. (30-3-35.1).

☐ The parents will make our own parent-time schedule.

The children will live with ☐ petitioner ☐ respondent and will have parent-time with the other parent for the following days and times:

- ☐ The above choices do not fit this parenting plan. Instead, the parent-time schedule will be as follows:

3. **Parent-time for special occasions**

(Choose one.)

- ☐ The parents will follow the holiday schedule in the statute(s) for special occasions. The

☐ petitioner

☐ respondent

will be the custodial parent for purposes of the holiday.

- ☐ **On school days**, holiday parent-time starts: (Choose one.)

☐ at the time listed for the holiday.

☐ when school is out until 7:00 p.m. on the last day of the holiday weekend.

- ☐ **On days when school is not in session**, holiday parent-time starts: (Choose one.)

☐ at the time listed for the holiday

☐ at approximately 9:00 a.m. on the first day of the holiday period until 7:00 p.m. on the last day of the holiday weekend (depending on custodial parent's work schedule) if the noncustodial parent is able to be with the child.

[] The parent-time schedule for special occasions is as described below. If a schedule for a special occasion is not described, the regular schedule applies.

(Describe the children's parent-time schedule as needed. For example, Thanksgiving: Even-numbered years with petitioner; odd-numbered years with respondent. From Wednesday at 6 p.m. to Friday at 6 p.m.)

Special Occasion	Parent-Time Schedule
Labor Day Weekend	
Columbus Day Weekend	
Fall School Break	
Halloween	
Veterans' Day	
Thanksgiving Break	
Winter School Break	
Christmas Eve	
Christmas Day	
New Year's Eve	
New Year's Day	
Dr. MLK, Jr. Day Weekend	
Presidents' Day Weekend	
Spring School Break	
Mother's Day	
Memorial Day Weekend	

Special Occasion	Parent-Time Schedule
Father's Day	
Summer School Break / Vacation	
Independence Day	
Pioneer Day	
Children's Birthdays	
Petitioner's Birthday	
Respondent's Birthday	
Other Religious Holiday	
Other Civic or School Holiday	
Other Special Occasion	
Other Special Occasion	

4. **Parent-time transfers**

Pick-up and drop-off ("transfers") of the children for parent-time will be as described below (Choose one.):

☐ Transfer at **beginning** of parent-time will be by:

☐ Petitioner

☐ Respondent

☐ Other adult _____ (name)

picking up/dropping off the children at this address:

and transfer at **end** of parent-time by:

☐ Petitioner

☐ Respondent

☐ Other adult _____ (name)

picking up/dropping off the children at this address:

☐ Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

☐ Other pick-up/drop-off arrangement (Describe in detail.):

5. **Decision-making**

The following applies to the Parenting Plan:

- Each parent will make day-to-day decisions for the children during the time they are caring for the children.
- Either parent may make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other parent as soon as reasonably possible.

(Choose one.)

☐ **Joint decision-making.**

The parents will share responsibility for making major decisions about the children. If there is a disagreement, the parents will resolve the dispute as provided in the Resolving disputes section below.

Other:

☐ **Sole decision-making.**

The following parent will make decisions about:

Education

☐ Petitioner ☐ Respondent

Health care

☐ Petitioner ☐ Respondent

Religious upbringing

☐ Petitioner ☐ Respondent

Other:

6. **Education plan**

Location of school (Choose one.)

☐ The school the children will attend is based on:

☐ Petitioner's home residence

☐ Respondent's home residence

☐ Other specific plan for where the children will attend school:

School access

The following people have authority to check the children out of school:

☐ Petitioner

☐ Respondent

☐ Other _____ (name)

The following people have access to the children during school:

☐ Petitioner

☐ Respondent

☐ Other _____ (name)

Education decisions

If the parents cannot agree, education decisions will be made by:

☐ Petitioner

☐ Respondent

7. **Communication with each other**

Parents will communicate with each other: (Choose all that apply.)

☐ by any method

- ☐ in person
- ☐ by telephone
- ☐ by texting
- ☐ by letter
- ☐ by e-mail
- ☐ other (describe): _____

8. **Communication with the children**

The parents agree they will:

- provide age-appropriate help to the children to communicate with the other parent.
- give the children privacy during their communication with the other parent. The parents will not interfere with or monitor communication between the children and the other parent.

Parents and children may communicate with each other: (Choose all that apply.)

- ☐ Whenever the children choose.
- ☐ At any reasonable times (Specify.):
 - ☐ weekends and holidays:
between _____ am/pm and _____ am/pm
 - ☐ school days:
between _____ am/pm and _____ am/pm
 - ☐ school vacation days:
between _____ am/pm and _____ am/pm

Parents may communicate with the children by following method: (Choose all that apply.)

- ☐ by any method
- ☐ in person
- ☐ by telephone
 - ☐ parents will maintain voice mail so the children can leave and receive messages.
- ☐ by texting
- ☐ by letter
- ☐ by e-mail
- ☐ other (describe): _____

☐ Other terms about communication with the children:

9. Records and information sharing

(Choose all that apply.)

☐ Both parents will have access to records and the ability to consult with providers regarding education, child care, and health care.

☐ Other terms regarding records and information sharing:

10. Travel by the children

During their parent-time, the parent may consent for the children to travel with a sports team, religious group, school group, relatives, friends, by themselves, or with others.

☐ If the children will be travelling for more than _____ days, the parent arranging the travel will notify the other parent at least _____ days in advance. That parent will give the other parent the travel schedule, locations and phone numbers at least _____ days in advance. In case of emergency, the parent will provide as much notice as possible.

☐ Other agreements about travel by the children:

11. Military service by a parent

~~Changes in the parent time schedule due to deployment are temporary changes. After return of the military parent, this plan will be fully in effect. (Utah Code 78B-20-4).~~

(Choose one.)

☐ One or both parents are servicemembers and a Military Parenting Plan is attached .

☐ Neither parent is a servicemember.

12. Child care

(Choose all that apply.)

☐ A child care provider for our children must be:

☐ a licensed child care provider.

☐ a relative, friend or neighbor.

☐ over the age of _____.

☐ other qualifications: _____

☐ Other terms about child care:

13. Relocation of a parent

(Choose all that apply.)

☐ If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.

☐ Neither parent may relocate with the minor children more than ____ miles from their current residence without a written agreement signed by the parties or further court order.

☐ Other terms about relocating:

14. Changing the plan

This plan remains in effect until changed. A change must be agreed to by both of us and in the following manner:

- ☐ All changes must be in writing
- ☐ Major or permanent changes must be in writing, but minor or temporary changes can be made orally
- ☐ Other

15. Resolving disputes

If the parents need to resolve a dispute regarding the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for their children.

If the parents are unable to agree, they will go to the following before bringing the issue to the court (Choose all that apply.):

- ☐ mediation
- ☐ arbitration
- ☐ counseling
- ☐ Other agreements about resolving disputes:

16. ☐ Other terms that are important to us or our children

(Describe)

17. [] Additional parenting responsibilities, expectations or commitments:

18. This plan is made in good faith and is in the best interests of the children.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

 Date Signature ►
 Petitioner's Printed Name _____

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

 Date Signature ►
 Respondent's Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Parenting Plan on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Petitioner ☐ Respondent
☐ Petitioner's Attorney ☐ Respondent's Attorney (Utah Bar #: _____)
☐ Petitioner's Licensed Paralegal Practitioner
☐ Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____</p> <p>Petitioner</p> <p>v.</p> <p>_____</p> <p>Respondent</p>	<p>Military Parenting Plan (Utah Code 30-3-10.9(10), 78B-20-101 et seq.)</p> <p>_____</p> <p>Case Number</p> <p>_____</p> <p>Judge</p> <p>_____</p> <p>Commissioner</p>
-------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

If this Military Parenting Plan is agreed to by both parties or approved by the court in a divorce or parentage case, the parties can use it to request temporary orders if one or both parents are deployed.

This Military Parenting Plan is (Choose all that apply.):

- ☐ proposed by:
☐ petitioner ☐ respondent.
☐ agreed to by petitioner and respondent.

This Military Parenting Plan is being filed in addition to the standard Parenting Plan because the following parties are servicemembers: (Choose all that apply.)

☐ petitioner

☐ respondent.

1. Notice of deployment

After receiving notice of deployment, a deploying parent will give written notice to the other parent within 7 days or as soon as reasonably possible.

If the non-deploying parent has a protective order against the deploying parent, the deploying parent will give written notice of deployment to the court.

The written notice of deployment should include the destination, duration, and conditions.

2. Caretaking authority during deployment (Choose one.)

☐ Only one party is a servicemember. While they are deployed, caretaking authority of the parties' children is given to (Choose all that apply.):

☐ the parent who is not deployed.

☐ the deployed parent will keep some caretaking authority.

☐ _____ (Name.)

☐ Both parties are servicemembers.

If petitioner is deployed, caretaking authority of the parties' children is given to (Choose all that apply.):

☐ the parent who is not deployed.

☐ the deployed parent will keep some caretaking authority.

☐ _____ (Name.)

If respondent is deployed, caretaking authority of the parties' children is given to (Choose all that apply.):

☐ the parent who is not deployed.

☐ the deployed parent will keep some caretaking authority.

☐ _____ (Name.)

If both parties are deployed, caretaking authority of the parties' children is given to (Choose all that apply.):

☐ _____ (Name.)

☐ _____ (Name.)

3. **Decision-making authority**

The people given caretaking authority above will have decision-making authority to:

- Make day-to-day decisions for the children during the time they are caring for the children.
- Make emergency decisions affecting the health or safety of the children. A parent who makes an emergency decision must share the decision with the other people who have caretaking authority as soon as reasonably possible.

(Choose one.)

☐ **Joint decision-making.**

The people given caretaking authority above will share responsibility for making major decisions about the children. If there is a disagreement, the people given caretaking authority will resolve the dispute as provided in the resolving disputes section below.

Other details about joint decision-making:

☐ **Specified decision-making.**

The following people given caretaking authority will make decisions about:

Education

☐ _____ (Name.)

☐ _____ (Name.)

Health care

☐ _____ (Name.)

☐ _____ (Name.)

Religious upbringing

☐ _____ (Name.)

☐ _____ (Name.)

Extracurricular activities

☐ _____ (Name.)

[] _____ (Name.)

Travel

[] _____ (Name.)

[] _____ (Name.)

Other:

4. Visitation for nonparents

The nonparents listed below will have visitation with the children as follows:

Full name of person	Schedule

5. Resolving disputes

If the people given caretaking authority need to resolve a dispute about the children, they will discuss the issues in good faith and try to reach an agreement based on what is best for the children.

If the people given caretaking authority are unable to agree, they will participate in the following before bringing the issue to the court (Choose all that apply.):

[] mediation

[] arbitration

[] counseling

[] Other agreements about resolving disputes:

6. Contact with the deployed parent

There will be contact with the children and the deployed parent.

____ (Name)
will arrange for the contact. Contact will be as follows:

Frequency (For example, daily, weekly)	
Duration (For example, 20 minutes, 1 hour)	
Method (For example, email, Skype)	

7. **Contact when deployed parent is on leave or is otherwise available**

When the deployed parent is on leave or is otherwise available, contact with the children will be as follows:

8. **Child support not modified**

Child support obligations cannot be modified by the Military Parenting Plan. Changing child support requires a court order.

9. **[] Other terms that are important to us or our children**

(Describe)

10. A person granted caretaking authority in paragraph 2 must notify the following people of any change in mailing or residential address:

- the deploying parent,
- anyone with physical or legal custody,
- anyone who has parent-time, right to access, visitation, and

- anyone with authority to grant limited contact with the children.

However, if a person granted caretaking authority in paragraph 2 has a court order protecting their address, they must give written notice of any change in mailing or residential address to the court.

11. The arrangements made in this Military Parenting Plan terminate:

☐ immediately upon return.

☐ other: _____

If no option is selected, the arrangements in this Military Parenting Plan terminate 30 days after the deploying parent gives notice of the return from deployment.

Petitioner

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date Signature ► _____
Petitioner's Printed Name _____

Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date Signature ► _____
Respondent's Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Military Parenting Plan on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Petitioner

v.

Respondent

**Motion for Summary Judgment to
Declare Non-Parentage After
Genetic Testing**

(Utah Rule of Civil Procedure 56, Utah Code
78B-15-101 et seq., 78B-15-501 et seq., and
78B-15-617)

Case Number

Judge

Commissioner

1. I am a party in this case.
2. I ask the court for summary judgment on the issue of parentage for the children listed below.
3. ☐ Petitioner ☐ Respondent is not the biological parent of the children named below.

Child's name (first, middle and last)	Month and year of birth

4. There are no other material facts which would justify disregarding the genetic testing results.

There is no genuine dispute as to any material fact

5. I am entitled to judgment as a matter of law.
6. I have attached a copy of the genetic testing results.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Motion for Summary Judgment to Declare Non-Parentage After Genetic Testing on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

 In the District Court of Utah

 _____ Judicial District _____ County

 Court Address _____

Order Granting Motion for Summary Judgment on Non-Parentage

 Plaintiff/Petitioner

 v.

 Defendant/Respondent

 Case Number

 Judge

 Commissioner (domestic cases)

The matter before the court is a Motion for Summary Judgment to Declare Non-Parentage After Genetic Testing. This matter is being resolved by: (Choose all that apply.)

☐ The default of ☐ Petitioner ☐ Respondent.

☐ The stipulation of the parties.

☐ The pleadings and other papers of the parties.

☐ A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

Respondent

☐ was present ☐ was not present.

☐ was represented by _____ (name).

☐ was not represented.

The court finds the following facts are undisputed:

1. Petitioner, respondent, and the following children participated in genetic testing.

Child's name (first, middle and last)	Month and year of birth

2. The genetic testing results show ☐ petitioner ☐ respondent **is not** the biological parent of the following children.

Child's name (first, middle and last)	Month and year of birth

3. The genetic testing results show ☐ petitioner ☐ respondent **is** the biological parent of the following children.

Child's name (first, middle and last)	Month and year of birth

4. There are no other facts material to this motion that are in genuine dispute.

Having considered the documents filed with the court, the evidence and the arguments, and now being fully informed,

The court orders:

5. The Motion for Summary Judgment to Declare Non-Parentage After Genetic Testing is granted.
6. The following children are not the biological children of ☐ petitioner ☐ respondent.

Child's name (first, middle and last)	Month and year of birth

7. ☐ The cost of testing will be paid by ☐ petitioner ☐ respondent.

8. ☐ Other:

Commissioner's or Judge's signature may instead appear at the top of the first page of this document.

	Signature ►	
Date	Commissioner	
	Signature ►	
Date	Judge	

Approved as to form.

	Signature ►	
Date	Plaintiff/Petitioner, Attorney or Licensed Paralegal Practitioner	
	Signature ►	
Date	Defendant/Respondent, Attorney or Licensed Paralegal Practitioner	

Certificate of Service

I certify that I filed with the court and served a copy of this Order Granting Motion for Summary Judgment on Non-Parentage on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

 In the District Court of Utah

 _____ Judicial District _____ County

 Court Address _____

 Plaintiff

 v.

 Defendant

Notice of Occupancy Hearing

 [Spanish document title]

 Case Number

 Judge

 To:

 Plaintiff Name

 Defendant Name

The court has scheduled a hearing at the following location, date, and time to decide if the tenant should immediately leave or stay in the property until the case is resolved.

El tribunal ha programado una audiencia [Spanish description] en la fecha y hora que sigue.

The rest of this form follows the language and format of the generic Notice of Hearing form which was previously approved by the Judicial Council.

Courthouse Address (Dirección del tribunal):

Date (Fecha): _____ Time (Hora): _____ [] a.m. [] p.m.

Room (Sala): _____

Judge (Juez): _____

Attendance

You must attend. If you do not attend, you might be held in contempt of court and the relief requested might be granted. You have the right to be represented by a lawyer.

Evidence

Bring with you any evidence that you want the court to consider.

Interpretation

If you do not speak or understand English, the court will provide an interpreter.

Contact court staff immediately to ask for an interpreter.

ADA Accommodation

If you need an accommodation, including an ASL interpreter, contact court staff immediately to ask for an accommodation.

Finding help

The court's Finding Legal Help web page (www.utcourts.gov/howto/legalassist/) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.

Asistencia

Presentarse es obligatorio. Si usted no llegara a presentarse, se lo podría encontrar en desacato de las órdenes del juez y la reparación solicitada podría ser otorgada. Usted tiene el derecho de que lo represente un abogado.

Pruebas

Traiga con usted cualquier prueba que quiera que el tribunal tome en cuenta.

Interpretación

Si usted no habla ni entiende el Inglés contacte al Representante de Servicios Judiciales por lo menos 3 días antes de la audiencia y le proveerán un intérprete.

Atención en caso de incapacidades

Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

Finding help

Si usted tiene una incapacidad por la cual requiere atención especial, favor de contactar al Representante de los Servicios Judiciales por lo menos 3 días antes de la audiencia.

A <language> version of this document is available on the court's website:
www.utcourts.gov

(in as many of the languages as we provide)

_____	Signature ►	_____
Date	Printed Name	_____

Certificate of Service

I certify that I filed with the court and served a copy of this Notice of Occupancy Hearing on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

 Name

 Address

 City, State, Zip

 Phone

 Email

I am ☐ Plaintiff ☐ Plaintiff's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner (Utah Bar #: _____)

 In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<hr/> Plaintiff v. <hr/> Defendant	<p>Notice to Defendant of Disclosure Requirements in Unlawful Detainer Actions (Utah Rule of Civil Procedure 26.3)</p> <hr/> Case Number <hr/> Judge
--------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

To:

 Defendant Name or Name of Joined Party

1. You may ask for a hearing to give evidence to decide if you should immediately leave or stay in the property until the case is resolved. This is called an occupancy hearing. If you ask for an occupancy hearing, you must give to the landlord ("disclose") the following documents and a copy of the request for hearing:
 - Any document not yet disclosed to the other party that you will offer as evidence at the hearing.

- The name and, if known, the contact information of any witnesses you will call at the hearing. You must include a summary of what you expect the witnesses to say.
2. If the plaintiff asks for a hearing to give evidence to decide if you should immediately leave or stay in the property until the case is resolved, you must give to the plaintiff the documents listed above at least 2 days before the hearing.
 3. You must serve the documents and information listed above by the method most likely to be promptly received.
 4. You may be subject to sanctions if you do not provide the required documents. (Utah Rule of Civil Procedure 37). Sanctions may include awarding assets to the other party, requiring you to pay the other party's attorney's fees, or other sanctions decided by the court.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Notice to Defendant of Disclosure Requirements in Unlawful Detainer Actions on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff ☐ Defendant
☐ Plaintiff's Attorney ☐ Defendant's Attorney (Utah Bar #: _____)
☐ Plaintiff's Licensed Paralegal Practitioner
☐ Defendant's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff</p> <p>v.</p> <p>_____ Defendant</p>	<p>Request for Occupancy Hearing (Utah Code 78B-6-810)</p> <p>_____ Case Number</p> <p>_____ Judge</p>
-----------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------

- I am the ☐ plaintiff ☐ defendant.
- I ask for a hearing to determine who has the right to immediately occupy the property in this case.
- I ask the hearing be held within 10 business days after the defendant's answer is filed.

Date

Signature ►

Printed Name _____

Certificate of Service

I certify that I filed with the court and served a copy of this Request for Occupancy Hearing on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Signature ►

Date

Printed Name

Tab 13



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Richard H. Schwermer
State Court Administrator

Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council / Management Committee
FROM: Michael C. Drechsel, Associate General Counsel - AOC
DATE: Monday, December 24, 2018
RE: MUJI Criminal - Defense Attorney Committee Appointments

The Standing Committee on Model Utah Criminal Jury Instructions is comprised of 13 individuals, four of whom should be "defense counsel" and one of whom should be a "professor of criminal law." At the present time, the committee only has two defense counsel members and no member who is a professor, leaving three spots unfilled.

RECOMMENDATIONS:

After review of the applications, the committee recommends to the Judicial Council:

- 1) that Jessica Jacobs and Elise Lockwood be appointed to the committee as criminal defense attorney members; and
- 2) that Melinda Bowen be appointed to the committee as the criminal law professor member.

PROCESS:

The committee solicited interest from the Utah Bar by sending out an email notice on November 29, 2018. That notice did not state that a criminal law professor position was open; the notice was focused solely on the defense counsel vacancies. The reason for this is that the pool of criminal law professors is very small in Utah and efforts had previously been made during 2017 and 2018 to reach out directly to the known criminal law professors. None of those individuals were able to be involved in the committee's work.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

The email solicitation resulted in four applicants submitting materials. Relevantly, one of those individuals has transitioned her career from defense counsel to criminal law professor.

The following are the statements of interest that each applicant submitted, in alphabetical order of applicant last name:

Ms. Melinda Bowen (visiting professor, J. Reuben Clark School of Law, BYU):

I would like to apply for one of the open positions on the Standing Committee on Model Utah Criminal Jury Instructions. I have attached my resume for your review. As indicated in my resume, I currently serve on the Appellate Courts Nominating Commission. I have also served on various Bar committees and in different capacities with Bar affinity groups, but the nominating commission is my first assignment on a court committee.

My career thus far has focused primarily on criminal law and has included multiple experiences that I believe would be beneficial to the committee. I am currently a visiting professor at the J. Reuben Clark Law School at BYU, where I teach criminal law and criminal procedure. Before I began teaching, I practiced in the white collar criminal defense group at Snow Christensen & Martineau. I also worked as a judicial clerk at both the trial and appellate level, assisting judges with both civil and criminal cases. In each of these settings, I not only studied and applied the substance of the criminal law, but I also used, drafted, and evaluated jury instructions in many cases. With an understanding of the importance of the model instructions, I would be honored to be part of the process of drafting and refining those instructions.

I appreciate your time in reviewing my application. Please let me know if you need anything else from me.

Ms. Jessica Jacobs:

My name is Jessica Jacobs and I would be interested in filling a spot on the committee for criminal jury instructions. I have been practicing criminal defense for almost twelve years. I am currently employed at Salt Lake Legal Defender Association. I am someone who pays attention to the latest developments in the law and am very interested in crafting jury instructions that accurately reflect the rule or state of the law. I sat on the subcommittee that created the criminal jury instructions related to drug possession cases. I enjoyed the experience very much. I've attached my resume. Please contact me to discuss my interest in this position. Thank you for your time.

Ms. Elise Lockwood:

I am writing to express my interest in being selected for one of the criminal defense counsel positions on the Standing Committee on Model Utah Criminal Jury Instructions.

I have been employed with the Salt Lake Legal Defender association as a public defender and trial attorney for over 5 years. In this position, I work exclusively as defense counsel in criminal cases. Over the past 5 years I have acted as lead counsel in over 50 jury trials, for both misdemeanor and felony offenses. Of the many tasks that must be completed while preparing for and conducting a jury trial, one of the tasks I enjoy most is drafting jury instructions that accurately, concisely, and fairly

communicate the law to the jury panel. I am intimately familiar with the variety of legal standards that must be communicated to the jury, and I am interested in working with others in the criminal defense community to draft accurate and accessible jury instructions.

Before being employed with the Salt Lake Legal Defender Association, I worked for approximately 4 years as a law clerk for the Honorable Judge Stephen Roth and the Honorable Judge Russell Bench at the Utah Court of Appeals. In that position, I read and reviewed legal briefs and drafted advisory memorandums and legal opinions. One legal issue frequently presented was the accuracy of jury instructions. Accordingly, I am familiar with the legal consequences of jury instructions that are vague or inaccurate. I am interested in serving on a committee that would draft standardized jury instructions to help avoid the errors or other prejudicial consequences of inaccurately drafted instructions.

Thank you for considering my application, and I look forward to hearing from you.

Ms. Ann Marie Taliaferro:

My name is Ann Taliaferro and I am a criminal defense attorney here in Salt Lake City. I have been practicing for 18 years, and my practice includes both trial, appellate, and post-conviction work. I am interested in serving on the Standing Committee on Model Utah Criminal Jury Instructions, and believe that my experience at both the trial court and appellate court levels would be a benefit.

I have attached my resume. I have served on, or am currently serving on, the following committees:

- Utah Supreme Court, Standing Committee on Appellate Representation, June 2018-present
- Rocky Mountain Innocence Center, Case Oversight Committee, April 2016-present
- Utah Supreme Court Advisory Committee, Utah Rules of Appellate Procedure, October 2011-present
- Tenth Circuit Court of Appeals, CJA Standing Committee, 2008-October 2016
- Utah Association of Criminal Defense Lawyers, Board Member, October 2017-present
- Amicus Committee Member, 2005-May 2011
- CLE Committee Member, 2005-2008

Thank you in advance your time and consideration.

REASON FOR RECOMMENDATIONS:

These materials were carefully reviewed by the committee chair, Judge James Blanch, and by staff. The applicants are all well-qualified and the Judicial Council could do well appointing any of these individuals to the committee. The committee carefully considered whether to recommend Ms. Taliaferro as a member of the committee. The only reason this was not recommended is because Ms. Taliaferro is already a member of two other court committees (Standing Committee on Appellate Representation and Advisory Committee on Rules of Appellate Procedure). In an effort to provide opportunities to a wide variety of individuals, the committee determined it was best to recommend these other individuals. This recommendation should in no way reflect on the committee's impression of Ms. Taliaferro's qualifications, which are superb.

MELINDA K. BOWEN

6838 South Manorly Circle • Cottonwood Heights, Utah 84121 • (801) 231-7237 • mwayas@gmail.com

**PROFESSIONAL
EXPERIENCE****J. Reuben Clark Law School, Brigham Young University**

Visiting Assistant Professor (August 2017 – Present)

- Teach courses on criminal procedure and criminal law
- Research and write on criminal justice topics

Snow, Christensen & Martineau

Of Counsel (February 2017 – Present)

Associate (May 2010 – June 2014, September 2015 – December 2015)

Summer Associate (May 2008 – July 2008, May 2009 – August 2009)

- Represented clients in white-collar criminal cases and commercial litigation
- Drafted and argued motions in civil and criminal matters in state and federal courts
- Participated as lead associate in both jury and bench trials
- Wrote appellate briefs filed in Utah Court of Appeals and Tenth Circuit Court of Appeals

Honorable Carolyn McHugh, Tenth Circuit Court of Appeals

Judicial Law Clerk (December 2015 – December 2016)

- Prepared bench memoranda and drafts of opinions for civil and criminal appeals

Honorable Tena Campbell, United States District Court for the District of Utah

Judicial Law Clerk (September 2014 – August 2015)

- Prepared draft opinions and assisted judge with preparation for hearings and trials

Cooper & Kirk, PLLC

Extern (August 2009 – December 2009)

- Researched issues and drafted memoranda for petitions for writ of certiorari to the United States Supreme Court and for other federal litigation

Professor RonNell Andersen Jones, J. Reuben Clark Law School

Research Assistant (August 2009 – October 2009)

- Researched statutory interpretation issues to aid preparation for case argued before the United States Supreme Court

Professor Lisa Grow Sun, J. Reuben Clark Law School

Research Assistant (April 2009 – June 2009)

- Researched various issues related to disaster law for new edition of textbook

EDUCATION**J. Reuben Clark Law School, Brigham Young University**J.D., *summa cum laude* (April 2010)

- Ranked third of 154 students, Order of the Coif
- Lead Articles Editor, Brigham Young University Law Review
- Recipient, Abrelia Hinckley Scholarship
- Recipient, J. Reuben Clark Award
- President, Minority Law Student Association
- Founder and President, Pacific Islander Law Student Association

Brigham Young University

B.S., Teaching Social Science (June 2006)

- Academic Scholarship
- Multicultural Student Services Leadership Scholarship
- Dean's List

PUBLICATIONS AND PRESENTATIONS	<i>A Diversity and Inclusion Initiative: Why It's Needed and How to Get Involved</i> , panel presentation at Utah State Bar Fall Forum (November 2016) <i>Social Media and Cultural Bias Pitfalls</i> , Utah State Bar Tech Ethics CLE Series (June 2015) Op-Ed, <i>After 800 Years, Magna Carta Still a Work in Progress</i> , SALT LAKE TRIB., Apr. 25, 2015 <i>To Ask or Not to Ask?: Making the Most of Jury Questionnaires</i> , 8 DRI, THE WHISPER 7 (2012) <i>Autonomy: Justifying Efforts to Combat All Forms of Human Trafficking</i> , paper presentation at Annual Social Work Conference, Brigham Young University (October 2010)
ADMISSIONS	Utah State Bar (2010) United States Court of Appeals for the Tenth Circuit (2012) United States District Court for the District of Utah (2010)
COMMUNITY INVOLVEMENT	Commissioner, Utah Appellate Courts Nominating Commission (2017 – Present) President, Utah Center for Legal Inclusion (2016 – Present) Special Project Committee Member, Women Lawyers of Utah (2016 – 2017) Co-Chair, Utah State Bar 2017 Spring Convention (2016 – 2017) President, Utah Minority Bar Association (2013 – 2015, previously secretary and president-elect) Attorney Mentor, Women Lawyers of Utah (2010 – 2012) Alumni Mentor, J. Reuben Clark Law School (2010 – 2012)

EDUCATION:

- J.D. Candidate** **University of Utah, S.J. Quinney College of Law** **2006**
- Graduated with High Honors (3.6 and above)
 - William H. Leary Scholar (top 25% of class)(multiple semesters)
 - CALI Excellence for the Future Award: Civil Procedure (highest grade in class)
 - CALI Excellence for the Future Award: Legal Profession (highest grade in class)
 - CALI Excellence for the Future Award: Criminal Penalties (highest grade in class)
 - College of Law Outstanding Achievement Award: Legal Profession (outstanding student)
 - College of Law Outstanding Achievement Award: Property (outstanding student)
 - College of Law Outstanding Achievement Award: Criminal Process (outstanding student)
 - Trial Advocacy Competition Team
 - Phi Delta Phi Officer
 - ASUU Supreme Court Justice for the University of Utah
- B.S.** **University of South Carolina (*magna cum laude*)** **2002**
- Program Director of Criminal Justice Association (Fall 1999)
 - Secretary of National Student Exchange Program (Fall 1999)
 - Vice President of Women's Club Soccer at the University of South Carolina (2001-2002)
 - Mock Trial Team for the University of South Carolina (2002-2003)
 - President's Honor Roll (1999-2002)
 - Nominated as the University of South Carolina's 'Woman of the Year' (2001-2002)
 - Phi Beta Kappa member

EXPERIENCE:

Felony Trainer for Legal Defender Association

2015-2018 Legal Defender Association SLC, Utah

- Duties Include: Providing guidance for new felony attorneys, arranging monthly CLEs for entire office, training new felony attorneys on various topics including: substance abuse, mental health, appeals, investigation, the rules of evidence, the rules of professionalism, the rules of criminal procedure, proper courtroom decorum, handling a large caseload, conducting preliminary hearings and trials, sentencings, and other matters related to criminal defense.

Attorney for Legal Defender Association

2007-current Legal Defender Association SLC, Utah

- Duties Include: Interviewing clients, researching legal issues, drafting legal motions and memoranda, preparing for and conducting jury and bench trials, negotiating plea bargains and favorable sentences.

Judicial Clerkship for Second District Court, Utah

2006-2007 The Honorable Glen Dawson Bountiful, Utah

- Duties Include: Writing bench memoranda, assisting with trials, drafting judicial opinions, researching legal issues, observing court proceedings, and mediating discussions with attorneys.

Law Clerk

2004-2006 Yengich, Rich & Xaiz SLC, Utah

- Duties Include: Writing motions and memoranda, assisting with intake interviews, organizing discovery, contacting clients, researching legal issues, and observing court proceedings.

Judicial Clerkship for United States District Court, District of Utah

Summer 2004 Judge Paul G. Cassell SLC, Utah

- Duties Included: Drafting orders and opinions for the court, observing judicial proceedings, researching various topics, and assisting in the resolution of pending cases.

Rocky Mountain Innocence Project (Pro Bono Initiative)

Spring 2004 Attorney Don Topham SLC, Utah

- Duties Included: Interacting with attorneys, police, private investigators, court personnel, and various companies to investigate claims of actual innocence based on DNA evidence.

Legal Assistant for Death Penalty PCRs

2001-2003 (Academic Years) Attorney Jeffrey Bloom Columbia, SC

- Duties Included: Delivering subpoenas, organizing files, preparing documents, visiting inmates, negotiating court appearances, coordinating schedules, and researching materials.

COMMITTEES:

- Board Member for the Utah Association of Criminal Defense Attorneys (2009 – 2012)
- Member of a subcommittee for Model Utah Jury Instructions on Controlled Substances (2015 – 2017)

Elise C. Lockwood

2623 Blaine Ave., Salt Lake City, Utah 84108

801.648.8681

elise.c.lockwood@gmail.com / elockwood@sllda.com

EDUCATION

William S. Boyd School of Law at University of Nevada in Las Vegas—Las Vegas, Nevada

Juris Doctor, *magna cum laude*, May 2008

Class Ranking: Top 10% (12/133)

Awards: Dean's Award for Outstanding Contribution to the School; Dean's Honor List; CALI Awards for Highest Grade in Criminal Law, Criminal Procedure II, Constitutional Law II, Wills Trusts and Estates, Business Organizations, and Conflicts of Law.

Weber State University—Ogden, Utah

Bachelor of Science, English and Anthropology, *cum laude*, May 2005

EXPERIENCE

Salt Lake Legal Defender Association

Trial Attorney

April 2013—Present

Represent and advocate for indigent clients charged with felony and misdemeanor offenses in Utah's Third District Court, Salt Lake City Justice Court, and Salt Lake County Justice Court. Advise clients about legal consequences. Performed jury trials, bench trials, preliminary hearings, motion hearings, sentencings, and order to show cause hearings as lead counsel. Negotiate with prosecutors during plea negotiations. Draft jury instructions and legal memoranda.

Utah Court of Appeals

Law Clerk to the Honorable Judge Russell W. Bench and Honorable Judge Stephen L. Roth

February 2009 – April 2013

Read and analyze briefs, thoroughly review case records, and conduct independent legal research to identify and analyze factual and legal issues. Draft comprehensive advisory memoranda. Collaborate with supervising judge to draft and revise opinions consistent with the panel's disposition. Work with co-clerks to edit drafts and prepare opinions for issuance.

Thomas & Mack Juvenile Justice Clinic at William S. Boyd School of Law

Student Attorney

January 2007 – May 2008

Provided legal defense to juveniles throughout adjudicative process by advising clients and their families, interviewing witnesses, filing and responding to motions, negotiating with probation officers and district attorneys, and advocating before juvenile court. Created comprehensive substantive legal analysis of Nevada's criminal code for clinic website.

Center for Academic Success and Enrichment at William S. Boyd School of Law

Academic Mentor

August 2006 – May 2008

Mentored first year law students in legal writing and various legal subjects including criminal law, constitutional law, and evidence. Assisted students in constructing class outlines and critically reviewing practice exam answers.

Weber County Attorney

Law Clerk

May 2007 – December 2007

Conducted misdemeanor trials and hearings, interviewed and prepared witnesses for trial, and negotiated with defendants and their attorneys. Researched and drafted motions on search and seizure, Miranda, hearsay, and character evidence.

VOLUNTEER SERVICE

Performing Artists Lengthening Strides (PALS)--Volunteer

Volunteer with performing group for Down's Syndrome children and adults.

Rock 'n Roll Camp for Girls, Salt Lake City—Board of Directors

PERSONAL INTERESTS

Trail running, backpacking, yoga, mountain biking, backcountry and alpine skiing, piano, and ukulele. Second place in "Fittest Attorney in Utah" competition in 2012.

Elise C. Lockwood

2623 Blaine Ave., Salt Lake City, Utah 84108

801.648.8681

elise.c.lockwood@gmail.com / elockwood@sllda.com

REFERENCES

The Honorable Judge Stephen Roth

801-718-9577

Salt Lake Legal Defender Association—Richard Mauro or McCaye Christensen

424 East 500 South, Unit 300

Salt Lake City, Utah 84111

801-532-5444

Ann Marie Taliaferro

422 North 300 West • Salt Lake City, Utah 84103 • (801) 532-5297

Education

1997-2000

University of Utah College of Law, Salt Lake City, Utah

- Juris Doctor, 2000 (Utah State Bar #8776)
- Utah Law Review, 1998-2000: Staff Writer, Note & Comment Editor
- William H. Leary Scholar (Top 20%)
- Trial Team, 1999-2000
- Teaching Assistant, Legal Research and Writing Program, 1999-2000
- Traynor Moot Court Competition, Semi-finalist, 1998-1999
- Student Bar Association Board of Governors, 1998-1999

1988-1994

University of Utah, Salt Lake City, Utah

- Bachelor Degree: English (B.A.)
- Bachelor Degree: Political Science (B.S., cum laude)
- Utah Secondary Education Teaching Certification
- TESOL Certification (Teaching English to Speakers of Other Languages)

Employment & Experience

February 2000- Present

Brown Bradshaw & Moffat, Salt Lake City, Utah

- Partner (July 2015-present); Associate Attorney (October 2000-2015)
Experience: Criminal defense, appellate, and post-conviction advocacy. Practice areas include trial advocacy in misdemeanor, felony and capital defense in both state and federal court, appellate advocacy, and motion practice. Some experience with victim representation. Some civil litigation experience including actions for civil rights violations and forfeiture defense.

June 2018- Present

University of Utah, S.J. Quinney College of Law, Salt Lake City, Utah

- Adjunct Associate Professor of Law
Experience: Co-teach criminal process course associated with law school's criminal clinic.

January 1999- January 2000

Office of the Utah Attorney General, Salt Lake City, Utah

- Law Clerk, Division of Criminal Appeals
Experience: State appellate advocacy. Legal research and writing. Drafted portions of appellate briefs for supervising attorneys. In addition to general criminal appeals, researched post-conviction and capital cases.

May 1998- December 1998

United States' Attorney's Office, Salt Lake City, Utah

- Law Clerk, Criminal Division
Experience: Federal motion practice and appellate advocacy. Legal research and writing. Drafted portions of appellate briefs and federal district court trial motions for supervising appellate and trial attorneys.

1994-1997 (continued into 2002)

Granite School District, Salt Lake City, Utah

- High School Teacher, Coach, and Water Fitness Instructor

Experience: Taught English, English as a Second Language and swimming. Head coach for women's tennis team and high school swim team. Volunteer coach for youth swim team. Taught night and weekend community water fitness classes, which continued into 2002.

Summer, 1993

Supreme Court of the United States, Washington D.C.

- Summer Intern, Office of the Curator

Experience: Gave tours and lectures to the public, school groups, and foreign dignitaries about the history and operation of the Court. Spoke to approximately four hundred guests per day.

Appellate & Post-Conviction Advocacy

* positive treatment/result

State Appeals

- *State v. Bush*, 2001 UT App 10 (co-counsel)*
- *State v. Washington*, 2001 UT App 294
- *State v. Shapiro*, 2002 UT App 28
- *State v. Penn*, 2004 UT App 212 (co-counsel)*
- *Hatch v. Davis*, 2004 UT App 378 (co-counsel)
- *CCD, L.C. v. Millsap*, 2005 UT 42 (co-counsel)
- *State v. Tiscareno*, 2005 UT App 176 (co-counsel)*
- *Hatch v. Davis*, 2006 UT 44 (co-counsel)*
- *State v. Hales*, 2007 UT 14 (co-counsel)*
- *Archuleta v. Galetka*, 2008 UT 76 (co-counsel)*
- *State v. Gallegos*, 2009 UT 42 (co-counsel)
- *State v. Holt*, 2010 UT App 138, *overruled* (co-counsel)
- *Acor v. Salt Lake City School Dist.*, 2011 UT 8 (co-counsel)*
- *State v. Bair*, 2012 UT App 106*
- *State v. Pimm*, No. 20140730-CA (stipulated reversal)*
- *State v. Reigelsperger*, 2017 UT App 101, *cert. denied*.
- *Savely v. UHP and UDPS*, 2018 UT 44 (co-counsel)*
- *State v. McNair*, No. 20170504-CA (*pending*)
- *State v. McNair*, No. 20170585-CA (*pending*)
- *State v. Heath*, No. 20180076-CA (*pending*)
- *State v. Martinez*, No. 20180153-CA (co-counsel) (*pending*)
- *State v. Bunker*, No. 20160440-CA (*pending*)
- *State v. Popp*, No. 20180224-CA (co-counsel) (*pending*)
- *State v. Eddington*, No. 20180597-CA (*pending*)
- *State v. Aliries* (*pending*)

Federal Appeals

- *U.S. v. Berrocal*, 232 F.3d 902 (10th Cir. 2000) (co-counsel)
- *U.S. v. Barbieri*, 43 Fed.Appx. 367 (10th Cir. 2002) (co-counsel)*
- *U.S. v. Evans*, 44 Fed.Appx. 449 (10th Cir. 2002) (co-counsel)
- *U.S. v. Fiscus*, 64 Fed.Appx. 157 (10th Cir. 2003) (co-counsel)*
- *U.S. v. Lang*, 405 F.3d 1060 (10th Cir. 2005) (co-counsel)*
- *U.S. v. Moyer*, 247 Fed.Appx. 996 (10th Cir. 2007)
- *U.S. v. Egbert, et.al*, 562 F.3d 1092 (10th Cir. 2009)*
- *U.S. v. Garcia-Pena*, 17 Fed.Appx. 763 (10th Cir. 2009)
- *U.S. v. Frakes*, 402 Fed.Appx. 332 (10th Cir. 2010)
- *U.S. v. Banuelos Barraza*, 639 F.3d 1262 (10th Cir. 2011)
- *U.S. v. Strasser*, 445 Fed.Appx. 109 (10th Cir. 2011)
- *U.S. v. Augustine*, 742 F.3d 1258 (10th Cir. 2014), *cert. denied*.
- *U.S. v. Adams*, 588 Fed.Appx. 811 (10th Cir. 2014)*
- *U.S. v. Wiseman*, 749 F.3d 1191 (10th Cir. 2014) (co-counsel)
- *U.S. v. Zar, et.al*, 790 F.3d 1036 (10th Cir. 2015), *reh'ing en banc denied; cert. denied*.
- *U.S. v. Pawleski, et.al*, 651 F.App'x 750 (10th Cir. 2016), *reh'ing en banc denied; cert. denied*.
- *United States ex. rel. Brandon Barrick v. Parker-Migliorini International, LLC; et.al*, 878 F.3d 1224 (10th Cir. 2017), *reh'ing en banc denied, cert. denied*, 139 S.Ct. 78 (2018) (co-counsel)
- *U.S. v. Rubio-Sepulveda*, No. 18-1055 (*pending*)
- *U.S. v. McClafin*, No. 18-1217 (*pending*)
- *U.S. v. Carter*, No. 18-8069 (*pending*)

Post-Trial Motions and Post-Conviction

- *State v. Brown*, Fourth Judicial Court-Provo, Utah County, State of Utah, No. 111400408 (sexual abuse convictions; client entered pleas represented by different counsel; motion to reinstate time to appeal) (*pending*);
- *State v. Henfling*, Third Judicial Court-Summit County, State of Utah, No. 161500049 (homicide conviction; client convicted at first trial represented by different counsel; motion for new trial filed) (*pending*);
- *State v. Nilson*, First Judicial Court-Logan, Cache County, State of Utah, No. 151100492 (failure to register as sex offender convictions; convicted at first trial represented by different counsel; motion to arrest judgment filed; motion denied);
- *State v. Truman*, Fourth Judicial Court-Provo, Utah County, State of Utah, No. 131402075* (co-counsel) (homicide conviction; client convicted at first trial represented by different counsel; motion for new trial filed; motion for new trial granted; represented client in new trial proceedings; client acquitted February 2017 upon retrial before jury);
- *United States v. Adams*, United States District Court, District of Utah, No. 2:08-CV-0774* (federal drug conspiracy convictions; client convicted and sentenced to life in prison represented by different counsel; appointed to file/amend federal post-conviction petition; relief on Tenth Circuit post-conviction appeal; relief granted in district court on remand; life sentence vacated and defendant re-sentenced; defendant released March 2016);
- *United States v. Sanders*, United States District Court, District of Utah, Crim. No. 1:14-CR-00016 (co-counsel) (appointed to file federal post-conviction petition; petition denied);
- *United States v. Canaday*, United States District Court, District of Utah, Crim. No. 2:15-CR-00010 (co-counsel) (appointed to file federal post-conviction petition; petition voluntarily withdrawn);
- *State v. Henry*, Sixth Judicial Court-Manti, State of Utah, No. 121600011 (felony theft conviction; client convicted at first trial represented by different counsel; motion to arrest judgment filed) (*pending*);
- *McNair v. State*, Third Judicial Court-Salt Lake, Salt Lake County, State of Utah, No. 100901725 (felony rape conviction in 2006; client entered plea represented by different counsel; client represented by different post-conviction counsel initially; filed amended state post-conviction petition, motion to reinstate time to appeal, and motion to correct illegal sentence; petition and motions denied) (*two appeals pending*);
- *State v. Thomas*, First Judicial Court-Logan, Cache County, State of Utah, No. 101101205* (co-counsel) (felony sex abuse of a child conviction; client convicted at trial represented by different counsel; motion to arrest judgment filed; motion granted; case resolved during new trial proceedings and client given credit for time served);
- *Holt v. State*, Third Judicial Court-Salt Lake County, State of Utah, No. 100925793* (co-counsel) (state post-conviction petition filed; stipulation by State to requested remedy);
- *State v. Larrabee*, Fifth Judicial Court-St. George, Washington County, State of Utah, No. 091500718 (co-counsel) (felony sex abuse of a child conviction; served as trial counsel; filed motion to arrest judgment; motion denied; new appellate counsel won reversal on appeal);
- *Jones v. State*, Second Judicial Court-Ogden, Weber County, State of Utah, No. 060906864* (co-counsel) (state post-conviction petition filed; relief obtained by pardon);
- *State v. Tiscareno*, Third Judicial Court-Summit County, State of Utah, No. 031500228* (co-counsel) (felony child abuse conviction - “shaken baby” case; client convicted at first trial represented by different counsel; motion to arrest judgment filed; motion granted; acquitted on retrial);

- *West Valley City v. Phillips*, Third Judicial Court-West Valley, Salt Lake County, State of Utah, No. 02110123* (misdemeanor assault conviction; client convicted at first trial represented by different counsel; motion for new trial filed; motion granted);
- *State v. Penn*, Seventh Judicial Court-Moab, Grand County, State of Utah, No. 021700243* (co-counsel) (felony controlled substance conviction; motion for new trial filed; motion denied; relief on direct appeal);
- *Dexter v. Friel*, Second Judicial Court-Farmington, Davis County, State of Utah, No. 010700474 (co-counsel) (state post-conviction petition filed);
- *State v. Hales*, Third Judicial Court-Salt Lake, Salt Lake County, State of Utah, No. 001903783* (co-counsel) (murder conviction - “shaken baby” case; client convicted at first trial represented by different counsel; motion for new trial filed; motion denied; relief on direct appeal; case dismissed upon remand by appellate court).

Professional Affiliations, Committees & Memberships

Utah Association of Criminal Defense Lawyers

- Member, 2000-present
- Board Member, October 2017-present
- Amicus Committee Member, 2005-May 2011
- CLE Committee Member, 2005-2008

Utah Supreme Court, Standing Committee on Appellate Representation

- Appointed Member, June 2018-present
Experience: Prepare and review applications for appointment to the newly formed Roster of Appellate Attorneys to represent indigent defendants on appeal in the Utah Supreme Court and the Utah Court of Appeals.

Rocky Mountain Innocence Center, Case Oversight Committee

- Committee Member, April 2016-present
Experience: Review petition requests and potential cases for litigation presented by students working with the Rocky Mountain Innocence Center.

American Inns of Court, Aldon J. Anderson Inn of Court

- Member, January 2016-present

Utah Supreme Court Advisory Committee, Utah Rules of Appellate Procedure

- Appointed Member, October 2011-present
Experience: Review Utah Rules of Appellate Procedure and make recommendations for additions and changes to the Utah Supreme Court.

Tenth Circuit Court of Appeals, CJA Standing Committee

- Appointed Member, 2008-October 2016
Experience: Reviewed applications for appointment to the Tenth Circuit appellate panel formed pursuant to the federal Criminal Justice Act. Served as liaison between appointed Utah panel attorneys and the federal appellate court.

Tenth Circuit Court of Appeals, CJA Appellate Panel

- Appointed Panel Attorney, March 2007-present
Experience: Litigate criminal appeals as assigned under the Criminal Justice Act by the Tenth Circuit Court of Appeals for indigent appellants located in any federal district in the Tenth Circuit.

National Association of Criminal Defense Lawyers

- Member, 2000-present

Professional Recognitions

- Outstanding Mentor Recognition. Utah State Bar, October 2018
- Legal Elite (Criminal Law), Utah Business, May 2018
- Distinguished Service Award, Utah Association of Criminal Defense Lawyers, October 2016
- Distinguished Service Award, Utah Association of Criminal Defense Lawyers, September 2013
- Legal Elite (Criminal Law), Utah Business, January 2011
- Up and Coming Legal Elite, Utah Business, January 2010
- Mountain States Rising Stars, Super Lawyer, 2010
- Up and Coming Legal Elite, Utah Business, January 2009
- Mountain States Rising Stars, Super Lawyer, 2009

Publications, Presentations, Volunteer Activities

Publications

- *Respectfully Judge: We Disagree (the Defender Version)*, Defender Newsletter (Fall 2013)
- *Respectfully Judge: We Disagree*, 26 UTAH BAR JOURNAL No. 34 (July/Aug 2013)
- *Recent Developments in Criminal Investigation and Discovery: Access, Disclosure and Use of Information in the Criminal Defense Realm*, 19 UTAH BAR JOURNAL No. 5 (Sept/Oct 2006)
- Note, “Disability Status” for Asymptomatic HIV? *Pondering the Implications, Unanswered Questions, and Early Application of Bragdon v. Abbott*, 1999 UTAH L. REV. 755
- Development, *Parental Presumption Incompatible with Utah’s Child Abuse, Neglect, and Dependence Statutory Scheme*, 1998 UTAH L. REV. 644

Presentations

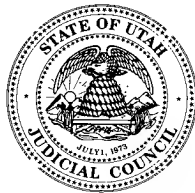
- Presentation: UACDL, “Ethical Considerations in Handling Alleged Victims in Sexual Assault Cases” (May 26, 2018)
- Presentation: Salt Lake Legal Defender’s Association, “Lessons Learned from *State v. Truman*” (April 19, 2017)
- Presentation: UACDL, “Criminal Motion Practice: Filing and Winning Essential Motions” (October 23, 2012)
- Presentation: 2008 New Lawyer CLE: “A Day in the Life of a Peon: What You Should Expect & What You Shouldn’t Stand For As An Associate” (May 22, 2008) (co-presenter)
- Presentation: 2007 UACDL Annual Seminar- Case Law Update (March 31, 2007) (compiled written material)
- Presentation: 2006 CLE Luncheon: “Basics of Criminal Law for the Non-Criminal Lawyer” (Nov. 15, 2006)
- Presentation: 2006 UACDL Annual Seminar: “Case Law Update” (April 22, 2006)

Volunteer

- Attorney/Coach, High School Mock Trial Competition
- New Lawyer Mentor
- Judge Mock Trial Competitions and Law School Oral Arguments
- “Ghost-Write” Legal Memoranda and Appellate Briefs for Colleagues
- Tuesday Night Bar (2002)

Personal

Husband and two cats. Used to dabble in gardening, painting, swimming, teaching water fitness classes, running marathons, hiking and other outdoor activities. In reality, haven’t had a hobby for years!



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

December 27, 2018

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Management Committee and Judicial Council
FROM: Nancy Sylvester
RE: Self-represented Parties Committee Appointment

Name of Committee: The Standing Committee on Resources for Self-represented Parties

Reason for Vacancy: Lisa Collins's second term has expired.

Eligibility requirements: This position requires an appellate clerk of court. Rule 1-205(1)(B)(viii).

Current committee member list:

Last Name	First Name	Representing	Original Appointment	Current Appointment	Term Ends	Term Number	Term Years
Bazzelle	Suchada	Juvenile court judge	17-Aug-18	17-Aug-18	17-Aug-21	1	3
Collins	Lisa	Appellate clerk of court	11-Sep-12	26-Oct-15	26-Oct-18	2	3
Crismon	Sue	Salt Lake Legal Defenders	28-Apr-14	28-Apr-17	28-Apr-20	2	3
Fjeldsted	Monica	Urban clerk of court (designee)	11-Sep-17	11-Sep-17	11-Sep-20	1	3
Frank	Carol	Rural clerk of court	22-Feb-10	23-Nov-15	23-Nov-18	3 (2.5)	3
Griffith	Susan	Public	24-Feb-14	27-Feb-17	27-Feb-20	2	3
Francis	Leslie	S J Quinney College of Law	20-Nov-17	20-Nov-17	20-Nov-20	1	3
Newell	Shawn	Public	18-Sep-18	18-Sep-19	18-Sep-21	1	3
Hernandez	Carl	J Reuben	28-Apr-14	28-Apr-17	28-Apr-20	2	3

The mission of the Utah judiciary is to provide an open, fair, efficient, and independent system for the advancement of justice under the law.

		Clark Law School					
Hoskins	Catherine	Juvenile court judge	01-May-18	01-May-18	01-May-21	1	3
Kent	Jacob	OCAP (ULS)	27-Feb-17	27-Feb-17	27-Feb-20	1	3
Lawrence	Barry	CHAIR-District court judge	23-Nov-15	10-Dec-16	10-Dec-19	1	3
Sessions	Brook	Justice court judge	20-Nov-17	20-Nov-17	20-Nov-20	1	1
Stormont	Charles	Bar	18-Sep-18	18-Sep-18	18-Sep-21	1	3
		Legal Service Org Serving Low Income (veterans)					
Strand	Peter		17-Dec-18	17-Dec-18	17-Dec-21	1	3
Sudbury	Virginia	Low Income Attorney	28-Feb-11	27-Feb-17	27-Feb-20	3	3
Thomas	Doug	District court judge	16-Mar-11	28-Apr-17	28-Apr-20	3	3
Player	Nathanael	SHC	11-Sep-17	-	-	-	3
Van Buren	Jessica	State Law Library	28-Feb-05	-	-	-	3

Description of recruitment process:

There are only two people who fit into the appellate clerk of court category. I approached Nicole Gray and asked her if she was interested.

List of names for consideration:

Nicole Gray, Supreme Court Clerk of Court

Statement of interest:

N/A

List of other current and past committee assignments:

N/A

Recommendation:

The committee looks forward to welcoming Nicole Gray.

Tab 14



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

TO: Members of the Judicial Council Management Committee

FROM: Neira Siaperas
Utah Juvenile Court Administrator

DATE: January 8, 2018

RE: Proposed Probation Policies for Review and Approval

The Board of Juvenile Court Judges has proposed a revision to the following policy which is now advanced to Management Committee for review and consideration. Additionally, I seek placement on the Judicial Council's consent agenda for January 28, 2019.

Section 2.10, Juvenile Court Fines and Service Hours [Recommendation to Approve]—*This policy, last updated in September 2018, gives probation officers direction for providing information regarding fines and service hours to the court at dispositional hearings. After review, the Board of Juvenile Court Judges determined that the policy required further revision in order to:*

- *Clarify the probation officer's ability to provide specific recommendations for fines and service hours; and*
- *Provide probation officers with information to guide their recommendations.*

I will be available to respond to questions during your meeting on January 8, 2019.

Thank you.

cc:

Honorable James R. Michie, Jr., Chair-Board of Juvenile Court Judges

2.10 Juvenile Court Fines and Service Hours

Policy:

This policy gives directions for providing information regarding fines and service hours to the Court at dispositional hearings.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-117](#)

Procedure:

1. The probation officer shall provide information in the dispositional report regarding the minor's ability to pay a fine and/or complete service hours, including but not limited to the following factors:
 - 1.1. Age;
 - 1.2. Employability;
 - 1.3. Current employment status;
 - 1.4. Prior Adjudications;
 - 1.5. Response to nonjudicial adjustments;
 - 1.6. Response to prior interventions;
 - 1.7. Level of parental support/supervision;
 - 1.8. Mental health and/or medical concerns;
 - 1.9. School and/or community involvement that may impact time; and
 - 1.10. Any other aggravating or mitigating factor.
2. The probation officer may recommend specific amount of fines and/or service hours per adjudicated episode in compliance with statutory guidelines.
 - 2.1. The recommended fines, hours, or a combination of fines and hours cannot exceed:
 - 2.1.1. \$180 (24 hours of service) for minors under age 16 at adjudication; or
 - 2.1.2. \$270 (36 hours of service) for minors 16 years of age and older at adjudication.

History:

Approved by Judicial Council and Effective on September 18, 2018
Revised by Board of Juvenile Court Judges on December 14, 2018

Tab 15



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Richard H. Schwermer
State Court Administrator

Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council
FROM: Michael C. Drechsel, Associate General Counsel - AOC
DATE: Tuesday, January 15, 2019
RE: CJA Rule 7-302 – for Public Comment

On January 4th, 2019, Policy & Planning reviewed proposed revisions to CJA Rule 7-302. The proposed revisions modernize the rule, bringing the terminology and requirements up-to-date with current practice. Policy & Planning recommends that the Judicial Council order that this rule be published for public comment.

The most significant change to CJA Rule 7-302 is replacing the term “social study” with “court report.” In addition, the proposed revisions outline additional subjects that should be addressed by the court report, including victim impact information, substance use history, risk level (as determined by a validated assessment), risk-level-specific recommendations, and sentencing (disposition) guidelines. Finally, it clarifies that court reports are stored electronically in the minor’s file.

These revisions have all been approved by the Board of Juvenile Court Judges.

Rule 7-302. ~~Social studies~~ Court Reports Prepared for Delinquency Cases.**Intent:**

To develop minimum standards for ~~social studies court reports to~~ for the Juvenile Court.

Applicability:

This rule shall apply to all ~~social studies court reports~~ prepared for ~~delinquent delinquency~~ cases in the Juvenile Courts.

Statement of the Rule:

- (1) The probation department or other agency designated by the court shall prepare a ~~social study court report~~ in writing in all cases in which a petition has been filed, ~~except:~~
 - ~~(1)(A) — traffic, fish and game, boating and parks and recreation cases; and~~
 - ~~(1)(B)(1)(A) — other minor cases, where the Board by rule has waived preparation of the social study.~~
- (2) The court can direct the probation department to prepare a ~~social study court report~~ on any matter referred to the court.
- (3) The contents of the ~~social study court report~~ shall include the following:
 - ~~(3)(A) — A summary of:~~
 - ~~(3)(A)(i) — the circumstances surrounding the matter before the court;~~
 - ~~(3)(A)(ii) — the minor's prior referral history, including prior actions taken by the probation department;~~
 - ~~(3)(A)(iii) — A record of any contacts and history the family has had with other agencies.;~~
 - ~~(3)(A)(iv) — the Victim Impact Statement and an itemized listing of losses or damages suffered by the victim with respect to the matter before the court;~~
 - ~~(3)(A)(v) — responses to the minor's compliant and non-compliant behavior;~~
 - ~~(3)(A)(vi) — A statement of the minor's academic performance and behavior in school and a statement of the minor's employment history if applicable;~~
 - ~~(3)(A)(vii) — A statement of any physical or emotional problems the minor may have that could affect behavior;~~
 - ~~(3)(A)(viii) — the minor's substance use history; and~~

- 32 ~~(3)(A)(i)(3)(A)(ix) \A list of the strengths and weaknesses of the minor as~~
33 ~~perceived by the minor and the parents or guardian(s).~~
- 34 ~~(3)(B) — A statement of the circumstances surrounding the matter before the court.~~
35 ~~(3)(C) — An itemized listing of loss or damage suffered by the victim with respect to the~~
36 ~~matter before the court.~~
- 37 ~~(3)(D)(3)(B) — An assessment of:~~
38 ~~(3)(B)(i) — the minor's attitude towards the court and the minor's attitude and~~
39 ~~values in general;~~
40 ~~(3)(B)(ii) — A statement of the parents' attitude and what corrective action, if any,~~
41 ~~they took with respect to the minor's conduct and actions that which~~
42 ~~brought the minor before the court; and~~
43 ~~(3)(B)(iii) — A list of the strengths and weaknesses of the parents as they perceive~~
44 ~~them or guardian(s).~~
- 45 ~~(3)(E)(3)(C) — The minor's risk level as indicated by a validated risk and needs~~
46 ~~assessment, as well as a list of risk and protective factors.~~
- 47 ~~(3)(F)(3)(D) — Recommendations specific to the minor's risk level that consider~~
48 ~~restorative justice principles and evidence-based best practices.~~
- 49 ~~(3)(G)(3)(E) — Sentencing guideline results, including aggravating and mitigating~~
50 ~~factors. A statement of the minor's academic performance and behavior in school~~
51 ~~and a statement of the minor's employment history if applicable.~~
- 52 ~~(3)(H)(3)(F) — Any other relevant information. A record of any contacts the family has~~
53 ~~had with other agencies.~~
- 54 ~~(3)(I) — A list of strengths and weaknesses of the minor as perceived by the minor and~~
55 ~~the parents. A list of strengths and weaknesses of the parents as they perceive~~
56 ~~them.~~
- 57 ~~(3)(J) — A statement of any physical or emotional problems the minor may have that~~
58 ~~could affect behavior.~~
- 59 ~~(3)(K) — A dispositional recommendation based upon the information gathered.~~
- 60 (4) All information contained in the social study court report should be verified whenever
61 possible. Individuals providing information for the report should be identified and any
62 opinions or unverified information should be identified as such.
- 63 (5) No social information shall be gathered on a minor if the minor denies the allegations
64 during the preliminary inquiry unless the minor and parent/guardian or custodian give their
65 written consent for the information to be gathered.

Rule 7-302**DRAFT: 12/31/2018**

- 66 (6) No social information shall be provided to the court before the minor's case is adjudicated.
- 67 (7) Once the ~~social study court report~~ is prepared, it shall be electronically filed in the minor's
- 68 file~~placed in the minor's social file where it shall remain.~~
- 69 ~~(8) If a minor moves to another judicial district, the social file shall be forwarded to the new~~
- 70 ~~district of residence.~~

71 *Effective May/November 1, 20____*