I.C.A.R. 55. Drug Courts and Mental Health Courts

Idaho Court Administrative Rule 55. Drug Courts and Mental Health Courts

(a) The Idaho Drug Court and Mental Health Court Act specifies the goals, purposes, policies for acceptance and related operating guidance for the operation of drug courts and mental health courts in Idaho. In addition, the Act establishes a statewide Drug Court and Mental Health Court Coordinating Committee and vests it with the responsibility for establishing standards and guidelines and providing ongoing oversight of the operation of drug courts and mental health courts in Idaho. This rule provides additional direction for the development, establishment, operations, and termination of drug courts and mental health courts. The provisions of this rule apply to all drug courts and mental health courts, including those addressing adult felony or misdemeanor cases, juvenile cases, or child protection cases.

(b) Judicial districts planning to establish a new drug court and/or mental health court must submit a letter of intent to the Statewide Drug and Mental Health Coordinator, signed by the Administrative District Judge and the Trial Court Administrator, no less than six months in advance of a proposed starting date. The Statewide Drug Court Coordinator will advise the Drug Court and Mental Health Court Coordinating Committee and shall offer assistance in planning, coordination, identifying available funds, and providing training. The Coordinating Committee will advise the judicial district as to available funding and a feasible starting date, within thirty (30) days of receiving the letter of intent.

(c) Any judicial district planning to apply for training to assist in the development or ongoing operation of a drug court and/or mental health court, through an application to the Department of Justice for the Drug Court Planning Initiative, must notify the Drug and Mental Health Court Coordinator, through the Administrative District Judge and Trial Court Administrator, prior to the submission of their training application. The Statewide Drug and Mental Health Coordinator will schedule a pre-training briefing with the team, in advance of their participation in the national training, to orient the team to Idaho statute, guidelines, and available resources. Acknowledgement of or participation in the national training will not guarantee that the Drug Court and Mental Health Court Coordinating Committee will approve the subsequent proposal for the new drug court and/or mental health court.

(d) The judicial district must submit an operations application, on a form to be prescribed by the Drug Court and Mental Health Court Coordinating Committee, prior to beginning operations of a new drug court and/or mental health court. This application shall be signed by the Administrative District Judge and the Trial Court Administrator and shall be submitted to the Drug Court and Mental Health Court Coordinating Committee no less than sixty days in advance of a proposed starting date. The Drug Court and Mental Health Court Coordinating Committee shall approve or disapprove the application and may adjust the proposed starting date, consistent with available resources. The operations application shall include the following:

(1) A memorandum of agreement (MOA) signed by the Administrative District Judge, Trial Court Administrator, one or more proposed presiding judges, the prosecuting attorney(s) and city attorneys for the participating jurisdictions, the public defender(s) for the participating jurisdictions, the community supervision agency, and other community entities such as the Regional Substance Abuse Authority and / or Regional Mental Health Council. This MOA will describe each agency or

organizationís participation and specific commitments to the drug or mental health court.

(2) Documentation of training of the core team for the drug court and/or mental health court either through the National Drug Court Planning Initiative or by the Statewide Drug and Mental Health Court Coordinator.

(3) Assurance of understanding and a plan for addressing the applicable Statewide Guidelines For Effectiveness And Evaluation.

(4) Assurance of understanding and plan for collecting and reporting required data, including utilization of the ISTARS Drug Court system.

(e) Any district court operating a drug court and/or mental health court shall annually review and report back to the Statewide Drug Court and Mental Health Coordinating Committee, through the Administrative District Judge and Trial Court Administrator, as to how the court is operating in accordance with the Guidelines, the approved participant capacity, and any directions from the Drug Court and Mental Health Court Coordinating Committee.

(f) A judicial district planning to terminate a drug court and/or mental health court must submit a letter of planned termination, to the Statewide Drug and Mental Health Court Coordinator for communication to the Drug Court and Mental Health Court Coordinating Committee, signed by the Administrative District Judge and Trial Court Administrator, as soon as reasonably possible and prior to the proposed ending date. The Drug Court and Mental Health Court Coordinating Committee shall approve or disapprove the planned termination and may adjust the proposed termination date.

(Adopted August 5, 2005, effective August 15, 2005.)

Source URL: http://isc.idaho.gov/icar55