



## Idaho Treatment Court Rule 3

### Idaho Treatment Court Rule 3. Treatment Court Formation and Dissolution

(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 Treatment Courts in Idaho. In addition, the Act establishes a statewide Treatment Court Committee and vests it with the responsibility for establishing standards and guidelines and providing ongoing oversight of the operation of Treatment Courts in Idaho. This rule provides additional direction for the development, establishment, operations, and termination of Treatment Courts. The provisions of this rule apply to all Treatment Courts, including those addressing adult felony or misdemeanor cases. This rule acknowledges that an Executive Committee may be formed consisting of sitting Committee members and be authorized to act on their behalf for the provisions identified in this rule.

(b) The judicial district must submit an operations application, on a form to be prescribed by the Treatment Court Committee, prior to beginning operations of a new Treatment Court. This application shall be signed by the Administrative District Judge, Trial Court Administrator, and Treatment Court District Manager, and submitted to the Treatment Court Committee no less than sixty (60) days in advance of a proposed starting date. The operations application shall include the following:

(1) A memorandum of agreement (MOA) signed by the Administrative District Judge, Trial Court Administrator, Treatment Court District Manager, the proposed presiding judge, the prosecuting attorney(s) or city attorneys for the participating jurisdictions, the public defender(s) for the participating jurisdictions, the community supervision agency, law enforcement, the treatment provider, and any other entity necessary to the operation of the Treatment Court. This MOA will describe each person's or entity's participation and specific commitments to the Treatment Court.

(2) Documentation of training for all team members for the Treatment Court that would include one or more of the following:

(A) A certification of completion for an online training;

(B) A training hosted and conducted by the Treatment Court District Manager or Administrative Office of the Court;

(C) Documentation of attendance to a national, state, or local conference.



(3) The policy and procedures manual and separate participant handbook.

(c) Judicial districts that are requesting to create multiple Treatment Courts or combining Treatment Courts within existing resources will only need to submit an MOA if there are any new team members in the proposed additional Treatment Court.

(d) Upon receiving the completed operations application, the Treatment Court Committee shall recommend for approval or disapproval to the Idaho Supreme Court. The Court will review the application, the Committee's recommendation, and make a final determination. If the operations application is approved by the Idaho Supreme Court, the Administrative Director of the Court is authorized to sign all necessary documents.

(e) If there is no substantive change to the MOA, any successor to the role of any signatory to the MOA electing to abide by the agreement may separately acknowledge and agree to the terms of the MOA. Any substantive change to the MOA requires all persons or entities outlined in I.R.T.C. 3(b)(1) to sign a new MOA. For purposes of this rule, a change in the person or entity occupying any of the roles outlined in I.R.T.C. 3(b)(1) is not considered a substantive change.

(f) A judicial district planning to dissolve a Treatment Court must submit a letter of planned dissolution to the Statewide Treatment Court Coordinator for communication to the Treatment Court Committee, signed by the Administrative District Judge, Trial Court Administrator, and Treatment Court District Manager, as soon as reasonably possible and prior to the proposed ending date.

(Adopted April 29, 2022, effective July 1, 2022; amended June 12, 2023; effective July 1, 2023.)

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