



Treatment Court Committee Meeting Minutes

Location: Lincoln Room, Idaho Supreme Court Building
Date: September 12, 2024
Time: 9:00 a.m. to 4:00 p.m., MT

Committee Members:	Committee Members Not Present:
Justice Gregory Moeller	Jared Larsen
Judge Rick Carnaroli	Joanna McFarland
Judge Michelle Evans	Ross Edmunds
Judge David Hooste	
Judge Darren Simpson	Idaho Supreme Court Staff:
Judge Eric Wildman	Sara Omundson
Judge Thomas Whitney	Jason Spillman
Judge Keisha Oxendine	Jim Arnold
Judge Nancy Baskin	Scott Ronan
Director Josh Tewalt, IDOC	Ryan Porter
Dr. Magni Hamso, Medical Director, Idaho Dept of Health & Welfare, Division of Medicaid	Sandy Jones
Jason Dye, Trial Court Administrator, District 6	Darci Dickinson
Scott Bandy, Chief Deputy Prosecutor, Ada County	Sharlene Davis
Jennifer Romero, Heritage Health	Paul Shepherd
Erika Porter, Heritage Health	William Miller
Marreen Burton, District Manager	Kim Woods
Lisa Martin, District Manager	Lorrie Byerly
Aimee Austin, District Manager	Cherie Carter
Ron Christian, District Manager	Guests:
Jared Marchand, District Manager	Judge Michael Tribe, Court of Appeals
Israel Enriquez, District Manager	Judge Kiley Stuchlik
Angela Reynolds, District Manager	Chris Paulsen
Commissioner Wayne Schenk for Brett Reinke	Leahann Romero

Welcome, Introductions, and Minutes Approval

Justice Moeller welcomed Committee members and guests, and introductions were made. Judge Michale Tribe attend from the Court of Appeals. The minutes of the February 8, 2024 meeting were reviewed.

MOTION: It was moved by Judge Simpson and seconded by Judge Oxendine to approve the minutes of the February 8, 2024, meeting. The motion passed unanimously.

FY25 Budget-Report

Idaho Treatment Court estimated expenditures for FY24 were reviewed. The FY25 budget includes increases for: drug testing; coordination to support the new Kootenai County Veteran's Treatment Court; and treatment rate increases to match Magellan rate increases. Treatment fund increases per a three-year spending plan have ended. Statewide recovery support services (RSS) decreased because providers are in the Medicaid network.

Work on budget priorities set in the February Committee meeting for three key areas are:

1. treatment and drug testing – exploring options for a statewide drug testing contract
2. transitional housing - the Court gave direction on a contract for transitional housing that may be part of FY27 budget request.
3. coordination - diverting funds for county-employed coordinators to become state-employed coordinators is not actively being pursued at this time but it is still a target that will be revisited.

Initial conversations with BPA Health have begun regarding contracting with a managed care organization to help manage a network of providers, provide oversight and provide a payer portal for claim adjudication. The Committee was asked for feedback.

Data & Evaluation (D&E) was asked to re-estimate a breakdown of needs to see about a redistribution of funds by court based on usage and spending patterns. We are in the process of looking into implementing a Medicaid Denial process before ISC SUD funds for treatment are given to maximize the SUD fund.

FY26/27 Budget Enhancements Memo-Recommendations

Dr. William Miller shared the methodology D&E used in the re-estimate of state funds for treatment courts. Their analysis used WITS records showing services provided to participants and utilization reports provided by Treatment Court Coordinators showing the number of participants in each court. The estimates also took into account what the budget would need to look like if best practices of 200 hours of treatment were provided over a 14-month period of time. The Committee was advised that the module can be redone with updated figures at regular intervals, and the Committee chose redoing it annually.

The actual estimate is about \$300,000 short of the current budget, and we can move forward with the redistribution and ask the Court to redistribute funds in January FY25 or the estimate could go towards an FY26 enhancement. A memo will be prepared for the Court's consideration that would first ask for a redistribution of funds between the districts within the current FY budget.

It was explained to the Committee that coordinators/courts can help treatment court participants in need of Medications for Opioid Use Disorder (MOUD or MAT) who do not qualify for Medicaid funding for those medications.

Idaho Rules for Treatment Courts (IRTC) Workgroup-Recommendations

Darci Dickinson shared changes made at the Administrative Conference to Rule 20(d) of the IRTC:

(1) If the case is before the Treatment Court Judge by ~~assignment within the judicial district or by~~ transfer of supervision, the case shall be referred back to the originating court or referred ~~for reassignment~~ to the Administrative District Judge within the original judicial district for reassignment.

(2) If the case is before the Treatment Court Judge by assignment within the original judicial district or by change of venue, the case ~~shall be~~ may remain ~~reassigned~~ to the Treatment Court

Judge or may be referred to the Administrative District Judge~~a judge~~ within the current judicial district ~~of the Treatment Court~~ for reassignment.

Darci also shared suggested changes the WG made to Rule 15 during its annual review of the IRTC, which can be seen in blue text below. Discussion was had regarding timing and additional changes to Rule 15 were made, which are in bold and underlined in blue text below.

(a) A Treatment Court Judge has authority to enter any orders necessary to accomplish the goals and objectives of the Treatment Court, including, but not limited to, orders for payment of fees and costs, transport orders, and warrants of arrest. If a participant's case has been assigned to the Treatment Court Judge for all further proceedings, the court may enter any orders and judgments as are necessary upon successful completion of the program or upon termination from the program. If the Treatment Court Judge is presiding pursuant to a transfer of supervision, then the originally assigned judge may enter any orders and judgments as are necessary upon successful completion of the program or termination from the program.

(b) In addition to any process provided under the Idaho Criminal Rules or statute, an agents warrant and affidavit in support of agents warrant shall be provided to the Treatment Court Judge within 24 hours, excluding weekends and holidays.

(c) Any order for revocation for release not already signed by a Treatment Court Judge shall be provided to the presiding Treatment Court Judge within 24 hours, excluding weekends and holidays.

Justice Moeller asked for motions on all changes made by the WG to be held to the end of the presentation.

Notice of Graduation from Treatment Court, Notice of Termination from Treatment Court and Notice of Neutral Discharge from Treatment Court

The WG reviewed and made edits to non-mandatory forms to improve felony sentencing data by capturing the number of jail days served as a sanction in treatment court. In three non-mandatory forms in Enterprise Justice, language was changed to: "[T]he defendant served a total of _____ days of incarceration as discretionary time imposed as a sanction during the period of supervision in the treatment court."

After additional Committee discussion, it was proposed to simplify the language in the third paragraph of the *Notice of Graduation from Treatment Court* form to read: "In order to seek relief under Idaho Code section 19-2604, the Defendant must file an appropriate motion."

MOTION: Judge Carnaroli moved and Judge Wildman seconded the motion to approve the sentence in the third paragraph of the *Notice of Graduation from Treatment Court* form to read, "[I]n order to seek relief under Idaho Code section 19-2604, the Defendant must file an appropriate motion." The motion passed unanimously.

The Committee agreed the *Notice of Neutral Discharge from Treatment Court and Stopping Participant Fees* form and the *Notice of Termination from Treatment Court and Stopping Participant Fees* form should duplicate those changes approved by the Committee.

MOTION: It was moved by Judge Hooste and seconded by Judge Simpson to adopt the changes as stated, without any modification for credit for time served, to the *Notice of Neutral Discharge from Treatment Court and Stopping Participant Fees* form, the *Notice of Termination from Treatment Court and Stopping Participant Fees* form, and the *Notice of Graduation from Treatment Court* form. The motion passed unanimously.

MOTION: It was moved by Scott Bandy and seconded by Judge Oxendine to recommend to the Court to adopt Rule 15 as amended with the additional changes made to Rule 15(b) and (c) by the Committee. The motion passed unanimously.

We are working with Legal on drafting Non-Disclosure Agreement forms that all courts can use (non-mandatory forms) which will be brought to the Committee for their input and circulation at the next Committee meeting.

Important Updates in Key Areas:

- **Solicitations and Donations for Participants**

A final draft of the Policy Guidance: Solicitations and Donations, and 501c3 was discussed and feedback from the Committee was that while they found the policy guidance to be helpful, Judges would not feel comfortable allowing their court staff to seek donations unless the verbiage in Judicial Canon 2.12 was changed. The Committee was informed we reached out to the Judicial Council with this information and we are waiting their response.

- **State Public Defender Transition**

Justice Moeller asked the Committee for feedback on how the public defender (PD) transition is proceeding in their district. The Committee responded that in all jurisdictions the biggest issues are lack of communication, lack of conflict PDs due to low compensation, no one is taking CP cases, no knowledge of names or number of attorneys for staffing courtrooms, loss of experienced PDs and lack of a vetting process to ensure those signing contracts are able to represent defendants, and uncertainty of PD status in treatment courts. It was discussed that this is a great opportunity for training new PDs for Treatment Courts by AOC staff.

- **Data and U**

It was shared that data quality has been increased to 81% which means monthly utility reports can be phased out. We now have reliable and timely information that can be shared with counties and can give comparable year over year data.

- **Treatment Court Quality Assurance**

The Committee was informed the QA surveys are almost ready, scoring matrix samples are being built, and a timeline should be going out soon.

FY25 Standards Crosswalk

A Standards Crosswalk comparing Idaho's Treatment Court standards with updated standards from All Rise was performed. There were no groundbreaking changes -- mainly verbiage and high-level naming changes. Key items discussed were timing of court status hearings, not using jail sanctions on a first offense and not using jail more than 5 days. Moving from four-phase programs to five-phase programs was discussed.

Considering not all standards have been updated, it was decided we will stick with the current standards as our QA process rolls out (about a three-year cycle), and after all standards have been updated, we will then ask the Committee for input on what standards to adopt.

Three-Year Strategic Plan for Idaho Treatment Courts Report

Justice Moeller reviewed the statutorily mandated charges to the Committee. Work is proceeding on the last year of the current strategic plan. A full training curriculum for coordinators is being developed, we are researching ways to reach out to stakeholders and community partners, and we are working on implementing education to ensure team sustainability. Progress is being made on developing sample handbooks, policies and procedures, and recommended orders, which we hope to bring to the spring meeting.

Education Update

Sharlene is developing a Treatment Court coordinator curriculum as a capstone project through IDHW's Certified Public Manager program. Her goal is to have 15 or 20 trainings identified as essential for coordinators in the Bridge system by 2025.

The educational needs assessment wish list was used to develop educational content for the MHC Summit and 2024 Treatment Court Conference. Session ideas were provided for the next TXC conference. The next educational assessment will go out next year. Suggestions for topics for the conference can be e-mailed to Darci.

District by District-Report

District 1:

They had their first Veteran's Treatment Court hearing. Their MHC is celebrating 20 years at the end of September and will have a special session on October 3rd. Judge Walsh is replacing Judge Mitchell who is leaving, and their TCA is retiring. Recovery coaching is being implemented in their courts. Jennifer Romero introduced her replacement on the Committee, Erika Porter.

District 2: They have eight Treatment Courts at 75% capacity and are struggling to get referrals. A grant was renewed in Latah County that provides resources such as housing vouchers and gift cards, but housing is a struggle. They hired a part time coordinator to start on October 1st. April/May is the projected date for the new courthouse to open.

District 3: Judge Roker is replacing Judge Whitney as a Drug Court judge. Judge Stuchlik and deputy TCA, Chris Paulsen, were introduced. They informed the Committee they are moving forward on preparation for a new MHC and have drafted documents for the application, have a handbook, have funding from IDHW, and are working on plans for two prosecutors and a coordinator. Scott had suggestions, and Justice Moeller said the AOC is here to help through the process.

District 4: Their treatment center is moving tomorrow to a new building at 3220 W Elder. On Monday they are having their 150th graduation.

District 5: They have some new Treatment Court Judges who are all doing well. Their MHC has 24 participants and their capacity is 25. They are looking to modifying the MHC program from a 2-year program to 18 months. Their VTC has eight active participants and they are looking at having more incentives to get more buy in from participants. The VA started pulling community care referrals back to in-house and virtually only, but what they provide is limited and a challenge to work through. Mini-Cassia, Jerome and Twin Falls Drug Courts are at 60% capacity. There is a new sober living house in Minidoka and the challenge is to get funding. Their new coordinator, Octavio Diaz, is streamlining the applications process, and, since Padron Counseling is no longer a reliable source, he is trying to get a Spanish-speaking counselor in Mini-Cassia and Jerome Counties, who have eight Spanish speaking participants. There may be an opportunity through the Court's Language Access Coordinator for services for treatment

District 6: They have 51 people waiting to get into Treatment Court. They have been working with a treatment provider and with opioid funding in Bannock County to expand treatment services district wide. They are still struggling with adequate housing for participants.

District 7: Their courts are full; they are spending all the treatment funds and are concerned about how they will manage their funds without giving up services. They have three MHCs that have transitioned with providers and are stabilizing, and they are partnering with the Center for Hope to branch out to smaller rural areas. A policy change to allow felony Eluding participants to get restricted driving privileges while in the program was discussed since DUI Court participants are able to get restricted driving privileges while in the program.

Motion to Adjourn

MOTION: It was moved by Judge Wildman and seconded by Scott Bandy to adjourn the meeting. The motion passed unanimously. The meeting adjourned 3:10 p.m., MT.

Next Meetings:

February 27, 2025

September 11, 2025

4th Thursday in February 2026-put on calendar