



## Treatment Court Committee Meeting

**Location:** Lincoln Room, Idaho Supreme Court Building  
**Date:** September 13, 2023  
**Time:** 9:00 a.m. to 4:00 p.m., MT

<b>Committee Members:</b>	<b>Members Not Attending:</b>
Justice Gregory Moeller	Judge Eric Wildman
Judge Nancy Baskin	Judge Thomas Whitney
Judge Rick Carnaroli	Director Josh Tewalt
Judge Michelle Evans	Jared Larsen, Governor's Office
Judge David Hooste	<b>Idaho Supreme Court staff:</b>
Judge Darren Simpson	Sara Omundson
Judge Cynthia Meyer	Jason Spillman
Commissioner Wayne Schenk as proxy for Commissioner Brett Reinke	Scott Ronan
Dr. Magni Hamso	Ryan Porter
Scott Bandy, Chief Deputy Prosecutor, Ada County	Sandy Jones
Joanna McFarland, Public Defender, Nez Perce Co	Marc Crecelius
Ross Edmunds, Idaho Division of Behavioral Health	Darci Dickinson
Jennifer Romero, Restored Paths	Emily Carroll
Liza Crook, Idaho Depart of Juvenile Corrections	Katie Janiak
Marreen Burton, District Manager	Julia Gancher
Ron Christian, District Manager	Lorrie Byerly
Lisa Martin, District Manger	
Angela Reynolds District Manager	<b>Guests:</b>
Israel Enriquez, District Manager	Cheryl Foster, Idaho Behavioral Health Council
Aime Austin, District Manager	
Jared Marchand, District Manager	

## **Welcome, Introductions, and Minutes Approval**

Chair, Justice Gregory Moeller, introduced new members, Angela Reynolds, Jared Marchand, and Joanna McFarland, as well as Darci Dickinson, the new Idaho Supreme Court Treatment Court Programs and Services Administrator.

### Review of February's minutes

A couple of grammar changes needing to be made to the February 16, 2023, minutes were mentioned: On page 4 in the first paragraph, "Scot" needs to be changed to "Scott," and on page 4 in the last paragraph "Uring" needs to be changed to "Urine."

**MOTION: It was moved by Judge Simpson and seconded by Judge Carnaroli to approve the minutes of the February 16, 2023 meeting, as amended. The motion passed unanimously.**

## **FY24 Budget-Report**

Scott Ronan reviewed expenditures pertaining to substance use disorder (SUD) funds in the Idaho Treatment Court Expenditure report for FY24. Spending is close to budget, but some SUD expenditures from May and June came out of July. It will be important to closely monitor spending throughout the year, and if spending is higher because of changes to Medicaid eligibility policies, conversations with providers may be necessary to adjust.

## **FY2025/2026 Budget Update to the Committee-Report**

Transitional housing is a statewide priority and should be addressed in a draft housing proposal for FY25 for the Committee to consider today. Effective July 1, 2023, Medicaid increased treatment rates on SUD services. If the Court matched the new rates, it is estimated the need would be for an additional \$420,000. A new Managed Care Organization will manage a network of providers under both state funded and Medicaid covered treatment services. Rates for some SUD services may change when the contract with IDHW is implemented, probably in March 2024, and the Court will provide an analysis and recommendations when the rates are known.

We are looking at the feasibility of the use of a Managed Services Contract to assist in the management of a network of providers. Updates of these efforts will be provided in upcoming Committee meetings.

Trial Court Administrators (TCAs), Finance and Data & Evaluation will provide an analysis of information identifying current funding, needs and balances towards exploring a statewide contract for drug testing in the FY26 budget. We will also be performing an analysis for the feasibility of transitioning coordinators to state employees in FY26.

## **Review of Draft Housing Proposal**

Scott reviewed a proposal to fund transitional housing (not safe and sober housing which is already a billable service). The proposal incorporated feedback from the Committee for a flexible process providing oversight based on needs on a district-by-district basis.

Scott used a placeholder of \$300,000 for funding since the amount is undetermined, District Managers estimated a need for 331 individuals resulting in an estimated cost per need of \$906.34. Leadership in the district will report back on spending patterns and balances so adjustments can be made. If the Committee agrees to the approach, we will work with the Finance Office to establish an annual budget, proceed to build a financial plan and review with the Committee for further adjustments.

**MOTION: It was moved by Judge Baskin and seconded by Ron Christian to move forward with the draft proposal and turn it into an actual proposal with amendments made concerning the third district to be more accurate. The motion passed unanimously.**

## **Idaho Rules for Treatment Courts Workgroup-Recommendations**

If the Committee approves the changes the Treatment Court Committee Rules Workgroup (WG) made in July, the rules will move to the Supreme Court, with the need for public comment dependent upon the nature of the changes, and if the Court approves the rules, they will be published in the next fiscal year. The WG considered educational content around the rules, such as a panel at the treatment court conference, recording sessions as a model of the processes, giving an example in real time to show stakeholders how the rules are being interpreted as best practices, an updated coordinator guide and handbooks for participants on policies and procedures showing models based on the rules, and bench cards.

Rule 5(c)(2) clarifies the judge can allow any person to attend a treatment court staffing and subsection (3) provides that person would sign a non-disclosure agreement to maintain privacy.

Rule 17(k) changed “documenting such” to “setting forth specific” findings.

**MOTION: It was moved by Judge Baskin and seconded by Judge Carnaroli to adopt the amendments to Rule 5(c) and Rule 17(k). The motion passed unanimously.**

Justice Moeller said the rules shall be amended and sent to the Supreme Court for final approval.

Jason Spillman suggested Rule 20(c) read, “a neutral discharge shall not be grounds for termination nor for the revocation of probation,” in response to IDOC asking if a probation violation should be filed in a neutral discharge. The Committee discussed concerns on limiting revocation of probation, getting a person back before the court, and different ways subsection (a), (e) and the definition of “neutral discharge” impact the issue, as well as IC 20-221 allowing modification of terms and conditions of probation at any time. It was suggested to:

- Have subsection (c) end at “neutral discharge shall be the grounds for termination.”
- In subsection (c,) change “shall” to “should.”
- Add to the end of (e) “or resolve any motion for PV that may be filed.”
- Change subsection (e) to say, “judge assigned to the participants’ criminal case after the entry of a neutral discharge has all the options available under the applicable statute.”

**MOTION: It was moved by Judge Simpson and seconded by Scott Bandy to Table Rule 20(c)(d) and (e) and bring it back to the Committee later. The motion passed unanimously.**

The WG will bring forth revisions at the next Treatment Court Committee meeting for review.

## **Bench Cards on the Rules**

After the WG suggested rule changes initiated from judges in the field, it was suggested that the language “setting forth specific findings” be added to the bench card on the last page to conform with the rule changes recommend for adoption by the Committee under Rule 17(k).

**MOTION: It was moved by Judge Baskin and seconded by Judge Evans to adopt the Bench Card as amended. The motion passed unanimously.**

## **Mental Health Court Transition**

Justice Moeller reviewed that mental health court Assertive Community Treatment (ACT) teams are transitioning to private providers. Justice Moeller recently chaired a meeting with the IDHW Center of Excellence, mental health court judges, TCAs, treatment court district managers, and mental health coordinators regarding the transition and asked for district reports to share with the Committee.

District 1: Their transition, communication to a private provider and IDHW and signing of a contract a couple of years ago went well.

District 2: Two mental health courts have transitioned, and the third is in the process. Providers in rural areas are scarce. It would be helpful to them if the Center of Excellence could reach out to universities and colleges to develop a relationship. Ross Edmunds expressed appreciation for the comments. He said they have a workforce development plan with colleges and universities through ICBH but the payoff such as tuition reimbursement and other workforce issues take some time to pay off. The behavioral health workforce in all states has declined since Covid. Justice Moeller suggested paraprofessionals can be used at times.

District 3: They are having some issues working with new providers, but it is transitioning well.

District 4: They transitioned years ago and are happy with the service now. There were issues around services provided by providers and lack of reimbursement for staffing, but they found ways to bill for services.

District 5: They have not transitioned. Once a contract came out, their provider did not like the reimbursement rate, and a provider was just found last week to take on ACT services. There are a lot of unknowns they need to have communication about. Ryan Porter said he would share a helpful transition document from a new provider in the third district that secured feedback from both parties when new providers started and ACT stepped away.

District 6: Last week they interviewed two providers in the community and are in the process of reviewing the matrix costs, which should be fixed by the end of the week. IDHW has been super involved in procuring a new provider, and interactions with IDHW are good, although it is hard to lose people from their ACT Team.

District 7: It was hard transitioning from ACT Teams with ACT stringent criteria, but it is better now. Eric and Monica have a good relationship. Ross commented on eligibility criteria that looks at a person's appropriate fit with their risks and health needs.

Issues with transition can be funneled through Scott who will work with the Center of Excellence and Ross. The Center of Excellence has articles about behavioral health approaches and offered to convene a small group with mental health courts, and Scott solicited volunteers. Angela volunteered Mary Wolfinger, Jared Marchand volunteered and Judge Baskin will ask Judge Miller. Scott and Ross will coordinate to get the meeting set and will return to the Committee with any actionable items.

### **Important Updates in Key Areas:**

- **Solicitations and Donations for Participants**

Scott reported on the workgroup chaired by Justice Moeller to respond to a letter from the Chief Justice and identify a policy for 501(c)(3)s. They worked to identify and determine the best course of action for notification of 501(c)(3)s and what addresses should be used and to ensure those under the supervision of the court operate under the Court's ethical guidelines. The workgroup engaged Andrea Patterson who worked with TCAs to look at court services and programs receiving donations and get input on policy. TCAs are meeting today, will prepare a draft and talk to Justice Moeller about the next steps.

- **Treatment Court Quality Assurance**

Ryan Porter provided an update of the status of the Treatment Court Quality Assurance (QA) Plan and activities. A subcommittee was put together to work on the certification survey, and Data & Evaluation pulled together a draft survey that was sent to subcommittee members requesting their feedback by September 19<sup>th</sup>. He will bring it back to the subcommittee for further review. A site review of the second district has been requested and is being scheduled. Scott announced they are looking for volunteers to

test the surveys and would like to meet during the next couple of months with the volunteers and team members regarding questions on adherence to the standards.

### **Data Improvements Dashboard**

Katie Janiak, Court Data Analyst, shared information on the plan for gathering and entering quality treatment court data that can help program evaluations, LSI-R re-norming, cost benefit analyses, and provide reliable efficient statewide reporting and accurate responses to data requests. We are focusing on improving missing or incomplete data through the use of a Data Improvement Dashboard. Training has been conducted and coordinators are working towards improving data.

### **District by District-Report**

District 1: Kootenai County's three courts run at capacity and have a new prosecutor and probation officer on the team. They are in the process of getting a veteran's treatment court started. A new non-profit in CDA purchased two houses to provide housing for veterans. They have a meeting with the jail that contracts with an outside medications provider to help mental health court participants remain stabilized with medication while in custody. Bonner County is looking to switch to cost effective drug testing. Boundary County has a new coordinator and staff that have transitioned seamlessly. They noticed a significant increase in drug testing costs with additional drugs screened. Some of their participants lost Medicaid eligibility which impacts state-funded client costs.

District 2: They have two new judges and two coordinators. They are seeing about a 90% increase in the combination of meth and fentanyl testing needed. October 1<sup>st</sup> is their goal to have every court testing to include fentanyl on their panel and are in the process of putting together an administrative procedure. They are seeking additional information on Narcan to have available to help them. They are adding new participants into their program through change of venue or transfer of supervision, and they need help for their clerks and attorneys on the whole process in Odyssey.

District 3: The last three years there has been an increase in fentanyl and homelessness, but two rural courts have stabilized at a lower population level. Bath Salts are a big challenge for which there is no drug test. Judge Whitney is working on a new direction for drug courts based upon how many minutes can be spent with people in drug court rather than how many people are in drug court.

District 4: Their biggest problem is retirement and turnover, having just filled 5 of 9 open positions. They are getting lots of positives for opioids and fentanyl, and their changes in drug testing are out for bids and contracts now. They are adding a case manager starting next week.

District 5: Their 11 treatment courts across five counties are at capacity, except their veterans' treatment court is at 40%. Juvenile drug court changed participant eligibility from exclusively an Intensive Outpatient (IOP) level of care which may help kids into the program. Blaine County hired their third coordinator in a year. Transitional housing in rural areas is a struggle because there is no housing, and they are looking into funding opportunities.

District 6: Most of their 11 courts are at capacity, including their veteran's treatment court. Caribou, Franklin, and Bear Lake treatment courts each have a coordinator now. They hope to have decisions on the mental health court transition by the end of the week, but letting go of ACT is hard. They are redoing their handbook and did a peer review process recently. Several judges are retiring or transitioning, and they don't always have enough prosecutors for staffing.

District 7: In June, they had a juvenile peer review, and it was great to go to the sixth district and to do one there as well. Judge Gardner with Young Adult Court is retiring, and it will be a challenge to find a new judge. Judge Simpson gave them a roadmap to help with the termination process under IRTC. They are partnering with the Center for Hope on recovery coaching and are working with county opioid settlement funds to do a Center for Hope for Madison and Bingham Counties.

### **Three-Year Strategic Plan for Idaho Treatment Courts-Report**

Scott informed the Committee of their charge, and he presented new strategic plan activities for year two of the three-year plan.

#### Improving Access to Educational Resources for Treatment Court Teams

- A New Coordinators Toolkit, New Judge's Toolkit and an onboarding document have been put on the website.
- A one and half day coordinators professional development workshop will occur in October 2023.

#### Increase Community & Justice Partner Collaboration

- Israel was asked to donate time to develop a communication plan to help increase community awareness and education for treatment courts, but it has been paused until we have clear directions and defined parameters from the Donations and Solicitations 501(c)(3) Workgroup.

#### Enhance Services for Participants

- Scott directed the Committee to links in the meeting materials to two webinars, including a peer review seminar by Norma Jaeger and a Whole Health Outcome Webinar series by Dr. Rahda Sadacharan. Judge Oxendine and Dr. Sadacharan presented an initiative on a panel at NADCP.

#### Implement New Idaho Rules for Treatment Courts

- Scott directed Committee Members to the meeting materials to see the highlights on implementing rules for Idaho treatment courts and the new court application form that is a part of Rule 3. He reiterated the additional supporting materials Darci Dickinson is developing that was outlined in the rules presentation.

### **Education- Update and Recommendations**

Scott announced there are three big education projects that Darci will be leading.

October 26-27, 2023 All coordinators are invited to a one and one-half day Coordinator Professional Development Training on dealing with difficult people and working with multidisciplinary teams. Three speakers have been secured. The topic is important at this time in light of high turnover.

May 9-10, 2024 Statewide Treatment Court Conference at the Riverside Hotel following the District Judges' Conference. The agenda is being built now based on the education assessment and some speakers we have already talked to. Norma Jaeger may present procedural fairness. Although topics have been identified, we will take recommendations on any speaker or topic that is important. A part of the conference will be presenting the Justice Eismann Award. Justice Eismann and Judge Wilper are the only two recipients. A workgroup that is part of the process will send out a letter for recommendations for review by the Court, and the selected recipient will be recognized at the conference. The event will most likely be capped at 300 with open enrollment on a first-come first-serve basis.

TBD Spring 2024 Statewide Mental Health Court Summit which will be an operational tune-up training. We have the assessment and will be talking with coordinators on what is missing and engaging in a partnership with the Center of Excellence. Funds will be available to bring in a member representing each team member role per table. Judges can lead discussions on critical issues and plan the best way to address them. There will be no registration fee and limited space but potentially other team members could attend within space capacity if they are able to provide their own funding.

**Motion to Adjourn**

**MOTION:** It was moved by Angela Reynolds and seconded by Judge Hooste to adjourn the meeting. The motion passed unanimously. The meeting adjourned 3:48 p.m.

**Next Meetings:**

**February 8, 2024**

**September13, 2024**