



THE SUPREME COURT *of* OHIO

Specialized Dockets

Specialized Dockets Updates
Certification Standards
January 13, 2021

Appendix to Superintendence Rules 36.20-36.32

Reasons for the Changes



1. Accuracy—to communicate clearly and directly what is required and needed for certification.
2. Fidelity to the model—alignment with National Best Practice Standards for each type of docket.
3. Flexibility and adaptability—for the communities.

THE SUPREME COURT *of* OHIO

Change Timeline



- December 16, 2019 Publication for public comment
- August 18, 2020 Final adoption by conference
- January 1, 2021 Effective date of amendments

THE SUPREME COURT *of* OHIO

Standard 1

Planning Process

Advisory Committee



- Recommended members
- Oversight responsibilities:
 - Policies and procedures
 - Agreements with partner agencies
 - Quality and quantity of services
 - Garner support in the community
 - Plan for sustainability
 - Measurable goals and objectives to evaluate effectiveness
- Judge as chair and attendance requirements

Results of Process



- A local rule or an administrative order authorizing the operation of the specialized docket
- Program description that demonstrates compliance with certification requirements and incorporates national best practices for the particular type of docket and participants to be served
- Participation agreement and participant handbook detailing the rights and responsibilities of participants
- A non-adversarial process

THE SUPREME COURT of OHIO

Standard 2 Legal & Clinical Eligibility

Target Population



- Criteria shall identify the individuals who can be treated safely and effectively within the type of specialized docket established.
- Dockets shall generally target individuals with a moderate to high risk for recidivism and a high need for treatment.
 - Alternative tracks for risk and need levels
- Requirement to take affirmative steps to detect and correct disproportionate census, inequitable services, and disparate outcomes involving those who have historically faced discrimination.

THE SUPREME COURT of OHIO

Standard 3 Program Entry & Case Flow

Referral Process



Written referral process that addresses:

- How candidates are identified, evaluated, and transferred into the docket.
- At what stage or stages of the legal process referrals will be considered.

THE SUPREME COURT *of* OHIO

Assessment



- Prompt evaluation for docket admission
- Use of assessment tools appropriate for legal and clinical criteria
- Use of risk scales according to type of legal case
- Inclusion of collateral information to ensure the accuracy of all assessments
- Release of information
- Completed by appropriately licensed and trained professionals.

THE SUPREME COURT *of* OHIO

Decision on Admission



- The judge shall have discretion to decide admission.
- There is no right to participate.

THE SUPREME COURT *of* OHIO

Acceptance



- Each participant shall receive and agree to:
 - the terms and conditions of the docket
 - a detailed, written participation agreement and participant handbook
 - the requirements and process of the specialized docket
 - an explanation of responses to compliance and noncompliance
 - criteria for successful, neutral, and unsuccessful specialized docket completion

THE SUPREME COURT *of* OHIO

Critical Requirement



In addition to any constitutional or legal right to counsel throughout the process, a participant shall have the right to request the attendance of defense counsel during the portion of a specialized docket treatment team meeting concerning the participant.

THE SUPREME COURT *of* OHIO

Standard 4 Treatment & Rehabilitation

Prompt Access and Placement in Services



- The docket shall provide prompt access to a continuum of approved treatment and other rehabilitation services.
- Participants shall be placed as soon as possible in appropriate treatment services and programs.

THE SUPREME COURT *of* OHIO

Screenings, Assessments, Licensing, & Training



- Screenings and assessments for treatment determinations shall be provided by programs or persons appropriately licensed and trained.
- All required treatment and programming shall be provided by programs or persons who are appropriately licensed and trained to deliver such services.

THE SUPREME COURT *of* OHIO

Treatment and Services



- Treatment and services shall be:
 - individualized, evidence based, trauma informed, gender-responsive, culturally appropriate and shall effectively address co-occurring disorders. When possible, service provides should have separate tracks for SD participants.
- Medication assisted treatment services shall be provided in a form and manner that adhere to “*The Supreme Court of Ohio’s Principles for the Use of Medication Assisted Treatment (MAT) in Drug Courts.*”
- Treatment and services should be comprehensive and family-centered, meeting the assessed needs of the participant in the context of family relationships.

THE SUPREME COURT of OHIO

Ancillary Services



- Education
- Vocational training
- Employment
- Transportation
- Housing
- Domestic violence programming
- Physical, mental, and dental health
- Parenting
- Language Services pursuant to Sup. R. 89

THE SUPREME COURT of OHIO

Standard 5

Docket Progression

General



Progression through a specialized docket is based upon the participant's performance in the treatment plan and compliance with requirements of the docket phases.

Not solely based on preset timelines.

Structure



Clearly defined structure for progression through the docket including:

- any minimum timeframes in each phase
- nature and frequency of court appearances, supervision meetings, and other attendance requirements
- realistic and concrete behavioral based requirements for the court, case management, substance monitoring, and treatment objectives that shall be satisfied before advancing
- the process for advancing to the next phase, including any applications, if any, that shall be completed

THE SUPREME COURT *of* OHIO

Sequence, Timing, & Productive Activities



- The sequence and timing of requirements and services provided by the specialized docket should take into account the relative priority of participant needs to be addressed.
- The structure of a specialized docket should include productive activities, such as employment, education, or attendance in peer support groups.

THE SUPREME COURT *of* OHIO

Standard 6

Treatment Team

Treatment Team Components



- Composition
- Roles and responsibilities
- Meetings
- Participation of the judge
- Communication
- Length of service

Standard 7

Participant Monitoring

General



- Dockets shall monitor each participant's performance and progress.
- Participants shall be placed under reporting supervision as soon as possible to monitor compliance with court requirements.
- A specialized docket shall maintain a current treatment plan and record of activities.

Ongoing Judicial Interaction



- Ongoing judicial interaction with each participant is an essential element of a specialized docket.
- Hearing frequency:
 - At least twice monthly in first phase, monthly thereafter, and no less frequently than every six weeks in the final phase
- Group hearings are a nationally recognized best practice.
- Hearings should be before the same judge for the duration of the program.

THE SUPREME COURT *of* OHIO

Standard 8

Incentives, Sanctions, & Therapeutic Adjustments

General



- Written policies and procedures regarding responses to participant behavior
 - Predictable
 - Fair
 - Consistent
 - Administered in accordance with evidence-based principles of effective behavior modification

THE SUPREME COURT *of* OHIO

Incentives



- Immediate
- Graduated
- Individualized
- Praise and positive incentives should be offered consistently to promote achieving productive behaviors.

THE SUPREME COURT *of* OHIO

Sanctions



- Immediate
- Graduated
- Individualized
- The magnitude of the sanction should take into the relative ease with which the participant can achieve the desire behavior at that point in time.

THE SUPREME COURT *of* OHIO

Therapeutic Adjustment



Therapeutic adjustments in treatment services, as well as participation in community-based mutual support meetings, should be based upon the clinically informed needs of the participant.

THE SUPREME COURT *of* OHIO

Standard 9

Substance Monitoring

General



- Random
 - the odds of being tested are the same on any given day of the week
- Frequent
 - enough to ensure substance use is detected quickly and reliably
- Observed
 - witnessed directly by a staff person who has been trained to prevent tampering and substitution of fraudulent specimens

General Continued



- Written policies and procedures
- Elements that contribute to reliability and validity of testing process
- Individualized testing plans

THE SUPREME COURT *of* OHIO

Positive Tests



- Positive tests include:
 - failure to submit to testing
 - submitting an adulterated sample or the sample of another individual
 - diluting the sample
- A specialized docket shall receive immediate notification of all positive tests.
- An appropriate sanction or therapeutic adjustment for all positive tests after entering a specialized docket program shall be immediately enforced and reinforced by the specialized docket judge.

THE SUPREME COURT *of* OHIO

Sufficiency of Testing & Outside Agencies



- Testing shall be sufficient to include the participant's primary substance of use, as well as a sufficient range of other common substances.
- All agencies conducting substance testing for use with the specialized docket shall comply with the requirements of this section.

THE SUPREME COURT of OHIO

Standard 10 Program Completion

Criteria & Categories



- A specialized docket shall have written policies and criteria related to program completion that have been collaboratively developed, reviewed, and agreed upon by the advisory committee.
- Categories
 - successful completion
 - unsuccessful completion
 - neutral termination

THE SUPREME COURT *of* OHIO

Decision on Termination



- The docket judge shall have discretion to decide the category of completion of the specialized docket and associated outcomes in accordance with written criteria.
- **The participant must be afforded any legal process to which they may be entitled.**
- The written legal and clinical eligibility and termination criteria do not create a right to continued participation in a specialized docket.

THE SUPREME COURT *of* OHIO

Standard 11

Professional Education

General



- Dockets should assure continuing interdisciplinary education.
- Advisory committee members, treatment team members, and docket personnel should participate in education.
- Education should address docket planning, implementation, and operations.
- A specialized docket should establish and maintain a viable continuing education plan for specialized docket personnel.

Treatment Team



- Treatment team members should make reasonable efforts to observe all required specialized docket service provider programs.
- Plan for the transition of a treatment team member and provide sufficient training and program document for new treatment team members.
- For consistency in the non-adversarial approach, prosecutors and defense counsel should be trained in specialized docket processes.

THE SUPREME COURT *of* OHIO

Judicial Knowledge



The specialized docket judge should be knowledgeable about treatment and programming methods and limitations of the methods.

THE SUPREME COURT *of* OHIO

Standard 12

Effectiveness Evaluation

Dockets Should Engage in Evaluation



- Report data as required by the Supreme Court of Ohio
- Engage in on-going data collection to evaluate whether meeting goals and objectives
- Establish a data collection plan
 - How data is collected, and time frames for reviews
 - Develop policies concerning protection of confidential info and identifiers

Standard 13

Constitutional & Due Process Rights

Constitutional & Statutory Rights



- A specialized docket shall comply with all constitutional and statutory rights of their participants.
- Any such rights that are permitted to be waived by said participants are to be done in a manner that ensures substantive due process rights of the participant.
- All certified specialized dockets shall comply with the *“Constitutional and Due Process Guidance Document issued by the Commission on Specialized Dockets.”*

Questions??

Contact Information

LIZETT SCHREIBER, ESQ.

Policy Counsel, Supreme Court of Ohio

65 S. Front Street
Columbus, Ohio 43215

614-387-9431

Lizett.Schreiber@sc.ohio.gov