



THE SUPREME COURT *of* OHIO

Specialized Dockets

Specialized Dockets Updates
Superintendence Rules 36.20-36.32
January 6, 2021

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.

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Change Timeline



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

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RULE 36.20

Specialized Docket Certification

Procedure for Certification



- Court of common pleas, municipal court, or county court or division of the court, not commercial, housing, or environmental dockets.
- A particular session of court that offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals .
- Certification of the session from the Supreme Court by doing both of the following:
 - Complying with Specialized Dockets Standards
 - Local Rule/Administrative Order
 - Successfully completing the certification application process

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RULE 36.21

Submission of Certification Application

Intent to Apply, Application, & Receipt



- Intent to Apply-**NEW**
 - Notice of the Formation of Advisory Committee and Intent to Apply for Certification
- Submit an application
 - A new application was released in January 2021.
 - Program description, participant agreement, participant handbook, and local rule or administrative order must accompany the application.
 - The section shall provide the court or division judge notice by regular or electronic mail of receipt of the application and supporting materials.

RULE 36.22

Initial Review of Certification Application

Review by Section & Deficiencies



- No changes
- Review of application for completeness
- Any deficiencies in the application will be communicated to the judge of the docket.
 - The Judge will have 30 days to correct and submit.

RULE 36.23

Substantive Review of Certification Application

Review by Section & Deficiencies



- Review of application and materials for completeness and compliance with the Specialized Docket Standards.
- Any deficiencies in the application will be communicated to the judge of the docket.
 - Staff will provide any appropriate technical assistance. **NEW**
 - The Judge will have 45 days to correct and submit.

RULE 36.24

Initial Certification

Determination & Length



- Initial certification is granted when:
 1. The application is substantively complete.
 2. The application complies with the Specialized Dockets Standards.
 3. The judge/magistrate has successfully completed an observation of a certified court identified by the section. **NEW**
- The initial certification shall be effective for a period of six months or until a determination is made on final certification, whichever occurs first. **NEW**

RULE 36.25

Site Review

Performance of Review & Deficiencies



- Site review of treatment team and status hearings.
- If deficiencies are identified:
 - Section staff will provide technical assistance-**NEW**
 - If not corrected by TA, the judge will receive notice of the deficiency.
 - Additional site visits may be required-**NEW**
 - The judge has 45 days to correct deficiencies once notified.

RULE 36.26

Determination on Final Certification

Recommendation & Review by Commission

- No changes
- Upon a successful site visit, the manager of the Specialized Dockets Section shall issue a recommendation on final certification.
- The Commission on Specialized Dockets shall review and make a determination on a recommendation on final certification issued by the manager.
 - A representative of the court or division may be present and offer evidence and arguments in support of the application for certification.
 - The decision of the commission on certification shall be final and not appealable.

RULE 36.27

Specialized Docket Title

Specialized Docket Title



- No changes
- A particular session of court that offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals may be styled a “specialized docket” only upon receipt of initial certification.

RULE 36.28

Maintenance of Certification

Changes to Maintenance of Certification



- The judge and, if applicable, magistrate assigned to the docket shall complete at least six hours of specialized docket education during the certification period to promote effective specialized docket planning, implementation, and operations.
 - Attestation will be part of recertification application.
- For judge changes, the time period to complete certification increased from six to 12 months.
- The section may assign abbreviated certification periods: new dockets, judge changes, and for technical assistance.
- Upon submission of an application for recertification, certification shall be automatically extended and remain effective until a determination is made on the application.

Don't Forget.....



Submit a "Maintenance of Certification Materials form to the section whenever any changes to the procedures of or the, documents, or treatment providers used by the section in the specialized docket are made after certification is issued. The form shall be in the form and manner as prescribed by the section.

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RULE 36.29

Requests for Technical Assistance

Requests for Technical Assistance-**NEW**



- Prior to achieving certification:
 - The judge may request assistance.
 - The section staff may elect to provide assistance prior to issuing any deficiencies.
- During the certification period:
 - Technical assistance may be provided upon request of the team members or staff of a specialized docket, participants in the specialized docket, or others that indicate such assistance may be necessary or beneficial to maintain compliance with the certification standards.

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RULE 36.30

Requests for Extension of Time

Extensions of Time-**NEW**



- Prior to the expiration of:
 - Certification period
 - Time to remedy a deficiency
 - Any other deadline
- The judge may submit a written request to the Specialized Dockets Section of the Supreme Court for an extension of time, including:
 - Reason and
 - Requested length of extension.
- The manager may issue up to a six month extension. Extensions exceeding six months must be approved by the Commission on Specialized Dockets.

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RULE 36.31

Decertification Process

Initiating a Complaint-NEW



- Anyone with information alleging non-compliance with the standards may initiate a complaint process-technical assistance may be the first remedy.
- If technical assistance does not resolve the alleged non-compliance, a formal written complaint may be submitted to the section.
- The section shall send a copy of the complaint with a request for response to the judge with a written response required within 30 days.
- The chair and vice-chair of the Commission on Specialized Dockets shall appoint a separate subcommittee of three commission members to review each complaint submitted to the section and the written response of the judge.

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Recommendation on Decertification-NEW



- The appointed subcommittee of the Commission on Specialized Dockets shall issue a recommendation on the certification of the specialized docket.
- The manager will provide notice to the judge.

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Review by Commission-**NEW**



- The Commission on Specialized Dockets shall review and make a determination on the recommendation of the certification of the specialized docket issued by the appointed subcommittee of the commission.
- A representative of the court or division may be present and offer evidence and arguments in opposition of the recommendation on decertification.
- The decision of the commission on decertification shall be final and not appealable.

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RULE 36.32

Voluntary Discontinuance of Certification

Discontinuation of Certification-**NEW**



- The judge may voluntarily discontinue certification at any time.
- The judge shall provide notification to the manager of the Specialized Dockets Section of the Supreme Court.
- Voluntary discontinuance of certification shall be effective as of the date notice is received.

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Questions??

Contact Information

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