

Supreme Court of Kentucky

**ORDER
2016-04**

**In re: Amendment of AP Part XIII, Drug Court, Pilot Project to
Provide for Clinical Assessments for Kentucky Drug
Court Participants**

I. Introduction and Purpose

Supreme Court Administrative Order 2014-13 authorized a statewide pilot project to provide for clinical assessments of Kentucky Drug Court participants and to authorize any treatment received by a Kentucky Drug Court participant to be in accordance with such a clinical assessment. The purpose of the pilot project is to assess whether targeting the specific treatment needs of individual drug court participants as recommended by the National Adult Drug Court Best Practice Standards results in better outcomes, and whether incorporating clinical assessments into the Kentucky Drug Court Program results in a cost savings to the Program which might then be reinvested in additional wrap-around services to Kentucky Drug Court participants.

II. Authority

These rules are adopted under the authority granted to the Kentucky Supreme Court by Section 116 of the Kentucky Constitution to promulgate rules and issue orders of practice and procedure for the Kentucky Court of Justice.

III. Effective Date and Application

The original order, Supreme Court Administrative Order 2014-13, authorized the pilot project from July 1, 2014 to June 30, 2016. An additional year is needed to analyze the savings realized as a result of the pilot project. Accordingly, the pilot project is reauthorized from July 1, 2016 to June 30, 2017, unless terminated by order of the Supreme Court.

IV. Amendment of AP Part XIII

Part XIII of the Rules of Administrative Procedure, Drug Court, is hereby amended as follows:

AP XIII, Sec. 10 Drug court participant requirements

(1) A Drug Court shall consist of three phases as follows:

- a. Phase I--stabilization phase;
- b. Phase II--education phase; and,
- c. Phase III--self-motivation phase.

Aftercare shall be required upon a drug court participant's completion of all three phases. The three phases shall take a minimum of twelve months to complete. Drug court, including the aftercare component, can be completed in a minimum of eighteen months for felony defendants and fifteen months for misdemeanor defendants.

(2) Drug court participants shall adhere to the following minimum requirements during each phase as follows:

- a. For Phase I, the participant shall:
 - i. Provide at least three (3) random urine drug/alcohol screens per week;
 - ii. Attend the contact hours prescribed by the treatment provider pursuant to a clinical assessment and any additional education hours as required by drug court;
 - iii. Attend one court session per week;
 - iv. Obtain and/or maintain court-approved full-time employment, training or education;
 - v. Obtain and/or maintain court-approved housing;
 - vi. Make arrangements for payments of court obligations;
 - vii. Make at least one (1) weekly individual contact with drug court staff;
 - viii. Indicate an initial understanding of substance abuse treatment;
 - ix. Attend a self-help program, such as a 12-step program; and,

- x. Remain drug-free for at least 30 consecutive days before consideration for promotion to the next phase.
- b. For Phase II, the participant shall:
- i. Provide at least two random urine drug/alcohol screens per week;
 - ii. Attend the contact hours prescribed by the treatment provider pursuant to a clinical assessment and any additional education hours as required by drug court;
 - iii. Attend one (1) court session every two weeks;
 - iv. Maintain court-approved full-time employment, training or education;
 - v. Maintain court-approved housing;
 - vi. Continue paying court obligations;
 - vii. Make at least one individual contact with drug court staff per week;
 - viii. Indicate an appropriate understanding of recovery principles;
 - ix. Continue to attend self-help programs, such as a 12-step program; and,
 - x. Remain drug-free for the final 90 consecutive days of this Phase before consideration for promotion to the next Phase.
- c. For Phase III, the participant shall:
- i. Provide at least one random urine/drug screen per week;
 - ii. Attend the contact hours prescribed by the treatment provider pursuant to a clinical assessment and any additional education hours as required by drug court;
 - iii. Attend one (1) court session every three weeks;
 - iv. Maintain court-approved full-time employment, training or education;
 - v. Maintain court-approved housing;
 - vi. Continue paying court obligations;

- vii. Make at least one (1) individual contact with drug court staff per week;
- viii. Indicate an appropriate understanding of a recovery lifestyle;
- ix. Continue to attend self-help programs, such as a 12-step program; and,
- x. Remain drug-free for 90 consecutive days, for a total of 180 consecutive days for both Phases II and III before being considered for Aftercare.

(3) Each drug court shall establish an aftercare component, taking into account the availability of resources and the requirements of the drug court team. Each proposed aftercare component shall be submitted to the AOC Drug Court Executive Officer for approval no later than 180 days following implementation of drug court in a circuit or district. Within 30 days following the adoption of these Rules of Administrative Procedures, the aftercare components currently in effect in a circuit or district shall be submitted to the AOC Drug Court Executive Officer for review and approval.

(4) Drug court participants may be ordered to comply with additional requirements, which include, but are not limited to, the following:

a. Employment, school, and/or home visits by drug court staff (drug court staff shall be accompanied by a law enforcement officer or a probation and parole officer for any home visit);

b. Domestic violence counseling with a certified domestic violence treatment provider, or other types of counseling, as referred by drug court;

c. Curfews as established by drug court; and,

d. Medical and/or mental health referrals and subsequent treatment recommendations.

e. In the event a situation arises in which it becomes impracticable for a participant to be supervised by drug court staff, the drug court judge shall issue an order placing the defendant on temporary inactive status and releasing drug court staff from supervision responsibilities, on AOC form # DC-66 (Order Designating Temporary Inactive Status). Examples of impracticability

may include, but are not limited to: contagious or infectious disease, short-term medical care for a family member, or any other reason that would cause a temporary inability to meet drug court requirements. Once the defendant has the ability to resume participation in the drug court program, the drug court judge shall enter an order resuming active status and returning the participant to drug court supervision, on AOC form # DC-67 (Order Resuming Active Status).

Entered this 1st day of June 2016.


CHIEF JUSTICE