

**AMENDMENTS TO THE RULES OF SUPERINTENDENCE
FOR THE COURTS OF OHIO**

The following amendments to the Rules of Superintendence for the Courts of Ohio (Sup.R. 36.20 through 36.32 and Appendix I) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

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

Key to Adopted Amendments:

1. Unaltered language appears in regular type. Example: text
2. Language that has been deleted appears in strikethrough. Example: ~~text~~
3. New language that has been added appears in underline. Example: text

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 36.20. Specialized Docket Certification.

(A) Procedure for certification

A The judge of a court of common pleas, municipal court, or county court or division of the court operating or establishing a particular session of court that offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals may receive certification of the session from the Supreme Court by doing both of the following:

- (1) Complying with and adopting a local rule or issuing an administrative order implementing the “Specialized Docket Standards,” as set forth in Appendix I to this rule;
- (2) Successfully completing the certification application process pursuant to Sup.R. 36.21 through 36.26.

(B) Application

Division (A) of this rule shall not apply to a commercial docket of a court of common pleas or a housing or environmental division of a municipal court.

RULE 36.21. Submission of Certification Application.

(A) ~~General~~ Intent to apply and application

A The judge of a court of common pleas, municipal court, or county court or division of the court seeking certification from the Supreme Court of a particular session of court that offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals pursuant to Sup.R. 36.20(A) shall ~~submit an application~~ do both of the following in order:

- (1) Prior to submitting the application for certification pursuant to (A)(2) of this rule, submit a “Notice of the Formation of Advisory Committee and Intent to Apply for Certification” to the Specialized Dockets Section of the Supreme Court in the form and manner as prescribed by the section. The Providing “Notice of the Formation of Advisory Committee and Intent to Apply for Certification” does not require a court to subsequently implement a docket.
- (2) Submit an application shall be to the section in the form and manner as prescribed by the section and include that includes all of the following:

~~(1)~~(a) A copy of the local rule adopted or administrative order issued by the court or division pursuant to Sup.R. 36.20(A)(1) and Standard 1(B) of the “Specialized Docket Standards” of Appendix I to this rule;

~~(2)~~(b) A copy of the program description created by the court or division pursuant to Standard 1(C) of the “Specialized Docket Standards” of Appendix I to this rule;

~~(3)~~(c) A copy of the written participation agreement and participant handbook created by the court or division pursuant to Standard 1(D) of the “Specialized Docket Standards” of Appendix I to this rule.

(B) Notification of receipt

Upon receipt of an application submitted by the judge of a court or division pursuant to division (A) of this rule, the section shall provide the ~~court or division~~ judge notice by regular or electronic mail of the receipt.

RULE 36.22. Initial Review of Certification Application.

(A) Review by Section

Upon receipt of an application for certification submitted by the judge of a court of common pleas, municipal court, or county court or division of the court pursuant to Sup.R. 36.21(A), staff of the Specialized Dockets Section of the Supreme Court shall review the application to determine whether the application is complete.

(B) Deficiency in application

If pursuant to division (A) of this rule it is determined that an application for certification is incomplete, staff of the section shall provide the judge of the court or division notice by regular or electronic mail identifying the deficiency. If the ~~court or division~~ judge fails to correct the deficiency within thirty days after the notice is issued, the manager of the section, pursuant to Sup.R. 36.26(A), may recommend the application be denied.

RULE 36.23. Substantive Review of Certification Application.

(A) Review by Section

Upon the determination of staff of the Specialized Dockets Section of the Supreme Court pursuant to Sup.R. 36.22(A) that an application for certification submitted by the judge of a court of common pleas, municipal court, or county court or division of the court pursuant to Sup.R. 36.21(A) is complete, staff of the section shall substantively review the application by assessing the application and the accompanying documents for

completeness and compliance with the “Specialized Docket Standards” of Appendix I to this rule.

(B) Deficiency in application

If pursuant to division (A) of this rule it is determined that an application for certification is substantively deficient, staff of the section shall provide the judge of the court or division technical assistance pursuant to Sup.R. 36.29(B). If technical assistance does not resolve the deficiency, staff of the section shall provide the judge notice by regular or electronic mail identifying the deficiency. If the ~~court or division~~ judge fails to correct the deficiency within forty-five days after the notice is issued, the manager of the section, pursuant to Sup.R. 36.26(A), may recommend the application be denied.

RULE 36.24. Initial Certification.

(A) Determination by section

Upon the determination of staff of the Specialized Dockets Section of the Supreme Court pursuant to Sup.R. 36.23(A) that ~~an application for certification submitted by all of the following conditions exist,~~ a court of common pleas, municipal court, or county court or division of the court that submitted an application for certification pursuant to Sup.R. 36.21(A) ~~is substantively complete, the court or division~~ shall receive initial certification of the session:

- (1) The application is substantively complete;
- (2) The application complies with the “Specialized Docket Standards” of Appendix I to this rule;
- (3) The judge and, if applicable, magistrate assigned to the session has successfully completed an observation of a certified court identified by the section.
The

(B) Length of initial certification

The initial certification shall be effective for a period of six months or until a determination is made on final certification pursuant to Sup.R. 36.26, whichever occurs first.

RULE 36.25. Site Review.

(A) Performance of site review

Staff of the Specialized Dockets Section of the Supreme Court shall conduct a site review of the treatment team meeting and status review hearing for a court of common pleas, municipal court, or county court or division of the court that has received initial

certification pursuant to Sup.R. 36.24. The section shall provide the judge of the court or division notice by regular or electronic mail specifying the date and time for the visit and identifying which staff of the court or division shall be available for interview during the visit. If the identified staff are not available for interview during the visit, the manager of the section, pursuant to Sup.R. 36.26(A), may recommend the application be denied.

(B) Unsatisfactory site review

If upon conducting the site review pursuant to division (A) of this rule a deficiency is identified, staff of the section shall provide the judge of the court or division technical assistance pursuant to Sup.R. 36.29(B). If technical assistance does not resolve the deficiency, staff of the section shall provide the judge of the court or division notice by regular or electronic mail identifying the deficiency. Staff of the section may conduct additional site reviews to verify compliance. If the ~~court or division~~ judge fails to correct the deficiency within forty-five days after the notice is issued, the manager of section, pursuant to Sup.R. 36.26(A), may recommend the application be denied.

RULE 36.26. Determination on Final Certification.

(A) Recommendation on Certification

Upon the completion of the review of an application for certification and a site visit pursuant to Sup.R. 36.22 through 36.25, the manager of the Specialized Dockets Section of the Supreme Court shall issue a recommendation on final certification of the judge of the session of the court of common pleas, municipal court, or county court or division of the court. The manager shall provide the ~~court or division~~ judge notice by regular or electronic mail of the recommendation.

(B) Review by Commission

The Commission on Specialized Dockets shall review and make a determination on a recommendation on final certification issued by the manager of the section pursuant to division (A) of this rule. Staff of the section shall provide to the judge of the court or division notice by regular or electronic mail specifying the date and time the commission will meet to review the recommendation. The notice shall also inform the ~~court or division~~ judge that at the meeting 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.

~~Beginning January 1, 2014, a~~ 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 pursuant to Sup.R. 36.24 or final certification pursuant to Sup.R. 36.26.

RULE 36.28. Maintenance of Certification.

To maintain certification of a specialized docket issued by the Supreme Court pursuant to Sup.R. 36.26, the judge of a court of common pleas, municipal court, or county court or division of the court operating the specialized docket shall do both all of the following:

(A) Attest in the form and manner as prescribed by the section that each specialized docket judge and, if applicable, magistrate assigned to the docket has completed at least six hours of specialized docket education during the certification period to promote effective specialized docket planning, implementation, and operations. The education shall be completed prior to the specialized docket judge submitting an application for recertification pursuant to Sup.R. 36.21 through 36.26;

(B) Every three years after receipt of certification or within ~~six~~ twelve months after a change in the judge or appointed judge assigned to the ~~session~~ specialized docket, whichever occurs first, ~~successfully recomplete the certification~~ submit an application ~~process for recertification~~ pursuant to Sup.R. 36.21 through 36.26, ~~provided~~ subject to both of the ~~Specialized Dockets Section of the Supreme Court~~ following:

(1) The section may ~~abbreviate the first~~ assign an abbreviated certification period for a new docket and for dockets that are being recertified as a result of a change in the judge assigned to the specialized docket to allow for rotating certification periods among the courts and divisions or to allow for additional technical assistance;

(2) Certification shall lapse at the conclusion of the certification period or within twelve months after a change in the judge or the appointed judge assigned to the specialized docket, whichever occurs first, unless an application for recertification has been submitted. Upon submission of an application for recertification, certification shall be automatically extended and remain effective until a determination is made on the application.

~~(B) Notify the section of~~ (C) 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.

RULE 36.29. Requests for Technical Assistance.

(A) Prior to achieving certification

The judge of a court of common pleas, municipal court, or county court or division of the court that is considering the formation of a specialized docket or that has submitted an application for certification pursuant to Sup.R. 36.21 may request technical assistance from the staff of the Specialized Dockets Section of the Supreme Court at any time. The judge

of the court or division shall achieve compliance with the “Specialized Docket Standards” of Appendix I to this rule within a reasonable amount of time during the certification application process. The staff of the section may elect to offer technical assistance prior to issuing any formal notifications of deficiencies during the application and site review processes.

(B) During the certification period

The judge of a court or division operating a specialized docket shall maintain compliance with the “Specialized Docket Standards” of Appendix I to this rule during the entire certification period. The staff of the section shall provide technical assistance to a specialized docket 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.

RULE 36.30. Requests for Extension of Time.

Prior to the expiration of a certification period, time to remedy a deficiency, or any other deadline pursuant to Sup.R. 36.20 through 36.32, the judge of a court of common pleas, municipal court, or county court or division of the court operating a specialized docket may submit a written request to the Specialized Dockets Section of the Supreme Court for an extension of time. The request shall contain the reason for the extension and specify the length of time desired. Upon receipt of the request, or when otherwise deemed advisable, the manager of the section shall have the sole discretion to issue one or more written extensions for a total period not to exceed six months. Any additional requests for extensions, or extensions requested after the expiration of the deadline, shall be subject to approval by the Commission on Specialized Dockets.

RULE 36.31. Decertification Process.

(A) Initiating a complaint

(1) The judge of a court of common pleas, municipal court, or county court or division of the court operating a specialized docket that has been certified by the Supreme Court pursuant to Sup.R. 36.26 shall maintain compliance with the “Specialized Docket Standards” of Appendix I to this rule during the entire certification period. Anyone with information alleging non-compliance with the standards may initiate a complaint process which may prompt technical assistance from the staff of the Specialized Dockets Section of the Supreme Court pursuant to Sup.R. 36.29.

(2) If technical assistance does not resolve the alleged non-compliance, a formal written complaint may be submitted to the section. The complaint shall be in the form and manner as prescribed by the section and include the name and contact information for the person filing the complaint, the judge of the court or division operating the specialized docket, identification of any and all standards in question, and the nature of the areas of non-compliance. The section shall acknowledge receipt of the complaint within ten business days of its filing by regular or electronic mail.

(3) The section shall send a copy of the complaint with a request for response to the judge of the court or division operating the specialized docket. The judge shall provide a written response to the subcommittee of the Supreme Court Commission on Specialized Dockets within thirty days.

(4) 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.

(B) Recommendation on decertification

Upon receipt of the complaint and response from the judge pursuant to division (A) of this rule or upon expiration of the response deadline if no response is received, the appointed subcommittee of the Commission on Specialized Dockets shall issue a recommendation on the certification of the specialized docket. The manager shall provide notice to the judge operating the specialized docket.

(C) Review by commission

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 pursuant to division (B) of this rule. The section shall provide to the judge operating the specialized docket notice by regular or electronic mail specifying the date and time the commission will meet to review the recommendation. The notice shall also inform the judge that at the meeting 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.

RULE 36.32. Voluntary Discontinuance of Certification.

The judge of a court of common pleas, municipal court, or county court or division of the court operating a specialized docket may voluntary discontinue certification at any time. The judge of the court or division shall provide notification to the manager of the Specialized Dockets Section of the Supreme Court by regular or electronic mail. Voluntary discontinuance of certification shall be effective as of the date notice is received.

RULE 99. Effective Date

[Existing language unaffected by the amendments is omitted to conserve space]

(Insert division letter) The amendments to Sup.R. 36.20 through 36.32 and Appendix I, adopted by the Supreme Court of Ohio on August 18, 2020, shall take effect on January 1, 2021.

APPENDIX I

SPECIALIZED DOCKET STANDARDS

Overview.

The following standards are established to guide courts of common pleas, municipal courts, and county courts and divisions of these courts in the planning and implementation of all specialized dockets. The standards set forth minimum requirements and recommendations for the certification and operation of all specialized dockets. Accompanying The Specialized Dockets Section of the Supreme Court will provide written guidance for compliance with the specialized docket standards ~~are recommended practices that each specialized docket is encouraged to follow as they apply to all dockets generally and as they should be implemented by specific types of dockets.~~ While the standards seek to create a minimum level of uniform practices for specialized dockets, they still allow local specialized dockets to innovate and tailor their specialized docket to respond to local needs and resources.

Standard 1. Planning Process.

A specialized docket shall utilize a comprehensive and collaborative planning process that ~~results in~~ includes all of the following:

(A) ~~An agreement among~~ advisory committee. All of the following apply to the advisory committee:

(1) The advisory committee shall be comprised of a multidisciplinary team of key officials, policymakers, and relevant parties needed to support the effective operations of the specialized docket. The relevant parties setting forth the terms of the specialized docket operations. Relevant should represent criminal justice representatives; treatment representatives, including mental health, substance abuse, medical, and other treatment areas; and community stakeholders. The relevant parties may include, but are not limited to, the following:

(a) The specialized docket judge; ~~the~~

(b) The court; ~~the~~

(c) The prosecutor; ~~defense~~

(d) Defense counsel; ~~licensed~~

(e) Licensed treatment providers; ~~children~~

(f) Children services for family dependency treatment dockets; ~~and, for criminal and juvenile specialized dockets, the~~

(g) The probation department; and the parole authority, and law for criminal and juvenile dockets;

(h) Law enforcement agencies;

(i) The veterans administration for veterans dockets;

(j) Funding authorities;

(k) Community-based service providers.

(2) The advisory committee should provide oversight on policies and procedures, facilitate agreements with partner agencies, improve the quality and expand the quantity of available services, garner political and community support for the specialized docket, evaluate specialized docket effectiveness, and plan for the sustainability of the specialized docket;

(3) The advisory committee shall establish and monitor measureable goals and objectives for the specialized docket;

(4) Advisory committee meetings shall include the specialized docket judge, who shall attend and serve as the chair of the committee. In the event of a shared advisory committee, each specialized docket judge shall chair the portion of the agenda concerning that judge's docket.

(B) An advisory committee and a treatment team. The A local rule or an administrative order authorizing the operation of the specialized docket judge shall attend and chair advisory committee and treatment team meetings.

(C) A program description that contains written policies and procedures defining the goals and objectives for the that demonstrate compliance with all specialized docket; identifying the target population, detailing program entry and case flow, and providing written roles and responsibilities of each treatment team member; certification requirements. The judge of a court or division establishing a specialized docket should incorporate national best practices for the particular type of docket and participants to be served.

(D) A written participation agreement and participant handbook detailing the rights and responsibilities of participants in the specialized docket;

(E) A process that is non-adversarial, but recognizes the distinct role of a prosecutor in pursuing justice and protecting public safety and victim's rights and the distinct role of a defense counsel in preserving the constitutional rights of a specialized docket participant.

Recommended Practices

(A) Advisory committee

~~(1) An advisory committee should be comprised of key officials and policymakers to provide input on specialized docket policies and operations and to communicate regularly with local officials.~~

~~(2) An advisory committee should typically take three to six months to plan and prepare for implementation of a specialized docket. This amount of time allows for a cohesive team to effectively and collaboratively reach consensus on the variety of issues inherent in the implementation of a specialized docket.~~

~~(3) An advisory committee should develop a written agreement or memorandum of understanding setting forth the terms of a specialized docket and the responsibilities of relevant parties to specialized docket operations.~~

(B) Treatment team members

~~A treatment team is responsible for implementing daily operations of a specialized docket. In addition to the specialized docket judge, the treatment team may include, but is not limited to, the following members:~~

- ~~(1) Probation officers;~~
- ~~(2) Parole officers;~~
- ~~(3) Licensed treatment providers;~~
- ~~(4) A prosecutor;~~
- ~~(5) Defense counsel;~~
- ~~(6) A specialized docket program coordinator;~~
- ~~(7) Case managers;~~
- ~~(8) Law enforcement personnel;~~
- ~~(9) Jail, prison, or juvenile detention personnel;~~
- ~~(10) Children services personnel;~~
- ~~(11) Representatives of other community based stakeholders.~~

(C) Membership term

~~For consistency and stability in specialized docket operations, treatment team members should serve on the treatment team for a minimum of one year.~~

(D) Community outreach

~~A treatment team should work with local community members to ensure the best interests of the community are considered. Treatment team members should engage in community outreach activities to build partnerships that will improve outcomes and support specialized docket sustainability. The advisory committee should develop and regularly review a community outreach and education plan.~~

(E) Sustainability plan

~~An advisory committee should develop and annually review a written sustainability plan.~~

Standard 2. Non-Adversarial Approach.

~~A specialized docket shall incorporate a non-adversarial approach while recognizing all of the following:~~

~~(A) A prosecutor's distinct role in pursuing justice and protecting public safety and victim's rights;~~

~~(B) A defense counsel's distinct role in preserving the constitutional rights of the specialized docket participant;~~

~~(C) The participant's right to request the attendance of defense counsel during the portion of a specialized docket treatment team meeting concerning the participant;~~

~~(D) A participant's right to a detailed, written participation agreement and participant handbook outlining the requirements and process of the specialized docket.~~

Recommended Practices

~~For consistency in the non-adversarial approach, prosecutors and defense counsel should be trained in specialized docket processes.~~

Standard 3. Legal and Clinical Eligibility and Termination.

(A) Criteria

~~A specialized docket shall have identify its target population and establish written legal and clinical eligibility, completion, termination, and neutral discharge criteria that have been collaboratively developed, reviewed, and agreed upon by the relevant parties identified in Standard 1(A) of these standards advisory committee. Each of the following shall apply with regard to legal and clinical eligibility:~~

(B) ~~Decision on admission or termination~~

~~A specialized docket judge shall have discretion to decide the admission into and termination from a specialized docket in accordance with the written criteria for the specialized docket.~~

(C) ~~No right to participate~~

~~The written legal and clinical eligibility and termination criteria do not create a right to participation in a specialized docket~~

(A) Eligibility and exclusion criteria shall identify the individuals who can be treated safely and effectively within the type of specialized docket established;

(B) A specialized docket shall generally target individuals with a moderate to high risk for recidivism and a high need for treatment. If a specialized docket is unable to target only high-risk and high-need offenders, the docket may be required to use alternative tracks with services that are modified to meet the risk and need levels of its participants.

(C) A specialized docket shall ensure equal opportunity for everyone to participate and succeed, regardless of race, ethnicity, or gender. A specialized docket shall take affirmative steps to detect and correct disproportionate census, inequitable services, and disparate outcomes involving those who have historically faced discrimination. A specialized docket shall ensure that teams understand and are responsive to the cultural differences within their population.

Recommended Practices

(A) ~~Legal eligibility screening~~

~~A specialized docket should have legal eligibility screening based on established written criteria.~~

(B) ~~Eligibility criteria factors~~

~~In developing eligibility criteria, an advisory committee should take into consideration all of the following factors:~~

- ~~(1) A process to consider the inclusion of eligible repeat and high-risk participants;~~
- ~~(2) A provision to evaluate mitigating and aggravating circumstances of current or prior court involvement;~~
- ~~(3) Careful examination of the circumstances of prior juvenile adjudications and the age of the participant at the time of the offense;~~

- (4) The age of prior disqualifying offenses;
- (5) A forensic assessment to determine if the individual is legally competent to participate in the specialized docket program, should the mental health competence of the individual be in question.

(C) Unsuccessful termination and neutral discharge

~~As part of the written termination criteria, a specialized docket should have clear policies regarding unsuccessful termination and neutral discharge.~~

Standard 4 3. Assessment Program Entry and Referral Case Flow.

(A) Referral process

A specialized docket shall include a written referral process that addresses how candidates are identified, evaluated, and transferred into the docket. The referral process shall indicate at what stage or stages of the legal process referrals will be considered.

(B) Assessment

(1) Candidates shall be promptly assess individuals and refer them to the appropriate services. The evaluated for admission into a specialized docket using assessment and referral shall meet all of the following requirements: tools and procedures based upon written legal and clinical eligibility criteria.

(A)(2) A specialized docket should use risk scales specific to the type of legal case, participant, and desired outcome to increase predictive accuracy.

(3) All chemical dependency substance abuse, mental health, and other programming assessments shall include available collateral information to ensure the accuracy of the assessment;

(B) The(4) A participant or the participant's guardian shall complete a release of information form to provide for communication about confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 300gg-42, as amended; 42 CFR Part 2; and R.C. 2151.421 and 2152.99;

(C) Participants shall be placed as soon as possible in appropriate treatment services and programs and under reporting supervision to monitor compliance with court requirements;

~~(D)~~(5) All screenings and assessments for treatment determinations shall be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession.

(C) Decision on admission

(1) A specialized docket judge shall have discretion to decide the admission into a specialized docket in accordance with the written criteria for the specialized docket.

(2) The written legal and clinical eligibility criteria do not create a right to participation in a specialized docket.

(D) Acceptance into docket

(1) Before entering a specialized docket, each participant shall receive and agree to the terms and conditions set forth in a detailed, written participation agreement and participant handbook outlining the requirements and process of the specialized docket.

(2) Each participant shall receive an explanation of responses to compliance and noncompliance, including criteria for successful, neutral, and unsuccessful specialized docket completion.

(3) 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.

Recommended Practices

~~A treatment team should consider, but is not obligated to follow, clinical assessments or treatment recommendations.~~

Standard 5. Individualized Needs and Evidence-Based Practices.

~~A specialized docket shall have a plan to provide services that meet the individualized needs of each participant and incorporate evidence-based strategies for the participant population. Such plans shall take into consideration services that are gender responsive and culturally appropriate and that effectively address co-occurring disorders.~~

Recommended Practices

~~(A) Appropriateness and clinical necessity of case plans and services~~

~~Case plans and services should be appropriate and clinically necessary to the degree that available resources allow.~~

~~(B) Ancillary services~~

Ancillary services should include all of the following:

- (1) Education;
- (2) Vocational training;
- (3) Employment;
- (4) Transportation;
- (5) Housing;
- (6) Domestic violence programming;
- (7) Physical, mental, and dental health.

Standard 6. Participant Monitoring.

A specialized docket shall monitor each participant's performance and progress and incorporate all of the following:

- (A) Regular treatment team meetings prior to the status review hearings;
- (B) Status review hearings, as established by Standard 7 of these standards;
- (C) Ongoing communication among the treatment team members, including frequent exchanges of timely and accurate information about the participant's overall performance;
- (D) Progression through the specialized docket based upon the participant's performance in the treatment plan and compliance with requirements of the specialized docket phases. A participant's progress through the specialized docket phases is not to be based solely upon preset timelines.
- (E) Explanation to the participant of responses to compliance and noncompliance, including criteria for termination.

Recommended Practices

(A) Appearance at single court session

Having a significant number of specialized docket participants appear at a single court session gives the opportunity to educate the participant as to the benefits of court compliance and consequences for noncompliance.

(B) ~~Sharing of decision making and conflict resolution~~

~~Mechanisms for sharing decision making and resolving conflicts among treatment team members should be established, emphasizing professional integrity, confidentiality, and accountability.~~

Standard 7. ~~Status Review Hearings.~~

(A) ~~Ongoing judicial interaction~~

~~A specialized docket shall incorporate ongoing judicial interaction with each participant as an essential component of the docket.~~

(B) ~~Appearance before specialized docket judge~~

~~(1) At a minimum, a specialized docket participant shall appear before the specialized docket judge at least twice monthly during the initial phase of the specialized docket.~~

~~(2) Thereafter, a specialized docket participant shall regularly appear before the specialized docket judge to review the participant's progress through the specialized docket.~~

Recommended Practices

(A) ~~Appearances before specialized docket judge during initial phase~~

~~A specialized docket participant should appear weekly before the specialized docket judge during the initial phase of the specialized docket and, thereafter, at least monthly. Frequent status review hearings establish and reinforce the specialized docket's policies and ensure effective supervision of the participant.~~

(B) ~~Judicial knowledge of treatment and programming methods~~

~~The specialized docket judge should be knowledgeable about treatment and programming methods and their limitations.~~

(C) ~~Hearings before the same specialized docket judge~~

~~Hearings should be before the same specialized docket judge for the length of each participant's time in the specialized docket.~~

Standard 8. Substance Monitoring.

~~A specialized docket shall monitor a specialized docket participant's substance use by random, frequent, and observed alcohol and other drug testing protocols which include all of the following:~~

- ~~(A) Written policies and procedures for sample collection, sample analysis, and result reporting. The testing policies and procedures shall address elements that contribute to the reliability and validity of the testing process.~~
- ~~(B) Individualized drug and alcohol testing plans. All testing shall be random, frequent, and observed.~~
- ~~(C) Clearly established plans for addressing a participant who tests positive at intake or who relapses. The plans shall include treatment guidelines and sanctions, when appropriate, that are enforced and reinforced by the specialized docket judge.~~
- ~~(D) Immediate notification of the court when the participant tests positive, fails to submit to testing, submits an adulterated sample or the sample of another individual, or dilutes the sample. Failure to submit to testing, submitting an adulterated sample or the sample of another individual, or diluting the sample shall be treated as positive tests and immediately sanctioned.~~
- ~~(E) Testing sufficient to include the participant's primary substance of dependence, as well as a sufficient range of other common substances.~~

Recommended Practice

~~When testing for alcohol, specialized dockets should strongly consider devices worn by the specialized docket participant, portable breath tests, saliva tests, and the use of scientifically validated technology used to detect ethyl alcohol.~~

Standard 9 4. Treatment and ~~other~~ Rehabilitation Services.

(A) Prompt access

A specialized docket shall provide prompt access to a continuum of approved treatment and other rehabilitation services.

(B) ~~Treatment plan and activities record~~ Placement in treatment services

~~A specialized~~ Specialized docket participants shall ~~maintain a current~~ be placed as soon as possible in appropriate treatment plan services and record of activities programs.

(C) Screenings and assessments

All screenings and assessments for treatment determinations shall be provided by programs or persons appropriately licensed and trained to deliver such services according to the standards of the profession.

(D) Licensing and training

All required treatment and programming shall be provided by programs or persons ~~who~~ ~~are~~ appropriately licensed and trained to deliver such services according to the standards of their profession.

(E) Treatment and services

(1) Coordinated treatment and other rehabilitative services shall meet the individualized needs of each specialized docket participant and incorporate evidence-based strategies for the participant population being served by the docket. Treatment and services shall be trauma informed, gender-responsive, and culturally appropriate and shall effectively address co-occurring disorders. Whenever possible, service providers should have separate tracks for specialized docket participants.

(2) 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.”

(3) Treatment and services should be comprehensive and family-centered, meeting the assessed needs of the participant in the context of family relationships.

(F) Ancillary services

A full continuum of complementary treatment and social services should be provided for conditions that are likely to interfere with a specialized docket participant’s compliance with docket requirements, increase criminal recidivism, or diminish treatment gains and long term rehabilitation, including all of the following:

- (1) Education;
- (2) Vocational training;
- (3) Employment;
- (4) Transportation;
- (5) Housing;
- (6) Domestic violence programming;

- (7) Physical, mental, and dental health;
- (8) Parenting.
- (9) Language Services pursuant to Sup. R. 89.

Recommended Practices

(A) Treatment team knowledge

~~Treatment team members should make reasonable efforts to observe all required specialized docket service provider programs to gain confidence in the services provided and to better understand the treatment and programming process.~~

(B) Separate tracks for specialized docket participants

~~Whenever possible, service providers should have separate tracks for specialized docket participants.~~

Standard 5. Docket Progression.

(A) 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. A participant's progress through the docket phases shall not be based solely upon preset timelines.

(B) Structure

A specialized docket shall include a clearly defined structure for progression through the docket. The progression shall include all of the following:

- (1) The minimum length of time, if any, that shall be spent achieving any particular phase;
- (2) The nature and frequency of court appearances, supervision meetings, and other attendance requirements;
- (3) Realistic and concrete behavioral based requirements for the court, case management, substance monitoring, and treatment objectives that shall be satisfied before advancing;
- (4) The process for advancing to the next phase, including any applications, if any, that shall be completed.

(C) Sequence and timing

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.

(D) Productive activities

The structure of a specialized docket should include productive activities, such as employment, education, or attendance in peer support groups.

Standard 6. Treatment Team.

(A) Composition

A treatment team shall be comprised of a multidisciplinary group of professionals needed to implement the daily operations of the specialized docket. Treatment team members may include, but are not limited to, the following:

- (1) The specialized docket judge;
- (2) Probation staff / community control staff;
- (3) Parole officers;
- (4) Licensed treatment providers;
- (5) A prosecutor;
- (6) Defense counsel;
- (7) A specialized docket program coordinator;
- (8) Case managers;
- (9) Law enforcement personnel;
- (10) Jail, prison, or juvenile detention personnel;
- (11) Children services personnel;
- (12) Veterans justice outreach coordinator;
- (13) Representatives of other community-based stakeholders.

(C) Roles and responsibilities

The specific roles and responsibilities for each treatment team member shall be set forth in writing.

(D) Meetings

The treatment team shall hold regular meetings prior to the status review hearings to evaluate participant progress, develop plans to improve individual outcomes, and prepare for the status review hearings.

(E) Participation of specialized docket judge

The specialized docket judge shall attend and chair treatment team meetings.

(F) Communication

Ongoing communication shall take place among the treatment team members, including frequent exchanges of timely and accurate information about the participant's overall performance.

(G) Length of service

For consistency and stability in specialized docket operations, treatment team members should serve on the treatment team for a minimum of one year.

Standard 7. Participant Monitoring.

(A) General

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

(B) Ongoing judicial interaction

- (1) A specialized docket shall incorporate ongoing judicial interaction with each participant as an essential component of the docket.
- (2) A specialized docket participant shall appear at least twice monthly before the specialized docket judge during the initial phase, no less than monthly after the initial phase, and no less than every six weeks during the final phase to review the participant's

progress. Frequent status review hearings establish and reinforce the specialized docket's policies and ensure effective supervision of the participant.

(3) A specialized docket should have a significant number of specialized docket participants appear at a single court session in order to educate each participant as to the benefits of court compliance and consequences for noncompliance.

(4) Hearings shall, as much as practicable, be before the same specialized docket judge for the length of each participant's time in the specialized docket.

Standard 10 8. Incentives ~~and~~, Sanctions, and Therapeutic Adjustments.

(A) General

Specialized dockets shall establish written policies and procedures regarding responses to a participant's behavior that are predictable, fair, and consistent and that are administered in accordance with evidence-based principles of effective behavior modification.

(B) Incentives

(1) Immediate, graduated, and individualized incentives ~~and sanctions~~ shall govern the responses of a specialized docket to a ~~specialized docket~~ participant's compliance ~~or noncompliance~~.

(2) Praise and positive incentives should be offered consistently to promote achieving productive behaviors.

(C) Sanctions

(1) Immediate, graduated, and individualized sanctions shall govern the responses of a specialized docket to a docket participant's noncompliance.

(2) 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.

(D) 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.

Recommended Practices

(A) ~~Adjustment in treatment services~~

~~Adjustment in treatment services, as well as participation in community-based mutual support meetings, should be based upon the clinically informed interests of the participant.~~

(B) ~~Revision of time between status review hearings~~

~~Time between status review hearings should be increased or decreased based upon compliance with treatment protocols and progress observed.~~

(C) ~~Incentives for compliance~~

~~Incentives for a specialized docket participant's compliance vary in intensity and may include, but are not limited to, the following:~~

- ~~(1) Encouragement and praise from the specialized docket judge;~~
- ~~(2) Ceremonies and tokens of progress, including advancement in specialized docket phases;~~
- ~~(3) Reduced supervision contacts;~~
- ~~(4) Decreased frequency of court appearances;~~
- ~~(5) Reduced fines or fees;~~
- ~~(6) Increased or expanded privileges;~~
- ~~(7) Encouragement to increase participation in positive activities the participant finds pleasurable, such as writing, art work, or other positive hobbies;~~
- ~~(8) Gifts of inspirational items, including books, pictures, and framed quotes;~~
- ~~(9) Assistance with purchasing clothing for job interviews;~~
- ~~(10) Gift cards for restaurants, movie theaters, recreational activities, or personal care services;~~
- ~~(11) Gifts of small personal care items, hobby or pet supplies, plants, or small household items;~~
- ~~(12) Dismissal of criminal charges or a reduction in the term of probation;~~
- ~~(13) Reduced or suspended jail, prison, or juvenile detention days;~~

(14) Graduation from the specialized docket.

(D) Sanctions for noncompliance

Sanctions for a specialized docket participant's noncompliance vary in intensity and may include, but are not limited to, the following:

- (1) Warnings and admonishment from the specialized docket judge;
- (2) Demotion to an earlier specialized docket phase;
- (3) Increased frequency of drug or alcohol testing and court appearances;
- (4) Refusal of specific requests, such as permission to travel;
- (5) Denial of additional or expanded privileges or rescinding privileges previously granted;
- (6) Increased supervision contacts and monitoring;
- (7) Individualized sanctions, such as writing essays, reading books, or performing other activities to reflect upon unacceptable behavior;
- (8) Imposition of suspended fines and costs;
- (9) Community service or work programs;
- (10) Jail or out of home placement, including detention for juveniles;
- (11) Community control or probation violation;
- (12) Termination from the specialized docket.

Standard 9. Substance Monitoring.

(A) General

A specialized docket shall monitor each docket participant's substance use by random, frequent, and observed alcohol and other drug testing protocols that include all of the following:

- (1) Written policies and procedures for sample collection, sample analysis, and result reporting. The testing policies and procedures shall address elements that contribute to the reliability and validity of the testing process.
- (2) Individualized drug and alcohol testing plans;

(3) Testing protocols that ensure that all testing is random, frequent, and observed. Random testing shall be implemented in a manner so that the odds of being tested are the same on any given day of the week. Drug and alcohol testing shall be performed frequently enough to ensure substance use is detected quickly and reliably. The collection of test specimens shall be witnessed directly by a staff person who has been trained to prevent tampering and substitution of fraudulent specimens.

~~(D) Immediate notification of the court when the participant tests~~

(B) Positive tests

(1) ~~Testing positive, fails to submit to testing, submits an adulterated sample or the sample of another individual, or dilutes the sample. Failure~~ failure to submit to testing, submitting an adulterated sample or the sample of another individual, or diluting the sample shall be treated as positive tests ~~and immediately sanctioned.~~

~~(E)~~

(2) A specialized docket shall receive immediate notification of all positive tests.

(3) 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.

(C) Sufficiency of testing

Testing shall be sufficient to include the participant's primary substance of ~~dependence~~ use, as well as a sufficient range of other common substances.

(D) Compliance by agencies

All agencies conducting substance testing for use with the specialized docket shall comply with the requirements of this section.

Standard 10. Program Completion.

(A) Criteria

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.

(B) Categories

The categories of completion for a specialized docket shall be “successful completion,” “unsuccessful completion,” and “neutral termination.”

(C) Decision on termination

After affording participants any legal process to which they may be entitled, a specialized docket judge shall have discretion to decide the category of completion of the specialized docket and associated outcomes in accordance with the written criteria for the docket and after affording participants any legal process to which they may be entitled.

(D) No right to continued participation

The written legal and clinical eligibility and termination criteria do not create a right to continued participation in a specialized docket.

Standard 11. Professional Education.

(A) General

A specialized docket shall should assure continuing interdisciplinary education of advisory committee members, treatment team members, and personnel to promote effective specialized docket planning, implementation, and operations.

(B) Continuing education plan

A specialized docket should establish and maintain a viable continuing education plan for specialized docket personnel.

(C) Treatment team

(1) Treatment team members should make reasonable efforts to observe all required specialized docket service provider programs to gain confidence in the services provided and to better understand the treatment and programming process.

(2) A specialized docket should plan for the transition of a treatment team member and provide sufficient training and program document for new treatment team members.

(3) For consistency in the non-adversarial approach, prosecutors and defense counsel should be trained in specialized docket processes.

(D) Judicial knowledge

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

Recommended Practices

~~(A) Continuing education plan~~

~~A specialized docket should establish and maintain a viable continuing education plan for specialized docket personnel.~~

~~(B) Assessments and reviews~~

~~At a minimum of once every two years, a specialized docket should assess specialized docket team functionality, review all policies and procedures, and assess the overall functionality of the specialized docket.~~

~~(C) Treatment team member transition~~

~~A specialized docket should plan for the transition of a treatment team member and provide sufficient training and program documentation for new treatment team members.~~

~~(D) Mentor courts~~

~~A specialized docket should identify and build a relationship with a mentor court of its specific model.~~

~~(E) Observation of other specialized dockets~~

~~A specialized docket should regularly observe other specialized dockets.~~

~~(F) Ohio Specialized Dockets Practitioner Network~~

~~Specialized docket personnel should participate in the Ohio Specialized Dockets Practitioner Network by attending sub-network meetings, trainings, and the annual conference.~~

Standard 12. Effectiveness Evaluation.

A specialized docket judge shall evaluate the effectiveness of the specialized docket by doing each of the following:

- (A) Reporting data as required by the Supreme Court, including information to assess compliance with these standards;

(B) Engaging in on-going data collection in order to evaluate whether the specialized docket is meeting its goals and objectives;

(C) Establishing a data collection plan. The plan should identify who is collecting the data, how the data is collected, and the time frames for conducting program reviews based on the data. Treatment team members should provide data. The specialized docket should develop policies concerning protection of confidential information and identities when collecting data.

Recommended Practices

~~To evaluate effectiveness, a specialized docket judge should establish a formal data collection plan. The plan should identify who is collecting the data, how the data is collected, and the time frames for conducting program reviews based on the data. Treatment team members should provide data. The specialized docket should develop policies concerning protection of confidential information and identities when collecting data.~~

Standard 13. Constitutional and Due Process 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.”