

1 **Rule 4-409. Council approval of Problem Solving Courts.**

2 Intent:

3 To establish criteria for the creation and operation of problem solving courts, and to
4 create a process for ongoing reporting from and evaluation of problem solving courts.

5 Applicability:

6 This rule applies to all trial courts.

7 Statement of the Rule:

8 (1) Definitions.

9 (1)(A) Applicant. As used in this rule, an applicant is the problem solving court judge,
10 court executive, or other representative of the problem solving court as designated by
11 the problem solving court judge.

12 (1)(B) Problem solving court. As used in these rules, a problem solving court is a
13 targeted calendar of similar type cases that uses a collaborative approach involving the
14 court, treatment providers, case management, frequent testing or monitoring and
15 ongoing judicial supervision. Examples include drug courts, mental health courts and
16 domestic violence courts.

17 (2) Initial application. Prior to beginning operations, each proposed problem solving
18 court must be approved by the Judicial Council and agree to comply with any published
19 standards. An application packet, approved by the Judicial Council, shall be made
20 available by the Administrative Office of the Courts. This packet must be submitted to
21 the Council for approval by the applicant at least 90 days in advance of the proposed
22 operation of a new court.

23 (3) Annual report. Existing problem solving courts must annually submit a completed
24 annual report on a form provided by the Administrative Office of the Courts.

25 (4) Grants. In addition to complying with the requirements of CJA Rule 3-411, an
26 applicant shall notify the Judicial Council of any application for funds to operate a
27 problem solving court, whether or not the court would be the direct recipient of the grant.
28 This notification should be made before any application for funding is initiated.

29 (5) Operation of the problem solving court. All problem solving courts must adhere to
30 the following requirements, unless specifically waived by the Judicial Council:

31 (5)(A)(i) In a criminal proceeding, a plea must be entered before a person may
32 participate in the court. Testing and orientation processes may be initiated prior to the
33 plea, but no sanctions may be imposed until the plea is entered other than those which
34 may be imposed in a criminal proceeding in which a person is released before trial.
35 Prior to the acceptance of the plea, each participant must sign an agreement that
36 outlines the expectations of the court and the responsibilities of the participant.

37 (5)(A)(ii) In juvenile dependency drug court, sanctions may not be imposed until the
38 parent has signed an agreement that outlines the expectations of the court and the
39 responsibilities of the participant.

40 (5)(B) Eligibility criteria must be written, and must include an assessment process
41 that measures levels of addiction, criminality, and/or other appropriate criteria as a part
42 of determining eligibility.

43 (5)(C) The frequency of participation in judicial reviews will be based on the findings
44 of the assessments. In rural areas, some allowance may be made for other
45 appearances or administrative reviews when the judge is unavailable. Otherwise,
46 judicial reviews should be conducted by the same judge each time.

47 (5)(D) Compliance testing must be conducted pursuant to a written testing protocol
48 that ensures reliability of the test results.

49 (5)(E) Treatment must be provided by appropriately licensed or certified providers,
50 as required by the Department of Human Services or other relevant licensure or
51 certification entity.

52 (5)(F) Each problem solving court must have written policies and procedures that
53 ensure confidentiality and security of participant information. These policies and
54 procedures must conform to applicable state and federal laws, including the
55 Government Records and Access Management Act, HIPAA, and 42 CFR 2.

56 (5)(G) Any fees assessed by the court must be pursuant to a fee schedule, must be
57 disclosed to each participant and must be reasonably related to the costs of testing or
58 other services.

59 (5)(H) Courts must conduct a staffing before each court session. At a minimum, the
60 judge, a representative from treatment, prosecutor, defense attorney, and in
61 dependency drug court a guardian ad litem, must be present at each court staffing.

62 (5)(I) At a minimum, the judge, a representative from treatment, prosecutor, defense
63 attorney, and in dependency drug court a guardian ad litem, must be present at each
64 court session.

65 (5)(J) Each court must be certified by the Judicial Council every two years.
66 Certification requires all courts to meet the minimum requirements stated in this rule.

67 (6) Evaluation and Reporting Requirements. Each problem solving court shall
68 annually report at least the following:

69 (6)(A) The number of participants admitted in the most recent year;

70 (6)(B) The number of participants removed in the most recent year;

71 (6)(C) The number of participants that graduated or completed the program in the
72 most recent year; and

73 (6)(D) Recidivism and relapse statistics for as long a period of time as is available,
74 but at least for one year. If the court has been in existence for less than one year, then
75 for the amount of time the court has been in existence.

76 (7) DUI Courts. The following courts are approved as DUI Courts: Clearfield Justice
77 Court, Holladay Justice Court, Riverdale Justice Court, Davis County Justice Court,
78 Taylorsville Justice Court, and other courts as may be approved by the Judicial Council
79 in the future.

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