

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [1]

Table of Contents

1. Introduction

- 1.1. Notice
- 1.2. Background
- 1.3. Program Description
- 1.4. Drug Court Key Principles and Best Practices
- 1.5. Vision Statement
- 1.6. Value Statement

2. Definitions

- 2.1. Terms

3. Role of the Team Members

- 3.1. Team Member Responsibilities
- 3.2. Role of the Treatment Court Judge
- 3.3. Role of the Treatment Court Coordinator
- 3.4. Role of the Prosecutor
- 3.5. Role of the Defense Attorney
- 3.6. Role of the Treatment Providers
- 3.7. Role of the Case Managers

4. Identification of Applicants

5. Track I Original Filings

6. Track II Probation Violators

7. Sentencing in the Originating Court

8. Court Coordinator Interview

9. Defense Counsel Interview

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [2]

- 10. Treatment Provider Evaluation**
- 11. Case Conference: Acceptance or Denial by Team**
- 12. Investigation of Applicants by County Attorney**
- 13. Initial Treatment Court Appearance**
- 14. Requirements**
- 15. Phase System**
 - 15.1. Intake/Orientation**
 - 15.2. Stabilization**
 - 15.3. Programming**
 - 15.4. Recovery Management**
- 16. Supervision**
 - 16.1. Incentives**
 - 16.2. Imposition of Sanctions**
 - 16.3. Available Sanctions**
 - 16.4. Sanctions Matrix**
 - 16.5 Therapeutic Response to Relapse or Other Violations**
- 17. Medical Procedures**
- 18. Over-the-Counter Medications**
- 19. COVID 19 or other Pandemic Procedures**
- 20. Commencement Requirements**
- 21. Successful Completion of the Program**
- 22. Termination from Treatment Court**

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [3]

- 23. Recovery Management Reviews**
- 24. Observer Procedures**
- 25. Treatment Court Fees**
- 26. Treatment Court File Disposition and Release of File Information**
- 27. Medically Assisted Treatment**
- 28. Forms**

1. INTRODUCTION

1.1. Notice

The Policy and Procedure Manual for the operation of the Gallatin County Treatment Court is developed and interpreted by the Treatment Court Team and the presiding Treatment Court Judge.

This procedure manual is intended to provide operational and processing guidance to the Gallatin County Treatment Court Team. However, in the case of any discrepancy between policies outlined in the manual and policy statements issued by the Gallatin County Commissioners, the Montana Supreme Court or the presiding District Court Judge, the superior authority's policy statements shall be considered controlling.

This document is the current adopted Policy and Procedure Manual as of the date listed above.

1.2. Background

In 1999, the Honorable Tom Olson, Eighteenth Judicial District Court, Gallatin County, Montana, in conjunction with Alcohol and Drug Services of Gallatin County, the Office of the County Attorney, Office of the Public Defender and the Department of Corrections were awarded a Department of Justice planning grant for the implementation of a drug court. With the grant, this group of dedicated individuals developed the Treatment Court program.

In 2000, Judge Olson transferred the program responsibilities to the Honorable Mark Guenther. Soon after the transfer, the Honorable Mark Guenther and the Honorable Mike Salvagni expanded the program and

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [4]

both held court. Unfortunately, Judge Guenther’s health precluded his ability to continue as a Treatment Court Judge so Judge Mark Guenther transferred his program responsibilities to Judge Mike Salvagni.

In 2000, after the programs transfer, the Honorable Mike Salvagni assumed the role of Treatment Court Judge. Over the next eleven (11) years, Judge Salvagni molded the Treatment Court program and Team to create what has become the most respected Treatment Court in the state.

In 2006, to assist participants who lacked safe sober housing, the Honorable Mike Salvagni’s leadership was instrumental in the creation of the Gallatin County Re-Entry program. The Re-Entry program provides residential beds for Treatment Court participants’ use. The Gallatin County Re-Entry Program was the only “pre-release” in the state that provided probationers a sober, safe, therapeutic living environment until legislative changes in sentencing guidelines in 2017.

Major changes occurred to the program in 2011. After serving as the Treatment Court Judge for eleven (11) years, the Honorable Mike Salvagni transferred the program responsibilities to District Court Judge John Brown. Since 2011, Judge John Brown has continued the tradition of effectively managing the program and Team while continuously improving the program.

Judge Brown’s leadership has allowed the Team to access training opportunities such as the National Association of Drug Court Professionals annual training conferences as well as the State of Montana, Supreme Court bi-annual training conferences. By holding monthly Policy and Procedure Meetings, the Team continues to identify opportunities to improve the program with little to no additional costs.

1.3. Program Description

The Gallatin County Treatment Court is a voluntary post-conviction adult treatment court providing participants the tools they need to overcome their addictions and modify their behavior in order to lead productive, crime-free lives. The program accepts felony and serious misdemeanor defendants. Violent offenders may be accepted into the program; however, the Victim(s) and Victim Services staff are allowed to comment during the screening process before the County Attorney approves the applicant’s acceptance into the program.

Sexual offenders are not accepted into the program, pursuant to statute.

The eighteen (18) month program provides a highly structured alternative program in criminal cases where substance use is a motivating factor. Applicants are identified early and in a timely manner during their court proceedings. Before adjudication, applicants complete an interview, a chemical use evaluation and meet with the Treatment Court Defense Counsel. If accepted into the program, participants are required to maintain full time employment and/or attend school. If the participant is receiving disability or social services support, they must comply with requirements of those programs.

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [5]

The Treatment Court Judge manages the Treatment Court program and the Team. The Treatment Court Judge appoints the members to the Treatment Court Team. Case Managers supervise and monitor participants through regular meetings, frequent drug and alcohol testing and conversations with collateral contacts. Case Managers conduct unannounced home visits and, if necessary, refer the participants to local community-based services, such as job services, counselors and medical facilities. All available resources shall be considered in developing an effective case management plan.

Addiction counseling and attendance at support group meetings is an integral part of the recovery process and the program.

Mental health counseling is also essential to the success of the participants and is available through the program as well.

1.4. Drug Court Key Principles and Best Practices

The Gallatin County Treatment Court program prescribes and adheres to the National Association of Drug Court Professionals' "Key Principles" and "Best Practices."

According to the National Association of Drug Court Professionals, effective Drug Court Teams were first identified by the National Association of Drug Court Professionals in 1997 and then modified by the Expert Working Group of the United Nations Office of Drug Control. Below are the International Association of Drug Treatment Courts' modifications. Its goal was to set out principles that would be implemented across the world's major legal systems. Although there are two (2) volumes of "Best Practices" that have been identified as being key to Drug Court success, these thirteen (13) key principles represent the foundation of most programs around the world.

Thirteen Key Principles for Court-Directed Treatment and Rehabilitation Programmes

"The EWG formulated the following fundamental principles for successful court-directed treatment and rehabilitation programmes:

The programmes integrate substance dependency treatment services with justice system case processing.

- The programmes integrate substance dependency treatment services with justice system case processing.*
- Using a non-adversarial approach, prosecution and defense lawyers promote public safety while protecting offenders' due process rights.*
- Eligible offenders are identified early and promptly integrated into the programme.*
- The programmes ensure access to a continuum of substance dependency treatment and other rehabilitation services.*
- Compliance is objectively monitored by frequent substance abuse testing.*

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [6]

- A coordinated strategy governs responses of the court to programme non-compliance (and compliance) by offenders.
- Ongoing judicial interaction with each offender in a programme is essential.
- Monitoring and evaluating measure the achievement of programme goals and gauge effectiveness.
- Continuing interdisciplinary education promotes effective planning, implementation and operations of these court-directed programmes.
- Forging partnerships among courts directing treatment programmes, public agencies and community-based organizations generates local support and enhances programme effectiveness.
- Ongoing case management includes the social support necessary to achieve social reintegration.
- There is appropriate flexibility in adjusting programme content, including incentives and sanctions to better achieve programme results with particular groups such as women, indigenous people and minority ethnic groups.
- Post treatment and after-care services should be established in order to enhance long term programme effects.”

The Gallatin Court Treatment Court Team also reviews and implements nationally recognized “Best Practices” programming from other sources such as the National Drug Court Institute, the National Drug Court Resource Center, the Substance Abuse and Mental Health Services Administration, American University, the Department of Justice and the Montana Supreme Court.

1.5. Vision Statement

To create a happy, healthy, peaceful and safe community.

1.6. Value Statement

To encourage personal dignity and respect through honesty, integrity, responsibility, sobriety and service to the community.

2. DEFINITIONS

2.1. Terms

- 2.1.1. “Treatment Court” means a specialty court established by the Eighteenth (18th) Judicial District Court implementing a program of incentives and sanctions intended to assist a defendant in recovering from an addiction to alcohol or other drugs and to cease associated criminal behavior.
- 2.1.2. “Treatment Court Coordinator” means a professional who, under the direction of the Treatment Court Judge, is responsible for coordinating the establishment, staffing, operation, evaluation and integrity of the Treatment Court.
- 2.1.3. “Treatment Court Team” means a group of professionals appointed by the Treatment Court Judge that may consist of the following members:

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [7]

- 2.1.3.1. The judge, which may include a magistrate or other hearing officer;
- 2.1.3.2. The prosecutor;
- 2.1.3.3. The public defender or defense attorney;
- 2.1.3.4. The drug treatment court coordinator;
- 2.1.3.5. The drug treatment assistant coordinator;
- 2.1.3.6. A state probation and parole officer;
- 2.1.3.7. A county misdemeanor probation officer;
- 2.1.3.8. Substance abuse treatment provider(s);
- 2.1.3.9. Mental health provider(s);
- 2.1.3.10. Law enforcement officer(s);
- 2.1.3.11. A representative from the Department of Public Health and Human Services; and
- 2.1.3.12. Any other persons selected by the Treatment Court Judge.

Commented [RD1]: Should I add the assistant coordinator position?

2.1.4. "Support Group Meeting" means an advertised meeting where a group of three (3) or more persons attending "in person, not via electronic communications" for the purpose of discussing the addictions recovery process and offering support to group members who are in recovery. Examples of such meetings are AA, NA, Celebrate Recovery, Recovery Yoga and the Survivors Group. Support Group Meetings held at the Gallatin County Re-Entry Program, the Olive Branch or the Recovery house are acceptable if they are not part of a mandatory treatment program. Meetings via internet, telephone, or other electronic technology are acceptable if pre-approved by the Case Manager and approved documentation is provided.

2.1.5. "Staff Meeting" means the Team meetings held before a participant's appearance in Treatment Court where the Treatment Court Team discusses a coordinated response to the participant's behavior.

2.1.6. "Case Conference" means a quorum (one more than half of appointed Team members) of the Team meeting to discuss an applicant's possible acceptance.

2.1.7. "Team Recommendation" means a majority of Team members agree with the position discussed as it relates to sanctions, incentives, acceptance and termination recommendations. Team recommendations will only be brought forward when a quorum exists.

2.1.8. "Policy and Procedure Meeting" means a meeting of the Team with the Treatment Court Judge in order to review policies, procedures, grants, operations, expectations or other issues.

3. ROLE OF THE TEAM MEMBERS

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As reported by the National Association of Drug Court Professionals and amended as needed to meet the needs of Gallatin County.

3.1. Team Members' Responsibilities:

- 3.1.1. Understand that addiction is a disease and that relapse is part of recovery;
- 3.1.2. Understand the mission and philosophy of drug courts and work to support the program goals;

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [8]

- 3.1.3. Make a commitment to operate in a true team process and environment;
- 3.1.4. Develop a general knowledge and familiarity with those struggling with addiction;
- 3.1.5. Be knowledgeable about gender, age, ethnographic, racial and cultural issues that may impact a participant's success.
- 3.1.6. Participate in continuing training and education including, but not limited to, Drug Court Best Practices, Medically Assisted Treatment, therapy, addictions counseling, case management, sanctions, assessments and therapeutic responses.

3.2. Role of the Treatment Court Judge

- 3.2.1. Assume a leadership position, effectively lead the Team and assume ultimate authority and responsibility for Team decisions;
- 3.2.2. Maintain judicial independence while fostering an atmosphere of cooperation and teamwork within the Treatment Court Team;
- 3.2.3. Acquire a general knowledge of addiction, alcoholism and pharmacology and apply that knowledge to respond to compliance issues in a therapeutically appropriate manner;
- 3.2.4. Develop an understanding of support groups and recovery management and become familiar with the treatment modalities utilized by the participants to address their issues;
- 3.2.5. Be willing to develop rapport with the participants, address their issues and reward their successes while maintaining the authority of a District Court Judge;
- 3.2.6. Lead the Team to educate other members of the criminal justice system and the community on program goals and standards;
- 3.2.7. Participate in continuing training specifically geared toward drug court concerns including, but not limited to, an understanding of psychosocial factors pertinent to addiction and treatment; and
- 3.2.8. Visit various facilities in order to become and remain familiar with services offered to participants in the Treatment Court Program.

3.3. Role of the Treatment Court Coordinator/Assistant Coordinator

- 3.3.1. Maintain responsibility for the overall daily operations of the Treatment Court including the calendar;
- 3.3.2. Oversee case management by processing screenings, scheduling case reviews, coordinating the Court calendar and notifying Team members;
- 3.3.3. Function as the "Point Person" for the judge, law enforcement, treatment providers and all ancillary service agencies;
- 3.3.4. Possess a thorough understanding of addictions, mental health and treatment programs as well as case management, training principles and project collaboration;
- 3.3.5. Obtain equipment, supplies and other resources for program functioning;
- 3.3.6. Support community efforts by functioning as the primary liaison to the community and by representing the program at county, state and national levels;
- 3.3.7. Understand that drug courts are evolving programs and therefore maintain a connection with outside resources to bring new ideas to Team members;

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [9]

- 3.3.8. Manage the budget in a fiscally responsible manner;
- 3.3.9. Attend staffing and court sessions in order to participate in the Treatment Court's ongoing assessment of participant progress, administration of sanctions and rewards and suitability of participants for commencement;
- 3.3.10. Participate in the ongoing development of operational policies and procedures for the program;
- 3.3.11. Participate in continuing training specifically geared toward drug court concerns; and
- 3.3.12. Visit various facilities in order to become and remain familiar with the services offered to participants in the Treatment Court program.

3.4. Role of the Prosecutor

- 3.4.1. Function as a member of the Treatment Court Team without relinquishing the prosecutor's responsibilities;
- 3.4.2. Identify potential applicants, conduct criminal history verification to determine eligibility and make recommendations to the Team regarding program enrollment;
- 3.4.3. In conjunction with the defense attorney, review potential case resolution options including motions and potential hearings;
- 3.4.4. Attend staffing meetings and Court sessions and participate in the Team's assessments of each applicant's acceptability and compliance;
- 3.4.5. Work with the Team to develop solutions to life issues impeding the participant's treatment and progress;
- 3.4.6. Participate in the Team's ongoing development of operational policies and procedures for the Treatment Court program;
- 3.4.7. Participate as a member of the Team in both community education and outreach concerning the program and the utilization of services available from community-based agencies;
- 3.4.8. Participate in continued training specifically geared towards drug court concerns; including, but not limited to, an understanding of the psychosocial factors pertinent to addictions, mental health and treatment; and
- 3.4.9. Visit various facilities in order to become and remain familiar with services offered to participants in the Treatment Court program.

3.5. Role of the Defense Attorney

- 3.5.1. Function as a full and essential member of the Team without relinquishing the defense attorney function;
- 3.5.2. Identify potential applicants and review with the applicant or their counsel options for case resolution that include Treatment Court;
- 3.5.3. Counsel applicants about the benefits and legal ramifications of being in Treatment Court;
- 3.5.4. Participate in the Treatment Court case staffing of applicant's suitability for Treatment Court;
- 3.5.5. Participate in the ongoing development of operational policies and procedures for the program;
- 3.5.6. Perform traditional defense counsel functions regarding the plea and sentencing process;

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [10]

- 3.5.7. Work with members of the Team to develop solutions to life issues impeding a participant's treatment and progress;
- 3.5.8. Counsel participants concerning legal and treatment issues during the course of their participation in the program;
- 3.5.9. Participate in the Team's ongoing assessment of the participant's progress, administration of rewards, sanctions and suitability for commencement;
- 3.5.10. Participate as a member of the Team in both community education and outreach concerning the Treatment Court program and the utilization of services available from community-based agencies;
- 3.5.11. Participate in continuing training specifically geared towards drug court concerns; including, but not limited to, an understanding of the psychosocial factors pertinent to addictions treatment;
- 3.5.12. Visit various facilities in order to become and remain familiar with the services offered to participants in the Treatment Court program; and
- 3.5.13. In the performance of duties, litigate denials of admission, contest sanctions and defend participants during termination proceedings.

3.6. Role of the Treatment Providers

- 3.6.1. Maintain accredited certification in order to provide therapy, life skills and clinical assessments to participants;
- 3.6.2. Educate participants about how to effectively and healthfully deal with addictions and/or mental disease or disorders and strive towards sobriety and mental health;
- 3.6.3. Make recommendations for care and therapeutic responses to relapse;
- 3.6.4. Guide the participants to achieve program goals during the therapeutic process;
- 3.6.5. Ensure participants are receiving proper levels of care as required through professional assessments;
- 3.5.6. Participate in the ongoing development of operational policies and procedures for the program;
- 3.5.7. Work with the Team to develop solutions to life issues impeding the participant's treatment and progress;
- 3.5.8. Participate as a member of the Team in both community education and outreach concerning the Treatment Court program and the utilization of services available from community-based agencies;
- 3.5.9. Participate in continuing training specifically geared towards drug courts concerns, including, but not limited to, an understanding of the psychosocial factors pertinent to addictions treatment; and
- 3.5.10. Visit various facilities in order to become and remain familiar with the services offered to participants in the Treatment Court program.

3.7. Role of the Case Manager

- 3.7.1. Maintain responsibility for enforcing the participants' court orders;
- 3.7.2. Be responsible for the overall Case Management and supervision of participants and bring relevant issues of compliance and non-compliance to the attention of the Team;

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [11]

- 3.7.3. Guide participants to achieve program goals and garner assistance from Team members when needed to address the myriad of personal issues impeding a participant’s rehabilitation and long term recovery;
- 3.7.4. Participate in the ongoing development of operational policies and procedures for the program;
- 3.7.5. Participate as a member of the Team in both community education and outreach concerning the Treatment Court program and the utilization of services available from community-based agencies;
- 3.7.6. Participate in continuing training specifically geared towards drug courts’ concerns, including, but not limited to, an understanding of the psychosocial factors pertinent to addictions treatment; and
- 3.7.7. Visit various facilities in order to become and remain familiar with the services offered to participants in the Treatment Court program.

4. IDENTIFICATION OF APPLICANTS

- 4.1. Applicants may be identified and referred by a number of sources to include: the judge, applicant, defense counsel, prosecutor, counselors, pretrial officers, probation and parole officers, law enforcement, detention staff, family, support systems, educators or any other person who may have knowledge of the applicant.
- 4.2. Applicants may be screened for Treatment Court from any jurisdiction as long as they meet the criteria established within the policy.
- 4.3. All applicants must incur a sentence(s) allowing for at least eighteen (18) months of supervision while in the Treatment Court program. Applicants without eighteen (18) months of supervision will not be screened.
- 4.4. If the applicant has eighteen (18) months of supervision based on consecutive sentences (e.g., a third offense DUI and a Driving while License is Suspended or Revoked, No Insurance, Possession of Drug Paraphernalia convictions, etc.), all sentences must contain the condition or a similar condition that explains that the applicant “shall, if accepted, enter, comply with the conditions and successfully complete the Treatment Court Program.”
- 4.5. Violent offenders may be accepted into the program; however, the Victim(s) and Victim Services staff are allowed to comment during the screening process before the County Attorney approves the applicant’s acceptance into the program.
- 4.6. Sex offenders are ineligible for the Treatment Court program.
- 4.7. Applicants must have an identifiable substance abuse problem.
- 4.8. Applicants must have sufficient mental and emotional stability and intellectual capacity to be capable of participation in the program in accordance with the Americans with Disabilities Act.
- 4.9. Applicants who are charged with the offense of Driving Under the Influence, Fourth or Subsequent Offense who are screened for the Treatment Court Program in lieu of participation at the Warm Springs Addiction, Treatment and Change Program (WATCh) or other Department of Corrections programs shall be limited to a total of five (5) participants who are actively participating in the Treatment Court program.
- 4.10. In all cases, an applicant’s acceptance into the Treatment Court program will be dependent on the approval of the Treatment Court Team, the Gallatin County Attorney and the Treatment Court Judge.

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [12]

5. TRACK 1. ORIGINAL FILINGS

- 5.1. When an applicant is identified, the Coordinator will conduct a preliminary investigation of the applicant's status and possible eligibility for Treatment Court.
- 5.2. If a person requests to be interviewed or is referred by a source other than the applicant's defense counsel, contact will be made with the applicant's defense counsel to seek approval for the interview. The applicant's defense counsel may observe any of their clients' interviews.

6. TRACK 2. PROBATION VIOLATORS

- 6.1. When a defendant who has allegedly violated the conditions of his/her sentence may benefit from Treatment Court, the referring source may contact the Coordinator and request that the defendant be screened for the program.
- 6.2. If the defendant's sentence includes the language, "the defendant may be supervised at any level of supervision up to and including Treatment Court," the defendant may be screened for Treatment Court as part of an administrative hearing, such as an onsite or intervention hearing. The defendant must voluntarily agree to the screening and sign a release to allow the Coordinator to collect and disseminate personal information to the Team.
- 6.3. If the screening is requested as part of a Petition to Revoke, the defendant's defense attorney must be contacted and permission must be received in writing or via e-mail requesting the screening process be completed. The defendant must also voluntarily agree to the screening and sign a release to allow the Coordinator to collect and disseminate personal information to the Team.
- 6.4. Probation and parole violators whose court of jurisdiction is other than the Eighteenth Judicial District Court may be referred to be screened for the Treatment Court program. Defendants whose court of origin is outside the Eighteenth (18th) Judicial District may be accepted into Treatment Court as long as their sentence(s) contain the condition (or a similar condition) that the defendant "shall, if accepted, enter, comply with the conditions and successfully complete the Treatment Court Program."
- 6.4.1. If the sentence of the court does not include a condition allowing placement into Treatment Court, the probation officer may request a sentence modification pursuant to Section 46-23-1011(c)(d).
- 6.4.2. Upon a defendant's commencement from the Treatment Court program, the Treatment Court Judge may make a recommendation to the defendant's Court of jurisdiction concerning the defendant's status with that Court.

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [13]

7. SENTENCING IN THE ORIGINATING COURT

- 7.1. A sentencing hearing will be conducted in the court of origin in accordance with its existing laws and procedures.
- 7.2. Sentencing options for misdemeanor offenses are outlined in the Montana Code Annotated.
- 7.3. Conditions of supervision include the options listed in Section 46-18-201, MCA. Section 46-18-201, MCA allows a court, when deferring imposition of sentence or suspending all or a portion of execution of sentence, to impose upon the defendant any reasonable restrictions that may include a sentence conditioned upon the completion of Treatment Court.
- 7.4. All defendants must have a sentence or sentences that allows for at least eighteen (18) months of supervision. Defendants without eighteen (18) months of supervision will not be accepted to the Treatment Court program.
- 7.5. If the defendant has eighteen (18) months of supervision based on consecutive sentences (e.g., a third Offense DUI and a Driving while License is Suspended or Revoked, No Insurance, Possession of Drug Paraphernalia convictions, etc.), all sentences must contain the condition (or a similar condition) that the defendant “shall, if accepted, enter, comply with the conditions and successfully complete the Treatment Court Program.”

8. COURT COORDINATOR INTERVIEW

- 8.1. The Court Coordinator will schedule an interview with the applicant. If counsel represents the applicant, contact will be made with the applicant’s defense counsel to seek approval for the interview. The defense counsel may observe the interviews.
- 8.2. The applicant must sign an Authorization for the Limited Release of Confidential Information (Form A) before the interview.
- 8.3. The applicant will be provided a Screening Requirements sheet (Form B) and advised whom to contact to complete the screening. If the applicant is not incarcerated, the Coordinator will direct the applicant to schedule an appointment with the Defense Counsel to review his/her rights and legal concerns. The Treatment Coordinator will direct the applicant to arrange for a chemical dependency evaluation.
- 8.4. The Initial Interview Report (Form C) will include questions regarding persons who know the applicant’s recent activities, contact and family information, legal status, education, employment and financial statuses, as well as criminal, medical, and military service, and psychological and substance use/abuse histories.
- 8.5. The Coordinator will complete an evidenced based Risk and Needs Assessment.
- 8.6. The Coordinator will transmit the Initial Interview Report to all of the Team members (except the Judge) and may make a recommendation.

9. DEFENSE COUNSEL INTERVIEW

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [14]

9.1. The Defense Counsel shall interview the applicant and fully advise him/her of the legal ramifications of participation in Treatment Court. Contact will be made with the defense counsel to seek prior approval for the interview and to include the defense counsel in any interviews.

9.2. If the applicant is not interested in participating in Treatment Court, the Treatment Court Counsel shall notify the Coordinator who will notify the Team and the applicant's public defender or retained counsel.

9.3. If the applicant is interested in Treatment Court and the Treatment Court Counsel believes that the applicant would be a suitable participant, the Treatment Court Counsel shall notify the Team and the applicant's public defender or retained counsel.

10. TREATMENT PROVIDER EVALUATION

The applicant will be evaluated for substance addiction using current Diagnostic and Statistical Manual of Mental Disorders (DSM) diagnostic criteria. Appropriate level of care placement will be determined by American Society of Addictive Medicine (ASAM) criteria.

11. CASE CONFERENCE: ACCEPTANCE OR DENIAL BY TEAM

11.1. After the applicant has completed the Coordinator's interview, the Treatment Court Counsel interview and a chemical dependency evaluation, the Team will discuss the applicant's screening to determine program eligibility.

11.2. If an applicant is found to be ineligible, the applicant and his/her counsel will be immediately notified.

11.3. If the Team votes to approve an applicant with a quorum of members, the Coordinator will forward the Request for Applicant Acceptance (Form D) form to the County Attorney for final approval.

12. INVESTIGATION OF APPLICANTS BY COUNTY ATTORNEY

12.1. When the applicant completes the initial interview and the Treatment Court Team recommends acceptance of the applicant, the County Attorney will screen the applicant for final acceptance.

The following criteria shall be used:

- 12.1.1. The applicant has been charged with an offense involving alcohol or other drugs;
- 12.1.2. The applicant was influenced by alcohol or other drugs when committing said offense;
- 12.1.3. The applicant has a history of chemical addiction (known or admitted);
- 12.1.4. The applicant has no detainers from other jurisdictions;

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [15]

12.1.5. The applicant is not a “sexual offender.” A person is deemed to be a “sexual offender” if he/she is presently charged with a misdemeanor or felony or convicted of an offense involving a crime as defined in statute as a “sexual offender;”

12.1.6. The applicant takes responsibility for the violation, is motivated to participate in Treatment Court and is willing to pay for services received;

12.1.7. Every applicant must have a sentence(s) that allows for at least eighteen (18) months of supervision while in the Treatment Court Program;

12.1.8. If the applicant has eighteen (18) months of supervision based on consecutive sentences, (e.g. a third offense DUI and a Driving while License is Suspended or Revoked, No Insurance, Possession of Drug Paraphernalia convictions, etc.), all sentences must contain the condition (or a similar condition) that requires that the applicant “shall, if accepted, enter, comply with the conditions and successfully complete the Treatment Court Program.”

12.2. The County Attorney will determine final acceptance or rejection by completing the Request for Applicant Acceptance (Form D) form submitted by the Coordinator. Cause for rejection will be documented and explained on the form.

13. INITIAL TREATMENT COURT APPEARANCE

13.1. After being sentenced in the Court of origin where the sentencing order includes a condition or similar condition to; “the defendant shall, if accepted, enter, comply with the conditions and successfully complete the Treatment Court Program,” the participant will appear before the Treatment Court Judge at the next scheduled session. At this hearing, the participant will be represented by the Treatment Court Defense Counsel, who will be assigned to replace their previous counsel for the duration of Treatment Court.

13.2. The participant will be fully advised of his/her rights and responsibilities.

13.3. The participant will voluntarily sign the Treatment Court Contract (Form E) in open Court, after which he/she will be considered a Treatment Court participant.

13.4. The Judge shall issue the participant a Treatment Court Order (Form P).

14. PARTICIPANT REQUIREMENTS

Every participant:

14.1. Shall be provided with a Handbook (Form F) and be Ordered to schedule an appointment with the Case Manager to begin Phase I of the program. The participant must acknowledge his/her understanding of the participant handbook using the Participant Handbook Acknowledgement of Receipt and Understanding (Form K).

14.2. Shall be required to meet with the Case Manager weekly or as Ordered to ensure compliance with the program requirements, courtroom rules, Court Ordered sanctions, compliance with financial

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [16]

requirements and review of progress towards commencement requirements.

14.3. Shall be required to complete random testing and sign a Random Testing Color Assignment for Treatment Court (Form G) or be Ordered by the Court and subject to alcohol and other drug testing at an approved facility such as the Gallatin County Re-Entry Program.

14.4. Ordered, shall complete random testing at Re-Entry and sign a Re-Entry Program Staff and Treatment Court Team Release (Form H) if the participant resides at the Gallatin County Re-Entry Program.

14.5. Will receive a Treatment Court Blue Book (Form I) for tracking and proof of attendance at support group meetings.

14.6 Will receive a Medical Notification Card (Form J) and will be expected to use it.

14.7. Abide by the Treatment Court Contract.

14.8. Abide by the conditions of Probation and Parole.

14.9. Obey all laws.

4.10. Pay Treatment Court fees. Treatment Court fees are collected from all participants who have entered the program after January 1, 2018. Fees are established pursuant to Section 46-1-1112 (2), Funding, the Gallatin County Treatment Court has established a reasonable fee of \$20.00 per month for each participant. These fees may be waived based upon an individual's inability to pay. Refer to Section 22 of this procedure concerning fee waivers.

15. PHASES

15.1. INTAKE/ORIENTATION

Phase: I	Length: 30-60 days (1-2 months)	
Tasks	Goals	Goals to be Met for Phase Up
Participate in phase I for a minimum of 30 days (1 month)	Participate in phase I for a minimum of 30 days (1 month)	Participate in phase I for a minimum of 30 days (1 month)
Appear in Court and sign Contract	Appear in Court and sign Contract	Appear in Court and sign Contract
Placed on Color Line as Ordered	Appear and complete testing as Ordered	14 consecutive days (2 weeks) of negative test results without missing testing to phase up
Enter Re-Entry or recovery facility as Ordered	Sign contract and enter facility	Participate in programming and abide by conditions
Report to Case Manager	Report to Case Manager	Report on time and be prepared
Contact Dr. Murphey	Set appointment	Meet with Dr. Murphey
Contact treatment provider to enter or continue treatment as Ordered	Set appointment to enter or continue treatment as Ordered	Establish treatment plan as necessary
Review Participant Handbook	Review Participant Handbook within seven (7) days of signing	Sign Participant Handbook Acknowledgment form

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [17]

	Contract.	
After the review of the Participant Handbook that includes indoctrination into the purpose of support group meetings, attend support group meetings as Ordered (three (3) per week recommended/ two (2) meetings if in treatment program)	Attend and participate in support group meetings as Ordered	Documented proof of attendance in Blue Book
Punctuality	Be on time for all meetings or testing as Ordered	Be on time for all meetings or testing as Ordered
Create a pros and cons list of sobriety	Personalize the benefits of sobriety	Complete decisional balance sheet
Complete phase I paperwork	Complete phase I	Completed phase up request and any accompanying documents approved by the Treatment Court Team

15.2. STABILIZATION

Phase: II	Length: 90-120 days (3-4 months)	
Tasks	Goals	Goals to be Met for Phase Up
Participate in phase II for a minimum of 90 days (3 months)	Participate in phase II for a minimum of 90 days (3 months)	Participate in phase II for a minimum of 90 days (3 months)
Appear in Court as Ordered	Attend Court as Ordered	Appear for Court as Ordered
Appear for alcohol and other drug testing as Ordered	Complete testing as Ordered	60 consecutive days (2 months) of negative test results without missing testing to phase up
Participate in Re-Entry or recovery facility programming as Ordered	Abide by contract or facility rules and participate in programming as Ordered	Meet goals as established by facility as determined by the Facility Manager
Meet with mental health provider as Ordered	Attend and participate in mental health counseling	Participate in programming as determined by Counselor
Attend and participate in chemical dependency (CD) treatment as Ordered	Attend and participate in CD treatment as Ordered	Meet program goals in CD treatment as determined by Counselor
Meet with case manager to discuss sponsorship or accountability partner	Explore obtaining a sponsor or accountability partner	Met with case manager to discuss sponsorship or accountability partner
Attend support group meetings as	Attend and participate in support	Documented proof of attendance

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [18]

Ordered (twice (2) per week recommended)	group meetings as Ordered	in Blue Book
Seek or maintain employment as Ordered	Obtain or continue employment as Ordered	Obtain or continue employment as Ordered
Develop and submit to the Court a Relapse Prevention Plan	Develop Relapse Prevention Plan	Complete and submit to the Court a Relapse Prevention Plan
Punctuality	Be on time for all meetings or testing as Ordered	Be on time for meetings or testing as Ordered
Complete phase II paperwork	Complete phase II	Completed phase up request and any accompanying documents approved by the Treatment Court Team

15.3. PHASE III –PROGRAMMING

Phase: III	Length: 120-150 days (4-5 months)	
Tasks	Goals	Goals to be met for Phase Up
Participate in phase III for a minimum of 120 days (4 months)	Participate in phase III for a minimum of 120 days (4 months)	Participate in phase III for a minimum of 120 days (4 months)
Appear in Court as Ordered	Attend Court as Ordered	Appear for Court as Ordered
Appear for alcohol and other drug testing as Ordered	Complete testing as Ordered	90 consecutive days (3 months) of negative test results without missing testing to phase up
Participate in Re-Entry or recovery facility programming as Ordered	Abide by contract or facility rules and participate in programming as Ordered	Meet goals as established by facility as determined by the Facility Manager
Meet with mental health provider as Ordered	Attend and participate in mental health counseling as Ordered	Participate in programming as determined by Counselor
Attend and participate in chemical dependency (CD) treatment as Ordered	Attend and participate in CD treatment as Ordered	Meet program goals in CD treatment as determined by Counselor
Obtained a sponsor or accountability partner	Obtained a sponsor or accountability partner	Obtained a sponsor or accountability partner
Attend support group meetings as Ordered (twice (2) per week recommended)	Attend and participate in support group meetings as Ordered	Documented proof of attendance in Blue Book
Seek or maintain employment	Obtain or continue employment	Obtain or continue employment
Develop and submit to the Court a	Develop Recovery Management	Complete and submit to the

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [19]

Recovery Management Plan	Plan	Court a Recovery Management Plan
Punctuality	Be on time for all meetings or testing as Ordered	Be on time for all meetings or testing as Ordered
Complete phase III paperwork	Complete phase III	Completed phase up request and any accompanying documents approved by the Treatment Court Team

15.4. RECOVERY MANAGEMENT

Phase: IV	Length: 180-210 days (6-7 months)	
Tasks	Goals	Goals to be met for Phase Up
Participate in phase IV for a minimum of 180 days (6 months)	Participate in phase IV for a minimum of 180 days (6 months)	Participate in phase IV for a minimum of 180 days (6 months)
Appear in Court as Ordered (may be scheduled once every four (4) weeks after one (1) year in program and 180 consecutive days sobriety)	Appear in Court as Ordered	Appear for Court as Ordered
Appear for alcohol and other drug testing as Ordered	Complete testing as Ordered	180 current, consecutive days of negative test results without missing testing to be considered for commencement
Participate in Re-Entry or recovery facility programming as Ordered	Abide by contract or facility rules and participate in programming as Ordered	Meet goals as established by facility as determined by the Facility Manager
Meet with mental health provider as Ordered	Attend and participate in mental health counseling as Ordered	Participate in programming as determined by the Counselor
Attend and participate in chemical dependency (CD) treatment as Ordered	Attend and participate in CD treatment as Ordered	Meet program goals in CD treatment as determined by Counselor
Maintain support system.	Demonstrate maintenance of a sober support system.	Demonstrate maintenance of a sober support system.
Attend Support Group meetings as Ordered (twice (2) per week recommended)	Attend and participate in support group meetings as Ordered	Documented proof of attendance in Blue Book
Seek or maintain employment	Obtain or continue employment	Obtain or continue employment
Implement Recovery Management Plan	Implement Recovery	Implement and adjust Recovery

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [20]

	Management Plan	Management Plan as needed with Counselor's approval
Punctuality	Be on time for all meetings or testing as Ordered	Be on time for all meetings or testing a Ordered
Complete phase IV paperwork	Complete phase IV	Completed graduation request approved by the Treatment Court Team
Schedule Exit Interview and complete questionnaire as Ordered	Attend Exit Interview and complete questionnaire as Ordered	Complete Exit Interview as determined by the Team and the Judge

16. SUPERVISION

16.1. Incentives

- 16.1.1. Praise and congratulations by Treatment Court Judge.
- 16.1.2. Official commendation by the Judge.
- 16.1.3. Reduction of Treatment Court Judge's community service requirement.
- 16.1.4. Reduction of Treatment Court fines or fees.
- 16.1.5. Reduction in Treatment Court Ordered county work program time.
- 16.1.6. Reduction in the term of Treatment Court Ordered SCRAM monitoring, GPS monitoring and/or house arrest.
- 16.1.7. Reduction in court attendance.
- 16.1.8. Reduction in Treatment Court jail sanction time.
- 16.1.9. Commemorative coins in recognition of terms of sobriety or commencement.
- 16.1.10. Commencement from Gallatin County Treatment Court.
- 16.1.11. The Judge allows the participant to select an item from the "A" Treatment Treat for Achievement (ATTA) Box

16.2. Imposition of Sanctions

- 16.2.1. Sanctions for violations of Treatment Court rules greatly enhance the participant's prospects for staying sober. The participant consents to sanctions upon his/her acceptance in the Treatment Court program.
- 16.2.2. If a participant violates any of the terms and conditions of Treatment Court Contract, the Case Manager, Coordinator or designated agents may contact the Treatment Court Judge who may authorize the arrest of the violator and hold the violator until the next Treatment Court hearing. The Case Manager must notify the Team, including the presiding Judge, and prepare an incident report detailing

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [21]

the circumstances leading to the participant’s detention.

16.2.3. During a Team meeting the violation will be discussed and a Team recommendation will be presented to the Judge.

16.2.4. Team members shall review the participant’s ability to meet proximal and distal goals when determining an appropriate sanction.

16.3. Available Sanctions

- 16.3.1. Lecture or reprimand by Treatment Court Judge.
- 16.3.2. Increase in Treatment Court appearances.
- 16.3.3. Community service. (Treatment Court Ordered Community Service Hours (Form L)
- 16.3.4. Fine.
- 16.3.5. Increase in breath or bodily fluid testing.
- 16.3.6. Increase in level of supervision reporting or contacts with Team members.
- 16.3.7. County Work Program.
- 16.3.8. SCRAM monitoring, GPS monitoring or House arrest.
- 16.3.9. Work release.
- 16.3.10. Jail-based release.
- 16.3.11. Jail time (if an inmate of the Department of Corrections, this must be coordinated with a hearings officer).
- 16.3.12. Reimburse Court Services for confirmation testing expenses.
- 16.3.14. Termination from Gallatin County Treatment Court program.

16.4. Sanction Matrix

The Court’s possible “sanctions” are included in the following matrix. It should be noted that the following matrix only serves as a guide and that all sanctions are individually determined and based in the participant’s past sanction history, the severity of the violation, the participant’s phase and the Team’s recommendations. The Treatment Court Judge may use any of the following sanctions or other sanctions not noted as they become available to the Court.

Action	Sanction
1st Offense – Miss meeting/fail to have proof of a support group meeting.	Reprimand/Two (2) hours community service
2nd Offense – Miss meeting/fail to have proof of a support group meeting.	Reprimand/Four (4) hours community service
3rd Offense – Miss meeting/fail to have proof of a support group meeting.	Reprimand/Six (6) hours community service/jail

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [22]

4 th Offense – Miss meeting/fail to have proof of a support group meeting.	Jail/Termination (determined by level of honesty)
Forge meetings in Blue Book.	Jail/Termination (determined by level of honesty)
Unexcused absence from treatment or therapy.	Reprimand/Four (4) hours community service
1st Offense - Late for alcohol and other drug testing	Reprimand/Pay \$75 for confirmation testing/Two (2) Hours community service
2nd Offense - Late for alcohol and other drug testing	Reprimand/Pay \$75 for confirmation testing/Four (4) Hours community service/Electronic monitoring
3rd Offense - Late for alcohol and other drug testing	Reprimand or jail /Pay \$75 for confirmation testing/Reset Sobriety date/Electronic monitoring
1st Offense - Positive alcohol or other drug test or use violation.	Jail sanction to be determined. Minimum one (1) day.
2nd Offense - Positive alcohol or other drug test or use violation.	Three (3) – Ten (10) days jail or Termination
3rd Offense - Positive alcohol or other drug test or use violation.	Lengthy detention or Termination
Failure to Appear in Court	Jail
Failure to pay fines or fees as per payment plan	Possible extension of contract to meet obligations
Failure to complete community service	Double community service requirement or jail.

16.5. THERAPEUTIC RESPONSE TO RELAPSE OR OTHER VIOLATIONS

16.5.1 Based upon a participant’s behaviors while in treatment court, to include but not limited to relapse, dishonesty, financial issues, family issues or other behaviors that interfere with the participant’s ability to meet the core values of the Treatment Court program, the Team will review and recommend to the Court the necessary treatment response, therapy or programming to address the issue. Therapeutic responses are not punitive in nature and should not be construed as a sanction. A therapeutic response is to provide the participant the necessary knowledge, skills or abilities to deal with life’s problems in a

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [23]

productive or pro- social manner. Therapeutic responses include but are not limited to;

- 16.5.1.1. Inpatient Treatment
- 16.5.1.2. Enhanced Outpatient Treatment (EOP)
- 16.5.1.3. Outpatient Treatment (OP)
- 16.5.1.4. Intensive Relapse Prevention/Seeking Safety (IRP/SS)
- 16.5.1.5. Moral Reconciliation Therapy (MRT)
- 16.5.1.6. Continuing Care (CC)
- 16.5.1.7. Dialectical Behavior Therapy (DBT)
- 16.5.1.8. Support Group Meetings to include daily meetings for a period of time such as thirty (30) or sixty (60) days or until further notice
- 16.5.1.9. Additional Individual Sessions
- 16.5.1.10. Reside at the Olive Branch, the Gallatin County Re-Entry Program, or another approved sober living facility
- 16.5.1.11. Case Management
- 16.5.1.12. Obtain a sponsor or additional sponsor meetings
- 16.5.1.13. Gallatin County Fresh Start Program
- 16.5.1.14. Medical Intervention
- 16.5.1.15. Medication Therapy
- 16.5.1.16. Medically Assisted Treatment
- 16.5.1.17. Mental Health Therapy
- 16.5.1.18. Family Therapy
- 16.5.1.19. Money Management
- 16.5.1.20. Veteran Services (VA Montana, VA/gov)
- 16.5.1.21. Post Traumatic Stress Disorder (PTSD) Therapy
- 16.5.1.22. Eating Disorder Clinics

16.5.2. The Court may use one (1) or more of the Therapeutic Responses, or none, in response to any given event. Participants should be aware that a Therapeutic Response may occur at the time of the hearing when a violation or event occurs or it may take additional consideration or evaluations before the Therapeutic Response is initiated.

17. MEDICAL PROCEDURES

17.1 Participants **may not** take any prescription medication without following the guidelines listed below;

- 17.1.1. If a participant seeks medical attention for any ailment or illness, the participant must disclose to the medical staff that they are participating in Treatment Court.
- 17.1.2. The participant shall inform medical staff that they prefer to receive non-narcotic medication alternatives.
- 17.1.3. The participant shall show all medical providers their Medical Notification Card (Form J)

Commented [RD3]: Well that's interesting...

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [24]

before receiving services. This means each and every time you meet with a medical provider, you present your card.

17.1.4. Upon request, the participant must sign a release of information so their Case Manager may review the participant's medical information to confirm that the participant informed the medical staff of the participant's participation in Treatment Court and that the participant requested a non-prescription alternative.

17.1.5. The participant must report to their Case Manager or the Treatment Court Coordinator each and every visit to a medical professional. The participant must also report to their Case Manager or Treatment Court Coordinator any medications that the participant receives within 24 hours of being issued a prescription.

17.1.6. During business hours, the participant may contact their Case Manager or the Treatment Court Coordinator at the following numbers;

- Felony Case Manager: **(406) 586-5493**
- Treatment Court Coordinator: **(406) 582-3704**

17.1.7. During non-business hours, the participant must leave the Case Manager or Treatment Court Coordinator a message at the above listed numbers.

17.2. The participants may contact their Case Manager to discuss medication options during business hours. In order for the Case Manager to make an informed decision, the Case Manager may have to consult reference materials. If you cannot contact your Case Manager, you may attempt to contact the Treatment Court Coordinator. Please leave a voice mail for your Case Manager as well as the Coordinator if it is after hours or on the weekend. Include in the message the name of the medication(s) prescribed by your medical provider. The Case Manager and/or the Treatment Court Coordinator will return the participant's call when they are available.

17.3. The participant must comply with all dosage requirements and medical information listed on the packaging or as prescribed by their medical provider.

17.4. If it is a medical emergency or the participant needs to go to the emergency room, the participant shall not wait or attempt to contact the Treatment Court team members before seeking immediate medical attention.

17.5. It is the participant's responsibility to make a good faith effort to discuss with their medical provider the participant's status in Treatment Court and that the participant would prefer non-prescription alternatives.

17.6. The Case Manager may follow-up on any of your medical visits by requiring the participant to sign a release to speak to the medical staff.

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [25]

17.7. Obviously, if the participant is severely injured, unconscious or in pain to the point that they need immediate medical attention, or if the participant is unable to communicate with medical staff, the Treatment Court team understand that the medical professionals need take appropriate actions to save the participants life.

17.8. Remember, it is ultimately the participant's decision to take any medications.

18. OVER-THE-COUNTER MEDICATIONS

18.1. There are a number of non-prescription medications that have been approved by the Treatment Court Judge that participants may use as needed.

18.2. Participants may only use the listed medications as the label recommends. Consult the list below to determine what is considered an approved medication.

18.3. Before taking any of the medications listed below, the participants are required to call their Case Manager and at least leave a message that the participant is going to use one of the medications from the list.

18.4. The participants are also required to inform their Case Manager at the participant's next scheduled meeting that the participant used one of the medications from the list.

18.5. The participant must comply with all dosage requirements and medical information listed on the packaging of the medication.

18.6. The participant shall never take more medication than recommended.

18.7. The participants shall never accept any medication from anyone who is not a licensed medical professional.

18.8. The participant shall never take any medication that they did not open or have absolute control over while it is stored.

18.9. If the participant feels that they need to take more of the medication than recommended or if the participant believes they need to take the medication for longer than recommended, the participant must seek medical advice.

18.10. If the participant abuses this privilege, the Case Manager, the Coordinator, or the Treatment Court Judge may revoke this privilege and require you to receive permission from your Case Manager to consume any medication.

18.11. Medications are approved for use as recommended on their original labels. You may also use the

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [26]

generic brand of the medications listed.

Allergy/ Decongestants	Claritin® (Loratadine) Clarinx® (Desloratadine) Allegra® (Fexofenadine) Zyrtec® (Cetizine)	Diarrhea	Diasorb® Donnagel® Tabs Kaopectate® Kaopetolin® Kaodene® Lactinex® Imodium® AD Capsules and Tablets Pepto-Bismol® Rheaban® Bentyl® Tablets
Analgesics (pain relief)	Advil® Aleve® Aspirin® Bufferin® Tylenol® Motrin® Midol® Ibuprofen®	Nasal Decongestant	Ayr Saline® Humist® Ocean® NaSal® Salinex®
Cough and Cold	Organidin NR® Tablet Mucinex® Breonesin® Capsules Halls® Lozenges N'ice® Lozenges Sucrets® Lozenges Vicks® Cough Drops Vicks® Throat Discs Alka Seltzer Plus® tablets	Nausea	Emetrol® Emecheck® Pepto-Bismol® Nausetrol®
Personal Products Hand wash	Non-alcohol Soaps/water Antimicrobial soaps Betadine Hydrogen Peroxide		

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [27]

19. COVID 19 OR OTHER PANDEMIC PROCEDURES

19.1. Participants must follow the guidelines established by the Centers for Disease Control (CDC), the Gallatin County Health Department, State, local officials, the guidelines established by the Supreme Court, the Treatment Court, the Department of Corrections and the Office of Court Services. Others may be added to this list by the Treatment Court Judge.

19.2. Participants who believe they have contracted the disease are encouraged to seek medical advice. Those who are tested by medical professionals and are believed to be infected, the participant is required to follow the guidelines or recommendations of the health care professionals. This may include quarantine, wearing masks, not testing, not working, or other requirements.

19.3. For those who believe they have COVID 19, the participant is encouraged to be tested by medical professionals.

19.4. The Office of Court Services does not want participants with infectious diseases testing at the Court Services' Testing facility for fear of creating a super spreader event. The following procedures shall apply during COVID 19;

19.4.1. If a participant believes they may have COVID 19, do not go to the Testing Facility.

19.4.2. The participant shall be required to seek medical attention unless otherwise directed by the Treatment Court Coordinator.

19.4.3. If the participant tests *negative*, the participant shall not return to testing until after being symptom free for three (3) days.

19.4.4. If a participant tests *positive*, the participant shall not return to testing until the quarantine period has expired and the participant has been symptom free for three days.

19.5. Participants found to be abusing these procedures of violating quarantine procedures may be sanctioned.

20. COMMENCEMENT REQUIREMENTS

17.1. Participants must have six (6) continuous months of verified sobriety prior to the date of commencement to be eligible for commencement. The participant also must be in compliance with the requirements of the Treatment Court Contract.

17.2. Participants who are scheduled for commencement must complete the Pre-Commencement Questionnaire (Form M) and attend the Commencement Review as scheduled by the Treatment Coordinator for the Judge. After the Commencement Review is completed, the Team will recommend to the Judge if the participant is eligible for commencement. The Treatment Court Judge will make the final determination on

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [28]

the participant's commencement.

17.3. The Treatment Court Team may consider any factor when considering commencement from the Program. In general, the requirements outlined in the Treatment Court Contract must be fulfilled for a participant to be eligible for commencement.

17.4. The Team may recommend that a participant's contract be extended if and only if, the underlying sentence provides additional jurisdiction and the participant has not satisfactorily met the commencement requirements outlined in the Treatment Court contract or this document. Nothing in this document prevents a participant from requesting an extension of the Treatment Court contract nor does it entitle a participant to an extension of the Treatment Court Contract.

17.5. The participant must be current on all restitutions payments, supervision fees, treatment and therapy costs and any other financial matters deemed appropriate by the Judge.

21. SUCCESSFUL COMPLETION OF THE PROGRAM

18.1. When a participant successfully completes all phases of the Treatment Court program, the participant shall be scheduled for commencement.

18.2. The date for commencement will be scheduled by the Treatment Court Judge and all Treatment Court participants will be required to attend.

18.3. The graduating participant will be encouraged to invite his/her support system, family members and friends.

18.4. When all sentencing conditions are met and the participant is eligible, pursuant to statute, the Team may make a recommendation to the sentencing Court that the participant be "Conditionally Discharged" from supervision or if eligible, the participant's case be dismissed.

22. TERMINATION FROM TREATMENT COURT

19.1. If the Treatment Court Team believes that a participant should be terminated from Treatment Court for non-compliance of the terms and conditions of the Treatment Court contract, the Team may recommend to the Judge that the participant be terminated.

19.2. Each participant is entitled to a hearing on the termination recommendation. If, after a hearing, the participant is terminated from the program, the fact of termination shall be referred to the appropriate prosecuting attorney or to the Department of Corrections.

23. RECOVERY MANAGEMENT REVIEWS

In addition to the implementation of a Recovery Management Plan, the Treatment Coordinator or designated representative will attempt to contact the participant every six (6) months for the first year following completion of Treatment Court. During this telephone conversation, the Coordinator or

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**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [29]

designated representative will ask questions concerning the participant's sobriety and compliance with the Recovery Management Plan. This information shall be shared with the Court for review and used to create a more effective and efficient program.

24. OBSERVER PROCEDURES

Anyone requesting to attend Team or staffing meetings (e.g. auditors, drug court Team members or dignitaries from other jurisdictions), to include attending Court with the Team, must sign and agree to the rules listed in the Observer Agreement (Form N) and be approved in advance by the Treatment Court Judge.

25. TREATMENT COURT FEES

22.1. Pursuant to Montana Code Annotated, Section 46-1-1112 (2) Drug Offender Accountability and Treatment Act Funding, the Gallatin County Treatment Court has established a participant fee of \$20.00 per person per month to be considered a reasonable portion of the cost to participate. If there is a finding of indigence based upon the completion of the Participant's Financial Disclosure (Form Q), the Court may waive or reduce fees. For the purpose of this policy, the Gallatin County Treatment Court has determined indigence to be earning less than 150% of the federal poverty guidelines established by the Department of Health and Human Services.

22.2. Each participant is responsible to update their earning statements upon any change in wage earnings. Failure to do so will automatically cancel any previously approved waiver.

**26. TREATMENT COURT FILE DISPOSITION AND
RELEASE OF FILE INFORMATION**

23.1 Treatment Court files and the information contained within the file and or Information Management System is considered the property of the Treatment Court program. The information contained within the file and or Information Management System shall not be released to any third party to include other county agencies, state agencies, law enforcement agencies or private parties without the permission of the Treatment Court Judge.

23.2 Paper file information shall be maintained for five (5) years upon closing the file for any event to include denial to the program, termination from the program or commencement from the program. After the five (5) years, the paper file shall be shredded or destroyed by acceptable means that meets the requirements of the law. Information Management System data will be maintain indefinitely to be used for performance measurements of the program.

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [30]

27. PSYCHOACTIVE MEDICATIONS

According to the World Health Organization, psychoactive medications are any substance that, when taken in or administered into one's system, affects mental processes (e.g. cognition or affect). These substances can include medications to treat pain, mental illness and/or addiction. The most common form of medication used to treat addiction is referred to as medically assisted treatment (MAT). According to the Substance Abuse and Mental Health Services Administration (SAMHSA) MAT is the practice of using psychoactive medications along with attending psychological and behavioral counseling in order to treat substance use disorders, primarily opioid addictions. These medications are approved by the Food and Drug Administration and work to normalize brain chemistry, block euphoric effects of alcohol and opioids, relieve physiological cravings, and normalize bodily functions without negative effects of the abused drug. The following guidelines are intended to provide direction to the Treatment Court Team regarding participants that are engaging in MAT and/or taking other prescribed psychoactive medications.

24.1 Participants who wish to use psychoactive medications are required to be evaluated by and obtain a prescription from an appropriately licensed medical professional. Participants are additionally required to provide their Medical Notification Card during any medical evaluations. All decisions involving the type and dosage of medications shall only be made by a qualified medical professional.

24.2 If the provider prescribes any psychoactive medications, the participant shall provide a copy of their prescription to the Treatment Court Team and ensure that the Team is informed of their participation in MAT including, but not limited to, their recommended treatment regime and any changes in dosages or scheduling.

24.3 Any individual participating in MAT while in Treatment Court shall inform their MAT provider that they are in Treatment Court. Participants must sign an Authorization for the Limited Release of Confidential Information with their medical provider in order to allow the Treatment Court Team to receive oral and/or written reports regarding the participant's treatment.

24.4 Participants taking psychoactive medications shall follow the recommendations of their provider regarding physician appointments and their prescribed treatment regime. If the participant fails to follow the recommendations of their provider and/or abuse their prescribed medications, they may be subject to a sanction and/or therapeutic response.

24.5 The Treatment Court Team shall communicate clearly and often with medical providers about a participant's treatment including, but not limited to, participant's attendance, any changes in their treatment regime, reported behavioral indicators of excessive dosing, and overall program compliance.

**Gallatin County Office of Court Services
Policies and Procedures**

Date: April 2, 2021	Subject: Treatment Court Reference
Section: Treatment Court	Page: [31]

28. FORMS

- 23.1. Form A - Release of Confidential Information
- 23.2. Form B - Screening Requirements
- 23.3. Form C - Initial Interview Report
- 23.4. Form D - Request for Candidacy Acceptance
- 23.5. Form E - Treatment Court Contract
- 23.6. Form F - Participant Handbook
- 23.7. Form G - Random Testing Color Assignment
- 23.10. Form H - Re-Entry Program Staff and Treatment Court Team Release
- 23.11. Form I - Blue Book
- 23.12. Form J - Medical Notification Card
- 23.13. Form K - Acknowledgment of Handbook Understanding
- 23.14. Form L - Treatment Court Ordered Community Service Form
- 23.15. Form M - Pre- Commencement Questionnaire
- 23.16. Form N - Observer Agreement
- 23.17. Form P - Treatment Court Order
- 23.18. Form Q – Financial Statement