



THE TNJ MODEL:

THE PATH FROM TREATMENT COURT TO RECOVERY

1 CLINICAL EVALUATION

- Potential participants with underlying mental health and substance use issues may request a clinical evaluation at any time after their arraignment.
- The clinical evaluation will determine whether or not:
 - a. the person has a “functional impairment” (a diagnosed substance use disorder, mental illness, developmental disability etc.), and
 - b. that functional impairment could be addressed by treatment.

**The speedy trial clock in the person’s criminal case stops while they are being reviewed for treatment court and, if admitted, while they are participating in treatment court. **

2 HEARING ON ELIGIBILITY AND ADMISSION

- After receiving the results of the clinical evaluation, an applicant may proceed with their application by sharing the results with the prosecution and court and requesting a hearing on whether they should be granted admission.
- At the hearing, the Judge decides whether to admit the person based on the following criteria:
 - a. Whether the person has a “functional impairment”,
 - b. The “functional impairment” contributed to their underlying criminal case,
 - c. Participation in diversion could effectively address such “functional impairment”, and
 - d. Treatment would benefit the public and the applicant

3 TREATMENT PLANNING

- If the Judge chooses to offer admission, then an individualized treatment plan will be designed by a licensed mental healthcare professional or treatment provider in conjunction with the participant.
- The treatment plan may include treatment through telehealth where appropriate.
- The treatment plan should be tailored to the participant’s needs and circumstances.

4 ADMISSION INTO TREATMENT COURT

- Courts may not require participants to plead guilty to be accepted into treatment court.
- Courts may require adherence to the treatment plan.
- Courts may require periodic court appearances.
- Courts may require periodic drug screenings.
- Courts may require that the person refrain from engaging in criminal behavior.

5 COMPLIANCE OR NONCOMPLIANCE

- In the event of alleged noncompliance, the court must hold a hearing consistent with due process to determine if the participant “violated the terms of the treatment plan in an important respect”.
 - a. 48 hours notice must be given to the participant and defense counsel.
 - b. The participant must have the opportunity to provide evidence and cross-examine witnesses.
- If the court does find a violation, the court may consider mitigating or aggravating circumstances, and impose an appropriate response. Courts are required to use a system of graduated responses, which may include:
 - a. Continuing the treatment plan as previously ordered,
 - b. Modifying the treatment in accordance with the recommendation of the treatment provider, or
 - c. If no other treatment option is available, terminating the person from the program.

6 GRADUATION

- Upon successful completion of the court program, the court must dismiss and seal the person’s criminal case.
- Prior to graduation, the treatment provider, court and participant must all collaborate to develop a post-graduation plan, which should assist the person in maintaining their progress and achieving long term goals after they graduate.