ADMINISTRATIVE OFFICE OF THE COURTS
MODEL LOCAL MEMORANDUM OF UNDERSTANDING
FOR DRUG TREATMENT COURT
Drug Treatment Court (DTC)
Local Memorandum of Understanding
Between:

Drug Treatment Court Program, Judicial District XX (DTC)
Division of Community Corrections, Judicial District XX, (DCC)
Treatment Accountability for Safer Communities SC of Blank County, (TASC)
Treatment Provider Agency; (Agency)
XX County Criminal Justice Partnership Program, (CJPP)
District Attorney's Office, Judicial District XX
Public Defender's Office or Defense Attorney, Judicial District XX
Law Enforcement Agency, City/County XX
Drug Treatment Court Judge, Judicial District

This memorandum, entered into on this the _____ day of _____, 2006 is an agreement in principle concerning the anticipated roles, responsibilities, and expectations of the parties noted above;

I. All signatories agree to the following:
   a. Adhere to the NC Drug Treatment Act and the NC Drug Treatment Court Guidelines promulgated by the Administrative Office of the Courts.
   b. Adhere to all federal and state confidentiality laws including 42 CFR, Health Insurance Portability and Accountability Act (HIPAA) (when applicable), and other appropriate laws.
   c. Contribute, as requested, to the development of the offender's common case plan within 30 days of admission to DTC, and support implementation and revisions to the plan.
   d. Attend staffings with all partner agencies to determine treatment progress, update individual offender case plans, and make joint decisions concerning compliance and subsequent incentives or sanctions.
   e. Attend case review hearings as requested.
   f. Whenever possible attend DTC conferences and training seminars if funding is available.

II. AOC DTC agrees to the following:

   a. Identify target population offenders for DTC and work with the district attorney's office, defense counsel, and/or the Division of Community Corrections to recommend DTC as a sanction.
   b. Facilitate the referral process for DTC.

c. Conduct screening for DTC referrals and share results with appropriate team members.
d. Conduct intake interview and share appropriate releases/information with team members.
e. Make referrals to TASC for assessment for treatment as soon as possible but no later than 48 hours after the court sanctions the offender to DTC.
f. Schedule team case staffings and calendar cases for court review.
g. Coordinate collection and compilation of a status report from all team members to use at team meetings and court reviews.
h. Maintain records and enter data in the DTC Management Information System.
i. Coordinate meetings of the Local Management Committee.

III. DCC Agrees to the following:

a. Serve as the lead agency responsible for the offender in the community and the related case management.
b. Recommend to DTC staff and judges that appropriate intermediate sanction probationers and community sanction offenders at risk of revocation be ordered to participate in the Drug Treatment Court Program.
c. Ensure that the following special conditions of probation are included in the court judgment:.
    1. Submit at reasonable times to warrantless searches;
    2. Not use, possess, or control any illegal drug or controlled substance;
    3. Supply a breath, urine, and/or blood specimen for analysis;
    4. Report for initial evaluation, participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
d. Provide copies of all court judgments and orders, violation reports, and crime reports to DTC team members.
e. Provide community corrections case management at the appropriate level to monitor and address offender behavior and compliance. Case management includes offender contact within the community, residence, and at collateral agencies; addressing specific offender needs, behaviors, and criminogenic risk factors identified through assessments, case plans, and by observation through direct assistance or referrals to appropriate service agencies; and taking appropriate action concerning compliance issues that provide for public safety, including victim safety.

f. Make every reasonable effort to encourage and enforce offender compliance with assessment, treatment, and other agency requirements.
g. Conduct drug screens on all offenders in coordination with team members. Share all drug screen results with partner agencies.
h. Submit information to the DTC Coordinator 24 hours in advance of a team case staffing meeting so that a written report can be completed for the team staffing and the court review.
i. Discuss and consider partner agency recommendations prior to the initiation of the formal violation process.
j. Protect the rights of victims of offenders in the DTC.

IV. TASC agrees to the following:

a. Recommend to DTC staff and judges that appropriate intermediate sanction probationers and community sanction offenders at risk of revocation be ordered to participate in the Drug Treatment Court Program.
b. Within 10 working days of referral, provide a timely assessment of probationers referred to the DTC to determine treatment and other support services needs.
c. Provide appropriate care management services; care management includes, obtaining Local Management Entity (LME) authorization for treatment services; making treatment and support services referrals to appropriate providers and supporting client choice in treatment; coordinating and monitoring offender progress; adjusting plans; and providing progress reports.
d. Conduct and/or assist Community Corrections with urinalysis test. Share all test results withy partner agencies.
e. Submit information to the DTC Coordinator 24 hours in advance of a team case staffing meeting so that a written report can be completed for the team staffing and the court review
f. Provide updates to the treatment and case plan. Provide recommendations concerning treatment plan adjustments.

V. Treatment Provider/CJPP agrees to the following:

a. Provide authorized services to offenders referred to the DTC in accordance with standards established by relevant state guidelines.
b. Conduct drug screens on offenders in coordination with team members. Share all drug screen results with partner agencies.
c. Submit information to the TASC Coordinator 24 hours in advance of a team case staffing so that a written report can be completed for the team staffing and the court review.

VI. District Attorney's Office agrees to the following:

a. Screen offenders for participation in Drug Treatment Court.
b. Ensure that special conditions of probation (#13, 14,15 & 18) are included in the court judgment.
c. Hold DTC offenders accountable for their actions in accordance with the law.
d. Protect the rights of victims of offenders involved in the DTC.

VII. Public Defender/Defense Attorney

a. Ensure the rights of the offender are protected.
b. Aid in the achievement of the offenders' long-range rehabilitative goals.

VIII. Law Enforcement Officer

a. Accompany probation officers in conducting warrantless searches.
b. Observe and report on offenders' behavior in the community.

IX. (Optional) Designated Superior or District Drug Treatment Court Judge agrees to the following:

a. Preside over DTC court sessions at least twice per month.
b. During court sessions, motivate offenders towards success while holding them accountable for their actions.
c. Ensure that all cases are staffed prior to court sessions.
d. Monitor the offender's progress in relation to his/her case plan and address compliance by delivering incentives or sanctions.
e. Promote non-adversarial and power-sharing relationships between team members.
f. Serve as the final arbiter when the team is unable to reach consensus.

This the _____day of _____, 2006

_____
Drug Treatment Court Coordinator

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Judicial District Manager, DCC

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Manager, TASC

_____

Program Director, CJPP

_____

Director, Treatment Agency

_____

Assistant District Attorney

_____

Defense Attorney

_____

Law Enforcement Officer

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Drug Treatment Court Judge

CC: All Parties to MOU