



ILLINOIS PROBLEM-SOLVING COURT UPDATES: Treatment Court Statute, BJA Grant, and Training Initiative 2022 Update

**ILLINOIS ASSOCIATION OF PROBLEM-SOLVING
COURTS CONFERENCE
October 20, 2022**

Judge Jeffrey Ford (Ret.)

Bill Blundell

Michelle O'Brien

Lynn Moore



WELCOME AND INTRODUCTIONS



PRESENTATION OVERVIEW

- **Justice and Mental Health Planning Committee/Subcommittee Update**
- **Treatment Court Statute Update (Eff. 6-2-22)**
- **BJA Grant**
- **Problem Solving Court Training Initiative**



JMHP/SUBCOMMITTEE UPDATE

- Full Committee continues to meet on a regular basis
- Standards/Certification Committee
 - Emerging Courts
 - Medical Marijuana
- Legislation and Competency Subcommittee will be reconvening soon to begin important work



TREATMENT COURT STATUTE UPDATE

- **Effective 6-2-22**
- **Changes in the Statute align with PSC Standards**
- **Amends select provisions of all 3 Acts: (Drug Court Treatment Act; Veterans and Servicemembers Court Treatment Act; Mental Health Court Treatment Act)**
- **References to Peer Recovery Coaches and Certified Recovery Specialists**
- **Expands Exclusionary Offenses**
- **Adds Trauma Services**



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 5 It is the intent of the General Assembly to create specialized drug courts, in accordance with evidence-based practices and the Illinois Supreme Court Problem,-Solving Court Standards for addressing substance use and co-occurring disorders.



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 10 “Peer recovery coach” means a mentor assigned to a defendant...who has been trained... “Peer recovery coach” includes individuals with lived experiences of the issues the problem-solving court seeks to address, including, but not limited to, substance use disorder, mental illness, and co-occurring disorder or involvement with the criminal justice system.

For Veteran’s Courts: Peer recovery coach means a veteran mentor as defined nationally by Justice for Vet. In each section 10, the Peer Recovery Coach as been taken out of the Court’s Professionals definition.



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 15(a) The Chief Judge of each judicial circuit may establish a drug court program in compliance with the Problem-Solving Court Standards.

Sec. 15(b) States that a Chief Judge **may** establish a PSC court if some of the county boards of counties in a circuit pass resolutions and establish such a court



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 20 A defendant shall be excluded from a PSC Court program if any of one of the following applies:

(3) The defendant has been convicted of a crime of violence within the past 5 years excluding incarceration time, parole, and periods of mandatory supervised release. As used in this paragraph, “crime of violence” means: first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, armed robbery, aggravated arson, arson, aggravated kidnapping and kidnapping, aggravated batter resulting in great bodily harm or permanent disability, **aggravated domestic battery resulting in great bodily harm or permanent disability, aggravated criminal sexual abuse by a person in a position of trust or authority over a child, stalking, aggravated stalking, home invasion, aggravated vehicular hijacking, or any offense involving the discharge of a firearm.**



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 20 A defendant shall be excluded from a PSC Court program if any of one of the following applies:

(4) The defendant is charged with a violation of subparagraph (F) or paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code in which an individual is charged with **aggravated driving under the influence that resulted in the death of another person or when the violation was a proximate cause of the death, unless, pursuant to subparagraph (G) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the court determines that extraordinary circumstances exist and require probation.**



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 25 When referring participants to mental health treatment programs, the court shall **prioritize providers certified as community mental health or behavioral health centers if possible.** The court shall **consider the least restrictive treatment option** when ordering mental health or substance use disorder treatment for participants and the results of clinical and risk assessments in accordance with the Problem-Solving Court Standards.



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 25 Recognizing that individuals struggling with mental health, substance use, and related co-occurring disorders have often experienced trauma, PSC programs **may include specialized service programs specifically designed to address trauma**...These specialized services may be offered to individuals admitted to the drug court program. Judicial circuits establishing these specialized programs shall partner with advocates, survivors, and services providers in the development of the programs. Trauma-informed services and programming shall be operated in accordance with evidence-based best practices as outlined by the Substance Abuse and Mental Health Service Administration's National Center for Trauma-Informed Care.



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 25 The court may establish a mentorship program that provides access and support to program participants by peer recovery coaches. Courts shall be responsible to administer the mentorship program with the support of mentors and local mental health and substance use disorder treatment organizations.



TREATMENT COURT STATUTE UPDATE

Continued

Sec. 35 Upon successful completion of the terms and conditions of the program, any State's Attorney in the county of conviction, participant, or defense attorney **may move to vacate any convictions that are eligible for sealing under the Criminal Identification Act. A participant may immediately file a petition to expunge vacated convictions** and the associated underlying records per the Criminal Identification Act. If the State's Attorney moves to vacate a conviction, the State's Attorney may not object to expungement of the conviction or the underlying record.



TREATMENT COURT STATUTE UPDATE

Continued

Sec 45 and 50 Servicemen's Court both prosecutors and defense need to have knowledge of **military culture and language.**



AOIC Problem-
Solving Court

BJA Grant



BJA Justice and Mental Health Collaboration Grant

- Curriculum Development
- Faculty Workshops and Professional Development
- Training in the Field

Special 'Thank You' to the PSC Curriculum Committee

- Baron Heintz (Retired Chief Public Defender, Rock Island County)
- Chris Boyd (Field Coordinator, AOIC)
- Debra Robinson (Probation Officer, Whiteside County)
- Emily Cole (State's Attorney's Office, Cook County)
- Emily Behnke (PSC Coordinator, Winnebago County)
- Ginger Garner (VJO, Veteran's Affairs)
- Heather Wooters (Field Coordinator, AOIC)
- James Lane (Public Defender, 2nd Circuit)
- Judge Janet Holmgren (PSC Judge, Winnebago County)
- Judge Kavita Athanikar (PSC Judge, DuPage County)
- Judge Michael Fetterer (PSC Judge, McHenry County)
- Judge Robert Marsaglia (Retired PSC Judge, Grundy County)
- Kelly Ilarraza (Specialty Court Coordinator, Cook County)
- Lynn Moore (Statewide PSC Coordinator, AOIC)
- Michelle O'Brien (Consultant, NCSC)
- Miranda Johnson (Probation Officer, LaSalle County)
- Nick Kalfas (Law Enforcement Officer, Lake County)
- Sue Murphy (Director of Probation, DuPage County)



Faculty Workshop and Professional Development

- September 2, 2022-Chicago
- October 18, 2022-Bloomington
- October 26, 2022-Springfield

- Future trainings for new faculty will be held so please let us know if you would be interested in becoming faculty

- Please contact Ms. Lynn Moore (lmoore@illinoiscourts.gov) if you are interested in becoming a trainer

Training Courses for the Field

- Introduction and Definition
- Planning and Administration
- Team Members
- Referral, Assessment, and Entry
- Case Supervision, Treatment, and Case Plans
- Phases
- Drug Testing
- Sanctions, Incentives, and TA
- Certification and Recertification
- Ethics
- Confidentiality
- Technology in the PSC
- *Mental Illness*
- *Substance Use Disorders and MAT*
- *Co-Occurring Disorders*
- *Trauma and Trauma-Informed Care*
- *Secondary Trauma*



QUESTIONS



Thank You