

APPLICATION FOR A **RECOVERY COURT**

Rev. April 2025



Office of the Executive Secretary
Supreme Court of Virginia

Submitted by:

Signature of **Judge**

Signature of **Coordinator**

of

Name of Court

Date

APPLICATION GUIDELINES

The Supreme Court, through the recommendation of the State Recovery Court Advisory Committee, has established a standardized review process to use in evaluating requests from any locality seeking permission to establish a recovery court. This application should be completed by the local recovery court advisory committee created pursuant to Va. Code §18.2-254.1(G). Applications should be submitted to the State Recovery Court Advisory committee. The application deadline has been suspended. All application packages should be sent to:

Supreme Court of Virginia
Office of the Executive Secretary
100 North 9th Street
Richmond, Virginia 23219
E-mail: apowers@vacourts.gov

Application packages will be reviewed by the State Recovery Court Advisory Committee. The Committee will recommend granting or denying permission to establish a recovery court to the Chief Justice. In order to evaluate the quality, efficiency and fairness of programs requesting permission to establish a local recovery court, the following information should be submitted by the requesting local recovery court advisory committee.

RECOVERY COURT APPLICATION

Jurisdiction Name: _____

Court Level: Circuit District

Recovery Court Model: ___Adult ___Family ___Juvenile ___DUI

Supervising Judge:

Name: _____ Telephone: _____

Address: _____ E-mail: _____

Recovery Court Coordinator:

Name: _____ Telephone: _____

Address: _____ E-mail: _____

Target Population (list all that apply):

Proposed Start Date: ____/____/____

Approved Planning Training:

_____ Adult Drug Court Planning Initiative (ADCPI) Training
Date Applied Location

_____ Adult Drug Court Planning Initiative (ADCPI) Training
Date Trained Location

_____ Other: _____
Date Location

_____ Other: _____
Date Location

Application Contact:

Name: _____

Telephone: _____

Address: _____

E-mail: _____

Please submit your Operations Manual with page numbers, all forms and the following information as attachments to this application. If any of the information described in an attachment is included in the Operations Manual, please reference its location in the Operations Manual on the application form.

Attachment A: STATEMENT OF THE PROBLEM

The locality must describe the nature and scope of the problem in the jurisdiction to be addressed by this project. The locality should:

1. Provide data on the race/ethnicity, age, and gender of the arrestee population in the community.
2. Provide information on the specific substance use patterns among offenders and how these substance use patterns negatively affect the community.
3. Describe the volume of arrests and crime patterns for offenders in the community and how this relates to the number and kind of referrals that the recovery court expects.
4. Describe the problems associated with how the court system currently operates and with how cases involving substance use are handled in the existing system.
5. Explain the community's ability to support the program, with some assistance, including whether the number of treatment slots available is sufficient to meet the need projected.

Attachment B: GOALS AND OBJECTIVES

The locality must provide a statement that describes the goals of the project and identifies its specific objectives. Measurable performance indicators should be identified, and an explanation provided for how results will be measured. Local agencies should articulate the benefits expected to flow to each agency from the operation of a successful recovery court.

Attachment C: DESCRIPTION OF THE RECOVERY COURT

The locality must describe the recovery court to be implemented. The local advisory committee must provide all of the following information and address each key component in the description of how the court will operate.

- 1. Screening and Eligibility** - The local Advisory Committee must establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs.
 - a. Establish objective criteria for the eligibility and participation of offenders who have been determined to be diagnosed with moderate to severe substance use disorder (high-need) and are moderate to high risk of reoffending (high-risk).
 - b. An adult offender shall not be eligible for participation in recovery court established or continued in operation pursuant to this section if any of the following conditions apply:
 - I. The offender is presently charged with a felony offense or is convicted of a felony offense while participating in any drug treatment court where:
 - a) The offender carried, possessed, or used a firearm or any dangerous weapon specified in [§18.2-308](#) during such offense;
 - b) The death or serious bodily injury of any person occurred during such offense; or
 - c) The use of force against any other person besides the offender occurred during such offense; or
 - II. The offender was previously convicted as an adult of any felony offense that involved the use of force or attempted use of force against any person with the intent to cause death or serious bodily injury.
 - c. Describe the monitoring process that will be implemented to ensure that the targeted capacity of the court is reached and describe how the targeted capacity was determined.

- 2. Structure of the Recovery Court** – The local Advisory Committee must describe how the court will be structured (e.g., deferred prosecution, post-adjudication, or a combination) and provide a sample of the written plea agreement to be used pursuant to Va. Code §18.2-254.1(J)

No such recovery court program shall limit its participation to first-time substance use offenders only; nor shall it exclude probation violators from participation. This restriction shall not apply to juvenile recovery courts.

- 3. Length of the Program** – The local Advisory Committee must indicate the planned and averaged length of court participation.

Attachment D: SERVICE DELIVERY PLAN

The local recovery court advisory committee shall establish an Operations Manual for the operation of the court to attain the following goals:

- 1. Effective integration of substance use treatment services with criminal justice system case processing.**

- Describe the treatment philosophy and evidence-based interventions employed in treatment (e.g., 12-step, cognitive-behavioral, group therapy vs. individual). Indicate whether the treatment protocols are in a manual or otherwise standardized format and, if so, how the protocol integrity is ensured and measured. Specify what training curricula, if any, the treatment professionals complete related to the treatment of substance using offenders and to integrating treatment services with the criminal justice system.
- Indicate whether recovery court uses one treatment provider or multiple providers. Indicate the proportion of candidates actually referred to various programs and the average and modal length of stay for each modality of treatment, if known.
- Ensure the recovery court offers a continuum of care sufficient to meet participants' identified service needs and adjustments to the level of care are based on validly assessed treatment needs.
- Describe how the program will monitor the effectiveness and quality of the services and ensure that services are being provided based on proven practices and by qualified treatment professionals.
- Describe how individualized treatment plans are developed for each participant to address strengths and needs. State how often the plan is reviewed and/or revised.

- 2. Enhanced public safety through intensive offender supervision and treatment.**

- Explain how frequently written progress reports are submitted to the court and what minimum data elements are contained in the reports (e.g., urine test results, counseling attendance, NA attendance.)
- Ensure supervision officers obtain objective, verifiable, and timely information about participant performance, progress toward behavior change, and adherence to supervision conditions and court requirements.
- Describe how the program addresses anger management, violence prevention, and the formation of values.

3. Prompt identification and placement of eligible participants.

- a. Explain the process by which a case enters the recovery court.
- b. Explain how a case is resolved, based on the participant's successful or unsuccessful completion of the recovery court.
- c. Explain who and/or what agency is responsible for conducting a clinical assessment of the participant and describe the criteria for assessment.
- d. Describe the instruments used to assess a participant's needs for primary and mental health care services. Specify what variables are considered by the recovery court clinical staff in linking primary and mental health care service referrals to a participant's needs assessment.
- e. Specify the time period for conducting and initial assessment and explain the assessment process.
- f. Explain how substance use and other illnesses are diagnosed, how level-of-care placements are determined, how symptoms of physiological tolerance and withdrawal are assessed, and how risk factors or predictors of success or failure in treatment are assessed.
- g. Explain how the assessment is used to develop the treatment plan and to match treatment needs with treatment services.
- h. Explain what available community resources are being leveraged by the recovery court to help provide primary and co-occurring mental health care services.
- i. Describe the role of the local medical and mental health community in the recovery court.

4. Efficient access to a continuum of treatment and rehabilitation services.

- a. Describe in detail the treatment protocol (e.g., dosage, duration, frequency and intensity of treatment services).
- b. Indicate whether treatment services include group counseling sessions, at least one individual counseling session weekly in first phase and as indicated by assessment after, and/or family counseling sessions and, if so, how frequently.
- c. Describe how the court will address the need for different treatment modalities to be responsive to participant needs, as stated in the problem statement.
- d. Describe the gender- and age-specific treatment that is available.
- e. Indicate whether treatment providers have a recruitment strategy to ensure persons of low socioeconomic status or those with limited access to stable housing, transportation, or payment of program or treatment costs are not excluded. Monetary conditions, if required, are imposed on a sliding scale in accordance with participants' demonstrable ability to pay and at amounts that are unlikely to impose undue stress on participants, which may impede treatment progress.
- f. Describe the specific aftercare services available to participants. Specify what proportion of aftercare services are professionally administered, based on self-help, or delivered through an alumni/peer association.

- g. Describe the timeframe during which services are available. Indicate the average duration of aftercare.
- h. Indicate who is responsible for coordinating and managing the aftercare/ continuing care services. Explain the coordination and management process.
- i. Explain how available community resources are leveraged by the recovery court to provide educational and vocational services.
- j. Describe the instrument(s) used to assess a participant's need(s) for educational and vocational services. Specify what variables are considered in linking educational and vocational service referrals to a participant's need assessments.
- k. Describe the role of the local educational institutions with the recovery court.

5. Verified participant abstinence through frequent substance use testing.

- a. Identify urine testing for forensic abstinence will be used because urine offers many advantages.
- b. Indicate how frequently participants are tested for substance use. State what methods of analysis are used for the initial testing and for confirmation testing (e.g. test cups, EMIT, GCMS). Describe the quantitative methods, if any, used for assessing changes in levels of cannabis or other drugs and for assessing recent alcohol ingestion.
- c. Indicate who will administer tests.
- d. Explain the randomization process.
- e. Explain the process/procedures used to guard against tampering and adulteration.
- f. Specify the turnaround time for results.
- g. Indicate for which substances participants will be tested and describe the rationale for determining the selected substances for which to test.

6. Prompt response to participant's noncompliance with program requirements through a coordinated strategy.

- a. Indicate the recovery court team meets before regularly scheduled status hearings to review and discuss the progress of participants. State how frequently written progress reports are submitted to the court, who attends, and what data elements are routinely contained in the reports (e.g. urine test results, counseling attendance records, etc.).
- b. Specify how frequently the participant appears before the judge. Describe how the initial schedule or frequency of court hearings is linked to a participant's needs assessment or risk assessment. Explain what criteria are employed in determining whether to increase or decrease the frequency of court hearings.
- c. Indicate who, in addition to the judge and the participant, joins in the recovery court hearings (e.g., prosecutor, defense attorney, probation officers, treatment counselors). Describe the role of each who participate.

- d. Ensure the recovery court applies evidence-based and procedurally fair behavior modification practices that are proven to be safe and effective for high-risk and high-need persons.
 - e. Ensure sanctions and incentives are delivered to enhance adherence to recovery court goals and conditions that participants can achieve and sustain for a reasonable time and service adjustments are delivered in consultation with clinical staff to help participants achieve goals that are too difficult for them to accomplish currently.
 - f. Explain what target behaviors (e.g., positive urine tests, missed counseling sessions, compliance to all requirements, etc.) are eligible for sanctions or incentives during each phase of the program. Indicate whether sanctions and incentives are applied differently for short-term behaviors (proximal) such as counseling attendance than for long-term behaviors (distal) such as abstinence from substances.
 - g. State the average and modal time intervals between infractions and sanctions and between accomplishments and rewards.
 - h. Describe the methods used to develop incentives and sanctions based on what is effective with the target population according to best practices and evidence/research.
- 7. Ongoing judicial interaction with each recovery court participant. The judge develops a collaborative working alliance with participants to support their recovery while holding them accountable for abiding by docket conditions and attending treatment and other indicated services.**
 - 8. Ongoing monitoring and evaluation of program effectiveness and efficiency.**
 - 9. Ongoing interdisciplinary education and training in support of recovery court effectiveness and efficiency.**
 - 10. Ongoing collaboration among recovery courts, public agencies and community-based organizations to enhance program effectiveness and efficiency. Include all MOAs/MOUs with partnering agencies.**
 - a. Describe the instruments used to assess a participant's needs for collateral services. Specify what variables are considered by the recovery court staff in linking collateral service referrals to a participant's needs assessments.
 - b. Describe what available community resources are being leveraged by the recovery court to help provide collateral services.
 - c. Describe the relationship the court has established to meet the collateral service needs of participants. Consider collateral/complementary services needed to help them remain safe and healthy, reach their achievable goals, and optimize their long-term adaptive functioning.
 - d. Explain who is responsible for providing case management and how case management is defined. The locality should indicate what services are

provided, how frequently cases are monitored, and the approximate caseload per case manager.

- e. Identify and describe related governmental or community linkages that complement or will be coordinated with the court. (Community agencies and organizations may include, but are not limited to, bar associations, businesses, civic groups, community foundations, faith organizations, health and mental health agencies, hospitals, media outlets, social service agencies and educational institutions.)

11. Efficient use of resources.

- a. Each participant must contribute to the cost of the substance use treatment he or she receives while participating in a recovery court pursuant to statute, §18.2-254.1.L. Explain the procedure for collecting fees from participants.
- b. The locality should have a plan for sustainability of the court.

12. Graduation requirements - Provide details about the requirements for graduation including specific measured sobriety, employment status, education, and life skills.

13. Expulsion criteria - Explain under what circumstances a participant would be terminated from the program.

Attachment E: PARTICIPANT'S HANDBOOK

The local Recovery Court Advisory Committee shall also establish a Participant's Handbook to align with the Operations Manual. The Participant's Handbook should include all the information the participants need to know about the program operations in an easy-to-read format. The Specialty Dockets Division can provide a sample Participant's Handbook upon request.

Attachment F: BUDGET

The proposed budget should include all expected and foreseeable expenditures including personnel, operating, and capital (if applicable) costs associated with the docket. All revenue sources aligned with the projected expenditures should also be identified accordingly. These will include already approved, soon to be approved, and any sought-after funding. All revenue and expenditure amounts must be reasonable and economical. The budget should also include all in-kind and cash equivalents.

Attachment G: ROLES AND RESPONSIBILITIES OF THE RECOVERY COURT TEAM

1. Localities should identify each member of the recovery court team and describe his or her role and responsibilities.
 - a. Please provide a commitment letter from each participating team member who will work with this recovery court.
 - b. All Recovery Court Team members are required to attend the Recovery Court Advisory Committee meeting where the application will be reviewed and discussed for approval.
2. The team should establish and adhere to practices that are evidence-based and outcome-driven.
3. The mechanisms that have been, or will be, established to ensure effective communication and coordination among the team also should be described. Methods of team conflict resolution should be identified.