

Proposed Rule of the Supreme Court of Virginia for Specialty Dockets

Request for Comments

The Supreme Court of Virginia seeks comment on the proposed Rule of Court set forth below.

In 2004, the General Assembly enacted the Drug Treatment Court Act, which provides both the explicit authorization of and administrative infrastructure for drug treatment court dockets. Va. Code § 18.2-254.1. In the interim, interest has grown in considering the applicability of the drug treatment docket model to other areas conducive to specialty dockets.

This proposed Rule of Court identifies the criteria associated with recognized specialty dockets, recognizes three existing types of specialty dockets (drug treatment dockets, veterans dockets, and behavioral/mental health dockets), and provides a process for possible future recognition of other types of specialty dockets.

The immediate practical effect of the rule would be to establish the Specialty Docket Advisory Committee as an ongoing entity which would promulgate training and operating standards for local specialty dockets, as well as support the local specialty dockets through an evaluation process. The Advisory Committee would be assisted in its work by subject specific committees, a Veterans Docket Committee, a Behavioral/Mental Health Docket Committee, and a Drug Treatment Court Docket Advisory Committee.

Comments on this proposed Rule of Court should be sent by [November 7, 2016](#) to:

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Office of the Executive Secretary
Supreme Court of Virginia
100 North Ninth St.
Richmond, VA 23219

OR via email with the subject line: "proposed specialty docket rule" to:
proposedrules@courts.state.va.us

Rule 1: __ Specialty Dockets

(a) *Definition of and Criteria for Specialty Dockets.*

- (1) When used in this Rule, the term “specialty dockets” refers to specialized court dockets within the existing structure of Virginia's circuit and district court system offering judicial monitoring of intensive treatment, supervision, and remediation integral to case disposition.
- (2) Types of court proceedings appropriate for grouping in a “specialty docket” are those which (i) require more than simply the adjudication of discrete legal issues, (ii) present a common dynamic underlying the legally cognizable behavior, (iii) require the coordination of services and treatment to address that underlying dynamic, and (iv) focus primarily on the remediation of the defendant. The treatment, the services, and the disposition options are those which are otherwise available under law.
- (3) Dockets which group cases together based simply on the area of the law at issue, e.g., a docket of unlawful detainer cases or child support cases, are not considered “specialty dockets.”

(b) *Types of Specialty Dockets.* The Supreme Court of Virginia currently recognizes only the following three types of specialty dockets: (i) drug treatment court dockets as provided for in the Drug Treatment Court Act, § 18.2-254.1, (ii) veterans dockets, and (iii) behavioral/mental health dockets. Drug treatment court dockets offer judicial monitoring of intensive treatment and strict supervision in drug and drug-related cases. The dispositions in the family drug treatment court dockets established in juvenile and domestic relations district courts may include family and household members as defined in Virginia Code § 16.1-228. Veterans dockets offer eligible defendants who are veterans of the armed services with substance dependency or mental illness a specialized criminal specialty docket that is coordinated with specialized services for veterans. Behavioral/mental health dockets offer defendants with diagnosed behavioral or mental health disorders judicially supervised, community-based treatment plans, which a team of court staff and mental health professionals design and implement.

(c) *Authorization process.* A circuit or district court which intends to establish one or more types of these recognized specialty dockets must petition the Supreme Court of Virginia for authorization before beginning operation of a specialty docket or, in the instance of an existing specialty docket, continuing its operation. A petitioning court must demonstrate sufficient local support for the establishment of this specialty docket, as well as adequate planning for its establishment and continuation.

(d) *Expansion of Types of Specialty Dockets.* A circuit or district court seeking to establish a type of specialty docket not yet recognized under this rule must first demonstrate to the Supreme Court that a new specialty docket of the proposed type meets the criteria set

forth in subsection (a) of this Rule. If this additional type of specialty docket receives recognition from the Supreme Court of Virginia, any local specialty docket of this type must then be authorized as established in subsection (c) of this Rule.

- (e) *Oversight Structure.* By order, the Chief Justice of the Supreme Court may establish a Specialty Docket Advisory Committee and appoint its members. The Chief Justice may also establish separate committees for each of the approved types of specialty dockets. The members of the Veterans Docket Advisory Committee, the Behavioral/Mental Health Docket Advisory Committee, and the committee for any other type of specialty docket recognized in the future by the Supreme Court shall be chosen by the Chief Justice. The State Drug Treatment Court Advisory Committee established pursuant to Virginia Code § 18.2-254.1 shall constitute the Drug Treatment Court Docket Advisory Committee.
- (f) *Operating Standards.* The Specialty Docket Advisory Committee, in consultation with the committees created pursuant to subsection (e), shall establish the training and operating standards for local specialty dockets.
- (g) *Financing Specialty Dockets.* Any funds necessary for the operation of a specialty docket shall be the responsibility of the locality and the local court, but may be provided via state appropriations and federal grants.
- (h) *Evaluation.* Any local court establishing a specialty docket shall provide to the Specialty Docket Advisory Committee the information necessary for the continuing evaluation of the effectiveness and efficiency of all local specialty dockets.

October 20, 2016