Treatment Courts and COVID-19:

What to Consider During a Pandemic

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National Association of Drug Court Professionals

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Program Intake

CONSIDERATIONS

- Taking on new participants during a time of transition and uncertainty
- Potential exposure points for any in-person requirements, including exposure that participants may experience while in transit to or from the courthouse
- Client rights and civil liberties
- Suspend all new intakes
- Waitlist any new referrals
- Develop virtual processes for managing previously face-to-face activities
- Determine any changes to eligibility criteria
- Note any civil liberties that may be affected with these changes
- Update all intake documents to include all temporary changes to procedure and any additional potential consequences for program participation

SHORT-TERM EXAMPLES

- Suspend all new intakes
- Waitlist any new referrals

LONG-TERM EXAMPLES

- Develop virtual processes for managing activities that were previously conducted in-person
- Determine any changes to eligibility criteria
- Note any civil liberties that may be affected with these changes
- Update all intake documents to include all temporary changes to procedure and any additional potential consequences for program participation

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Staffing

CONSIDERATIONS

- Length and frequency of staffing and quality of information shared
- Whether social distancing is available to all team members
- Technology availability and access
- HIPAA and 42 CFR compliance

SHORT-TERM EXAMPLES

- Social distance during meetings, maintaining at least 6 feet between members, or use technology
- Evaluate information shared in staffing and pare it down to only information essential for decision-making
- Determine if that information can be conveyed via email or telephone
- Hold staffings less frequently or suspend them altogether if necessary

LONG-TERM EXAMPLES

- Develop virtual processes for staffing meetings
- Ensure access for all team members to that technology
- Develop alternatives/ contingency plans for failure of the preferred platform
- Update policies and procedures to include virtual staffing procedures

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Court

CONSIDERATIONS

- Degree of exposure risk
- Frequency of status hearings
- Person placement and ability to social distance in the courtroom
- Possible exposure to participants while in transit to or from the courthouse, while passing through security, and while on elevators
- Virtual alternatives
- Sanction and incentive procedures
- Client right to be heard and representation
- Response to missed hearings due to illness, quarantine, shelter-in-place, fear
- Use of jail for sanctioning and any restrictions on jail use, including risk of exposure

SHORT-TERM EXAMPLES

- Social distance during court, maintaining at least 6 feet, and minimize the number of people touching any forms or paperwork
- Determine if status hearings can be reduced in frequency, be held in absentia, or stopped altogether
- Suspend sanctioning and termination hearings

LONG-TERM EXAMPLES

- Develop virtual processes for court hearings
- Ensure access for all team members and participants to that technology
- Develop alternatives/ contingency plans for failure of the preferred platform
- Consider administrative sanctioning policies for probation
- Ensure that all Sixth Amendment rights are protected with new hearing and sanctioning policies
- Consider suspending use of jail for sanctioning; if jail is used, ensure that it is to protect public safety
- Update policies and procedures to include all new protocols

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Drug Testing

CONSIDERATIONS

- Degree of exposure risk
- Minimum testing necessary to maintain efficacy
- Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

SHORT-TERM EXAMPLES

- Temporarily halt all testing
- Halt testing that could expose staff to respiratory or other bodily fluids (e.g., oral fluid, breathalyzer testing)
- Encourage self-disclosure of substance use during supervision or treatment sessions
- Assure participants that self-reported use during this period will not result in sanction either now or later and that only therapeutic adjustments will be employed

LONG-TERM EXAMPLES

- Develop alternative drug testing guidelines compatible with the latest CDC information on COVID-19
- Use technology where appropriate and available (e.g., continuous alcohol monitoring, smartphone monitoring, transdermal patches)
- Contract with professional labs to provide collection and testing services
- Update policies and procedures to include virtual staffing procedures

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Probation Contacts

CONSIDERATIONS

- Degree of exposure risk
- Ability to enforce social distancing in your building/lobby
- Minimum contact necessary to ensure efficacy
- Alternatives to in-person contact
- Response to missed appointments due to illness, quarantine, or shelter-in-place

SHORT-TERM EXAMPLES

- Halt all community and home contacts
- Halt or reduce all in -person office contacts
- If contacts continue, ensure that you can enforce appropriate social distancing; consider closing your waiting rooms and requiring a call prior to office entry
- If possible, meet in areas that allow you to have appropriate distance and preferably a barrier between you and the participant
- Do not meet with any participant who is sick or has had contact with a sick person

LONG-TERM EXAMPLES

- Institute alternatives to in-person contact (e.g., phone, email, Skype, Zoom)
- Update policies and procedures to include virtual probation contacts

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Treatment Sessions

CONSIDERATIONS

- Degree of exposure risk
- Ability to enforce social distancing in your facility, including lobby and group therapy rooms
- Consider risk of exposure to clients while in transit to or from the treatment center
- Alternatives to in-person treatment
- Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

SHORT-TERM EXAMPLES

- Halt all in-person group treatment sessions
- If individual sessions continue in person, ensure that you can enforce appropriate social distancing; consider closing your waiting rooms and requiring a call prior to office entry
- If possible, meet in areas that allow to you to have appropriate distance and preferably a barrier between you and the participant
- Do not meet with a participant who is sick or has had contact with a sick person
- Residential providers are to follow CDC guidance and monitor carefully the health of residents, including regularly checking body temperature

LONG-TERM EXAMPLES

- Institute alternatives to in-person contact for individual and group sessions (e.g., phone, email, Skype, Zoom)
- Ensure that all participants have access to appropriate technology and internet access
- Update policies and procedures to include virtual treatment procedures, including any sanctions to be instituted for willful noncompliance

Complementary Services

CONSIDERATIONS

- Degree of exposure risk
- Executive orders requiring social distancing and/or shelter-in-place
- Response to missed appointments due to illness, quarantine, shelter-in-place, or fear

SHORT-TERM EXAMPLES

- Halt all complementary services if they are not essential to well-being
- Use virtual services where available nationwide (e.g., online AA/NA or SMART Recovery meetings, phone meetings)
- Ensure that any in-person services meet the same standards as probation and treatment contacts

LONG-TERM EXAMPLES

- Institute alternatives to in-person contact for any individual or group sessions (e.g., phone, email, Skype, Zoom)
- Ensure that all participants have access to appropriate technology and internet access
- Update policies and procedures to include virtual services procedures, including any sanctions to be instituted for willful noncompliance

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Community Service

CONSIDERATIONS

- Degree of exposure risk
- Executive orders requiring social distancing and/or shelter-in-place
- Response to missed community service due to illness, quarantine, shelter-in-place, or fear
- Response to continued community service despite illness, quarantine, or shelter-in-place

SHORT-TERM EXAMPLES

- Halt all community service

LONG-TERM EXAMPLES

- Develop community service policies that comply with national, state, and local executive orders; this may mean a continued moratorium on community service requirements
- Update policies and procedures with new protocols and sanctions for willful noncompliance

Employment

CONSIDERATIONS

- Degree of exposure risk
- Executive orders requiring nonessential business stoppage
- Response to missed work due to illness, quarantine, shelter-in-place, or fear
- Response to continued work or business operation despite illness, quarantine, or shelter-in-place

SHORT-TERM EXAMPLES

- Suspend any employment requirement
- Ensure that participants abide by any national, state, and local executive orders that apply to their employment

LONG-TERM EXAMPLES

- Develop employment policies that comply with national, state, and local executive orders; this may mean a continued moratorium on employment requirements
- Update policies and procedures with new protocols and sanctions for willful noncompliance

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Program Exit

CONSIDERATIONS

- Degree of exposure risk
- Person placement and ability to social distance in the courtroom
- Virtual alternatives
- Participant need for recognition
- Client right to confrontation and representation

SHORT-TERM EXAMPLES

- Suspend all graduation activities
- Suspend termination hearings

LONG-TERM EXAMPLES

- Develop alternatives to group graduation activities
- Update policies and procedures

Participant Communication

CONSIDERATIONS

- Participant access to technology
- SAMHSA has relaxed requirements for treatment providers to secure written consent prior to commencing treatment; for new clients for whom the treatment center does not yet have written consent, verbal consent may be secured prior to beginning teletherapy
- Participant right to informed choice and voluntariness

SHORT-TERM EXAMPLES

- Provide all changes to operations both verbally and in writing as they are developed

LONG-TERM EXAMPLES

- Try to include participant feedback in all policy changes
- Provide all changes to operations both verbally and in writing as they are developed

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